

Enhancing Citizen Participation in the Review of Complaints and Use of Force in the Boston Police Department

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INTRODUCTION

In 2003, the Boston Police Department (BPD) was selected as one of four agencies in the United States to receive funding from the Office of Community Oriented Policing Services (COPS) to enhance integrity within the department. The BPD allocated part of this funding to better understand and improve civilian oversight in the complaint review process. The department partnered with Northeastern University's Institute on Race and Justice (IRJ) to assist them in their assessment. Northeastern began by examining the best practices for civilian oversight of the complaint review process nationally and closely evaluated the strengths and challenges of the current complaint process in Boston. During the course of the project, issues about the use of force review emerged and were added to the project.

The issue of civilian review of complaints is not new for Boston. In 1992, the St. Clair Commission found that the complaint review process in Boston needed to be overhauled to enhance citizen ability to file complaints and create a process for citizens to be able to appeal those complaints where they felt the investigation was lacking. The department adopted a Community Appeals Board in 1992, which heard appeals from citizens who were unsatisfied with the outcome of their complaint. Since the late 1990s, the board has become non-functional. Some of the reasons include a lack of awareness by citizens of Boston about their right to file an appeal and subsequent low numbers of appeals being filed. As citizens of Boston have become increasingly concerned about the integrity of the complaint investigation process without any true civilian review, Commissioner O'Toole charged Northeastern University with identifying innovative practices in civilian oversight that could be successful in the BPD.

The tragic death of Victoria Snelgrove, a Boston-area college student, during the American League Championship Series victory celebration in 2004, raised questions about the use of force by BPD officers. To further understand the events that lead to this tragedy, Commissioner O'Toole called an independent commission headed by Donald Stern to examine the incident. The independent authority of the Commission to monitor and review the incident brought credibility to the review process and was instrumental to addressing community concern. Although most in the community believe the Stern Commission's review of this high profile incident was a success, this incident illustrated the need for a permanent process for citizens to provide independent review of the department's complaint and use of force investigations. In fact, the Stern Commission called for the development of a civilian review process that could look into instances of serious use of force by Boston Police Officers. It was based on this recommendation that the original charge to Northeastern University was expanded.

RESEARCH METHODOLOGY

This project was designed to both understand the best practices of complaint and use of force review nationally and to identify the specific needs and challenges within Boston.

National Best-Practices Study

Numerous steps were taken to identify the best practices in civilian review across the country. At the outset of the project, we conducted a historical analysis of civilian review and examined the current research on complaint review processes nationally. From the existing literature on civilian review, we catalogued 40 different complaint review board structures, involving varying levels of civilian review (for discussion of these models see Appendix Two). To gain a

more nuanced understanding of how these different models operated, we conducted in-depth analyses of eight agencies representing a cross-section of civilian review models. Our goal for the in-depth analysis was to identify promising practices and common challenges across different types of models. Finally, we held meetings with national experts on civilian review and use of force to further understand the most recent developments in the field.

The in-depth reviews, which we conducted in eight different jurisdictions, were essential for understanding the real-world dynamics of various civilian review models. We believe that Boston can learn a great deal from the successes and challenges faced by communities that have already adopted comprehensive civilian review systems. The agencies selected for this in-depth analysis varied in terms of their own organizational history, their geographical location within the country, and the nature of the relationship between the police and the community that they served. The cities that we examined in-depth were:

- Atlanta, Georgia
- Cambridge, Massachusetts
- Chicago, Illinois
- Denver, Colorado
- Key West, Florida
- Phoenix, Arizona
- San Diego, California
- Washington, DC

To understand how these models operated, we conducted targeted site visits, interviews, focus groups with officers and citizens from the local community, and/or telephone interviews with key stakeholders in each of the eight agencies. Analyzing common themes among the study sites has helped us identify core principles for civilian review and has ultimately helped shape our recommendations for Boston. Although each jurisdiction is not discussed in detail in the narrative of the report, a case study for each agency with information about its structure, history and function can be found in Appendix Three.

Analysis of Current Practices in Boston

In addition to reviewing the best practices nationally, it was critical to understand the specific needs in Boston. Our goal was to identify the areas where Boston's current complaint and use of force investigation and review processes have both succeeded and faced challenges. As a first step, we developed a survey for citizens and officers who were parties to official complaints filed between 1998 and 2000. The surveys were intended to measure how satisfied parties were with the complaint investigation process, communication with the Internal Affairs Division (IAD), and the outcome of the complaint investigation. Surveys were sent to a random sample of approximately 300 citizens who had filed complaints and 300 Boston police personnel who were parties to matched complaints.¹ Despite numerous attempts to improve response rates,

¹ Researchers at Northeastern University are bound by Federal law to protect the anonymity of research subjects where possible. The IRJ and Boston's Police's IAD devised a blind review process to ensure that (1) Northeastern researchers would never know an officer or citizen's name or address and (2) that IAD staff would not know who chose to participate by filling out part or all of the survey. To accomplish this, Northeastern researchers printed surveys and packaged them for mailing without any record of the

both citizen and officer mail surveys only achieved approximately a 15-percent response rate. While low survey response rates are not unusual in complaint satisfaction surveys, we were disappointed with these results.² Through the course of the project, we also encountered resistance by the Boston Police Unions. We attempted to meet with all three unions, but were unsuccessful. Additionally, we faced resistance to the officer survey. Specifically, the Boston Patrolman's Association instructed officers in a memo to not respond to the survey and also faxed a letter to the IRJ, informing us that they had instructed officers to disregard the survey.

To overcome these challenges and supplement the findings from the survey, we held individual interviews with community leaders and focus groups with a variety of local stakeholders, including Boston Police IAD staff/detectives, public defenders and legal advocates, groups representing clients who have filed complaints against the department, non-governmental service providers, advocates who represent youth, and youth. Each of the eight focus group sessions was made up of 6-20 individuals. In these focus groups, we discussed the group's opinions about the IAD complaint investigation process and the experience of different stakeholders and community groups with complaint or use of force investigations. The focus groups allowed a variety of different stakeholders to identify and discuss the limitations of the current complaint and use of force investigation and review processes.

Before discussing the specific findings from both the national review and the local assessment, it is useful to discuss the origin and history of citizen review. This history provides a backdrop for the questions posed in this project and helps shape the recommendations that emerge out of the present research.

HISTORY OF CITIZEN REVIEW

Historically, citizens have worked with police in two main ways: citizen oversight and citizen participation in crime control or crime prevention. Citizen oversight refers to citizens observing the previously internal operations of the department and examining, for example, the complaints filed by citizens. Citizen participation refers to citizens playing a role in policing, whether through neighborhood watch, community-policing meetings, or in an extreme example, participating in the police patrol function through vigilante policing (i.e. the Minute Men, the Guardian Angels).

Citizen oversight of the police began in 1928 when the first Los Angeles Committee on Constitutional Rights began suggesting that lawyers should examine citizen complaints and

names of potential participants. Later IAD, who already knew the names and work addresses of officers as they have this information in their records, placed the address labels on the surveys and sent them out. In the instructions for the survey, we asked officers and citizen not to write their names on the survey. We also instructed officers and citizens to send the survey back to Northeastern, and enclosed a return envelope with this address.

² Mail and telephone surveys of citizen satisfaction with complaint investigations have historically been problematic due to low response rates. Complainants often have moved or have little incentive to participate in the project after their investigation is complete. A recent study by RAND Corporation (2005) attempted to survey residents in Cincinnati about their satisfaction with the complaint investigation process as part of a much larger \$1.75 million project monitoring civil rights issues within the department. The RAND Cincinnati study achieved an identical response from citizen surveys as the IRJ researchers in Boston.

help citizens file complaints (Walker, 2001). In the 1930s, the Wickersham Commission, which brought to public light the police practice of detectives giving suspects the third degree during interrogations, also suggested that a separate agency be created to help citizens file complaints against the police. During this early period, citizen oversight was considered radical. The idea that the public should or could intervene and look inside police departments was met with skepticism.

After World War II, citizens became more involved in overseeing the activities of law enforcement. Unfortunately, many of these early citizen participation models, which sprang up in Washington, DC, Minneapolis, Rochester and York (Pennsylvania) were largely ineffective, reviewing only a small number of cases and primarily supporting the actions of the police (Walker, 2001). There was also a backlash to citizen oversight during the late 1960s and early 1970s that helped fuel a resistance to citizens involved in complaint review. The International Association Chiefs of Police (IACP) crafted an argument that they would use with much success to argue against citizen oversight. They suggested that any kind of citizen review would hamper the effectiveness of the police to do their job (Walker, 2004). Moreover, the movement for citizen oversight models gave rise to the creation of other powerful police unions that used fear tactics, which were especially powerful with the rise in crime beginning in the early 1960s, and it was to help dissuade politicians and the public from demanding citizen review. A newly formed citizen oversight model in New York City, for example, was voted out of existence only a year later after it's creation as a result of a successful media campaign led by the police union.

In the 1970s, the citizen oversight models began anew. Americans were skeptical of government power without oversight as a result of the improprieties uncovered during the Nixon Administration (Walker, 2004). In addition to broad public distrust of government, increased racial and gender diversity within the ranks of law enforcement brought more internal acceptance of police oversight. Historically, these groups have been more open to the idea of police oversight by a separate agency and their increasing ranks within the department brought new acceptance of oversight processes.³

Without argument, civilian oversight and review of the investigation of complaints and use of force incidents has become a standard practice for law enforcement agencies concerned about public accountability. The Bureau of Justice Statistics reports that 79 percent of those police agencies with 1,000 or more officers now have a civilian complaint review processes in place in their agency (Bureau of Justice Statistics, 2005). Conversely, agencies resistant to external review or oversight have been forced to turn the investigative authority of their department over to an

³ As Samuel Walker notes in 2004, "African-American officers often supported oversight. While black officers in New York City supported the independent CCRB in the 1960s, union president John Cassese attacked them, saying 'It's unfortunate they put their color before their oath of office'" (29). Today, racial differences still exist in the support for civilian oversight in police agencies. A national survey found that about 70 percent of the black police officers believe "civilian review boards are an effective means of presenting police misconduct," compared with only about one-third of white officers (Walker 2004, 28). These findings illustrate the deep racial divides that exists within the rank and file about the role of citizen oversight to ensure accountability.

external body.⁴ Today, local police departments and communities are asking what type of civilian review is most appropriate for the local community rather than debating whether oversight is necessary. Although many agencies have adopted civilian review of complaints and/or use of force incidents, there are a number of different types of models that have emerged, all with their own strengths and weaknesses.

FINDING FROM NATIONAL STUDY

Across the county, we found that civilian review of complaints and use of force incidents are important for ensuring the integrity of law enforcement agencies. Over time, numerous structures for civilian review have emerged to meet the needs of local communities. Each structure of review shapes and defines the reach and autonomy of external review. We discuss four main types of review structures below and have included a chart describing 40 different civilian review structures from around the county in Appendix One.

Four Models of Civilian Review

Although models of review vary greatly among agencies, there are four main structures for civilian oversight.

1. Fully External Investigation and Review Process

An external board or agency takes civilian complaints outside of the police department. The external body conducts investigations and recommends discipline to the head of the police department or to a city official, such as the Mayor or City Manager.

Strengths: Fully external models can have complete autonomy from the department to both conduct investigations and make findings. These models are most necessary in communities where the police agency has completely lost community confidence in the IAD to conduct investigations. Initially, these models are viewed very positively by the community as independent investigations of police misconduct. Unfortunately, over time, many of these models come under similar criticism as processes they were intended to replace.

Weaknesses: Fully external models can quickly become overextended and many do not finish their investigation of complaints in a timely manner. Some boards that investigate complaints become so backlogged that filing a complaint with the board achieved the same result as not filing a complaint—no action is taken.⁵ To prevent backlog, some jurisdictions have hired independent investigative and administrative staff. These models require a significant

⁴ Following the high-profile beating of Rodney King by Los Angeles Police Department officers, Congress passed legislation amending the federal code under 42 U.S.C. § 14141, which made it unlawful for state and local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of their Constitutional civil rights. Section 14141 allows the United States Department of Justice Department to mandate structural changes within law enforcement agencies to end patterns of abusive and discriminatory practices.

⁵ For a discussion of the challenges of external citizen review boards in Washington, DC, see Beattie, Cheryl and Ronald Weitzer. 2000. "Race, Democracy and Law: Civilian Review of Police in Washington, DC," in *Civilian Oversight of Police: Governance, Democracy and Human Rights*, (eds.) Andrew J Goldsmith and Colleen Lewis. Pp. 41-62. Oxford: Hart Publishing.

investment of resources by the local jurisdiction. In many cases, they duplicate the internal investigations conducted within the local agency.

Because fully external boards disconnected from the police departments, they can only access records and hear testimony through the use of subpoena power. Subpoena power means that the external boards or agencies can “compel witnesses to appear and give testimony or produce relevant documents” (Finn, 2001; p. 144). Though nearly half of all external boards have subpoena power, it is rarely used because officers and citizens may refuse to testify on the grounds of self-incrimination. This process has historically resulted in growing animosity between external review boards and the police agency under scrutiny. In such cases, the findings of the board may be ignored or rejected by the leadership of the police agency, ultimately resulting in little real change.

2. Internal Investigation with External Review by Civilian Board

Under this model, complaints are taken and investigations are conducted by the police department. Once investigations are complete, a standing external body, such as a board or task force, reviews the investigations and the department’s findings. External reviews may be conducted automatically on all complaints, be triggered by complaints above a specific threshold or be the result of citizen appeals only.

Strengths: The external board is freed from the burden of conducting separate investigations, which may prevent backlog. The external board also retains autonomy from the department.

Weaknesses: The external boards that do not conduct separate investigations must rely on the information about the investigative process that is provided from the department. Models of civilian oversight that rely on permanent boards of volunteer civilians to review complaint investigations often require a great deal of work from the citizen participant. Depending on the triggering mechanism for the review, citizens may need to meet frequently and invest a great deal of unpaid time. In such cases, the review processes can be significantly delayed.

Permanent board members must also balance pressures from the community to overturn departmental findings and demands from the department to uphold findings to retain departmental cooperation in the review process.

3. Professional Monitor / Ombudsperson / Auditor

An external person experienced in the investigative process reviews investigations (ongoing and after a decision is made) and makes recommendations. Professional external reviewers often take complaints of misconduct directly. In some cases, the monitor actually conducts the investigation. Most monitors also make recommendations about policy changes that may help reduce the likelihood of certain types of misconduct in the future.

Strengths: Auditors have experience in the investigative process and are well trained to evaluate the completeness of investigations. Monitors traditionally have unfettered access to all material and relevant investigations or reviews.

Weaknesses: The monitor may be perceived by members of the community as working for the police organization. Without any direct reporting responsibility to the community, monitors can be seen as inside players with an overriding interest in preserving their good relationships with the department.

4. Hybrids

These models combine elements of the above models (e.g. Ombudsperson with civilian boards). Hybrid models of review often started with one component and added elements as the needs of the organization or the community changed.

Key Principles from All Models

Because each model has its own set of strengths and weaknesses, it is useful to focus on the elements that made civilian review work across the different model types. From the site visits and in-depth analysis of various civilian review models, we have identified six key principles that are common among all successful review models.

KEY PRINCIPLES:

1. The community has a role in complaint review and oversight.
 - Without some community involvement, it is impossible to address questions of accountability from various community stakeholders.
 - Across models, there are variations in how much citizens participate in oversight, including conducting investigations, reviewing investigations, providing guidance to monitors and suggesting discipline for founded complaints.
2. Alternate decision-making structures that work completely outside the department are complex and costly.
 - Separate boards or agencies that conduct complaint or use of force investigations outside of the law enforcement agency are time-consuming and costly.
 - The public may lose trust and confidence in the police when investigations are taken outside the department.
3. Civilian oversight can help increase and improve communication with the public.
 - Oversight helps reassure the community that investigations, even when conducted within the department, are thorough and fair.
 - Having the public provide input into the review process provides a fuller understanding of policing and its challenges.
4. Civilian oversight works best when it is triggered automatically, in addition to appeals from complainants.
 - Problems may exist with investigations that will go unrecognized if citizens do not feel empowered to make appeals.
 - A specific threshold guarantees most serious complaints or use of force is always reviewed.
5. Models of civilian oversight should provide regular reports to the public, which are transparent, rigorous and credible.
 - Reporting provides the public with information about how the process is working, including statistics on the number of cases reviewed, outcomes of the reviews and policy recommendations.
 - Reports should be available in a wide variety of forums.
6. There is no one best model.
 - Models should be designed to fit the needs, history and local environment.

Most important of all the key principles is the idea that citizen involvement should be locally tailored. Civilian oversight has largely grown to meet the needs of local communities. As Luna and Walker (2002) describe:

“The history of citizen oversight in the US ... indicates that most agencies have developed locally, with no guidance from any standard model. Agencies in other cities and counties have developed in an ad hoc experimental fashion, reflecting the vagaries of local leadership and political compromise. The result is considerable variety across the country in terms of structure and power.” (88)

Boston does not need to adopt a new complaint investigation system or change practices that are working just because someone has devised a new model that appears to work in another city. Although Boston can learn a great deal from the experience of other jurisdictions, there is no single best model of civilian review that they should adopt.

To help us identify the needs and challenges of civilian review in Boston, we asked two very broad questions: First, what are the problems that need to be addressed in Boston? This includes both demonstrated problems with the previous complaint and use of force investigations and review processes and problems that are widely perceived by the community. Second, what is the history of community-police relationships in Boston? What works for one community may not work for another community with a different history, structure and union environment.

FINDINGS FROM LOCAL REVIEW

To identify concerns about civilian review in Boston, we conducted a survey of individuals who filed complaints and officers who were parties to complaints. We supplemented the findings from the survey interview and focus groups with local stakeholders, advocates and community members. The following section reviews the major findings from the local assessment.

Strengths of the current system

The Boston Police are a highly professional police department with a history of strong community partnerships. It is important to mention some of the strengths of the departments, which should be considered in developing an implementing a new model of civilian oversight and review:

- The Boston Police IAD has one of the highest sustain rates of complaints in its investigations in the country (40 percent sustained by BPD, compared to 9 percent national average). This means that Boston Police are much more likely than other departments of equal size to conclude that allegations against the officer did in fact occur.

- The Boston Police infrequently use both lethal and non-lethal force compared to other departments of similar sizes and those that serve similar cities. In other words, Boston Police officers are less likely to use force, and are thus less likely to draw and fire their weapons on the job.
- The Boston Police are able to reach out to and work with groups outside of the department to identify the priorities of the community and work toward meeting common goals. For example, as part of the dramatic crime reductions of the mid-1990s, the Boston Police met and worked with clergy, social workers and youth workers to identify gang violence, diagnose this problem and bring it down.
- The Boston Police have a proven reputation of being able to negotiate with political groups to respect their civil rights, but also to ensure public safety. Rather than cracking down on political groups that gather through the use of zero tolerance policies, the Boston Police are more likely to compromise with crowds and change tactics as needed so that groups are able to express political opinions. For example, Boston's information-based crowd control strategies utilized at the Democratic National Convention in the summer of 2003 can be contrasted with the aggressive arrest-oriented approach taken by New York City for the Republican National Convention during the same summer.
- The Boston Police have implemented a variety of improvements in their complaint investigation process in the past 12 years in response to community concern.

Concerns of Citizens: Results from Citizen Survey and Focus Groups

While the BPD has a number of strengths to work from, there are significant challenges that were also identified. Findings in this section of the report come from focus groups, interviews and surveys in Boston. It is important to remember that these responses may not represent the beliefs of all Boston residents. The research methodology was never intended to identify general perceptions of the department's investigation and review processes. Instead, the study methodology targets those groups that are most likely to have experience with filing complaints or being parties to the complaint or use of force investigation process.

The following findings represent common themes among focus group participants, interviewees and survey respondents. (A more detailed discussion of the focus group findings can be found in Appendix Six).

- *Limited community involvement in police misconduct oversight*
Numerous concerns were raised about the lack of transparency and void of community input or oversight into the complaint and use of force investigation. The community felt that designated and trusted representatives were needed to keep an eye on how the police were investigating allegations of misconduct or use of force by their officers. The community perceived that the department did a good job reaching out to the community to gather information related to crime and violence, but they did little to reach out to the community to ensure that the community received information about internal investigations of misconduct or use of force.

- Inadequate communication about the investigation process*

The community perceived that it took a long time for the IAD to make a decision on a complaint, and in some cases letters updating the status of the investigation were never received by the complainant. Some groups described the feeling that their complaints had “disappeared into a black hole.” There was also concern that when the IAD did communicate, letters to the complainant appeared to be form letters with very little specific information about why the complaint was not found in their favor or what happened to the officers as a result of the complaint. Sometimes community members reported trying to communicate with the IAD via letters and received no response.
- Insufficient access points to file complaints*

Participants reported that residents of Boston generally did not know how to file a complaint. Currently, there is confusion in the community about how and where to file a complaint and what to expect when doing so. Second, community members felt that many members of the public are frightened to go into a police station and file a complaint. It was suggested by a number of participants that civilians should be able to file police complaints with community organizations such as health centers, churches, or by contacting a legal group such as the ACLU or the Lawyers Committee for Civil Rights. Third, participants discussed how people found it difficult to file complaints at the Districts. Some people were told to go someplace else or that they must talk to a different person. In certain cases, the police officers tried to make excuses for the officer (“He is a good guy who just made a mistake.”) There is also a perception that when you file at the district, the complaint never gets to the IAD, but instead disappears into a “black hole.” Finally, participants identified problems with language barriers. In the complaint filing process, it was reported that the BPD does not do enough to accommodate people who speak different languages.
- Limited trust and confidence in the investigation process among certain groups*

Although this was not the most pressing problem that community groups saw with the department, there was a lack of confidence among a large number of those we spoke with in the investigative process and discipline for complaints and use of force incidents. The community recognizes that this process has gotten better over time, and it had many positive things to say about the leadership of the IAD. The community also acknowledged that the BPD’s complaint and use of force review system was less problematic than other agencies in the region.
- Questions about techniques used in the investigative process particularly when dealing with vulnerable populations*

Focus group participants expressed concern that during witness or complainant interviews, Boston Police personnel may ask leading questions or attempt to explain away the behavior of officers. There was a particular concern that the IAD detectives might ask adversarial questions of vulnerable populations (e.g. those with lack of education, children, people with language barriers) to discredit their stories. Concern was also raised that witnesses were not always contacted, or follow-up by BPD personnel was incomplete during the course of investigations.

- *Concern about the Outcome*

Community members and advocates also reported that there is a widespread perception that nothing happened, even when community members filed complaints. This perception comes in part from the fact that the community has very little information on the discipline that came as a result of complaints.

Concerns expressed by the Boston Police

Focus groups and surveys from officers in Boston identified strong concerns that a separate investigation into complaints or use of force from an external board or other group outside of the department’s investigation would undermine the integrity of the police. The police generally felt that most citizens do not fully understand what police do because they are not out in the neighborhoods enforcing the law on a daily basis. Some police were concerned about having the public “second-guess” their work. According to this view, the public might not understand the reasons why police make certain types of decisions and take certain types of actions, because they are outside the context of policing.

The police believed, in part, that this misperception came from the general public’s lack of knowledge about police policies and procedures. Finally, the police expressed some concern that there is a perception among officers that the IAD is already too strict and discipline is too harsh.

Stern Commission: Lessons Learned

In the Stern Commission Report, the members of the committee recommended some level of civilian oversight and review for incidents involving serious use of force. Specially, they recommended a “Police-Civilian Injury Board to Review Injuries to Officers and Civilians Resulting from Uses of Force”

“The Boston Police Department has relatively little external oversight for a department of its size. We commend the Commissioner’s decision to move forward with some new form of review, which could well have broader focus, not limited to use of force situations. While we do not want to suggest any particular model, we recommend that, at the very least, a body like ours – without responsibility to separately investigate individual incidents but with the authority to review investigations, collect data, and examine patterns – be established on a continuing basis. Boston needs a standing body that can monitor in real time use of force investigations and provide an outside perspective to the systematic problems revealed in the actual uses of force. Any such body should pay equal attention to injuries caused to officers and civilians. Less-lethal weapons are designed to minimize both of these kinds of injuries, and the Department should be monitoring their use with both of those goals in mind” (Stern et al., 2005; p. 43).

The Stern Commission left open the exact structure or model for citizen involvement, but it did provide some important observations that serve as the basis for many of the recommendations in the current report. As the Stern Commission members reviewed investigatory files developed by the BPD, they found that the files were comprehensive. As a result, the Commission concluded that they did not need to conduct their own independent investigations. Members of

the Commission confirmed that the BPD provided all the documents that were necessary for review, and all the officers that they requested to appear did so voluntarily. As a result of this cooperation, the Stern Commission did not have or need subpoena power.

The lessons from the Stern Commission and the rich information gained from both the national review and local evaluation helped shape the following three recommendations, which we believe will significantly strengthen the civilian oversight system in the BPD.

RECOMMENDATIONS

Based on the findings from both the national assessment of best practices and the local evaluation of needs in Boston, we offer three main recommendations: 1) Expand the array of resolution options available to police and community members by developing a complaint mediation program, 2) Improve communication with the community about the complaint review process and with those who file complaints about how their complaint is proceeding through the system, and 3) Implement an expanded model of external review of complaint and use of force investigations.

Recommendation 1: Improving Citizen Complaint Processes through Mediation

We suggest that mediation can be an important tool for improving the citizen complaint process. Used appropriately, mediation can function as an alternative to the formal complaint process for less serious complaints. Across the county, mediation has helped resolve many minor instances of perceived misconduct by officers, such as rude or discourteous behavior. In mediation, the complainant and the officer have an opportunity to talk over their concerns and often come to an amicable solution. In other communities that have utilized mediation, these programs have resulted in increased civilian satisfaction with the entire oversight process.

To be effective, mediation sessions must be led by a formally trained mediator. During the first year, the Ombudsperson should work with the IAD to develop a plan for offering mediation as an alternative to the formal complaint process for less severe complaints. We recommend that the IAD also include information about the number of cases mediated in its annual report.

Recommendation 2: Improve communication and access to the BPD Internal Affairs Division

There are a number of areas where the department could improve community relations in the complaint reporting process. First, the department has struggled to ensure that citizens feel comfortable coming forward to make legitimate complaints. In focus groups, community members often expressed frustration and fear about filing complaints at the District Stations or at Headquarters. To help increase the open access to the complaint process, we recommend the department increase the accessibility of its complaint reporting forms. In addition to making the form available on the Department's Web site, we recommend the department use existing relationships with community service centers, advocacy groups and the clergy to create alternative complaint reporting opportunities. The department should provide training to service providers and/or advocates on the complaint reporting system and how to discuss incidents with residents to help identify whether it is appropriate to file an official complaint. These service providers and advocates could then help complainants fill out the official complaint forms. Service providers might also help overcome language barriers by translating complaints into English.

Additionally, the department will need to educate the public about the new complaint reporting process. More work needs to be done to help educate community members about when and how to file a complaint. Presentations to community groups, schools, citizen organizations and religious groups about the complaint reporting process may be necessary as part of a broader effort to help people increase trust and confidence in the complaint investigation process. This is particularly important in Boston because the department will need to communicate how any new review and oversight structure is different from the prior Citizen Appeals Board. The Office of Police Complaints in Washington, DC had to undertake a very similar task to help the community regain trust in the District's new complaint system. Such outreach efforts require an investment of resources to support community education.

The department needs to improve timely communication with complainants about the status of investigations. An enhanced computerized case tracking system should be put in place to help the department generate automatic status reminders and allow for digital transfer of case files to the Ombudsperson. Additionally, we recommend that the department send satisfaction surveys similar to that used in the present study to both complainant and officers when the complaint is closed and the complainant is notified about the outcome of their complaint.

Recommendation 3: New Model for Complaint and Use of force Review

At this point in time, there is no evidence that a fully external model, which would take investigations outside of the department, is necessary in Boston. In communities such as Boston, where the internal affairs department maintains overall confidence from many citizens, it is unnecessary to strip the department of all investigative power. The recommended approach in these cases is oversight and review to ensure that all investigations are thorough and fair.

“If law enforcement agencies are willing to undertake reform voluntarily, to open their records to public scrutiny, allowing for the transparency of internal processes, including internal investigations; then initiation of independent, civilian monitoring, the least intrusive means of oversight, may be adequate to assure the integrity of a self-regulating police agency.” Merrick Bobb, 2003, pg. 21.

We believe that a transparent and open system of review and auditing will go a long way toward improving the accountability of the BPD to the residents of the City.

Understanding the best practices nationally and the unique needs of Boston, we recommend a three-tier professional monitoring model with a strong community review component. The recommended Community Monitoring and Review Process will include review of both incidents where an officer's alleged behavior results in a citizen filing a complaint and instances of police use of force. The model keeps investigations of complaints and use of force within the BPD IAD, but adds a professional oversight system, which will utilize civilian-police panels to automatically review complaints and use of force incidents. Each component of this model is described below.

THREE-TIERED COMMUNITY MONITORING AND REVIEW PROCESS

First Tier: Internal Investigation

- Boston Police Department IAD conducts investigation on all citizen complaints and use of force reports through the normal investigative process.
- Sustained complaints and unjustified use of force incidents would be forwarded to the Police Commissioner through normal channels for final disposition.

Second Tier: Professional Ombudsperson

- A professional Ombudsperson, reporting to the Mayor, reviews all cases where the IAD has not sustained a citizen complaint or has found use of force incidents to be justified.

Role:

- The Ombudsperson provides professional oversight of the IAD, helping to assure the community that all investigations are thorough and fair.
- In addition to those cases described above, the Ombudsperson reviews a random set of all complaints (internal and external; sustained and non-sustained) to ensure integrity in the investigative process.
- The Ombudsperson must have unfettered access to all investigative files and departmental information pertinent to review of the incident including tapes, transcripts, notes and witness statements.
- The Ombudsperson must have the ability to receive complaints (which will be forwarded to the BPD IAD) and conduct outreach to citizens of Boston.

Outcome:

- If the Ombudsperson is unsatisfied with the completeness or accuracy of the investigation, the complaints or use of force incidents will be returned to the Department's IAD for additional investigation.
- In cases where the Ombudsperson disagrees with the conclusions of the IAD, they can provide a separate recommendation to the Police Commissioner.
- Ongoing review of the BPD Policy and Procedures, which may contribute to police misconduct and recommendations for improvements
- Provides regular public reports on the integrity of the Department's complaint and use of force investigations.

Third Tier Civilian-Police Review Panels:

- The Ombudsperson forwards all non-sustained citizen complaints or justified use of force investigations that rise above a designated threshold of severity to one of a series of civilian-police review panels.
- In addition to the cases designated above, the Ombudsperson has the discretion to send any case he or she reviews to the civilian-police panel for further review.

Role:

- The Civilian-Police panels provide additional oversight of IAD investigations for the most serious cases, helping to ensure all investigations are thorough and fair.
- The civilian-police review panels would be comprised of three civilians, two peer officers and one commanding officer. Each panel will be drawn from a pool of civilian and police reviewers.

- Panels must have unfettered access to all investigative files and departmental information pertinent to review of the incident, including tapes, transcripts, notes and witness statements.

Outcome:

- If the panel is unsatisfied with the completeness or accuracy of the investigation, the complaint or use of force incident will be returned to the Department's IAD for additional investigation.
- In cases where the civilian-police panel disagrees with the conclusions of the IAD, it can provide a separate recommendation to the Police Commissioner.

The Role of the Ombudsperson

A professional Ombudsperson, reporting to the Mayor, will review all cases where the IAD has not sustained a civilian complaint or has found use of force incidents to be justified.⁶ The Ombudsperson must have unfettered access to all investigative files and departmental information pertinent to the review of the incident, including tapes, transcripts, notes and witness statements. During this review process, the Ombudsperson will have the authority to send any case back for further investigation. For example, if the Ombudsperson believes that the IAD investigator omitted a specific witness, he or she can ask the IAD to interview the witness or conduct other additional investigations. If the Ombudsperson disagrees with the conclusions of the IAD after additional investigation is conducted, he or she can provide a separate recommendation to the Police Commissioner.

In addition to conducting independent reviews of non-sustained complaints and justified use of force incidents, the Ombudsperson must send serious complaints or use of force incidents, which pass a designated threshold of severity forward to Civilian-Police Review Panels for final review, as well as any additional cases that he or she feels would benefit from additional review.

The Ombudsperson can and will be expected to conduct outreach to various Boston neighborhoods. As part of this outreach, there should be regular channels of communication between the Ombudsperson and the public. Specifically, the Ombudsman should have specified means of reporting to the public and making himself/herself accountable to both the police and the public. Twice a year, the Ombudsperson should submit a report to the Citizens of Boston that will:

- Summarize the characteristics and dispositions of all of the Ombudsperson and Citizen-Police Panel reviews.
- Provide information on the average time of different types of reviews.
- Addresses any policy recommendations that may reduce police misconduct.⁷

This policy recommendation responsibility is very important and may be a key to making long-term systemic changes. The Ombudsperson will be empowered to recommend to the Police

⁶ Although we recommend that the Ombudsperson report to the Mayor, it is critical that this individual focus solely on reviewing police investigations, not be pulled away to review investigations in other City agencies.

⁷ Policy reports may examine factors that could be contributing to police misconduct in the Department, such as locations where officers are working that generate complaints, the role of supervision and any limitations of training.

Commissioner any changes in policy (such as improvements in training) that may reduce instances of officer misconduct in the future. Cities that have implemented a professional Ombudsperson-type of model have found this to be one of the most helpful responsibilities of this new position.

Selecting the Ombudsperson will be an important task that depends on the input of several different stakeholders. The selection of the Ombudsperson should be made by a Selection Committee, which represents the diversity of Boston. We suggest that the Selection Committee include representatives for:

- Police Commissioner
- Mayor
- Community Groups
- Youth Advocacy Organizations
- Clergy
- City Council
- Police Union

The Selection Committee will ultimately make a recommendation to the Mayor of potential candidates for appointment to the Ombudsperson position. We also recommend that the Selection Committee or a similar independent group reconvene on an annual basis to evaluate the Ombudsperson and his or her authority.

The Role of the Civilian-Police Panels

The Civilian-Police Panels will play an important role in the citizen participation model. The Civilian-Police panels provide additional oversight of IAD investigations for the most serious cases, helping to ensure all investigations are thorough and fair. The Ombudsperson will call a Civilian-Police panel to review all complaints and use of force incidents that are above a designated threshold. If the panel is unsatisfied with the completeness or accuracy of the investigation, the complaint or use of force incident will be returned to the Department's IAD for additional investigation. In cases where the civilian-police panel disagrees with the conclusions of the IAD, it can provide a separate recommendation to the Police Commissioner.

The civilian-police review panels would be comprised of three civilians, two peer officers and one commanding officer. Each panel will be drawn from a pool of civilian and police reviewers. The composition of Civilian-Police pools will be citizens who volunteer, pass a background check and complete the required training. Civilians and police representatives will serve multiple-year terms on a rotating membership. There will also be police representatives in the pool who will also serve multiple-year terms with a rotating membership.

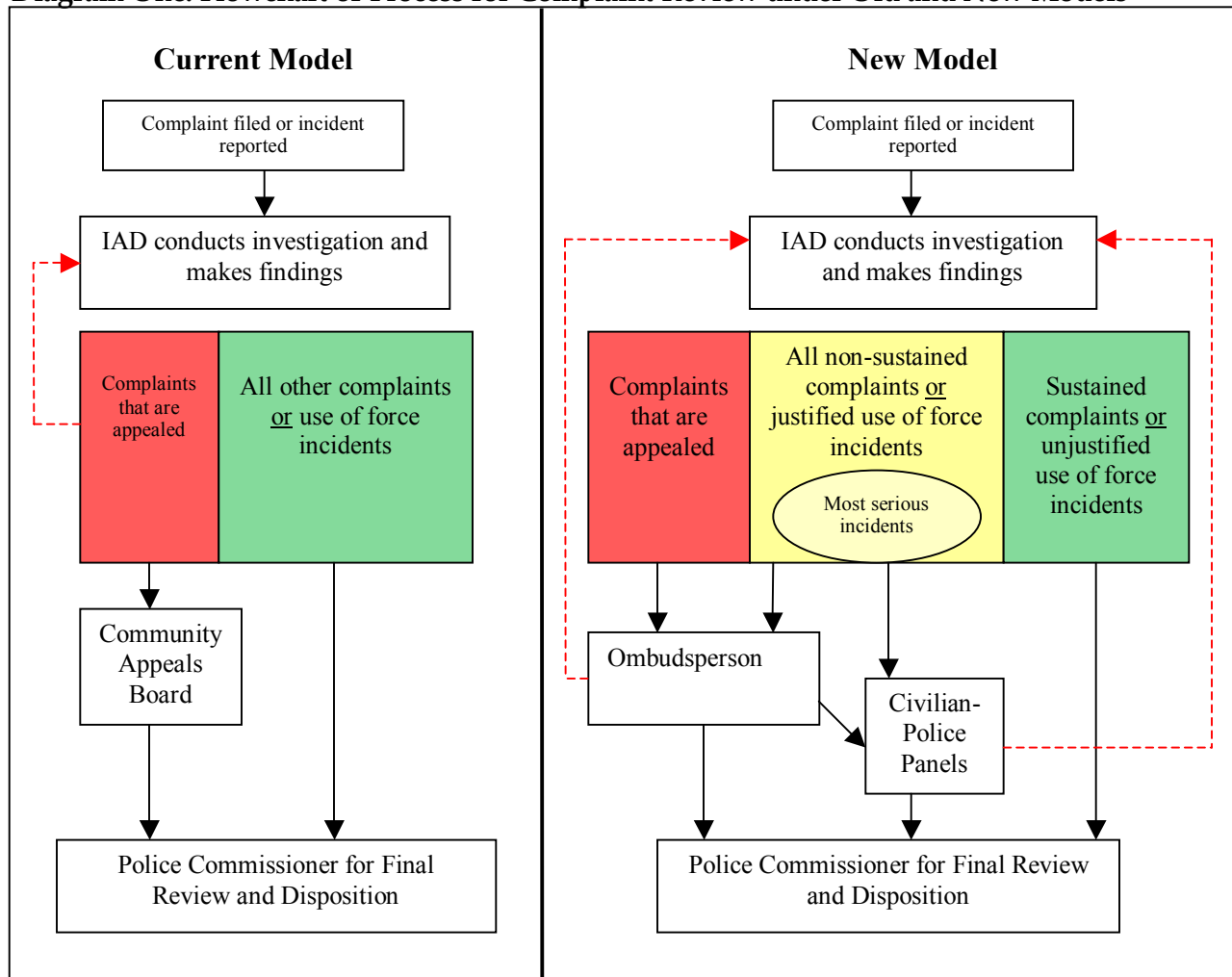
For each panel, citizens and officers will be randomly selected from a pool of trained civilians and peer officers. Peer officers will reflect similar rank and area of command as the officer who is the subject of the complaint. In addition to civilians and peer officers, each panel will have a commander above the rank of lieutenant. The Ombudsperson will lead panels, monitor the review and cast votes in cases where there is a tie between reviewers.

The training of civilians who serve on the Civilian-Police Panels is important. All panel participants will undergo intensive training provided by the BPD office of Professional Development and external stakeholders. The training will include information on:

- What constitutes a comprehensive investigation.
- Legal issues around due process rights of police and civilians.
- Boston Police Department use of force policy procedures and training curriculum.

The following illustration demonstrates how cases flow from Internal Affairs to Oversight Bodies under both the old and new review models.

Diagram One: Flowchart of Process for Complaint Review under Old and New Models



--- = additional investigation necessary

Annual Review

Although the recommended model incorporates nationally accepted best practices for civilian review, it should be considered only a starting point. The model reflects much of what other jurisdictions have found to be effective, but many details will need to be worked out as model is

put in place. Because the previous experience with Civilian Oversight (the Community Appeals Board) was less successful in Boston than anyone had hoped, we see this new model as a starting point, not a complete product. Therefore, we recommend there be an annual review process to discuss any needed changes to the model. Some areas that might be reviewed annually are:

- Representativeness of civilian-police pools.
- Potential role of panels in recommendation of discipline.
- Need for subpoena power.
- Whether other types of complaints (e.g. internal complaints, sustained complaints) need to be regularly reviewed.
- Whether the recommendations of the Ombudsperson are being heeded by the department, and what the department response has been to the policy recommendations made by the Ombudsperson.
- Any future role for the Ombudsperson or civilian-police panels in misconduct discipline decisions.

Authority of the Ombudsperson and Subpoena Power

Prior to this report, a considerable amount of public comment was directed toward the need for subpoena power in any new civilian oversight board. During interviews and focus groups, numerous community members suggested that subpoena power would be necessary if the new model was to function effectively. After carefully considering the issue of subpoena power during our analysis reviewing national models with and without such power, we have decided not to recommend subpoena power as an initial component of the Community Monitoring and Review Model. There are three major reasons for this decision. First, in the most recent large-scale external investigation of the Department, the Stern Commission, it was decided by the commission members that subpoena power was not necessary since all BPD personnel appeared before the commission voluntarily and all documents requested by the commission were provided in a timely fashion. We base our belief that the BPD will participate in this new Monitoring and Review Model without the need for subpoena power in part on the successful experience of the Stern Commission.

Second, we have reviewed other boards that have included subpoena power, and have found that in many cases, subpoena power makes a difficult situation worse by setting up an adversarial process from the outset. In a number of these communities, officers who were subpoenaed to appear before the review board invoked their Fifth Amendment right against self-incrimination and refused to testify before the Board. Additionally, in some communities, the oversight boards using subpoena power became so adversarial with the police department that they were unable to function effectively. It appears that subpoena power does not guarantee participation in the way that many of the proponents have hoped.

Finally, and most importantly, we have recommended a model that anticipates the good faith participation of all involved. We have no reason to believe that police officers or community members will not participate in this new process in good faith, and we therefore hope that a model that is viewed as legitimate and fair will not depend on legally compelling methods to induce involvement. If either side does not participate in good faith during the initial year of

operation, we have included in our recommendations an annual review where the question of subpoena power can be reconsidered.

CONCLUSION

The three-tiered community monitoring and review process proposed here will help ensure accountability and transparency and place the BPD in line with the nationally accepted best practices for civilian oversight. The following tables outline some of the national best practices for review models that keep the investigative authority within the department. The current review model and the proposed new review model are contrasted to illustrate how the recommended model more effectively utilizes the key principles of civilian oversight, which was outlined earlier in this report.

Table 1: Characteristics of Review Models

	State of Best Practices for Review	Current Boston Review Model	Proposed Boston Review Model
Type of Review	Automatic review of both citizen complaints and use of force incidents	Not Available	+
Why cases are reviewed	Thresholds of severity trigger automatic review	Not Available	+
Who does the review	Professional auditor reviews investigations for accuracy, completeness and fairness	Not Available	+
What is the investigative authority of reviewers	Unfettered access to investigative files and departmental information pertinent to review of the incident, including tapes, transcripts, notes and witness statements	+	+
Outcome of review	Recommend further investigation. If Ombudsperson or panel disagrees with findings of IAD after requesting additional investigation, a separate recommendation can be provided to the Commissioner	+	+
Quality assurance	Auditor makes public reports to the Mayor on policy issues surrounding investigations	Not Available	+
Public reporting	Provides statistical reports to public on results of external reviews of complaints and use of force incidents	+*	+
Autonomy	Reports to authority outside the department	Not Available	+

Not Available = no system in place

+ = current review process meets requirements

+* = meets requirements but performed by the department

As Table 1 illustrates, the proposed model of civilian oversight meets all of the identified best practices for civilian oversight and provides a strong improvement over previous civilian review models in the City.

The development of a broad-based civilian oversight process will take courage by City leaders and the BPD. Some may criticize the recommendations in this report as intrusive and unnecessary, while others will claim it is not intrusive enough. Additionally, some may question why the City should invest resources into the development of a civilian oversight system when violence is increasing and the capacity of the police department is strained. While we fully support the Commissioner's request for increased staffing to build the Department back to the levels of the 1990's, it is crucial to increase the accountability and transparency of the department during these times of heightened neighborhood-level violence. As officers increasingly confront gun violence and step up efforts to apprehend suspects in the community, the chance of alleged unjustified force or other misconduct increases. Without a transparent accountability model in place to help ensure that all complaints are investigated thoroughly and fairly, the Department risks losing legitimacy in the community, particularly in high crime neighborhoods where trust and confidence are most critical to effective policing.

Any effective professional or civilian review model will take resources. However, the costs of litigation involving officer misconduct, particularly in cities where the community has diminished trust in the police, far exceed the costs of pro-active systems of accountability, such as the civilian review model proposed here. We believe that the development of a strong form of professional and civilian oversight is the next necessary phase in the development of the BPD.

REFERENCES

- Beattie, Cheryl and Ronald Weitzer. 2000. "Race, Democracy and Law: Civilian Review of Police in Washington, DC," in *Civilian Oversight of Police: Governance, Democracy and Human Rights*, (eds.) Andrew J Goldsmith and Colleen Lewis. Pp. 41-62. Hart Publishing: Oxford - Portland, Oregon.
- Reaves, Brian *Police Handling of Citizen Complaints: Using Data to Improve Law Enforcement* Bureau of Justice Statistics, Annual Meetings 2005. October 28, 2005 St. Petersburg, Florida
- Bobb, Merrick. 2003. *Civilian Oversight of the Police in the United States*. Global Meeting on Civilian Oversight of Police, Rio de Janeiro.
- Luna, Eileen and Samuel Walker. 2000. "Institutional Structure vs. Political Will: Albuquerque as a Case Study in the Effectiveness of Citizen Oversight of the Police," in *Civilian Oversight of Police: Governance, Democracy and Human Rights*, (eds.) Andrew J Goldsmith and Colleen Lewis. Pp. 83-104. Oxford: Hart Publishing.
- Finn, Peter. 2001. *Citizen Review of Police: Approaches and Implementation*. Washington, DC: National Institute of Justice.
- NACOLE. 2005. Roster of U.S. Civilian Oversight Agencies. <http://www.nacole.org/> Accessed on December 1, 2005.
- Stern, Donald. 2005. *Final Report: Commission Investigating the Death of Victoria Snelgrove*. Boston, MA.
- Walker, Samuel. 2001. *Police Accountability: The Role of Citizen Oversight*. Belmont, CA: Wadsworth, 2001.
- 2005. *New World of Police Accountability*. Thousand Oaks, CA: Sage Publications
- Weisburd, David, Rosann Greenspan, Edwin E. Hamilton, Hubert Williams, and Kellie A. Bryant. 2000. *Police Attitudes Toward Abuse of Authority: Findings From a National Study*. Washington, DC: National Institute of Justice: Research in Brief.

APPENDED MATERIALS

APPENDIX 1: NATIONAL MODELS OF CIVILIAN OVERSIGHT

This following matrix includes the majority of the citizen involvement organizations that we examined in the early stages of the project. The information for the present matrix is derived from three sources. First, we utilized The Roster of U.S. Civilian Oversight Agencies (Roster), which is put out by NACOLE. The NACOLE website contains a link to the Roster. The original Roster that we utilized was last updated in December 2004. For this matrix, however, we have updated the information to reflect the information contained in the most recent Roster (updated 09-01-05). Much of the information in this matrix is taken directly from the Roster, especially the descriptions of the organizations. The reason for this is that many of the organizations have sent this information into NACOLE, so we believe it represents the official biography of the organization.

Second, we also reached out to several of the organizations and examined their websites and organizational material to provide additional information for this matrix. Third, we also called a few of the organizations if we had questions about the organization. In the last field of the matrix, we have included the website for each organization.

One last note: in the field category of type, we classified each organization according to the categories of citizen oversight presented in Appendix 1:

1. Fully External

- Investigations are conducted and discipline recommended by external group (usually a standing board or commission) outside of the department.

2. Internal Investigation with External Review

- Investigation done by local department.
- Investigations are reviewed by a standing external board.
- Review may be automatic or based on appeal only.

3. Monitor / Ombudsperson / Auditor

- External person experienced in the investigative process reviews investigations (ongoing and after a decision is made) and makes recommendations.
- Monitors often take complaints of misconduct directly.
- In some cases the monitor actually conducts the investigation.

4. Hybrids

- Combination of above models (e.g. Ombudsperson with civilian review Panels)

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Albuquerque, NM	Hybrid	Independent Review of the Police Oversight Commission	1999	The Independent Review Office (IRO) receives citizen complaints involving the Albuquerque Police Department (APD). The complaints will be assigned to either an IRO Investigator or the Internal Affairs division of the APD. Recommended findings are forwarded to the Chief of Police who has sole authority for discipline. Citizens may appeal the final disposition of their complaints to the Police Oversight Commission (POC). In addition, the IRO may make recommendations regarding APD policies and procedures to the Chief of Police, the City Council and the Mayor.	The Chief of Police, the City Council and the Mayor	Yes, limited subpoena power	9	http://www.w.cabq.gov/iro/
Albany, NY	Internal Invest. with External Review	Citizens' Police Review Board (CPRB)	2000	The CPRB is an independent body staffed by the Government Law Center of Albany Law School and has the authority to (1) review and make findings on completed investigations by Office of Professional Standards of complaints made by citizens; and (2) make recommendations to the Common Council and the Mayor regarding police policies and practices.	The Common Council and Mayor	No	9	http://www.w2.als.edu/glc/cprb/

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Atlanta, GA	Hybrid	Civilian Review Board (CRB)	1995	The CRB does not receive the initial complaint. Citizens appeal to the CRB to have investigation re-examined. The CRB makes recommendation to Mayor.	The Mayor's Office of Constituent Services	No	3 panels, which are each made up of 4 or 5 people	no website
Austin, TX	Hybrid	Office of the Police Monitor	2002	Point of citizen contact for complaints of police misconduct. Monitors Internal Affairs investigation, makes recommendations to Chief of Police regarding quality of investigations, and conducts Monitor's Conference with complaint to explain outcome of complaint. Can refer cases to Citizen Review Panel for further recommendations or referral to independent investigation. Publish public report containing detailed statistics and record of activities of the office every 6 months, conduct outreach to educate citizens and police department, and allow public input at meetings of Citizen Review Panel.	The Chief of Police	No	7	http://www.w.ci.austin.tx.us/opm
Berkeley, CA	Fully External	Berkeley Police Review Commission	1973	Receive complaints of police misconduct and independently investigate complaints. Release advisory findings to City Manager. Review police department policies and provide mediation in some cases.	The City Manager	Yes, with subpoena power	9	http://www.w.ci.berkeley.ca.us/pr c/

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Boise, ID	Monitor	Office of the Community Ombudsman	1999	Ombudsman system with full, independent authority to receive and investigate complaints. Also, authority (without any complaint being filed) to investigate all officer-involved shooting and incidents resulting in serious bodily harm. Authority to make policy, procedure, and training recommendations. Authority to receive and investigate appeals to findings made by the Chief of Police. Reports to Mayor and City Council, no board.	Mayor and City Council	Yes, with subpoena power	no board	www.boiseombudsmann.org
Cambridge, MA	Fully External	Cambridge Police Review and Advisory Board (PRAB)	1984	Takes complaints from anyone (not just Cambridge citizens) and from Cambridge officers about the Cambridge PD. The individual must bring the complaint to the attention of the PRAB within 60 days of the incident. The complainant can either file with PRAB or with the Department Quality Control Office (Internal Affairs). These two agencies cross-file complaints with each other but conduct separate investigations.	City Manager	Yes, with subpoena power	5	http://www.cambridgema.gov/PRAB/

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Chicago, ILL	Hybrid	The Police Board of the City of Chicago	1960	<p>Decides disciplinary cases when the Superintendent of Police files charges to discharge or suspend for more than 365 days.</p> <p>Considers appeals from employees facing disciplinary suspensions of six through 365 days. Submits to the Mayor a list of 3 candidates when there is a vacancy in the position of Superintendent of Police, and the Mayor must choose from the list or request another list from the Board. Adopts rules and regulations governing the conduct of sworn and civilian members of the Police Department. Is responsible for monitoring the Police Department's, and the City's, compliance with the terms of the federal court consent decree and judgment order regarding citizens' rights of freedom of expression and association.</p>	The Mayor	Can hold hearings with subpoena power; no invest. power	9 civilians (2 former police)	http://www.cityofchicago.org/policeboard

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Cincinnati, OH	Fully External	Citizen Complaint Authority (CCA)	2003	Independent investigative agency led by an executive director with professional investigators and administrative staff. Investigates allegations of misconduct by police officers including, but not limited to, shots fired, deaths in custody, and major uses of force. Review and resolve all citizen complaints in a fair, impartial, efficient, and timely manner. Acts independently with the ultimate goal of addressing citizens' concerns and improving citizen perceptions of quality police service in the city of Cincinnati.	The Mayor	Yes, with subpoena power	7	http://www.w.cincinnati-oh.gov/cca/pages/-/5509-1
Denver, CO	Monitor	Office of the Independent Monitor (OIM)	2005	Reviews all Internal Affairs investigations (including internal criminal investigations) and officer-involved shooting investigations and makes recommendations on findings, the imposition of discipline as well as changes in policy. OIM also makes recommendations on findings and discipline to the Chief of Police and the Manager of Safety. Publishes annual reports. Conducts policy reviews and make policy recommendations as necessary.	The Mayor	Yes, with subpoena power	OIM works with a separate 7 member board.	http://www.denvergov.org/oim/

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Eugene, OR	Hybrid	Eugene Police Commission	1998	Acts in an advisory capacity to City Council, the Chief of Police and the City Manager on police policy and resource issues. Per ordinance, the Police Commission does not undertake the review of allegations and inquiries related to the actions of individual police officers.	City Council, the Chief of Police and the City Manager	No	12	www.ci.eugene.or.us/policecom
Indianapolis, IN	Internal Invest. with External Review	Citizen Police Complaint Board and Citizen Police Complaint Office (CPCO)	1998	Offers opportunity for citizens to have complaints voiced and investigated. Members are appointed by the City-County Council, the Mayor, and the Fraternal Order of Police (FOP) and have the task of reviewing all cases filed in the CPCO.	Department of Public Safety	No	12 (9 civilian, voting members and 3 non-voting police officers)	http://www.indygov.org/eGov/City/DPS/CPCO/home.htm
Kansas City, MO	Internal Invest. with External Review	The Office of Community Complaints (OCC)	1969	Receives complaints, gathers initial information, and forwards to IAD to investigate. The Kansas City Police IAD and OCC decide discipline, if any, issued by commissioner.	The Board of Police Commission	Limited	7 (4 analysts, 2 staff, and 1 director)	http://www.kcpd.org/kcpd2004/OCC.htm

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Key West, FL	Hybrid	Citizen Review Board (CRB)	2002	The CRB independently reviews citizen complaint investigations against Key West Police Department police officers, recommends changes in departmental policy, and when deemed appropriate by the board, conducts an independent investigation of citizen complaints.	City Management	Yes, with subpoena power	7	www.keywestcity.com
King County, WA	Monitor	King County Office of Citizen Complaints - Ombudsman (OCC)	1968	Investigates a wide variety of complaints about King County government, including the King County Sheriff's Office. Makes and publishes recommendations for administrative and legislative changes based on the results of investigations. Citizens are encouraged to first file their complaint with the Sheriff's Office IJU. The OCC is allowed access to all Sheriff's records and may conduct independent factual research as part of the investigation.	County Council	Yes, with subpoena power	No board	www.metrokc.gov/ombudsman

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Knoxville, TN	Hybrid	Police Advisory and Review Committee (PARC)	1998	Audits the discipline process and the policy and procedures of the Knoxville Police. Authority to conduct own investigations regardless of the final outcome of a completed case. PARC may request additional information regarding completed KPD IAU cases, but only the Chief of Police may impose disciplinary actions on officers. Has the authority to review the KPD Policies and Procedures and make recommendations for change and or improvement. Offers mediation and holds public meetings at least once each calendar quarter in one of the four quadrants of the city.	The Mayor	No	7 paid members and 5 volunteer members	www.ci.knoxville.tn.us
Las Vegas, NV	Internal Invest. with External Review	Citizen Review Board	2000	The Board receives and reviews complaints against the Las Vegas (LV) Metro Police. Subpoena power but no independent investigative power; all cases are investigated initially by the LV Police. The Board may receive complaints initially or review investigations done by the Police Dept. Internal Affairs and is an advisory board to the Sheriff, with the power to make recommendations as to discipline or policy changes.	Commission of Clark County and City of Las Vegas	No investigative power; subpoena power for hearings	3 paid members and 25 volunteer members	www.citizenreviewboard.com

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Los Angeles (city), CA	Monitor	Office of Inspector General	1996	Reviews and monitors all personnel investigations; conducts investigations as directed by Board of Police Commissioners (PC), oversees, audits and periodically reports on disciplinary system; conducts audits and special projects; reviews and approves or disapproves all officer-involved shootings and law enforcement related injuries or deaths; performs other assignments as directed by the PC. May initiate and conduct investigations.	Board of Police Commission	Yes, with subpoena power	No board. 1 Inspector General and 3 Assistant Inspector Generals.	http://www.lacity.org/oig/isgi/g2a.htm
Los Angeles (county), CA	Monitor	Office of Ombudsman	1994	The Ombudsman provides oversight into the Los Angeles Sheriff's Department's (LASD) Internal investigation process to insure that complaints were handled in a timely, thorough and appropriate manner. Now handle complaints involving other county agencies. Receives complaints from the public and frequently acts as a mediator in disputes as well as reviews.	The ombudsman is selected by the sheriff and board of supervisors.	No	no board	www.ombudsman.lacounty.info/What_We_Do.htm
Los Angeles (county), CA	Monitor	Office Of Independent Review (OIR)	2001	The OIR monitors the LASD and ensures that allegations of officer misconduct involving LASD are investigated in thorough, fair, and effective ways.	The Board of Supervisors	No	6	www.LAOIR.com

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Miami (City), FL	Fully External	Civilian Investigative Panel (CIP)	2005	Conducts external investigations and forwards its written finding to the Chief of Police, affected officers, and complainants. In some cases, the CIP may issue a subpoena to obtain evidence from witnesses.	Mayor, City Commission, City Attorney, City Manager, Chief of Police	Yes, with subpoena power	13	www.ci.miami.fl.us/cip
Miami (County), FL	Internal Invest. with External Review	Independent Review Panel (IRP)	1980	External fact finding and dispute resolution with the authority to review complaints against any department. Complaints are investigated by the involved department, which submits its written findings to the IRP. The findings are discussed in an informal mediated fact-finding and dispute resolution meeting, attended by 1 Panel member, Panel staff, the complainant and a representative from the involved department. The accused employee is invited to participate, but attendance cannot be compelled. A report is then submitted to the full Panel for public review. The Panel's disposition and recommendations are sent to the involved department, County Manager, Mayor and Commissioners. The focus of the Panel is review, but it can conduct investigations as needed. Its subpoena power is limited to retaliation complaints as defined by a specific ordinance.	Involved department, County Manager, Mayor, and Commission	Yes, with limited subpoena power	9	www.miamidade.gov/irp

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
New York, NY	Fully External	Civilian Complaint Review Board (CCRB)	1993	The CCRB's responsibilities are to (1) receive, investigate, hear, make findings and recommend action complaints against New York City police officers that allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language; (2) issue semiannual reports describing its activities and summarizing its actions; (3) inform and educate the public about the board and its duties; and (4) offer a mediation program.	Mayor	Yes, with subpoena power	13	www.nyc.gov/ccrb
Oakland, CA	Fully External	Citizen's Police Review Board (CPRB)		CPRB receives and investigates independently citizen complaints of police misconduct. CPRB holds public hearings, makes findings and recommendations to the City Manager on individual complaints of police misconduct and makes policy recommendations to the Oakland Police Department.	City Manager	Yes, with subpoena power	9	www.oaklandnet.com/government/citizens/hompage.html

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Omaha, NE	Monitor	Public Safety Auditor	2001	Provides oversight over citizen complaints filed against the police and fire departments. Audits completed investigations. Monitor ongoing investigations conducted by internal affairs units and may participate in interviews and requests for further investigation through IA investigator. Makes recommendations and publishes quarterly reports.	The Auditing Committee (the Mayor, Police Chief, Fire Chief, City Council)	No	No board	http://www.ci.omaha.ne.us/departments/public_safety_auditor/default.htm
Philadelphia, PA	Fully External	Police Advisory Commission (PAC)	1994	Investigates individual complaints filed by members of the public and is empowered to study police department policies, practices and customs of the department that impact on police-community relations. Has subpoena authority and may initiate investigations at the request of a member of the public, or on its own initiative. Advisory findings and recommendations are forwarded to the Mayor, the City Managing Director and the Police Commissioner for their notice and review three days in advance of any public dissemination. The PAC process includes open, fact-finding hearings conducted by commission members as well as written, public opinions that include findings of fact, and as appropriate, recommendations for discipline against specific police officers.	Mayor and Police Commissioner	Yes, with subpoena power	15 and 4 alternate members. All members must be residents and 3 have police backgrounds, but not currently in law enforcement.	www.phila.gov/pac

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Phoenix, AZ	Internal Invest. with External Review	Discipline Review Board (DRB)	1985	<p>The DRB reviews two types of incidents (1) all use of force incidents found to be out of policy by the Use of Force Board and (2) all other disciplinary reports involving criminal acts, violations of law, and violations of the rules and regulations in which a suspension, demotion, or dismissal has been approved by a division commander. Employees and their unit representative have the right to appear before the department DRB when an incident involving them is brought before the board. The DRB suggests discipline that either affirms the discipline recommended by the Department's Discipline Matrix, or suggests a higher or lower level of discipline.</p>	Police Chief	No	<p>7 members: 1 assistant chief (chair), 2 command staff, 2 employee peer officers, and 2 citizens of Phoenix.</p>	no website

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Pittsburgh, PA	Internal Invest. with External Review	Citizen Police Review Board (CPRB)	1997	The CPRB has the authority to hold public hearings; subpoena witnesses and documents; discretion to select complaints for investigation; offer advice and recommendations on police policies and activities, including hiring, training and disciplinary policies, including specific recommendations on disciplinary action for individual officers; role is advisory only. Board offers third-party mediation as an option to complaint resolution. The Board is also charged with improving the relationship between the police and the community.	Mayor and Chief of Police	Yes, with subpoena power	7	http://www.city.pittsburgh.pa.us/cprb
Portland, OR	Monitor	Two organizations work together under the authority of the elected City Auditor: Independent Police Review Division (IPR) and the Citizen Review Committee (CRC).	2001	IPR monitors and reviews all Internal Affairs investigations, conducts independent investigations as necessary, facilitates the work of the CRC. IPR also conducts specialty audits of issues of concern to the Police Bureau, the City Council, and the community at large. The CRC serves as an appellate body, handling city appeals of bureau findings with respect to citizen initiated complaints. The CRC can make policy recommendations to the Chief of Police.	City Auditor and the Division	Yes, with subpoena power	The IPR has 8.5 staff members plus the 9 members CRC appointed by City Council.	www.portlandonline.com/auditor/ipr

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Prince George's County, MD	Internal Invest. with External Review	Prince George's County Citizen Complaint Oversight Panel (CCOP)	1990	CCOP reviews every investigation (1) resulting from complaints filed by a law enforcement officer or a citizen regarding the conduct of a PGCPD officer, including use of language, use of force and misconduct; (2) alleging that a member of the PGCPD has accidentally or intentionally discharged a firearm; and (3) involving a death related to an officer's use of force or while in police custody. Makes recommendations to the Chief of Police and PCH's County Administrative Officer regarding these investigations. Also makes recommendations regarding policies and systems. Conducts community education and outreach.	Office of the Prince George's County Executive	Yes	7	www.gopri ncegeorges county.com
Rochester, NY	Internal Invest. with External Review	Rochester Civilian Review Board	1973	The Board reviews completed IA investigations of alleged police misconduct for thoroughness, fairness and timeliness and renders findings on specific allegations of police misconduct. The Board may also make policy, investigative or remedial training recommendations.	Chief of Police	Yes, with subpoena power	3	www.cdsla dr.org
San Diego (City), CA	Internal Invest. with External Review	Citizens' Review Board on Police Practices (CRB)	1988	The CRB reviews citizens' complaints against the San Diego Police Department. They also review all officer involved shootings and in-custody deaths. Reviews policies; makes recommendations to Chief and City Manager.	City Manager	Yes	23 volunteers	www.sandiego.gov/cit izenrevie wboard

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
San Diego (County), CA	Fully External	Citizens' Law Enforcement Review Board	1990	Staff receives and independently investigates deaths and citizen complaints of misconduct. Investigative report and recommended findings are submitted to eleven member non-paid review board for hearing and approval. Approved "advisory" findings, non-binding policy and discipline recommendations are then forwarded to department heads.	Board of Supervisors	Yes	11	www.sdco.unty.ca.gov/c/lerb
San Francisco, CA	Fully External	Office of Citizen Complaints (OCC)	1983	The OCC's purpose is to investigate complaints against San Francisco police officers. It is staffed by civilians who have never been police officers in San Francisco.	Police Commissioner	Yes, with subpoena power	5	www.sfgov.org/occ
San Jose, CA	Monitor	Office of the Independent Police Auditor	1993	The office has four primary functions (1) serves as an alternative forum for people to file complaints, (2) monitors open investigations and upon completion, audits the final investigation, (3) conducts community outreach, and (4) publishes semi-annual reports and recommends policy and procedural changes. The IPA conducts case-by-case reviews, requests further investigations, if needed, and disagreements with the findings are sent to the City Manager. Performance audits are conducted to assess compliance and to determine increases or decreases in similar complaints.	Mayor and City Council	Yes	No board	www.ci.sajose.ca.us/ipa/home.html

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Seattle, WA	Monitor	Office of Professional Accountability	1999	The OPA oversees the internal investigation function within the Seattle Police Department. The OPA has three primary objectives: (1) to provide civilian review of the citizen complaint process; (2) to recommend strategies and policies to improve the complaint investigation function and other practices within the Department to raise professional standards; and (3) to promote public awareness of the OPA.	City Council	the Mayor and the City Council	Three	www.cityofseattle.net/police/opa
Tucson, AZ	Internal Invest. with External Review	Citizen Police Advisory Review Board (CPARB)	1997	The Board holds monthly public meetings and review completed IA investigations. They may also review information from the IPA's reviews.	Mayor and Council	No	7 voting members and 4 advisory members	www.ci.tucson.az.us/cparb
Tucson, AZ	Monitor	Independent Police Auditor (IPA)	1997	The IPA audits completed investigations; has authority to monitor ongoing investigations; and may participate in interviews of complainants, witnesses and officers. The IPA receives complainants, which are then forwarded to the Office of Professional Standards for investigation. The IPA also monitors Shooting Boards.	The City Manager	No	No board	www.ci.tucson.az.us/jpa

City	Type	Name	Year	Description	Authority	Investigative Power	Members	Website
Washington DC	Fully External	The Office of Police Complaints (OPC)	2001	OPC investigates, mediates, and/or adjudicates citizen complaints against sworn members of the Metropolitan Police Department (MPD) and the DC Housing Authority PD. OPC decisions are binding, although the police departments determine the levels of discipline.	The Police Complaints Board (PCB)	Limited	On the PCB, there are 4 private citizens and 1 MPD sworn officer.	www.policecomplaints.dc.gov

APPENDIX 2: CASE STUDIES OF CITIZEN OVERSIGHT

Civilian Review Board (CRB)

- Location: Atlanta, Georgia
- Director: Katherine McCladdie
- Type of model: Hybrid
- Process: The CRB process begins after the citizen has filed a complaint with the Atlanta Police and their Office of Professional Standards makes a finding. The Atlanta Police send a letter to the citizen and let the citizen know s/he can contact the CRB if s/he is dissatisfied with the complaint investigation. The CRB lacks subpoena and investigatory power to examine the complaint, but can review the process of the investigation.
- How and when created: Established by a Mayoral Order on December 1, 1995, by Mayor Campbell.
- Is there a board: There are currently three different panels of 4 to 5 people who review the complaint to check the process of the investigation. For each panel, 5 members serve for a two-year period.
- The role of the board: The panel used to be more formal and function like a jury, asking questions, holding something that resembled a hearing, and reviewing materials for the investigation. Like a jury, they would have the officer and complainant (in separate rooms) tell their side of the story. Now the CRB is just a series of panels. A couple of times they have had an officer in to hear his/her account of the incident. The officers checked with the union beforehand in some cases, and in some cases, the officer appeared with their union representative.
- The members of board: One criterion is that members have some sort of law enforcement training in some area (either as a law enforcement officer or lawyer). Also, they have to have a history of community service. There is a new requirement that all board members have to file financial disclosure forms, though none receive financial compensation.
- Who selects members: Recruitment is handled by the Mayor's Office. There is a person in the Mayor's Office who looks for staff to add to the CRB. This person creates a bank of potential candidates for the CRB. Once the CRB has an opening, the person in the Mayor's Office advances someone's name from the bank of potential candidates. The City Council approves members.
- The organization answers to: The Mayor's Office of Constituent Services.
- Final product: Strictly appellate complaint review. No policy review. The CRB is the end of the line of the complaint and complaint review process. If the CRB makes a different finding than the Atlanta City Police Department, that finding goes to the Mayor. The CRB, however, has agreed with the OPS in every complaint case that they have reviewed. Part of the reason for this agreement between the CRB and OPS is that complainants in more severe incidents generally file lawsuits. Once the complainant tries to sue, the CRB cannot assist them.
- Mediation: The CRB does not offer mediation.

Cambridge Police Review and Advisory Board (PRAB)

- Location: Cambridge
- Director: Quoc Tran, Executive Director/Secretary
- Type of model: Fully External
- Process: The PRAB investigates complaints that people can file in person, by letter, or by telephone. The PRAB takes complaints from anyone (not just Cambridge citizens) and from Cambridge officers about the Cambridge Police about any incident that occurred in Cambridge and involved a Cambridge Police officer. The individual must bring the complaint to the attention of the PRAB within 60 days of the incident. The complainant can either file with PRAB or with the Cambridge Police Department Quality Control Office (Internal Affairs). These two agencies cross-file complaints with each other but conduct separate investigations.
- How and when created: PRAB was created in 1984 by a city ordinance.
- Is there a board: Yes. There is five-member civilian board.
- The role of the board: The PRAB is a group of citizens who conduct investigations. The PRAB also “acts as the representatives of the community in reviewing policies, practices, and procedures of the police department.”
- The members of board: There are five citizens of Cambridge who serve on the Board. None of these citizens can have worked for the city for the previous three years or in law enforcement. Board members serve for a term of five years.
- Who selects members: The City Manager appoints members to the board.
- The organization answers to: City Manager.
- Final product: The PRAB has its own staff to conduct the initial investigation, but these individuals cannot decide whether the complaint has merit. After the staff conducts a preliminary investigation, the full board then decides whether there should be a full investigation, mediation, or if they should dismiss the complaint. If there is a full investigation, the board will hold a full hearing that includes the citizen and the officer. After the investigation, the board makes a final decision and if there is a finding of a violation, they make a recommendation to the City manager as to the action that should be taken.
- Mediation: Yes.

The Police Board of the City of Chicago

- Location: Chicago, Illinois
- Director: Max A. Caproni, Executive Director
- Type of model: Hybrid
- Process: The Office of Professional Standards (OPS), which is an independent unit within the Chicago Police Department staffed by civilians, receives all complaints. OPS investigate complaints alleging Excessive Force and domestic altercations, and the Chicago Police Department's Internal Affairs Division investigates any other complaints. The Chicago Police Board enters the process at the discipline stage of the complaint process. For complaints, the Board (1) decides disciplinary cases when the Superintendent of Police files charges to discharge or suspend for more than 365 days a Police Department employee, sworn or civilian and (2) considers appeals from employees facing disciplinary suspensions of six through 365 days. The Chicago Police Board reviews transcripts of evidentiary hearings (the Board has subpoena power to call witnesses to appear).
- How and when created: The Board created at the urging of Mayor Richard Joseph Daley in 1960 as a reaction to the "Summerdale Scandals."
- Is there a board: Yes.
- The role of the board: The Board (1) decides disciplinary cases when the Superintendent of Police files charges to discharge or suspend for more than 365 days a Police Department employee, sworn or civilian, (2) considers appeals from employees facing disciplinary suspensions of six through 365 days, (3) the Board submits to the Mayor a list of three candidates when there is a vacancy in the position of Superintendent of Police, and the Mayor must choose from the list or request another list from the Board, (4) adopts rules and regulations governing the conduct of sworn and civilian members of the Police Department, and finally (5) is responsible for monitoring the Police Department's, and the City's, compliance with the terms of the federal court consent decree and judgment order regarding citizens' First Amendment rights of freedom of expression and association.
- The members of board: The Board consists of nine civilians, two current members formerly held law enforcement positions.
- Who selects members: The members of the Board are appointed by the Mayor and confirmed by City Council.
- The organization answers to: The Mayor.
- Final product: The Board makes decisions on specific disciplinary cases and releases its decisions in cases where employees are facing discharge or suspensions of greater than 365 days.
- Mediation: No.

Office of the Independent Monitor (OIM)

- Location: Denver, Colorado
- Director: Richard Rosenthal
- Type of model: Monitor / Ombudsperson / Auditor. The Police Monitor staff of six includes the Monitor; a Senior Deputy Monitor; a Deputy Monitor; a Community Relations Ombudsman; a Management Analyst and an Office Manager. The OIA has a budget of \$540,000.
- Process: The Monitor reviews all Internal Affairs investigations (including internal criminal investigations) and officer-involved shooting investigations and makes recommendations on findings, the imposition of discipline as well as changes in policy.
- How and when created: Proposed by the Mayor and created by City Council Approved Ordinance changes and Charter changes in 2005.
- Is there a board: There is a board, the Citizen Oversight Board, which has seven members and is separate from the Monitor's Office.
- The role of the board: The Citizen Oversight Board evaluates the work of the Monitor, holds public meetings, and makes policy recommendations.
- The members of board: Denver citizens who have never worked for nor have any family members who have ever been employed by the Denver Police, Sheriff, or Fire Department.
- Who selects members: Appointed by the Mayor and confirmed by the City Council.
- The organization answers to: The Mayor.
- Final product: The Monitor also makes recommendations on findings and discipline to the Chief of Police and the Manager of Safety. Annual reports will be published by the first day of February every year. The Monitor's staff will conduct policy reviews and make policy recommendations as necessary and appropriate.
- Mediation: The OIM may also assist citizens in entering into mediation with the officers to resolve their complaint. The mediation process is appropriate for a wide variety of complaints involving demeanor or instances where the citizen did not understand the actions an officer took in a situation. The mediation process, however, is not used in instances where the complaint involves a legal dispute. In the mediation process, the citizen and officer have a face-to-face meeting, which is guided by a mediator, to try and work out an agreement or resolve their dispute. Both parties are expected to enter into mediation in good faith. Ideally, the mediation process is expected to have many positive outcomes, including eliminating the need for some types of lengthy investigations, creating a forum for the citizen and officer to work out their misunderstanding, and improving police and community interactions.

The City of Key West Citizen Review Board (CRB)

- Location: Key West, Florida
- Director: Vicki Grant, Executive Director
- Type of model: Hybrid
- Process: The CRB independently reviews citizen complaint investigations against Key West Police Department police officers, recommends changes in departmental policy, and when deemed appropriate by the board, conducts an independent investigation of citizen complaints.
- How and when created: The citizens of Key West voted to create the City of Key West Citizen Review Board on November 5, 2002.
- Is there a board: Yes.
- The role of the board: To ensure that all complaints against Key West Police Officers receive a fair and objective investigation and/or hearing.
- The members of board: There is a seven member board, who live in Key West and are not employed by the city.
- Who selects members: The Charter requires that the City Commission appoint four members from nominations from community-based civic and social service organizations. The four selected were nominated from the Key West Chamber of Commerce, Key West Business Guild, Key of the Gulf # 53 - Order of the Eastern Star, and Criminal Trial Lawyer's Association. Three additional board members were then selected from applications submitted from the general public by the original four members.
- The organization answers to: City management.
- Final product: The CRB forwards findings and/or recommendations to City management, the Chief of Police, State Attorney, other state and federal law enforcement agencies and/or grand juries.
- Mediation: No.

- **Discipline Review Board (DRB)**
- Location: Phoenix, Arizona
- Director: Assistant Chief Kevin Robinson
- Type of model: Internal Investigations with External Review
- Process: The DRB reviews two basic types of incidents (1) all use of force incidents found to be out of policy by the Use of force Board and (2) all other disciplinary reports involving criminal acts (for which the employee has been found guilty or has entered into a plea agreement), violations of law, and violations of the rules and regulations of the department in which a suspension, demotion, or dismissal has been approved by a division commander. When the DRB are to discuss an incident, they notify the employee(s) at least 10 calendar days prior to the meeting. Employees and their unit representative have the right to appear before the department Disciplinary Review Board when an incident involving them are brought before the board. The purpose of such an appearance is to give employees an opportunity to respond to any sustained assertions made against them.
- How and when created: Police Chief created the DRB in 1985.
- Is there a board: Yes.
- The role of the board: Reviews discipline that is suggested by discipline matrix.
- The members of board: The DRB is comprised of seven members: one assistant chief (chair), two commanders, two employee peer officers, and two citizens of Phoenix. Employee peer officers are officers who hold the same rank as the officer who is the subject of the discipline process. For example, if a detective is the subject of a discipline review hearing, the two employee peer officers are detectives.
- Who selects members: There is a bank of citizens and law enforcement officers that Assistant Chief Robinson's secretary chooses from for the meetings. She divides them by gender for diversity.
- The organization answers to: Police Chief.
- Final product: Complaint suggestion that either affirms the discipline recommended by the Discipline Matrix, or suggests a higher or lower level of discipline. The Discipline Matrix is a table that is used to calculate discipline based on the officer's violation. The employee's sustained violation and discipline history are considered in the table. The Discipline Matrix provides three levels of discipline for each sustained violation related to the current incident. For minor violations, however, deviations from the Discipline Matrix may be recommended. Once the Discipline Matrix is used to suggest level(s) of discipline, the violation(s) move forward to the DRB. During the DRB review, the Discipline Matrix's levels of discipline are presented to the board and mitigating and aggravating factors may be considered at this point.
- Mediation: The DRB does not offer mediation.

Citizen's Review Board on Police Practices (CRB)

- Location: San Diego
- Director: Scott Fulkerson
- Type of model: Internal Investigation with External Review
- Process: The CRB reviews citizens' complaints against the San Diego Police Department (SPPD). They also review all officer involved shootings and in-custody deaths.
- How and when created: The CRB was established by the voters in 1988
- Is there a board: Yes. There are 23 citizens of San Diego who serve on the Board. The City Manager appoints board members to serve for one year terms. Members are reappointed each year for up to 8 years maximum. Many members serve for the entire 8 years. The average tenure is over 4 years. In addition, there are also up to 23 individuals who serve as prospective board members, but they are not allowed to vote on cases. The City Manager appoints individuals only from the Prospective Members List. The function of the Prospective Member program is to provide comprehensive training to prepare people for appointment to the CRB who already qualified to begin their duties. Training is the critical element in their process.
- The role of the board: The Board is a group of citizens who provides oversight of the citizen complaint investigations that the San Diego Police conduct. The Board does four things: (1) they review "serious" citizen complaints against the San Diego Police, (2) they review all officer involved shootings and in-custody deaths, (3) they review and evaluate the administration of discipline in response to sustained complaints, and (4) they may also make policy and procedure recommendations to the City Manager and Chief of Police.
- The members of board: The board consists of a "cross-section of San Diego's citizens."
- Who selects members: The City Manager.
- The organization answers to: The City Manager.
- Final product: For complaint review, the Board has a 3 member Review Board Team that examines the case. There are 7 Review Teams. While the Board does not have subpoena power it does have "free and unfettered access" to any and all information it requests from the SDPD. Further, the 3 person review team is an actual part of the investigative process. Not only is all information generated by the investigation provided to the Team, the Team may request specific information (i.e. specific questions for subject officers and complainants and witnesses, development of further physical evidence, finding and interviewing other witnesses or anything the Team needs in order to come to a finding). The case cannot be closed by Internal Affairs until the Team feels that the investigation is complete and accurate. At least 2 of the 3 member Team must review the entire investigative file and two of the members must concur in what they will recommend to the Board. The Team prepares a recommendation to the entire Board. The recommendation for each complaint engagement is one of four options: (1) agree with Internal Affairs findings with no comment, (2) agree with Internal Affairs findings with comment, (3) disagree with Internal Affairs finding with comment, and (4) request additional information from Internal Affairs in order to make a decision.
- Mediation: Mediation of complaints was undertaken by the SDPD at the urging of the CRB. Mediations are conducted by the National Dispute Resolution Center not by a City agency. During the year and a half that the joint committee of the SDPD and the Board studied the issue and designed the program it was determined that the Mediation

Program would be conducted by disinterested third parties who were trained and certified as Mediators.

The Office of Police Complaints (OPC)

- Location: Washington, D.C.
- Director: Philip K. Eure
- Type of model: Fully External. OPC has its own staff of trained and experienced investigators, and is not a part of either the Metropolitan Police Department (MPD) or the D.C. Housing Authority Police Department (DCHAPD). The agency is headed by an executive director who is appointed by the five-member Police Complaints Board (PCB). OPC has investigative and subpoena powers. OPC has a budget of about \$2,000,000.
- Process: The mission of the agency is to receive, investigate, and resolve police misconduct complaints filed by the public against MPD and DCHAPD officers. OPC has the authority to investigate complaints filed within 45 days of the alleged misconduct and that allege abuse or misuse of police powers, including: harassment; use of unnecessary or excessive force; use of language or conduct that is insulting, demeaning, or humiliating; discriminatory treatment; retaliation for filing a complaint with OPC; or failure to wear or display required identification or to identify oneself by name and badge number when requested to do so by a member of the public.
- How and when created: In 1999, the District of Columbia passed legislation creating the Office of Citizen Complaint Review and the Citizen Complaint Review Board. The agency opened to the public on January 8, 2001. In 2004, the District passed a law renaming the office and board to OPC and PCB.
- Is there a board: Yes. There is also a pool of complaint examiners, who are experienced attorneys who serve as hearing officers. When an OPC investigation indicates that police misconduct may have occurred, the office's investigative report is referred to a complaint examiner who reviews the evidence and issues a written decisions on the merits of the complaint.
- The role of the board: The board appoints OPC's executive director and oversees his work and the work of the agency. When the executive director seeks to dismiss a complaint, one member of the board must concur in the dismissal. In addition, the board has the authority to issue policy recommendations and reports on MPD's handling of demonstrations and protests to the mayor, District of Columbia Council, and chief of police.
- The members of board: The board is composed of five members, one of whom must be a member of MPD, while the other four must have no current affiliation with any law enforcement agency.
- Who selects members: The mayor nominates members to the board, who must then be confirmed by the District Council.
- The organization answers to: The board. The agency issues binding decisions regarding the complaints it receives, and the chief of police must impose discipline for sustained complaints.
- Final product: Complaint investigation and policy review.
- Mediation: OPC's executive director may refer complaints to mediation. A mediation service administers OPC's mediation program, assigning complaints to be mediated by a pool of well-trained, experienced, and diverse mediators. There is no cost to the complainant or the subject officer to participate in mediation, but both parties must sign a confidentiality agreement that provides that anything said by either party during the mediation session will not be disclosed outside of the session. The decision to refer a complaint to mediation is made by the executive director, and not by the parties. If the

Executive Director refers a complaint to mediation, both the complainant and the subject officer are required to participate in the mediation process in good faith. Failure to participate in good faith constitutes cause for discipline of the subject officer and grounds for dismissal of the complaint. However, even though participation of the parties is required, the outcome of the mediation is completely voluntary because neither the complainant nor the officer is required to reach an agreement or settle the dispute during mediation. There are some restrictions as to which complaints may be referred to mediation. OPC will not refer complaints involving allegations of the use of unnecessary or excessive force that results in physical injury. In addition, an officer may not mediate a complaint if he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OPC for similar misconduct in the past 12 months.

APPENDIX 3: OUTLINE OF CURRENT COMPLAINT PROCESS IN BOSTON

Step 1: The Citizen files a complaint

- The citizen can file a complaint about the following:
 - An officer's conduct
 - An officer's behavior
 - A Department operational procedure or policy
- Complaints made be made:
 - in person – at IAD (headquarters) or a district station
 - over the telephone
 - by mail
 - by Boston PD website

Step 2: All complaints received at a Boston Police District Station are directed to the Internal Affairs Division (IAD)

- IAD determines which complaints will be handled at the District level.

Step 3: The Citizen contact

- In instances other than in-person, IAD will contact the complainant to arrange for an interview, at which time a 1920 complaint will be taken and a copy will be given to him / her.
- IAD attempts to interview complainant at home, at a district station or at IAD (headquarters) to determine whether or not a rule violation exists.

Step 4: IAD investigates the complaint

- Investigation may use any combination of the following for investigation process:
 - Reports submitted by the officer(s)
 - Interviews with the officer(s), complainant(s) or witness(es)
 - Investigators canvass scene
 - Reviews of medical records and / or court documents
 - IAD history checks
 - Reports submitted by other BPD Bureaus

Step 5: IAD processes the complaints

- The Boston Police Department's goal is to process all complaints registered within a ninety (90) day time period, however many situations may require more time.

Step 6: Right to appeal finding

- Officers have up to two appeals

APPENDIX 4: RESULTS OF CITIZEN AND OFFICER SURVEYS

The following section presents the findings from both the citizens who filed complaints and officers who were parties to official complaints between 1998 and 2002. The surveys were intended to measure how satisfied parties were with the complaint investigation process, communication with Internal Affairs Division, and the outcome of the complaint investigation. Surveys were sent to a random sample of approximately 300 citizens who had filed complaints and 300 Boston police personnel who were parties to matched complaints.⁸ Despite numerous attempts to improve response rates, both citizen and officer mail surveys only achieved approximately a 15% response rate (total of 43 matched pairs). While low survey response rates are not unusual in complaint satisfaction surveys, we were disappointed with these results.

Due to the small number of respondents, survey results are not intended to be used for statistical purposes, rather provide descriptive information from a small number of citizens and officers about the complaint process. Some of the richest data in from these surveys actually comes from the responses to the open ended questions. The responses we received from both officers and citizens helped guide the type of focus group questions we asked to supplement the survey findings.

SURVEY RESULTS OF CITIZEN SATISFACTION WITH THE BOSTON POLICE DEPARTMENT COMPLAINT REVIEW PROCESS (N = 28)

1. What year did you file your most recent complaint against an officer or employee of the Boston Police Department?

	<u>Number</u>	<u>Percent</u>
2000	(1)	3.6%
2001	(5)	17.9%
2002	(6)	21.4%
2003	(4)	14.3%
2004	(8)	28.6%
Missing	(3)	10.7%

2. My complaint involved an officer who: (Check all that apply)

	<u>Number</u>	<u>Percent</u>
Was rude	(24)	85.7%
Used profanity	(12)	42.9%
Discriminated against my race/ethnicity,	(8)	28.6%

⁸ Researchers at Northeastern University are bound by Federal law to protect the anonymity of research subjects where possible. The Institute on Race and Justice (IRJ) and Boston’s Police’s Internal Affairs Division (IAD) devised a blind review process to ensure that (1) Northeastern researchers would never know an officer or citizen’s name or address and (2) that IAD staff would not know who chose to participate by filling out part or all of the survey. To accomplish this, Northeastern researchers printed surveys and packaged them for mailing without any record of the names of potential participants. Later IAD, who already knew the names and work addresses of officers as they have this information in their records, placed the address labels on the surveys and sent them out. In the instructions for the survey, we asked officers and citizen not to write their name on the survey. We also instructed officers and citizens to send the survey back to Northeastern, and enclosed a return envelope with this address.

sex/gender, sexual orientation, etc		
Inappropriately used force	(16)	57.1%
Harassed me	(13)	46.4%
Stole from me	(2)	46.4%
Other	(14)	0.0%

Other areas that were cited on survey:

- Neglected medical emergency attention.
- Created fabricated reports/falsified information on reports.
- Damages my personal property
- Refusal to register a complaint.
- Threatened me with arrest.

3. Where did you file your complaint?

	<u>Number</u>	<u>Percent</u>
Headquarters (One Schroeder Plaza)	(13)	46.4%
A District Police Station (For ex ample, E-13 Jamaica Plain)	(10)	35.7%
Through the mail	(2)	7.1%
To the Mayor's Office over the phone.	(1)	3.6%
Missing	(2)	7.2%

4. When you were deciding whether or not to file your complaint, did you seek assistance or support from anyone? (check all that apply)

	<u>Number</u>	<u>Percent</u>
I did not seek assistance from anyone	(9)	32.1%
Family	(9)	32.1%
Friends	(7)	25.0%
Lawyer	(7)	25.0%
Legal Aide Service	(1)	3.6%
Community Based Organization	(0)	0.0%
Massachusetts Commission Against Discrimination	(3)	10.7%
Civil Rights Groups (ACLU, NAACP)	(2)	7.1%
Other	(4)	14.3%

5. Did you seek assistance or support from anyone when you took action to file your complaint, such as someone offering accompanying you to the station? (check all that apply)

	<u>Number</u>	<u>Percent</u>
None	(15)	53.6%
Family	(8)	28.6%
Friends	(5)	17.9%
Lawyer	(5)	17.9%
Legal Aide Service	(0)	0.0%
Community Based Organization	(0)	0.0%
Massachusetts Commission Against Discrimination	(0)	0.0%
Civil Rights Groups (ACLU, NAACP)	(0)	0.0%
Other	(0)	0.0%

6. How satisfied were you with the way you were treated by the department when you asked to file a complaint?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(2)	7.1%
Satisfied	(6)	21.4%
Neither Satisfied Nor Dissatisfied	(5)	17.9%
Dissatisfied	(6)	21.4%
Very Dissatisfied	(7)	25.0%
Missing	(2)	7.2%

7. How satisfied were you that you had a chance to tell your side of the story when you made your complaint?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(3)	10.7%
Satisfied	(7)	25.0%
Neither Satisfied Nor Dissatisfied	(7)	25.0%
Dissatisfied	(3)	10.7%
Very Dissatisfied	(6)	21.4%
Missing	(2)	7.2%

8. How satisfied were you that you treated with respect during the complaint process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(5)	17.9%
Satisfied	(8)	28.6%
Neither Satisfied Nor Dissatisfied	(5)	17.9%
Dissatisfied	(4)	14.3%
Very Dissatisfied	(4)	14.3%
Missing	(2)	7.2%

9. Were you asked to name or provide information regarding others who were witness to the alleged incident?

	<u>Number</u>	<u>Percent</u>
Yes	(17)	60.7%
No	(6)	21.4%
Cannot remember	(5)	17.8%

10. After you filed a complaint, how satisfied were you that the Boston PD would do a fair and thorough investigation?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(2)	7.1%
Satisfied	(4)	14.2%
Neither Satisfied Nor Dissatisfied	(8)	28.5%
Dissatisfied	(7)	25.0%
Very Dissatisfied	(7)	25.5%

11. Is there anything else about your experience filing a complaint against a police officer or department employee that you would like to add?

- The police protect their own.
- Initially, an officer on the phone tried to persuade me to NOT file a complaint. The officers who responded to me home were terrific!
- I think one should be given more information as to how the Police Department came to it's final decision. In my case I never found out what the officer's statement was.
- I basically knew they weren't going to do anything after I spoke with the officer.
- You have to be pretty tough and stand your ground to do it. It can be intimidating.
- The supervisor said he would not take my complaint.
- When I first attempted to file a complaint, the officers at the police station refused to accept it. I was threatened, and treated rudely. Subsequently, I filed the complaint by mail and an investigation ensued.
- The AFD officers were very nice. I'd only hoped and prayed, that all officers were as kind. Although I thought they would stick together.
- The officer who took the complaint was extremely dismissive, unorganized and tried to discourage me from filing the complaint.
- They tried very hard to persuade me NOT to file a report that would go to headquarters.
- The officer receiving the complaint didn't try to talk me out of it or defend his fellow officer nor did he take my side. He was respectful, courteous, professional.
- I felt alone. I had 20 witnesses and they still never even believed me.
- Internal Affairs found the officer guilty of one count and dismissed other 2 counts, we appealed to Appeals Unit/ never got a hearing or chance to exercise our rights.

The following questions ask about your experience with the investigation of your complaint by the Boston PD.

12. After you made your complaint, did you receive a copy of the completed complaint form from the Boston PD for your own records?

	<u>Number</u>	<u>Percent</u>
Yes	(9)	32.1%
No	(16)	57.1%
Cannot remember	(2)	7.1%
Missing	(1)	3.6%

13. Did you receive the name and identification number of the investigator?

	<u>Number</u>	<u>Percent</u>
Yes	(13)	46.4%
No	(13)	46.4%
Cannot remember	(1)	3.6%
Missing	(1)	3.6%

14. Did the Boston PD ever notify you that you might be called on should the complaint go to hearing?

	<u>Number</u>	<u>Percent</u>
Yes	(4)	14.3%
No	(21)	75.0%
Cannot remember	(2)	7.1%

15. Did the Boston PD ever contact you to ask more information following the initial interview?

	<u>Number</u>	<u>Percent</u>
Yes	(10)	35.7%
No	(17)	60.7%
Cannot remember	(1)	3.6%

16. During the course of the investigation were you updated on the status of your investigation?

	<u>Number</u>	<u>Percent</u>
Yes	(5)	17.9%
No	(21)	75.0%
Cannot remember	(1)	3.6%
Missing	(1)	3.6%

17. If the Boston PD contact, did they do so by: (check all that apply)

	<u>Number</u>	<u>Percent</u>
Email	(0)	0.0%
Mail	(9)	32.1%
Home Visit	(1)	3.6%
Phone	(12)	42.9%
Missing	(1)	3.6%

18. If your complaint was sustained, which resulted in a hearing, did the Boston PD every notify you of a need to testify at the administrative hearing about your complaint?

	<u>Number</u>	<u>Percent</u>
Yes	(1)	3.6%
No	(19)	67.9%
Cannot remember	(0)	0.0%
Missing	(8)	28.6%

19. During the investigation, did you contact anyone you knew outside the Boston PD for support? (check all that apply)

	<u>Number</u>	<u>Percent</u>
I did not contact anyone outside of Boston PD for support	(13)	46.4%
Family	(8)	28.6%
Friends	(9)	32.1%
Lawyer	(7)	25.0%
Legal Aide Service	(1)	3.6%
Community Based Organization	(0)	0.0%
Massachusetts Commission Against Discrimination	(3)	10.7%
Civil Rights Groups (ACLU, NAACP)	(3)	10.7%
Other	(2)	7.1%
Missing	(1)	3.6%

20. After you filed your complaint against the officer or employee, did you have any interaction with that individual later?

	<u>Number</u>	<u>Percent</u>
Yes	(8)	28.6%
No	(20)	71.4%
Cannot remember	(0)	0.0%

21. During the time when the Boston PD were investigating your complaint how did you feel about interacting with police in your community?

	<u>Number</u>	<u>Percent</u>
Very Fearful	(6)	21.4%
Fearful	(4)	14.3%
Neutral	(12)	42.9%
Relaxed	(2)	7.1%
Very Relaxed	(2)	7.1%
Missing	(2)	7.2%

22. Is there anything else about your experience with the investigation of your complaint against the police officer or employee that you would like to add?

- I was left in the dark for the most part. It would have been helpful if investigators called me once in a while just to give me an update.
- The entire process was a farce.
- I was not satisfied with the result. I think the BPD should make the officer apologize.
- The "follow-up" was ridiculous. I had to keep calling Police to check status. Then I receive a letter stating case was closed. Ridiculous!
- It was unnecessary to send a confirmation of my complaint by registered mail, which required me to have to go to the post office to sign for it - what an annoyance!

- The detective was helpful. The defending officer was rude & abusive.
- No one ever contacted me, and it took a very long time
- After filing the complaint I never received any contact from the BPD
- It's sad that the Police keep so many bad cops. After a certain amount of complaints something should be done.
- During the interview about the complaint, the interviewer suggested that drop the complaint because he knew the officer in question and "he was a good kid".
- They neglected to help me to cope with my experience.

The following questions ask about your experiences when the Boston PD informed you of the results of this complaint.

23. Approximately how many months did it take for the Boston PD to process your complaint?

	<u>Number</u>	<u>Percent</u>
1-3	(6)	21.4%
4-6	(8)	28.6%
7-9	(5)	17.8%
10-12	(2)	7.1%
Over one year	(7)	25.0%

24. Were you notified of the outcome of the investigation?

	<u>Number</u>	<u>Percent</u>
Yes	(20)	71.4%
No	(6)	21.4%
Cannot remember	(1)	3.6%
Missing	(1)	3.6%

25. If you were notified about the outcome of your investigation, how were you notified: (check all that apply)

	<u>Number</u>	<u>Percent</u>
Mail	(23)	82.1%
Home Visit	(0)	0.0%
Phone	(3)	10.7%
Email	(0)	0.0%
Cannot Remember	(1)	3.6%

26. What was the outcome of your investigation?

	<u>Number</u>	<u>Percent</u>
Sustained	(10)	35.7%
Not Sustained	(9)	32.1%
Unfounded	(7)	25.0%
Exonerated	(6)	21.4%
Filed	(2)	7.1%
Never informed	(2)	7.1%
Cannot remember	(0)	0.0%

27. How satisfied were you that the outcome of your complaint was fair?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(1)	3.6%
Neither Satisfied Nor Dissatisfied	(4)	14.3%
Dissatisfied	(5)	17.9%
Very Dissatisfied	(16)	57.1%
Missing	(2)	7.1%

28. How satisfied were you with the results of your complaint?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	3.6%
Satisfied	(1)	3.6%
Neither Satisfied Nor Dissatisfied	(2)	7.1%
Dissatisfied	(6)	21.4%
Very Dissatisfied	(17)	60.7%
Missing	(1)	3.6%

29. Were you aware of your ability to appeal the findings?

	<u>Number</u>	<u>Percent</u>
Yes	(9)	32.1%
No	(17)	60.7%
(-1)	(2)	7.1%

30. Did you decide to appeal the findings?

	<u>Number</u>	<u>Percent</u>
Yes	(6)	21.4%
No	(7)	25.0%
I would have if I knew that I could appeal findings, but I did not know.	(13)	46.4%
(-1)	(2)	7.1%

31. If you appealed, was the case heard?

	<u>Number</u>	<u>Percent</u>
Yes	(1)	3.6%
No	(6)	21.4%
(-1)	(21)	75.0%

32. If you appealed, were you satisfied with the appeal process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(1)	3.6%
Neither Satisfied Nor Dissatisfied	(0)	0.0%
Dissatisfied	(0)	0.0%
Very Dissatisfied	(5)	17.9%
No Appeal	(22)	78.6%

33. Is there anything else about your experience receiving the results of the complaint investigation that you would like to add?

- The results weren't fair at all, they let the officer get away with two charges and no discipline.
- The manner in which I was notified about the results was not personal or informative. I received duplicated letters of "legal-speak" results. It was hard to understand exactly what happened or what they were going to do next.
- That because of the result & everything we went through I felt that I don't want nothing to do with an officer ever. I think if I ever experience difficulty I would never call a police.
- I would have appealed had I known I could AND if I had had the time. I'm just far too busy and I shouldn't have had to appeal. He should have been reprimanded. I should have received an acknowledgement AND apology.
- How could an officer be "exonerated" when disposition depended solely on my testimony vs. his? At best, one should say that it is "not sustained." "Exonerated" suggests that my testimony was not believed, which makes me feel insulted by the BPD!
- There was no mention about what happened to the officer. Very poor communication between investigators and me.
- They never told me I could appeal. Is it too late?
- I was denied the opportunity to be heard in the Community Appeals Board.

The following questions ask about your overall opinion of the complaint process.

34. Overall, how satisfied were you with your contact with the Internal Affairs Division at the Boston PD?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	3.6%
Satisfied	(3)	10.7%
Neither Satisfied Nor Dissatisfied	(2)	7.1%
Dissatisfied	(11)	39.3%
Very Dissatisfied	(9)	32.1%
Missing	(1)	3.6%

35. Overall, how satisfied were you with the process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(1)	3.6%
Neither Satisfied Nor Dissatisfied	(3)	10.7%
Dissatisfied	(13)	46.4%
Very Dissatisfied	(10)	35.7%

36. How satisfied do you think people in your neighborhood are with the Boston PD?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	3.6%
Satisfied	(4)	14.3%
Neither Satisfied Nor Dissatisfied	(7)	25.0%
Dissatisfied	(2)	7.1%
Very Dissatisfied	(8)	28.6%
Missing	(6)	21.4%

37. Most people I know would file a complaint of misconduct if they were involved in a similar incident with the Boston PD.

	<u>Number</u>	<u>Percent</u>
Strongly Agree	(9)	32.1%
Agree	(6)	21.4%
Neither Agree Nor Disagree	(3)	10.7%
Disagree	(6)	21.4%
Strongly Disagree	(3)	10.7%
Missing	(2)	7.2%

38. Most people are reluctant to file a complaint with the Boston PD.

	<u>Number</u>	<u>Percent</u>
Strongly Agree	(9)	32.1%
Agree	(9)	32.1%
Neither Agree Nor Disagree	(5)	17.9%
Disagree	(3)	10.7%
Strongly Disagree	(0)	0%
Missing	(2)	7.1%

39. If you knew that a friend or neighbor had a problem with a police officer, would you recommend that they file a complaint?

	<u>Number</u>	<u>Percent</u>
Strongly Agree	(15)	53.6%
Agree	(5)	17.9%
Neither Agree Nor Disagree	(2)	7.1%
Disagree	(2)	7.1%
Strongly Disagree	(2)	7.1%
Missing	(2)	7.1%

40. Why?

- Because police shouldn't be allowed special treatment.
- It's there only hope, however slight, of justice, and putting light on an old problem.
- Because as minorities that's the only way we can have are voices heard, and protect our rights.
- In my opinion such conduct is unacceptable. As a law abiding citizen you should be treated with respect regardless of your race. If these incidents are not reported, it's like saying they never occurred.
- They will not do anything.
- Because I realize that police officers put their life on the every day - but they would an enormous amount of power. And that power should be monitored and kept in line. Arrogant police officers acting out of line are much more frightening than a criminal.
- Although the complaint investigation did not seem fair or thorough, what other recourse is there for offended community members?
- At least it will generate a paper trail on officers who don't know how to behave themselves.
- My experience was less than pleasant.
- That is the only hope of making the process work and bringing police officers to justice.
- Because it would be a waste of their time. Police officers investigating their fellow police officers/friends is a joke.

- Monsters have to be stopped. There are so many GOOD police officers. The bad ones have to be eliminated. The "Blue Wall" is something police should be ashamed of - it brings them down to the LOWEST common denominator.
- Most police officers are fabulous and our family has the highest regard for them. But because they have so much "power", a bad cop can do a lot of "damage"- especially to young people.
- Its important to bring the unprofessional conduct or behavior of a BPD officer to the attention of the department so changes can be made.
- No point nothing's going to get done. They stick together. Might get you in trouble later.

The final questions ask background information. This information helps us examine the experiences of different groups. This information will NOT be used to identify you in anyway.

41. I am:

	<u>Number</u>	<u>Percent</u>
Male	(15)	53.6%
Female	(11)	39.3%
(-1)	(2)	7.1%

42. I am:

	<u>Number</u>	<u>Percent</u>
Age 18-24	(1)	3.6%
Age 25-34	(5)	17.9%
Age 35 or Older	(22)	78.6%

43. I classify my race as:

	<u>Number</u>	<u>Percent</u>
African American	(7)	25.0%
Asian	(0)	0.0%
Hispanic	(6)	21.4%
Native American	(0)	0.0%
Middle Eastern	(0)	0.0%
Caucasian	(13)	46.4%
Missing	(2)	7.1%

44. My education level is:

	<u>Number</u>	<u>Percent</u>
Some high school	(0)	0.0%
High school graduate	(5)	17.9%
Some college	(6)	21.4%
Associate's Degree	(0)	0.0%
College Degree	(4)	14.3%
Master's Degree	(7)	25.0%
Education beyond Master's Degree	(4)	14.3%

45. I live as a:

	<u>Number</u>	<u>Percent</u>
Resident of Boston	(14)	50.0%
Resident of Massachusetts, but outside of Boston	(8)	28.6%
Resident of another state	(5)	17.9%
Missing	(1)	3.6%

OFFICER SURVEY
BOSTON POLICE DEPARTMENT COMPLAINT REVIEW PROCESS (N =11)

1. If you recall, in what year was the most recent complaint filed by a citizen against you (which has been closed)?

	<u>Number</u>	<u>Percent</u>
1990	(1)	9.1%
2000	(2)	18.2%
2001	(1)	9.1%
2002	(2)	18.2%
2003	(2)	18.2%
2004	(2)	18.2%
Missing	(1)	9.1%

2. This complaint against me . . . (check all that apply):

	<u>Number</u>	<u>Percent</u>
Alleged that I was rude	(4)	36.3%
Alleged that I used profanity	(2)	18.2%
Alleged that I discriminated against his/her race/ethnicity, sex/gender, sexual orientation.	(1)	9.1%
Alleged that I engaged in excessive force	(2)	18.2%
Alleged that I stole from him/her	(0)	0.0%
Other	(7)	63.6%

3. How did you learn about the complaint? (all that apply)

	<u>Number</u>	<u>Percent</u>
Direct communication with someone at Boston Police Department (non-official)	(0)	0.0%
Through the mail	(2)	18.2%
From a supervisor (official)	(10)	90.9%
Other	(1)	9.1%

4. If someone told you about the complaint, who was it?

	<u>Number</u>	<u>Percent</u>
IAD	(0)	0.0%
Supervisor	(9)	81.8%
A Fellow Employee	(0)	0.0%
Other	(1)	9.1%
Missing	(1)	9.1%

5. When you were notified of the complaint, did you receive any of the following information?

	<u>Number</u>	<u>Percent</u>
The date of the incident	(10)	90.9%
The nature of the complaint	(10)	90.9%
The incident the complaint was about	(9)	81.8%
The process of the investigation	(0)	0.0%
Your rights and obligations during the process	(3)	27.3%

6. What other information did you receive when you were notified about the complaint?

- Name of complainant
- Nothing else they took my gun.
- Received a form that I had to sign verifying receipt of the complaint.
- That I was required to respond to the complaint.

7. How satisfied were you with the information you were provided about the complaint investigation process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	9.1%
Satisfied	(1)	9.1%
Neither Satisfied Nor Dissatisfied	(5)	45.5%
Dissatisfied	(2)	18.2%
Very Dissatisfied	(2)	18.2%

8. Was there any additional information that you would have liked to know up front when you heard about the complaint?

	<u>Number</u>	<u>Percent</u>
Yes	(3)	27.3%
No	(2)	18.2%
Cannot Remember	(5)	45.5%
Missing	(1)	9.1%

If yes, what information did you want to know?

- How the investigation was going to be done?
- When the other party was not interested why did IAD keep pushing them to pursue it?
- My recourse in verbally explaining circumstances of incident.

9. When you were first notified of the complaint did you reach out to any of the following individuals or groups for assistance:

	<u>Number</u>	<u>Percent</u>
Peers	(3)	27.3%
Family	(0)	0.0%
Patrolman's Benevolent Association/Other Union Representatives	(6)	54.5%
Lawyer	(3)	27.3%
I did not reach out to anyone for support	(3)	27.3%
Other	(2)	18.2%

10. If there was support, were you satisfied with the level of support?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(4)	36.3%
Satisfied	(2)	18.2%
Neither Satisfied Nor Dissatisfied	(2)	18.2%
Dissatisfied	(2)	18.2%
Very Satisfied	(1)	9.1%

11. Overall, were you satisfied with the way in which you were notified of the complaint pending against you?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	9.1%
Satisfied	(1)	9.1%
Neither Satisfied Nor Dissatisfied	(5)	45.5%
Dissatisfied	(2)	18.2%
Very Satisfied	(2)	18.2%

13. Was your complaint investigated at:

	<u>Number</u>	<u>Percent</u>
IAD	(11)	100.0%
District Level	(0)	0.0%
Cannot remember	(0)	0.0%
No	(0)	0.0%

14. Were you interviewed by IAD?

	<u>Number</u>	<u>Percent</u>
Yes	(10)	90.9%
No	(1)	9.1%

15. Were you interviewed by a District Supervisor?

	<u>Number</u>	<u>Percent</u>
Yes	(2)	18.2%
No	(9)	81.8%

16. Were you asked to produce any materials in regards to the complaint?

	<u>Number</u>	<u>Percent</u>
Yes	(1)	9.1%
No	(2)	18.2%
Missing	(1)	9.1%

17. Did you have an opportunity to provide IAD staff with your description of the incident?

	<u>Number</u>	<u>Percent</u>
Yes	(9)	81.8%
No	(2)	18.2%

18. Did you do anything else on your behalf during the investigation?

- Contacted a lawyer.

19. Were you asked to name or provide information regarding others who were witness to the alleged incident?

	<u>Number</u>	<u>Percent</u>
Yes	(3)	27.3%
No	(8)	72.7%
Cannot Remember	(0)	0.0%

20. If you were asked to give a statement about how satisfied you were with your ability to tell your side of the event, which of the below options would you choose?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	9.1%
Satisfied	(4)	36.3%
Neither Satisfied Nor Dissatisfied	(3)	27.3%
Dissatisfied	(2)	18.2%
Very Dissatisfied	(1)	9.1%

21. During the course of the investigation were you informed by IAD about how long the investigation would take?

	<u>Number</u>	<u>Percent</u>
Yes	(0)	0.0%
No	(11)	100.0%
Cannot Remember	(0)	0.0%

22. During the course of the investigation were you informed by IAD about the next step of the investigation?

	<u>Number</u>	<u>Percent</u>
Yes	(1)	9.1%
No	(8)	72.7%
Cannot Remember	(2)	18.2%

23. During the course of the investigation were you informed by IAD about the status of the investigation?

	<u>Number</u>	<u>Percent</u>
Yes	(3)	27.3%
No	(8)	72.7%
Cannot Remember	(0)	0.0%

24. Were you satisfied with the length of the investigation process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(2)	18.2%
Neither Satisfied Nor Dissatisfied	(3)	27.3%
Dissatisfied	(4)	36.3%
Very Dissatisfied	(5)	45.5%

25. Is there anything else you would like to tell us about the investigation process?

- The district supervisor was allowed no latitude in deciding whether or not to take the complaint.
- Yes I think a complaint should go to the captain at the district first, with the both parties telling their sides. Then sent up to IAD if no problems may be solved.
- It took to long especially when the other party didn't want to cooperate with IAD.
- Eventually the complaint died and I was never asked about it again.

26. Approximately how long did it take for Boston PD to process your complaint?

<u>Number of Months</u>	<u>Number</u>	<u>Percent</u>
3	(2)	18.2%
4	(2)	18.2%
8	(1)	9.1%
9	(2)	18.2%
12	(1)	9.1%

27. Were you notified of the outcome of the investigation?

	<u>Number</u>	<u>Percent</u>
Yes	(0)	0.0%
No	(9)	81.8%
Cannot Remember	(2)	18.2%

28. If you were notified about the outcome of the investigation, how were you notified? (check all that apply)

	<u>Number</u>	<u>Percent</u>
Department Mail	(5)	45.5%
Through a Supervisor	(0)	0.0%
Cannot Remember	(4)	36.3%
Other	(1)	9.1%

29. Were you satisfied with how you were notified of the finding?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(5)	45.5%
Neither Satisfied Nor Dissatisfied	(0)	0.0%
Dissatisfied	(4)	36.3%
Very Dissatisfied	(1)	9.1%
Missing	(1)	9.1%

30. What was the outcome of your investigation?

	<u>Number</u>	<u>Percent</u>
Sustained	(5)	45.5%
Not Sustained	(1)	9.1%
Unfounded	(5)	45.5%
Exonerated	(0)	0.0%
Filed	(0)	0.0%
Never Informed	(0)	0.0%
Cannot Remember	(1)	9.1%

31. How satisfied were you that the outcome of the investigative process was fair and thorough?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(2)	18.2%
Satisfied	(2)	18.2%
Neither Satisfied Nor Dissatisfied	(1)	9.1%
Dissatisfied	(3)	27.3%
Very Dissatisfied	(3)	27.3%

32. How satisfied were you with the results of the investigative process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(3)	27.3%
Neither Satisfied Nor Dissatisfied	(3)	27.3%
Dissatisfied	(2)	18.2%
Very Dissatisfied	(3)	27.3%

33. If the complaint was sustained, even in part, did you accept the department sanction?

	<u>Number</u>	<u>Percent</u>
Yes	(4)	36.3%
No	(2)	18.2%
Cannot Remember	(1)	9.1%
Missing	(4)	36.3%

34. During the administrative hearing, was the finding overturned?

	<u>Number</u>	<u>Percent</u>
Yes	(1)	9.1%
No	(6)	54.5%
Cannot Remember	(0)	0.0%
Missing	(4)	36.3%

35. If f the findings were sustained following the hearing did you:

	<u>Number</u>	<u>Percent</u>
Appeal civil service	(0)	0.0%
Appeal arbitration	(0)	0.0%
Accept department's sanctions/findings	(4)	36.3%
Missing	(7)	63.6%

37. How satisfied were you that the Internal Affairs Division's investigation of the complaint against you was fair and impartial?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(1)	9.1%
Satisfied	(4)	36.3%
Neither Satisfied Nor Dissatisfied	(1)	9.1%
Dissatisfied	(1)	9.1%
Very Dissatisfied	(4)	36.3%

38. How satisfied were you overall with the process?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(0)	0.0%
Satisfied	(4)	36.3%
Neither Satisfied Nor Dissatisfied	(0)	0.0%
Dissatisfied	(2)	18.2%
Very Dissatisfied	(5)	45.5%

39. How satisfied are you with the professionalism of the IAD officers?

	<u>Number</u>	<u>Percent</u>
Very Satisfied	(3)	27.3%
Satisfied	(4)	36.3%
Neither Satisfied Nor Dissatisfied	(1)	9.1%
Dissatisfied	(2)	18.2%
Very Dissatisfied	(1)	9.1%

40. Following your experiences, what things do you think need to be changed about the process?

- District supervisors should be allowed more discretion to determine credibility of complaints.
- Just maybe speed up the process so that officers aren't in limbo so long. That causes a lot of undo stress.
- Complaints should be completed "under pains & penalties of perjury!" Some type of action should be taken against people who file false complaints. Also officers are treated like second class citizens and are not afforded the same rights the public have.
- Criminals file charges against officers to gain leverage in court proceeding. A person with a lengthy record should not be allowed to file charges.
- IAD should not assume the police officer is guilty all the time, and they should look into the complainant's background also.
- In my experience I found the investigation supervisor to seem to take the complaint in a personal matter and was adamant about findings being sustained.
- Current policy states that all complaints must be taken, even those who are phones in and anonymous. I feel that is not fair for the officer because it puts him/her vulnerable for false allegations by anyone who wishes to retaliate for any reason against the officer.
- Timely notifications of incident, timely notifications of disposition and a chance to explain my side of the story.

41. Were there any unique circumstance to the citizen complaint against you? (For example: You were policing a political event where a group might have encouraged protestors to fill a complaint against the police. You were involved in a high profile event.)

	<u>Number</u>	<u>Percent</u>
Yes	(2)	18.2%
No	(8)	72.7%
Missing	(1)	9.1%

42. I am:

	<u>Number</u>	<u>Percent</u>
Male	(10)	90.9%
Female	(1)	9.1%

43. I am:

	<u>Number</u>	<u>Percent</u>
Aged 18-24	(0)	0.0%
Aged 25-34	(2)	18.2%
Aged 35 or older	(9)	81.8%

44. I classify my race as:

	<u>Number</u>	<u>Percent</u>
African American	(5)	45.5%
Asian	(0)	0.0%
Hispanic	(1)	9.1%
Native American	(0)	0.0%
Middle Eastern	(0)	0.0%
Caucasian	(5)	45.5%

45. My education level is:

	<u>Number</u>	<u>Percent</u>
Some high school	(0)	0.0%
High school graduate	(1)	9.1%
Some college	(2)	18.2%
Associate's Degree	(2)	18.2%
College Degree	(2)	18.2%
Master's Degree	(3)	27.3%
Education beyond Master's Degree	(0)	0.0%
(-2)	(1)	9.1%

46. How many years do you have on the job?

	<u>Number</u>	<u>Percent</u>
10	(5)	45.4%
16	(1)	9.1%
19	(1)	9.1%
22	(1)	9.1%
25	(1)	9.1%
28	(1)	9.1%
29	(1)	9.1%

47. What is your rank?

	<u>Number</u>	<u>Percent</u>
Patrol Officer	(7)	45.4%
Sergeant	(2)	18.1%
Sergeant Detective	(1)	9.1%
Detective	(1)	9.1%

APPENDIX 5: FOCUS GROUP RESULTS

We conducted eight different focus groups with stakeholders throughout the city. The groups included representatives of the legal community who represented people who had filed complaints against the police, immigrant groups, and criminal defenders; community members, including young people; service providers and community-based organizations; and with Boston Police officers, detectives, and employees. This appendix presents some common themes that emerged in these focus group sessions. It is important to note that in some cases, they do not always reflect more than one participant's perception.

A. Trust and confidence overall

- 1) Clients who have had the courage to file a complaint have found it to be a frustrating and humiliating experience.
- 2) The huge underlying problem with civilian perceptions of Boston Police begins before the actual process of filing an official complaint. Time must first be spent repairing trust and tearing down issues of fear, before clients will file a complaint.¹
- 3) Individuals feel it is pointless to file a complaint about an officer to an officer. It would be more effective if the process began with an external entity (outside of police).
- 4) Most often witnesses or the victim are afraid to come forward because of fear of retaliation from the officers involved. This also relates to those who are in the midst of criminal proceedings.
- 5) With your classic court involved youth and church involved youth, and across the board, there is a climate of fear and lack of trust in the police.
- 6) There is a real belief that there is no fair process to file a complaint, all that will result is a target on their back.
- 7) In many instances clients have complained of falsified reports being submitted on behalf of the officers, to cover their actions.
- 8) The perception is that only the most tragic situations or allegations are the situations where the process is fulfilled and end in some finding or disciplinary result for the officer. While the everyday occurrences of brutality and harassment that individuals face, are left unresolved.
- 9) People don't file complaints because they feel "why should they bother?" They think they are putting themselves in jeopardy and nothing is going to happen.
- 10) IAD should not be conducting investigations because the police are incapable of investigating themselves.

- 11) The IAD needs a culture change.
 - There is a terrific fear of retaliation that must be addressed.
 - People are scared to file a complaint and some are using code names.
- 12) The Boston IAD is better than other local police agencies in the region.
 - The MBTA is bad with complaints. This is a problem because they see more children because the children ride the public transportation everyday to school. The MBTA are rough with kids, but kids are afraid to file a complaint, because they will see the officers they have filed a complaint about everyday afterwards.
 - IAD is better with recent leadership changes (e.g. Superintendent Goslin).
- 13) IAD should not be conducting investigations because the police are incapable of investigating themselves. This was not meant personally, more as an objective observation: How can the police investigate the police?
- 14) Citizens feared retaliation from police if they filed complaints
 - One individual expressed fear that police would give his/her complaint to gang members and criminals to retaliate against him/her. If a person, for example, complained about the police not responding to a 911 call this person felt that the police would leak the information about this complaint to the people whom the person had called 911 about in the first place.
- 15) The public has no trust in the police
 - If the new citizen involvement model wants the public involved in complaint process, people need to know and be educated in how to file a complaint.
- 16) The biggest complaint from the public is that the police do not take the complaint process seriously.
- 17) Overall perception is that BPD will be resistant to implementing any level of citizen involvement model that will have some level of true authority.
- 18) People expressed an overall lack of trust and faith in Boston Police, and feel that before Boston Police implement a citizen involvement model they should spend some time repairing public trust, so that the public would even consider being involved.
- 19) There is a lack of awareness about what Boston police actually does or what the previous citizen involvement model consisted of. In implementing a new model there must be a level of openness and transparency about the process.
- 20) Overall there is a lack of hope in any true change or transformation of how Boston police will handle complaints in the future.
- 21) Overall reaction of youth is that filing a complaint is a waste of time, and little to no expectation is put into anything resulting from it.

- 22) Most could not discuss personal experiences with filing a complaint because in many instances individuals will not even bother to file a complaint.
- 23) Overall complete lack of trust or faith in police and in any hope of improvement with citizen/youth involvement or with citizens/youth feeling comfortable with being more involved in the process.

B. The Investigative Process

- 1) In most investigations clients find that it is very hard to get witnesses to come forward, and when witnesses are willing to come forward they are discredited by officers responsible for the investigation.
- 2) In many instances a client may go through with the process of filing a complaint, which usually results with no follow up or follow through from the police department.
- 3) A significant challenge is advising a client to file a complaint if there are criminal charges or allegations in place. Most often defense attorneys advise their clients not to file until the case is over or charges have been dropped.
- 4) Perception that IAD reports / interrogations are shaped to lead the conversation to demonstrate a specific perspective (e.g. leading questions).
- 5) As a practice of good policing, each department should internally keep track of the number of complaints filed against an individual officer, so whether a full investigation occurs or not, the officer is held accountable.
- 6) Youth expressed concerns with filing complaints because the perception is that many of the details or reports are changed once they get to IAD.

C. Access

- 1) Boston police creates an environment which discourages anyone from desiring to file a police report or complaint:
 - Common practices of sending people to different departments
 - No privacy, filing a report or complaint by loudly speaking to an officer through bullet proof glass
 - Ignoring the individual waiting to be helped
 - Long wait
- 2) There is no neutral entity or location for individuals to file a complaint.
- 3) The complaint process is so secretive, not a transparent process.

- 4) The process to obtain records from IAD is a frustrating process. The decision to provide records and information is internally made within IAD, which most often means they will deny this type of access.
- 5) Defense attorneys report finding it difficult to retrieve officer Field Interrogation Observations (FIO's) during trial proceedings, so more of a willingness to share police information and records, is necessary to implement a successful and transparent process.
- 6) Many youth have reported incidents of police retaliation just for inquiring about an officers badge number. Let alone filing a complaint.
- 7) In dealing with disenfranchised populations, there are significant challenges that will hinder people from following through on filing a complaint:
 - language barriers
 - literacy issues
 - criminal charges or records
 - inadequate representation
 - lack of access to services
- 8) It would be helpful for there to be an independent / external body for people to file complaints.
- 9) It may be more effective to train ministers, youth workers, or school leaders to receive complaints. Make complaint process more of an outreach effort.
- 9) It would be helpful if there was an anonymous complaint hotline, so people would feel comfortable with filing complaints, while remaining anonymous.
- 10) In addition to creating a neutral place and appointing a neutral person to receive complaints, defense attorneys or advocates should be present to assist civilians throughout the process.
- 11) Presently, the only way to file a complaint is to physically go to the police station. It may be helpful to make the complaint forms available in several neutral locations (e.g. post office or library).
- 12) It may be helpful to educate state agencies about the complaint process, so as they are dealing with clients they could be an additional resource (e.g. DYS).
- 13) Challenges filing complaints at District Stations
 - People told to go someplace else or they must talk to a different person
 - People need a lawyer to help them file because process so difficult, they felt threatened
 - The police would not let them file a complaint – refused
 - The police play games with people when they try to file a complaint

- The complaint never put in the system
 - The police try to make excuses for the officer (“He is a good guy who just made a mistake”)
 - Language barriers/Interpretation issues when some groups try to make complaints at District Stations.
 - Fear of going into Districts and running into individual whom they wanted to complaint against.
- 14) There are issues with IAD investigation and especially in the interviews
- Officers asked leading questions that help make them look good
 - Adversarial questions asked of vulnerable populations (lack of education, children) to discredit their stories
- 15) There is a lot of confusion about how to actually file a complaint. There are procedures in place, but no one knows about them. One person made repeated efforts to get a copy of the version of the rule for filing a complaint after much effort. The rule was dated 1983 and there was nothing about whether you could file complaints over the phone, anonymously, through third parties, and, of course, nothing about whether you could file over the internet.
- 16) The current IAD system does not work for kids
- There is nothing child friendly about it
 - There is the perception that all children are guilty
- 17) Citizens should be able to file complaints against the police with this organization.
- Citizens find it is frightening to go into a police station and file a complaint
 - Citizens would feel more relaxed filing complaints with a separate organization
 - One group said that people would NEVER go to a police department to file a complaint. These people would feel more important going to a health center, church, or contacting a legal group such as the ACLU or the Lawyers Committee
- 18) There are language/cultural issues in the city that must be overcome. The organization had to conduct outreach to people of different cultures/ethnicities. In the complaint filing process, the BPD does not do enough to accommodate people who speak different languages.
- 19) One person asked what happens with people who file complaints who have a criminal record. How are their findings compared with those who do not have a criminal record?
- 20) There is a need for increased communication and transparency between officers and youth.
- 21) For those who have filed complaints against officers, all have experienced being sent to other departments or getting the run around.

4. Problems with Communication from IAD

- 1) The IAD don't get back with complainants or respond with form letter that says nothing about the specifics of why their complaint was not found in their favor
 - Client sent 12 page letter and never received a response
- 2) Once certain people filed complaints with the police, they never head back from IAD; their complaints disappeared into a "black hole."
- 3) Another complaint is that it takes a long time for IAD to make a decision on a complaint and that letters are not always sent out. Another person wanted a time limit on the complaint.
- 4) For those who have filed complaints against officers, have never received any written notification or follow up around what actually resulted from their complaint.

5. Concern about the Outcome of the Investigation

- 1) The recent Globe articles about punitive in-action towards BPD officers and employees caused individuals to wonder what portion of overall complaints or reports are actually investigated. Meaning "how is it that these cases came to light?" How many more situations occur similar to the few public illustrations in the Globe?
- 2) Many youth will not even bother to file a complaint against an officer, even if they believe they have been harassed, because nothing will result from it, and in many cases may place them in danger.

6. Other Issues

- 1) If an external entity is put into place to assist with processing complaints and police investigations, this group should have the authority to issue suggestions on strengthening police policies and procedures.
- 2) It may be helpful to include implementing complaint policies and procedures for the MBTA police, who also have frequent interactions with young people.
- 3) Any citizen review organization must have subpoena power or it is a lame organization. Certain people will refuse to serve on the organization unless it has subpoena power.
- 4) Curious about whether Boston Police had any mechanism that could help them recognize abnormal police events so that they could conduct an investigation into the incident. Discussed the idea of automatic triggers/thresholds in police operations and behaviors, such as use of force – if certain level of force, it automatically triggers oversight. If people reluctant to file complaints, then, another way to direct police behavior and provide oversight is to add thresholds that will trigger investigations.
- 5) Discussed that they liked the idea of mediation, but only for low level offenses.

- 6) Mentioned that the Boston Housing Authority did a good job responding to issues of citizen concern. Their actions were self-initiated and they did their own investigation of themselves.
- 7) Certain ideas of the form the new model/organization should take.
 - It is worthless if police listen to the organization, but don't do anything
 - It should be a sounding board ready to take a stand; however, it is a problem if it is viewed solely as a sounding board
 - Liked the idea of a pool of candidates for the citizen-police panels. The idea that someone could pick a permanent board of citizens who represented Boston was in some ways insulting; no one could totally do this and the selection would be the result of person picking people rather than somehow representative of the people in Boston. Therefore a bank of people sounds like a good idea.
 - Liked the idea of peer officers who would sit on the board, but were skeptical as to whether the union would let them participate.
- 8) Subpoena power is seen as important to some members of the community.
 - Subpoena power adds legitimacy to the organization.
 - The organization must have subpoena power or it is a waste of time
 - Subpoena power adds legitimacy to the organization.
 - One individual said that we should not use past experiences of other CRB with subpoena power prejudge what will happen here and whether or not subpoena power would pass.
 - Need subpoena power or people will think that the police are playing games again.
 - Subpoena power necessary if the officer is unwilling to testify – necessary to gather other witnesses to testify.
- 9) Some liked the idea of a panel of citizens: a citizen bank to staff the board.
 - One person is concerned about how the board will be sustained.
- 10) Most youth reported encounters with police as mutually disrespectful interactions (e.g. Vulgar language, racial slurs, etc.)
- 11) Youth are used to constantly being harassed by police, even when they are not engaged in any criminal activity.
- 12) Youth perceive police to be unresponsive to incidents that may arise in urban communities than they are in rural or suburban communities.
- 13) In many instances officers ignore violent activities which may occur right within their vision.