



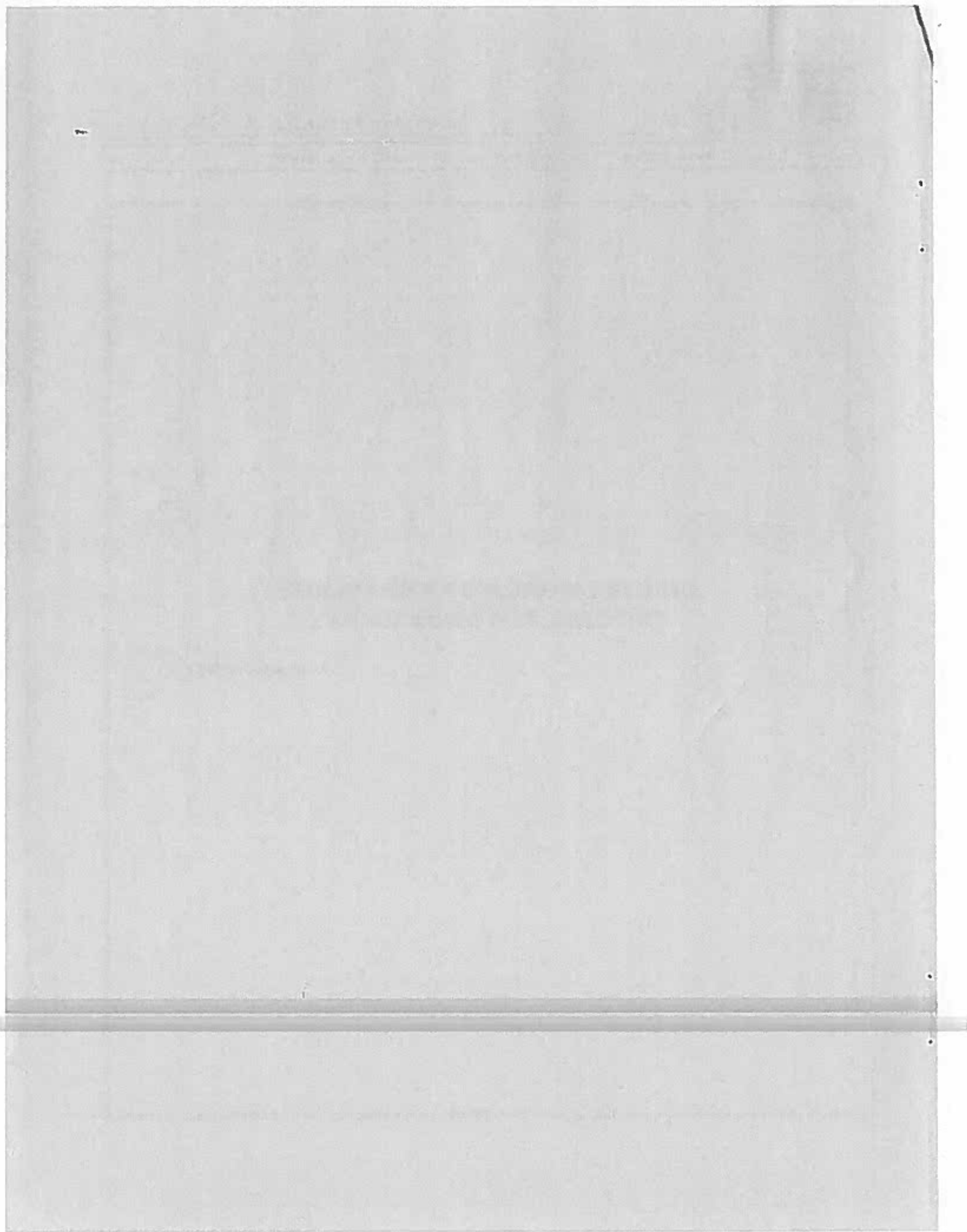
Independent Research in the Public Interest

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**CIVILIAN REVIEW OF THE POLICE:
THE CASE FOR AND AGAINST**

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EXECUTIVE SUMMARY

The subject of civilian review of police, that is, a mechanism external to the police department that can impartially investigate complaints against the police, has been raised on a number of occasions by Worcester citizens during the past year. The purpose of this report is to explain and analyze the concept of civilian review of the police and to evaluate its effectiveness in other communities.

After reviewing the literature on civilian review and surveys of cities in which civilian review has been implemented, the Research Bureau makes the following observations:

1. All existing civilian review boards have some degree of independence from the police department, and are comprised, at least in part, of non-police personnel.
2. Civilian review boards differ considerably, however, in their powers, organization, and costs. For example, some boards can review the substance of police investigations, while others can review only the fairness of the procedure followed by the police. Some board members are appointed for a fixed term, insuring a degree of independence, while others serve at the pleasure of the official who appoints them.
3. Proponents of civilian review argue that it ensures impartial investigations, improves police-community relations, and resolves many police-citizen disputes without the need for legal redress.
4. Opponents of civilian review contend that it is biased against the police; that peer review, a device used by other professions, is a better mechanism for judging police behavior; and that it is unnecessary because police are held accountable through existing political and legal channels.
5. Establishment of civilian review is invariably the result of an explosive, highly publicized law enforcement incident, often involving white officers and minority suspects. But creating such a mechanism under political pressure makes it difficult to produce a review process acceptable to both the community and the police.
6. Existing evidence suggests that civilian review boards do not sustain complaints at a higher level than review mechanisms internal to the police department. In fact, civilian review boards are slightly less likely to reach a finding of police misconduct, and they tend to provide more procedural safeguards to officers than do police internal affairs divisions.
7. As an alternative to establishing a civilian review board, the City should consider the use of an existing oversight mechanism. Since the City Charter designates the City Manager as the chief conservator of the peace, which includes the power to review and investigate cases involving complaints against the police, his exercise of that authority may provide the independence, investigatory power, and oversight aimed at by civilian review.

I. INTRODUCTION

Recent events in Worcester have led to calls from some citizens for the establishment of a civilian review board, or for increasing the power of the City's Human Rights Commission to review complaints against the police. Behind these calls is the assumption that the police cannot be trusted to investigate complaints against their own members impartially, or cannot instill public confidence that they have done so, and that an external oversight mechanism can effectively investigate and resolve such complaints. These assumptions have increasingly found expression in the establishment of civilian review boards elsewhere. By one count, there were only 15 such boards in the USA in 1987. By 1992, there were boards in 34 of the 50 largest American cities, with 19 of those established since 1986, and 8 between 1990 and 1992.¹ Poll results may also suggest an increasing belief that civilian review is an appropriate way to deal with civilian complaints. Although no national poll has ever suggested that a majority of the American people are dissatisfied with police review of civilian complaints, or indeed with the manner in which police officers perform their jobs, a 1992 Harris poll of 1,248 adults found that 80% of those polled favored review by a mixed agency of police and civilian personnel, while 15% favored review by civilians alone and 4% by the police alone.² One scholarly commentator recently asserted that "the movement toward civilian review now has institutional momentum. The question is not whether there will be civilian review of complaints, but how soon?"³ It seems, then, that a trend toward the use of such boards for oversight of police conduct may be emerging. But as with other such trends, its mere existence is not sufficient justification for joining it. Furthermore, opposition to the use of such mechanisms, often found (not unexpectedly) in police departments and associations, continues to exist.

It should be noted that in Worcester, according to the City Charter, the City Manager is the chief conservator of the peace. Because of this authority, he has the power to review and investigate cases involving complaints against the police, including the use of the city solicitor or outside counsel if he deems it necessary. This power has been exercised in the past by the City Manager.

This report looks at the issue of civilian review of the police. It examines the types of review boards that have been established, and the ways in which these boards vary. It summarizes the arguments for and against civilian review, and concludes with a general consideration of such boards and their effectiveness.

¹Samuel Walker and Vic W. Bumphus, "The Effectiveness of Civilian Review: Observations on Recent Trends and New Issues Regarding the Civilian Review of the Police." *American Journal of Police* 11:4, 1992, p. 2.

²Robert Snow, "Civilian Oversight: Plus or Minus." *Law and Order* 40:12, December 1992, p. 52; Robert Terrill, "Complaint Procedures: Variation on the Theme of Civilian Participation." *Journal of Police Science and Administration* 10:4, December 1982, p. 399; Walker and Bumphus, *op. cit.*, p. 4.

³David Bayley, "Preface." In Andrew Goldsmith, ed., *Complaints Against the Police: The Trend to External Review* (Oxford: The Clarendon Press, 1991), pp. x-xi.

II. CIVILIAN REVIEW BOARDS: DEFINITION

1. Characteristics Of Civilian Review Boards As its name implies, civilian review involves the investigation of citizen complaints filed against police officers through a process that is not connected to the police force. Those who implement civilian review may have any or all of the following objectives in mind. First, they may wish to provide for improved resolution of individual complaints. Second, their aim may be to maintain effective discipline of the police, and to reduce incidences of police misconduct. Third, they may wish to maintain or establish public confidence in the police. Finally, they may wish to influence the management of the police by providing a channel for "feedback" from citizens, the "consumers" of police services.⁴ Thus, the purpose of civilian review may go beyond the simple resolution of individual complaints against police officers.

Such a process involves three separate elements. First, it is external: its work takes place outside the organizational, and usually the physical, confines of the police department. Second, it is independent: review board members and staff are not subject to the authority of the police chief or other police personnel. Third, it is civilian: the staff of the board is made up, to some extent at least, of non-police personnel.⁵

To the extent that a review mechanism exhibits these characteristics, it can be classified as "civilian" or "external." Generally, review boards fall on a continuum, with mechanisms internal to the police department at one end, and wholly external boards at the other. In between lies a range of "hybrids" or "mixtures" incorporating characteristics of both external and internal boards. This is particularly the case in regard to personnel; the board can be composed of both police and civilian representatives, and then may not be entirely independent of police authority. As of 1991, there were no existing boards without police involvement in some aspect of the process.⁶

2. Powers The process of evaluating complaints against the police involves several elements. First, there must be some mechanism by which a citizen can lodge a formal complaint. The authenticity of the charge must be determined, and the incident then investigated. The case may be adjudicated or mediated. Finally, if the officer involved is not exonerated, sanctions must be imposed if they are determined to be appropriate.

Review boards vary greatly concerning the extent to which and the ways in which they are involved in each of these processes. Complaints may be received by the board alone, or they may be received by the police department (or some other agency, such as the mayor's office) and forwarded to the board, or they may be received by both. The board may initially examine the charge, and investigate using its own staff; or these functions may be carried out by the police department, or by police investigators assigned to the board. In Kansas City, for example, police internal affairs investigators

⁴Walker and Bumphus, *op. cit.*, p. 8.

⁵Andrew Goldsmith, "Introduction." In Goldsmith, ed., *Complaints Against the Police: The Trend to External Review* (Oxford: The Clarendon Press, 1991), p. 6

⁶Werner Petterson, "Police Accountability and Civilian Oversight of Policing: An American Perspective." In Andrew Goldsmith, ed., *Complaints Against the Police: The Trend to External Review* (Oxford: The Clarendon Press, 1991), p. 274.

are responsible for investigating complaints. In Miami, prior to revision of its board, police personnel and review board personnel carried out a joint investigation of complaints.⁷ Similarly, hearings may be held by either the review board or the police; and discipline may be imposed by either body.⁸ The power, independence, and effectiveness of a board obviously will be affected by the degree to which it exercises these functions. For example, if the police department is the sole avenue through which to file a complaint, the potential exists for pressuring individuals not to do so. Some argue that the mere fact that the police department plays this role will discourage people from filing a complaint. If the police department carries out the initial assessment of complaints to determine whether they are serious enough to investigate, or if it carries out the investigation of complaints, the review board is less independent than it would be if it is responsible for these undertakings.

Review boards also vary as to whether they have any role in the original disposition of a complaint, or whether their involvement is only after the fact. Some boards essentially act as appellate bodies: if a complainant is unsatisfied with the resolution of a case by the police, he can appeal to the board, which will evaluate the adequacy and impartiality of the police investigation, or the sanctions imposed. In Detroit, for example, the review board has the power not only to review police investigations, but to review and either set aside or affirm sanctions imposed by the chief of police.⁹ Finally, some boards are limited to an auditing function. The board then does not have the ability to affect individual cases; rather, it reviews cases in order to assess the fairness and thoroughness of the procedure for handling complaints. The aim here is to monitor and improve the complaint procedure itself. The mechanism in Portland, Oregon, is of this variety.¹⁰

3. Organization Apart from their functions, review boards differ in a number of respects. These primarily concern the way in which a board is established, its composition and manner of appointment, and the types of incidents it is authorized to review.

Review boards are usually created at the local government level; in some cases, they have been established by state statute. At the local level, boards vary in their legal standing. By and large, they are established through an amendment to a charter, through a municipal ordinance, or through an executive order. A board's permanence is greatest in the first case, and least in the last. If the legal existence of a board is part of a municipal charter, the amendment process makes alteration or elimination of the board difficult. On the other hand, if the board is created through the executive order of a mayor or other chief executive, it exists at the discretion of that official. He or his

⁷*Ibid.*, pp. 279-80.

⁸It is perhaps more accurate to say that a review board may have the authority to recommend discipline in a case. Theoretically, a board could be given the power to impose such sanctions. However, few, if any boards, have ever actually enjoyed that power. Boards will thus vary concerning their power to recommend. In Seattle and San Jose, for example, the boards do not enjoy this power. See Walker and Bumphus, *op. cit.*, p. 4.

⁹Paul West, "Investigation and Review of Complaints Against Police Officers: An Overview of Issues and Philosophies." In Thomas Barker and David L. Carter, eds., *Police Deviance*, 4th Edition (Cincinnati: Anderson Publishing Co., 1991), p. 390. Of course, boards which are involved in the original complaints procedure may also have the power of receiving appeals as well.

¹⁰Patterson, *op. cit.*, pp. 276-77.

successors can as easily undo what that order does. This may affect the board's independence. The majority of existing boards were established through an ordinance or charter amendment.¹¹

The nature of the appointment and tenure of board members also vary among review boards. Apart from mixed boards, where the police department is represented or appoints a number of members, the way in which civilian members are appointed can be structured in a multiplicity of ways. The mayor or city manager may appoint them all; they may be appointed by the city council or some other municipal agency; or some or all of these officials may share the power of appointment. Board members may serve for a fixed term, or at the pleasure of the official who appoints them; the type of tenure enjoyed by board members also has some bearing on the independence of the board.

Finally, boards vary concerning the types of cases over which they have authority. The board may be able to investigate any worthy complaint it receives, or it may be limited in some way. For example, in Houston, the board is limited to cases involving allegations of excessive force, or serious injury or death. In Oakland, the board has original jurisdiction over complaints of excessive force, and appellate jurisdiction over other cases.

4. Costs The amount of funds required to establish and operate civilian review will vary with its powers and organization. A board that carries out its own investigations of complaints will require greater funds than one that merely reviews the results of police investigations. Similarly, a board that is limited to hearing appeals, or to certain types of complaints, will cost less to operate than one that investigates original complaints, or all types of allegations. Operating expenses will also be affected by whether the members of the board receive compensation; whether the board has administrative and support staff; and the size of the community in which the board operates. An indication of the range of expense involved in civilian review can be gained by a brief consideration of the mechanisms established in Hartford, Connecticut, and Flint, Michigan, two cities that are roughly comparable in population to Worcester.¹² Hartford has a relatively weak review board. It is primarily a monitoring board. It holds monthly hearings during which it reviews the results of investigations forwarded to it by the police department. It solicits the testimony of the parties involved at these hearings. Although police officers are required to attend the hearings, they are not required to testify. Based on its hearings, the board prepares a report, which is submitted to the chief of police. The chief is not bound to follow the report's recommendations, but if he does not, he is required to notify the board of his reasons for not doing so. The board is also authorized to initiate an investigation, and to hire an investigator for that purpose, "when the public interest can be served by doing so." Since its inception in 1992, the board has done so on one occasion. The board consists of seven members. The city manager appoints five of its members, and the chief of police appoints two sworn officers. The board's members are unpaid and serve at the pleasure of the official who appoints them; it has no support staff. The board is funded by a line item in the city manager's budget, currently set at \$3,000.

¹¹Walker and Bumphus, *op. cit.*, p. 4; Petterson, *op. cit.*, pp. 285-88

¹²The population of Hartford is roughly 140,000; of Flint, around 141,000.

The line item provides for the production of the board's reports and the hiring of an investigator when the board initiates its own investigation.

Flint, on the other hand, has a quite powerful form of external review. Review of complaints against the police is handled by the municipal ombudsman. Although he investigates complaints against all city employees, the majority (65%) of his cases involve the police. The ombudsman receives complaints, investigates them, and submits his findings and recommendations to the city council and the chief of police (and, where there is evidence of criminal misconduct, to the district attorney). He does not hold hearings, but he does enjoy subpoena power and full access to records. The ombudsman is appointed by the city council for a seven year term. Six of nine councilors must approve an appointment, and seven of nine must approve a removal for cause. The ombudsman is full-time and salaried; his staff consists of a deputy, three investigators, and an office manager, all full-time. For FY94, the budget for the office was \$483,000; for FY95, \$390,000 is budgeted.

5. Disposition Of Cases The length of time to dispose of cases will vary depending on the character of the review board, the size of its caseload, procedural safeguards granted by the mechanism, by civil service and contract provisions, etc. In Hartford, the board is supposed to hold hearings on police investigations as it receives them; presumably, this will be within one month, since the board holds monthly hearings. Once a complaint has been reviewed at the board's hearing, the board has two weeks to submit its report to the chief of police, who in turn must respond within two weeks if he differs with the board. Hence, the board involvement with a case can take up to eight weeks; this does not include handling of the complaint by the police. In Flint, the ombudsman generally takes about two weeks to resolve minor cases, and four to six months to resolve serious cases. (See Appendix A for a table outlining the organization, responsibilities, and other characteristics of civilian review boards in the largest U.S. cities.)

III. CIVILIAN REVIEW BOARDS: THE ARGUMENTS FOR AND AGAINST

1. ARGUMENTS FOR CIVILIAN REVIEW

These arguments begin from the principle that, while the public has granted the police the authority to enforce the law, its right to control the police must in some respects be exercised through means external to the police. This is particularly important because of the nature of the tasks the police perform, the powers given to them, and the great degree of discretion that individual, armed officers exercise.¹³

A. Civilian review ensures impartial investigations. It is argued that the police should not be responsible for investigating complaints against their own members because they cannot be trusted to supervise themselves fairly and adequately. Like any organization, the police will have a tendency to protect their own members, and therefore may not vigorously and impartially investigate allegations against officers; and this tendency may be exacerbated by the peculiar nature of police work.

¹³Robert Terrill, "Civilian Oversight of the Police Complaints Process in the United States: Concerns, Developments, and More Concerns." In Andrew Goldsmith, ed., *Complaints Against the Police: The Trend to External Review* (Oxford: The Clarendon Press, 1991), p. 293.

Furthermore, as noted above, the powers exercised by the police also afford them the ability to influence the willingness of some citizens to initiate or carry through with a complaint. In short, it is suggested that lodging the complaints process outside the police will result in more thorough investigations of complaints, more frequent disciplinary actions, and consequently, better police behavior.¹⁴

B. Civilian review improves police-community relations. Advocates suggest that the purpose of civilian review is not simply to punish erring individuals, but to demonstrate to the public that the police are responsible as an institution. As one supporter has put it, "civilian review serves a demonstrative political function that is crucial to the police in multi-ethnic democracies."¹⁵ The assumption here is that, whether or not the police actually deal with complaints in an impartial manner, public perception will sometimes be that they do not. Conversely, by accepting the use of civilian review, the police can demonstrate their good faith to the public, and thereby build better relations between themselves and the community they serve.¹⁶ According to one analyst, Samuel Walker, the existence of civilian review will serve as a "safety valve" which deflects police-civilian confrontations and hinders violence and frustration from building up, particularly in poor and minority communities.¹⁷

C. Civilian review provides a way to mediate police-civilian disputes. Civilian review can provide a means for the resolution of complaints that citizens are unable or unwilling to pursue in the courts. Complaints concerning matters such as officer rudeness or incivility are obviously not serious enough for such forums; and often the complainant is only seeking an apology or the chance to confront the officer involved. Civilian review often provides a means by which to mediate or conciliate disputes between citizens and police officers. According to one proponent, civilian review may actually reduce citizens' propensity to litigation. The tendency to litigate has led some public servants, including police officers, to withhold services and adopt a defensive posture.¹⁸ Hence, civilian review might actually reduce the types of adversarial proceedings that produce such an effect.

¹⁴Walker and Bumphus, *op. cit.*, pp. 8-9.

¹⁵Bayley, *op. cit.*, p. ix.

¹⁶Like civilian review, another law-enforcement trend in the country today aims at improving relations between the police and the community: the movement towards community policing. Should the goals claimed for community policing be realized, it may reduce or obviate the perceived need for civilian review. (In this regard, the title of a recent brief article by Lee Brown, who has been a leading advocate of community policing, is illustrative: "The Civilian Review Board: Setting a Goal for Future Obsolescence.") A fundamental premise of community policing is interaction between the police and the communities they serve, with a view to forming a partnership aimed at reducing crime and addressing problems the community views as pressing. For such a partnership to work, mutual trust and good relations between police and community are a prerequisite. In short, while the jury is still out on community policing, if it succeeds it would produce the improvement in police-community relations and public confidence in the police that civilian review boards are intended in part to effect. On the other hand, adoption of a community policing perspective and program by a police department may give some reason for that department to adopt civilian review as well. To the extent that civilian review promotes the kind of relations and partnership that community policing envisions, police officials might consider it as one community policing tool that, in combination with others, could contribute to that end.

¹⁷William Tucker, "Is Police Brutality the Problem?" *Commentary*, January 1993, p. 24.

¹⁸Patterson, *op. cit.*, p. 279. Tucker provides a number of striking examples of such withholding and defensiveness on the part of police officers.

2. ARGUMENTS AGAINST CIVILIAN REVIEW

Opponents of civilian review do not dispute the right of the public to control the police. Their concerns are whether the exercise of that control through external, civilian review mechanisms is effective; whether such mechanisms have other deleterious consequences; and whether adequate controls are not already in place.

A. Civilian review is biased against the police. Opponents of civilian review, particularly police unions and executives, have offered a range of arguments based on the nature of police work and its status as a profession. The unique skills, experiences, and dangers of police work, it is argued, make it impossible for civilians to judge officers' actions properly. In particular, the nature of their jobs dictates that a great deal of discretion be granted to police officers. Since officers routinely confront situations where there are few concrete rules to guide them, their conduct will inevitably generate some complaints. Indeed, the discretionary nature of police work is often the basis of complaints against the police; one survey found that the largest number of complaints concerned the failure of officers to take action when the individual lodging the complaint felt that action was appropriate. "These are the very types of complaints . . . that opponents of civilian oversight feel can best be judged by other officers who have used this discretion."¹⁹

Many officers also believe that civilian review boards have a predetermined bias against, if not hostility toward, the police. Just as (according to advocates) citizens feel they are unable to get a fair hearing from an internal police review mechanism, police officers in turn believe that they will not get a "fair shake" from a civilian review board. Given these considerations, opponents maintain that instituting such boards will hurt police morale and make officers reluctant to take necessary and justifiable actions. That is, review boards will reduce the effectiveness of the police in carrying out their primary function of enforcing the law and apprehending those who break it.

B. Peer review is a better mechanism for judging police behavior. Senior police officials frequently claim that since police work constitutes a profession, the police should be granted the power exercised by members of other professions to regulate themselves through peer review. They claim that only within the community of expertise formed by those who practice the profession can one find the knowledge necessary to evaluate accurately the behavior of its practitioners. Conversely, external review boards lack the resources, as well as the expertise, to adequately investigate complaints.²⁰ Not only can errant officers be effectively disciplined internally, but the likelihood of such behavior can be reduced through internal improvements in recruitment, training, and procedures.²¹ In sum, in this view, "the departmental administrative structure has by far the greatest potential for efficient, effective action whether to prevent, to investigate, to adjudicate, or to punish police misconduct."²² Furthermore, according to this argument, effective management of police

¹⁹Snow, *op. cit.*, p. 53.

²⁰*Ibid.*, pp. 55-56.

²¹Such reforms have been carried out by many police departments, according to one analyst, and are often cited as one reason that police conduct has improved. See Terrill, "Civilian Oversight of the Police Complaints Process in the United States: Concerns, Developments, and More Concerns," p. 294.

²²Petterson, quoting Wayne Kerstetter, *op. cit.*, p. 264.

organizations requires that the chief have autonomy in disciplinary matters. When an external review board is established, the chief remains responsible—to his superior and, ultimately, to the public—for the integrity of his department, but he is hindered in the exercise of a tool that is essential for maintaining its integrity. For all these reasons, civilian review is at least unnecessary, and perhaps harmful.

C. Civilian review is unnecessary because the police are held accountable through existing political and legal channels. Although civilian review boards are supposed to increase the accountability of the police, opponents argue that adequate police accountability already exists. Citizens who believe they have been mistreated by the police can seek redress through both the criminal and civil law. In addition, police institutions and supervisors, and ultimately the chief of police, are accountable in the same manner as all public servants—to elected officials, and through them, to the public.²³

IV. CIVILIAN REVIEW BOARDS: EVALUATION AND EFFECTIVENESS

1. The Political Context of Civilian Review Proponents of civilian review are certainly correct to point out that citizens, while ceding the authority to enforce the law, do not also cede the right to control those to whom they grant that authority. Those who oppose this form of oversight do not deny this right; rather, in suggesting that civilians lack the expertise to judge police behavior, they assert that the right cannot be effectively exercised through the use of civilian review boards. But this claim seems overstated. The expectation that reasonable laymen can judge matters in which they are not technical experts forms the basis, for instance, of the jury system. Similarly, external review has been proposed in regard to other professions as well. But whatever the merits of the arguments for civilian review in the abstract may be, it is critical to note that accurate evaluation of this issue requires consideration of the political context in which it occurs. Demands for an external review board are almost invariably the result of an explosive, highly publicized law-enforcement incident, often involving white officers and minority suspects. Often there has been a number of similar incidents in the past; the result is a public perception that some form of external review is necessary.²⁴

A history of such incidents, and a widespread loss of confidence in the police department on the part of the public, may well be reliable indicators of problems with a department's internal review process, and perhaps of wider problems within the department itself. Yet, when such an incident grabs the attention of the public, the resulting political pressure often leads to the hasty introduction of a review board with little planning. After the media and public interest in the board wanes, the board itself remains, an entity which partly supplants the police department's disciplinary authority and with which the police must now regularly deal.²⁵ This presents a certain dilemma: if a period of calm deliberation and consultation is a prerequisite to the implementation of an effective review mechanism, the political pressure and momentum created by those very incidents which suggest a need for civilian review may impede the

²³ This argument may have less force when police officials enjoy civil service protections. But there, too, accountability exists in the form of formal mechanisms for removal on cause.

²⁴ Snow, *op. cit.*, p. 52; Walker and Bumphus, *op. cit.*, p. 7; Goldsmith, *op. cit.*, p. 6.

²⁵ Snow, *op. cit.*, p. 53.

introduction of effective civilian review. Moreover, if the police are presented with a review board with which they are deeply unhappy, they are likely to be uncooperative, and may even attempt to undermine it.²⁶ One commentator suggests that no civilian review mechanism has ever been successful that did not include police participation in the review process, and especially in actual investigation of the complaint.²⁷ In short, if a review board is to have any chance of success, it must be acceptable to both the community and the police. Establishing such a mechanism, however, is easier said than done, and is unlikely to take place in the heat of a public controversy.

Above all, the issue of civilian review boards seems to be complicated by perceptions and prior expectations. Individuals and communities who agitate for civilian review expect that the number of findings of misconduct will increase, based upon a belief that the police can't impartially investigate their own officers. For their part, officers expect that such boards will display a bias against them, and may well be "kangaroo courts," and they suggest that this inhibits them in the performance of their jobs. These conflicting expectations may make effective civilian review problematic. If the mechanism instituted is to be acceptable to both sides, it must presumably be instituted without any preconceptions as to how it will (or should) rule in particular cases. This condition is one that is not easily obtained, given the existence of these expectations.

2. Is Civilian Review Effective? Presumably, civilian review that works will result in more impartial investigation of complaints against the police. Ancillary results may be a decrease in police misconduct, and greater public confidence in the police. In turn, impartiality in the investigation of complaints presumably will be reflected in a greater number of sustained complaints, since proponents of civilian review assume that the investigation of legitimate complaints is compromised by internal review processes. At present, there is little evidence available for determining whether civilian review produces the results envisioned by its advocates.²⁸ What evidence exists suggests that civilian review boards do not sustain complaints at a higher level than police internal review mechanisms; if anything, they are slightly less likely to reach a finding of police misconduct, and they tend to provide more procedural safeguards to officers than do internal affairs divisions.²⁹ These results might indicate that internal review procedures are more effective than their critics claim, or they might indicate that civilian review boards, simply by their existence, deter some police misconduct that might otherwise occur. Alternatively, they could reflect such things as deficiencies in the investigatory resources or abilities of a board, continued dependence on the police to investigate complaints, or non-cooperation or obstruction by the police.

²⁶Police and union capabilities in this regard were demonstrated by the fate of the two civilian boards established in the 1960s in New York and Philadelphia, and in Dallas in 1988. In New York, a union-initiated referendum abolished civilian review after only four months of operation; in Philadelphia, a series of union lawsuits suspended operation of the review board until the election of an unsympathetic mayor, who abolished it. In Dallas, the union, through the threat of a referendum, forced the city council to severely curtail the authority and independence of the review board. See West, *op. cit.*, pp. 378-80; Robert Terrill, "Alternative perception of independence in Civilian Oversight." *Journal of Police Science and Administration* 17:2, June 1990, p. 77.

²⁷Patterson, *op. cit.*, p. 280.

²⁸Walker and Bumphus, *op. cit.*, p. 8; Tucker, quoting Walker, *op. cit.*, p. 25.

²⁹Snow, *op. cit.*, p. 54; Walker and Bumphus, *op. cit.*, pp. 16-17.

Nor is it easy to determine whether civilian review boards lead to a decrease in police misconduct. Indeed, evaluation of review boards on this count is complicated by uncertainty as to the extent of actual police misconduct. Although calls for civilian review are often accompanied by the claim that police misconduct is widespread and pervasive, the evidence "is suggestive at best," according to one assessment.³⁰ Some data suggest that police use of excessive force is a statistically rare event; and many police departments have carried out the sorts of internal reforms that were expected to reduce the likelihood of police misconduct. In any event, if the extent of police misconduct cannot be ascertained, it is obviously difficult to determine whether civilian review has really reduced such misconduct.³¹

One may also raise doubts about the extent to which civilian review can be expected to increase public confidence in the police and to improve police-community relations. In fact, when advocates speak of these goals, they are thinking primarily of poor and minority communities; the fact that minority males are disproportionately represented among those who file complaints against the police points to this as well.³² These advocates expect, if not demand, that civilian review will lead both to a higher number of complaints and a higher number of sustained complaints. Yet, as mentioned above, civilian review boards seem to sustain complaints at roughly the same level as the internal review procedures they replace. On the one hand, this suggests that the fears of rank-and-file officers concerning the biases and effects of civilian review boards are exaggerated, if not misplaced. But it also suggests that advocates of civilian review are likely to be disappointed with the results as well, which may in turn lead them to question the effectiveness or integrity of civilian review as they did the original police review procedures. It then seems unlikely that civilian review will produce either increased confidence in or improved relations with the police.

V. CONCLUSION

Given the questionable effectiveness of civilian review elsewhere, the Research Bureau is not convinced that it should be implemented in Worcester. However, if city officials deem it necessary, any civilian review mechanism should include the following elements: its powers should be carefully defined and narrowly circumscribed; its members should be familiar with police procedures; its membership should include sworn officers; and, as a result of this membership, it should address only cases involving the police.

As an alternative to establishing a civilian review board, the Research Bureau suggests that the City of Worcester consider the use of an oversight mechanism that already exists. As noted earlier, the City Charter designates the City Manager as the chief conservator of the peace, which includes the power to review and investigate cases involving complaints against the police. In the Research Bureau's view, this authority may provide the independence, investigatory power, and oversight aimed at by civilian review.

³⁰Walker and Bumphus, *op. cit.*, p. 10.

³¹Indeed, in the absence of such evidence, even the need for civilian review is arguable, at least to the extent that such need is premised on the existence of pervasive police misconduct.

³²*Ibid.*

Appendix A: Civilian Review Agencies in the Largest U.S. Cities†

City	Name of Organization	Date Est.	Enabling Authority	Class	Number of Members	Method of Appointment Board/Director	Responsibilities	Other Characteristics
New York, NY	Civilian Complaint Review Board	1967	Ordinance	II	12	6 by mayor 6 by council	Reviews all citizen complaints—makes recommendations	Also makes training and policy recommendations to police agency
Los Angeles, CA	Internal			None				
Chicago, IL	Police Board (Office of Professional Standards)	1974	Ordinance	I	20	By mayor (approved by council)	Receives and investigates all complaints of police misconduct—makes recommendations	The Office of Professional Standards operates under the authority of the police board, separate from the police department
Houston, TX	Civilian Review Committee	1990	Ordinance	II	21	By mayor	Reviews complaints of excessive force, serious bodily injury, or death	The Review Committee has 21 members divided into 3 separate panels
Philadelphia, PA	Internal			None				
San Diego, CA	Citizen Review Board	1988	Ordinance	II	20	By city manager	Reviews all citizen complaints—makes recommendations	
Detroit, MI	Board of Commissioners (Office of Chief Investigator)	1974	Ordinance	I	5	By mayor (approved by council)	Receives and investigates all complaints—makes recommendations	The Office of the Chief Investigator handles all investigations and is staffed by civilian investigators
Dallas, TX	Citizen's Police Review Board	1988	Ordinance	II	13	By city council	Reviews shooting and other complaints—makes recommendations	
Phoenix, AZ	Disciplinary Review Board	1966	Administrative Order	III	5		Reviews disciplinary decisions—makes further recommendations	The Disciplinary Review Board consists of four sworn officers and one citizen
San Antonio, TX	Internal			None				
San Jose, CA	Internal			None				
Indianapolis, IN	Citizens Police Complaint Office	1989	Ordinance	II	9	3 by mayor 3 by council 3 by police (sworn)	Reviews complaints of excessive use of force, abuse of authority, and discourtesy—makes recommendations	Citizens Police Complaint Office is an investigative office headed by a director appointed by the Public Safety Director
Baltimore, MD	Complaint Evaluation Board	1977	State Statute	II	7	The board consists of 7 state agency heads or their delegates	Reviews complaints of discourtesy and excessive use of force—makes recommendations	

*This column classifies boards according to the following type:

Class I: a) initial investigation and fact-finding by non-sworn personnel; b) review of investigative report and recommendation for action by nonsworn person or board consisting of a majority of nonsworn persons.

Class II: a) initial investigation and fact-finding by sworn police officers; b) review of investigative report and recommendation for action by nonsworn person or board consisting of a majority of nonsworn persons.

Class III: a) initial investigation and fact-finding by sworn police officers; b) review of investigative report and recommendation for action by sworn officers; c) opportunity for the citizen who is dissatisfied with the final disposition of the complaint to appeal to a board which includes nonsworn persons.

†Source: Samuel Walker and Vic W. Bumphus, "Civilian Review of the Police: A National Survey Of The 50 Largest Cities, 1991." *Focus: Criminal Justice Policy* No. 91-3, Center for Public Affairs Research, University of Nebraska at Omaha, 1991.

City	Name of Organization	Date Est.	Enabling Authority	Class	Number of Members	Method of Appointment Board/Director	Responsibilities	Other Characteristics
San Francisco, CA	Office of Citizens' Complaints	1963	Ordinance	I	1	Director appointed by Police Commission	Receives and investigates all complaints—makes recommendations	The Office of Citizens' Complaints is headed by one director who conducts investigations and recommends
Jacksonville, FL	Internal			None				
Columbus, OH	Internal			None				
Milwaukee, WI	Fire and Police Commission	1977	State Statute	I	5	By Governor	Receives and investigates complaints of excessive force and abusive language—makes recommendations	Investigates and reviews allegations of misconduct against all public employees
Memphis, TN	Internal			None				
Washington, DC	Civilian Complaint Review Board	1980	Ordinance	I	7	By mayor (approved by council)	Receives and investigates all citizen complaints—makes recommendations	
Boston, MA	Internal			None				
Seattle, WA	Internal			None				
El Paso, TX	Internal			None				
Nashville, TN	Internal			None				
Cleveland, OH	Police Review Board/Office of Professional Standards	1968	Ordinance	I	5	By mayor (approved by council)	Reviews citizen complaint—makes recommendations	The Office of Professional Standards is composed of both civilians and sworn staff and investigates all complaints of police misconduct
New Orleans, LA	Office of Municipal Investigation	1963	Ordinance	I	1	Director appointed by mayor	Investigates and reviews all complaints of police misconduct—makes recommendations	The Office of Municipal Investigation conducts investigation and review of misconduct involving all public employees in the city
Denver, CO	Internal			None				
Austin, TX	Internal			None				
Fort Worth, TX	Internal			None				
Oklahoma City, OK	Internal			None				
Portland, OR	Police Internal Investigations Auditing Committee	1962	Ordinance	II	14	Committee consists of 3 councilmembers (elected)—plus 11 citizens	Reviews cases designated as serious cases—makes recommendations	
Kansas City, MO	Office of Citizen Complaints	1983	Executive Order	II	1	Director appointed by mayor	Reviews all complaints of police misconduct—makes recommendations	The Office of Citizen Complaints has a 5 member staff headed by a director who reviews cases and makes recommendations
Long Beach, CA	Citizen Police Complaint Commission	1991	Ordinance	I	11	By mayor (approved by council)	Investigates and reviews complaints of police misconduct, excessive force, false arrest, and racial or sexual overtones—makes recommendations	The Commission has an independent investigator not associated with the police department who conducts all investigations
Tucson, AZ	Citizen's Police Advisory Committee	1982	Ordinance	III	13	By city council—the Police Chief and City Manager are members also	Serves as appellate review in cases alleging inadequate policies and procedures or violation of existing procedures	The Committee is comprised of both sworn and nonsworn personnel

City	Name of Organization	Date Est.	Enabling Authority	Class	Number of Members	Method of Appointment Board/Director	Responsibilities	Other Characteristics
St. Louis, MO	Board of Commissioners	1989	State Statute	III	4	By Governor (approved by Senate)	Serves as appellate review in cases alleging police misconduct	
Charlotte, NC	Internal			None				
Atlanta, GA	Civilian Review Board	1984	Administrative Order (mayor)	II	22	By mayor (approved by council)	Reviews complaints of excessive force, serious bodily injury, or death—makes recommendations	The Review Board consists of 22 members divided between 4 panels—board also reviews complaints against the Department of Corrections
Virginia Beach, VA	Internal			None				
Albuquerque, NM	Independent Council	1987	Ordinance	II	1	By city council	Reviews complaints and findings of internal affairs in allegations of police misconduct	The Independent Council is an attorney hired by the city council who reviews police internal investigations
Oakland, CA	Citizens' Complaint Board	1980	Ordinance	I	7	By mayor (approved by council)	Investigates and reviews complaints of excessive force; appellate review of case of nonforce—makes recommendations	The board has original jurisdiction over complaints of excessive force and appellate jurisdiction over nonforce complaints
Pittsburgh, PA	Office of Professional Responsibility	1986	Ordinance	II	1	Chief Investigator appointed by public safety director	Investigates and reviews complaints of misconduct—makes recommendations	Investigates and reviews all public safety employee complaints—office has 4 support staff members
Sacramento, CA	Internal			None				
Minneapolis, MN	Civilian Police Review Authority	1990	Ordinance	I	7	4 by council 3 by mayor (approved by council)	Investigates and reviews all complaints of police misconduct—makes recommendations	To begin operation April 1991
Tulsa, OK	Internal			None				
Honolulu, HI	Police Commission	1972	Ordinance	I	7	By Governor	Investigates and reviews complaints of misconduct on the part of police employees, including civilian personnel	The Commission utilizes 4 support staff who are full-time paid employees
Cincinnati, OH	Office of Municipal Investigation	1979	Ordinance	I	1	Chief Investigator appointed by mayor	Investigates and reviews all complaints of police misconduct—makes recommendations	Investigations and reviews complaints involving all city employees
Miami, FL	Office of Professional Compliance	1986	Ordinance	II	11	By city manager (approved by council)	Reviews complaints of police misconduct—makes recommendations	
Fresno, CA	Ombudsman's Office	1989	Ordinance	II	1	By mayor (hired)	Reviews all complaints involving shots fired, verbal intimidation—makes recommendations	
Omaha, NE	Public Safety Finding Review Board	1975	Executive Order	III	8	By mayor	Conducts appellate review of cases alleging police misconduct	The board consists of the Mayor, Chief of Police, Public Safety Director, Human Relations Director, City Attorney, one city council member, and two citizen volunteers
Toledo, OH	Civilian Review Board	1991	Ordinance	II	11	By mayor	Reviews complaints of police misconduct—makes recommendations	
Buffalo, NY	Internal			None				

