CITY OF BLOOMINGTON ILLINOIS

CITY OF

BLOOMINGTON

COMMITTEE OF THE

WHOLE MEETING

JUNE 19, 2017

AGENDA

CITY OF BLOOMINGTON

2015 Strategic Plan Goals

Goal	1. Financially Sound City Providing Quality Basic Services
Objective	a. Budget with adequate resources to support defined services and level of services
	b. Reserves consistent with city policies
	c. Engaged residents that are well informed and involved in an open governance process
	d. City services delivered in the most cost-effective, efficient manner
	e. Partnering with others for the most cost-effective service delivery

Goal	2. Upgrade City Infrastructure and Facilities
Objective	a. Better quality roads and sidewalks
	b. Quality water for the long term
	c. Functional, well maintained sewer collection system
	d. Well-designed, well maintained City facilities emphasizing productivity and customer service
	e. Investing in the City's future through a realistic, funded capital improvement program

Goal	3. Grow the Local Economy
Objective	a. Retention and growth of current local businesses
	b. Attraction of new targeted businesses that are the "right" fit for Bloomington
	c. Revitalization of older commercial homes
	d. Expanded retail businesses
	e. Strong working relationship among the City, businesses, economic development organizations

Goal	4. Strong Neighborhoods
Objective	a. Residents feeling safe in their homes and neighborhoods
	b. Upgraded quality of older housing stock
	c. Preservation of property/home valuations
	d. Improved neighborhood infrastructure
	e. Strong partnership with residents and neighborhood associations
	f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods

Goal	5. Great Place – Livable, Sustainable City
Objective	a. Well-planned City with necessary services and infrastructure
	b. City decisions consistent with plans and policies
	c. Incorporation of "Green Sustainable" concepts into City's development and plans
	d. Appropriate leisure and recreational opportunities responding to the needs of residents
	e. More attractive city: commercial areas and neighborhoods

Goal	6. Prosperous Downtown Bloomington
Objective	a. More beautiful, clean Downtown area
	b. Downtown Vision and Plan used to guide development, redevelopment and investments
	c. Downtown becoming a community and regional destination
	d. Healthy adjacent neighborhoods linked to Downtown
	e. Preservation of historic buildings

REVISED AGENDA

**CITY COUNCIL COMMITTEE OF THE WHOLE
MEETING AGENDA
CITY HALL, CITY COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, JUNE 19, 2017, 6:15 P.M.**

*Or immediately following the Joint Special Meeting with the Bloomington Public
Library Board, but no earlier than 6:15 PM*

1. Call to Order

2. Roll Call of Attendance

3. Public Comment

(Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.)

4. Proclamation, "Condemning the Recent Violent Acts in Alexandria Virginia on June 14, 2017."

5. Consideration of approving the Committee of the Whole Meeting Minutes of May 15, 2017. *(Recommend that the reading of the minutes be dispensed with and approved as printed.)*

6. Presentation and discussion on the proposed Ordinance adding a Public Safety and Community Relations Board. *(Introduction by Mayor Tari Renner 5 minutes, Council discussion 40 minutes.)*

7. Adjournment.

Note: No final action will be taken on any matters at this meeting beyond approval of the minutes.

RECOGNITIONS

PROCLAMATION

Condemning the Recent Violent Acts in Alexandria, Virginia

Whereas, the Bloomington City Council joins the nation in supporting those impacted by the violent acts in Alexandria, Virginia that occurred the morning of Wednesday, June 14, 2017; and,

Whereas, violence is not an acceptable solution to political disputes; and,

Now, Therefore, we condemn the recent violent acts in Alexandria, Virginia and extend our thoughts and prayers to those impacted by them.

Tari Renner
Mayor

Cherry Lawson
City Clerk

COMMITTEE OF THE WHOLE MEETING
AGENDA ITEM NO. 5

FOR COUNCIL: June 19, 2017

SUBJECT: Consideration of approving Committee of the Whole Meeting Minutes from May 15, 2017.

RECOMMENDATION/MOTION: that the reading of the minutes be dispensed with and the minutes approved as printed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND:

In compliance with the Open Meetings Act, Committee Proceedings must be approved within thirty (30) days after the meeting or at the Committee's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Committee Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Committee approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Committee consideration.

Prepared by: Cherry L. Lawson, City Clerk

Recommended by:

David A. Hales
City Manager

Attachments:
- May 15, 2017 Committee of the Whole Meeting Minutes

City of Bloomington ILLINOIS

COMMITTEE OF THE WHOLE SESSION
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL OF
BLOOMINGTON, ILLINOIS
MONDAY, MAY 15, 2017; 5:30 P.M.

1.   Call to Order

The Council convened in Committee of the Whole Session in the Council Chambers, City Hall Building, at 5:30 p.m., Monday, April 17, 2017. Mayor Renner called the meeting to order and directed the City Clerk to call the roll.

2.   Roll Call

Aldermen Present: Mboka Mwilambwe, Amelia Buragas, Joni Painter, Karen Schmidt, Scott Black, Diane Hauman, Jamie Mathy, Kim Bray and Mayor Tari Renner.

Staff Present: David Hales, City Manager; Steve Rasmussen, Assistant City Manager; George Boyle, Assist. Corporation Counsel; Renee Gooderham, Chief Deputy Clerk; Brendan Heffner, Police Chief; Jim Karch, Director of Public Works; Bob Yehl, Water Director, Scott Sprouls, Information Services Director; Tom Dabareiner, Community Development Director; and other City staff were present.

Guest attending: Gabriel Neibergall, Attorney, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., Elizabeth Megli, Attorney for Eastlake, LLC, David Keyser, Metronet;

3.   Public Comment

Mayor Renner opened the meeting to receive Public Comment. There were no comments offered.

4.   Consideration of approving the Committee of the Whole Meeting Minutes of April 17, 2017.

Motion by Alderman Schmidt, second by Alderman Hauman, that the minutes of the Committee of the Whole Meeting of April 17, 2017 be dispensed with and approved as printed.

Mayor Renner directed the Clerk to call the roll which resulted in the following:

Ayes: Aldermen, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman, Mathy, and Bray.
Nays: None.

Motion carried.

5.   Discussion of Public Safety and Community Relations.

        Mayor Renner discussed the Citizens Review Board and some of the options.   Former President Obama established the 21st Century Task Force and this Task Force included Shawn Smoot from Illinois who is an attorney out of Springfield.   Mayor Renner asked Police Chief Heffner what our current process looks like when it comes to citizens filing complaints.

        Chief Heffner stated that the complaint process now is if a person has a complaint, they can come to the Department and get a form and fill it out and they can receive assistance there from the Sergeant.   A person can also download it on line and complete the form and sent it in. The forms must be completed and notarized as part of the Police Officers' Bill of Rights. He stated that the Police Department welcomes complaints because that is the only way that they can learn. If a person is not satisfied with the outcome, they can come in and have a meeting with Assistant Chief Wheeler to discuss it, and they can bring advocates with them.

        Alderman Painter asked whether the police force was getting body cameras.

        Chief Heffner replied that they were, and were testing some now.

        Alderman Painter asked how the Human Relations Committee review the complaints that the Police Department gets.   Do the complaints ever get turned over to the Human Relations Committee if people are not satisfied?

        Chief Heffner responded that they were the only people who investigate the complaints and do not turn the complaints over. He explained that a person could take their complaint to the Human Relations Committee.

        Mr. Hales stated, Attorney Gabe Neibergall, from our legal staff, could address or clarify questions or comments.

        Mayor Renner asked Mr. Neibergall for clarification on the terms of the Police Union contracts.

        Alderman Sage asked Mayor Renner what the remainder of this process looks like either from a Council perspective and staff perspective.   Mayor Renner stated that it was up to us what our next steps might be.

        Alderman Mwilambwe stated, we received this proposal from several different groups in the proposal there was a reference to the fact that we should not feel comfortable with the fact that there are a very low number of complaints.   He asked Chief Heffner to address the history of complaints. What has it been in the past prior to instituting some of the changes he has talked about.

Chief Heffner stated that last year he believed it was mid 30's and when he first got here, there were some complaints hanging out there that were cleaned up. They went down from Mid 30's to 17.

Alderman Schmidt asked Chief Heffner what he did to create a force that is fully engaged in community policing.

Chief Heffner replied that they expected them to be out of their cars more and engage in people.

Alderman Black thanked Chief Heffner for his help with this process of helping citizens file complaints. He stated that he what he is hearing is that people feel uncomfortable coming to us, and he wants to make an institution that helps address those issues.

Alderman Bray asked currently what do we have in place as far as community input forums and community feedback mechanisms so that before we even get to a time when an incident has occurred such that a complaint has to be filed, how we cause that conversation to occur. What do we have formally in place now to facilitate conversation?

Chief Heffner responded that depending on when something occurs when he has the bimonthly focus meetings, a person can call and have that put on the agenda. He stated that he also goes to a lot of meetings. Nothing bars someone from calling saying they would like to discuss something.

Alderman Mathy stated that a lot of people have the position that it is impossible to have a Citizen Review Board and still support the Police – it has to be either/or. We cannot have a conversation about how our community is run without not supporting the Police. He feels that everyone there is highly supportive of the Police Department. We are going to continue to ensure that you have as much staffing as we can and all the equipment necessary to keep everyone safe on the force.

Chief Heffner stated that there are contractual issues, so there cannot be an independent review. Though he believes in the process, he will not say the process does not work if it has not been used. No matter what business you are in, complaint processes are in place. It just has to be a fair process. He would continue to be open about ways to improve the process for people to file complaints and looks forward to it.

Mayor Renner stated that there are some legal ramifications that have to be dealt with in this, and there are details to be worked out. We are talking about people who follow the process, but they are unhappy with the outcome of the process and giving them another avenue outside of that. He asked whether it is currently possible for someone to file a concern or complaint with the Human Relations Commission before they go to the Police.

Alderman Sage asked what problem we trying to solve. He has not heard a compelling reason for a Citizen Review Board.

Mayor Renner replied that the general answer to that question is when Citizens Review Boards are established, it is usually because the want an independent set of eyes rather than the internal process.

Alderman Mwilambwe stated, he believes the answer to Alderman Sage's question will lie in whether or not we are able to define the problem. The problem is perception of how community relations between Police and the community and whether it is real in some areas – and is real for some people – and in other areas, it may not seem as real based on facts.

Alderman Hauman stated, there is a perception, and it seems that it is easier to change reality than it is to change perception. She thanked the five organizations that have come together.

Mayor Renner summarized by saying that there is some degree of interest in at least exploring some options in other communities.

6.   Presentation, discussion and possible direction regarding infrastructure oversizing infrastructure at The Grove.

Mr. Dabareiner provided a brief background on the infrastructure issues. The Annexation agreement for The Grove was adopted in 2005, and it states that if over-sizing of the sanitary trunk sewer is required, the City is responsible for those costs based on the geographic area of service. Assuming the work was triggered by the City, the over-sizing work would be done by the developer and would save costs by doing it now as opposed to waiting and doing it in the future for the cost of the over-sizing. That cost burden is estimated to be 97% of the total cost of the project. The City's share of that estimated amount would be $300,000. It is expected that $300,000 could be recouped by tap-on fees. There is also water service over-sizing and possibly some pavement expansion. The water service could be recouped in water bills. The added pavement would likely come from property tax revenues. This all assumes that there is sufficient growth in the future on the east side to generate the tap-on fees and the taxes. Alternatively, the tax burden could be shifted to residents and property owners elsewhere in the community.

Alderman Hauman stated she had talked with the Homeowners Association President and the feeling is that they are not concerned about the over-sizing of the sewers if it is something that would future development outside of what is on the map. If it is adequate for what is mapped out today, they were okay with it.

Mr. Hales clarified that this item was put on the agenda at the request of Alderman Black together with three Aldermen who supported that. He ask Mr. Dabareiner to draft a consolidated staff overview. The request at hand is to determine is the Council's majority willing to support the recommendation and that is to consider a budget amendment to remove The Grove sewer over-sizing project and using those funds for projects in areas of highest need consistent with the 2015 Comprehensive Plan.

Alderman Bray stated, if we take a look at this and decide that we are going to allow the developer to go forward with 8-inch pipe rather than the upsize pipe, what are the opportunities potentially missed?

Mr. Dabareiner stated, the Annexation Agreement was based on negotiations from 2005, which is very different from what the current plan says. At one point there was a thought that the East Highway would come through that area. In speaking with the Regional Planning Commission, they are not so confident anymore. That would have provided an amount of infrastructure that would have allowed some additional opportunities for growth.

Mr. Hales asked Mr. Karch to comment on the cost differential, current versus future, in having the developer put in an 8-inch pipe but then later on in the future if we had to come back, dig it up and upsize it. Mr. Karch stated from an opportunity perspective, it depends on whether it develops or not. The Grove subdivision is at the low point.

Alderman Black stated that the real missed opportunity is not investing in our historic core. He feels this is a value judgment on where we put our resources, how we fund our projects and the direction that we go.

Alderman Mathy asked how many proposed houses are we talking about that could be built. We have a hard time delivering emergency services to the Far East side of town. He asked whether Mr. Karch has determined whether the 8-inch line might be big enough to service the area.

Mr. Karch stated, an 8-inch extension of the sanitary sewer can serve the remainder of The Grove subdivision if it continued. These are very preliminary calculations, but if you look at the overall flow anticipated, we do believe it could accommodate it.

Alderman Mwilambwe stated, just because the population is not growing does not mean that there will not be any demand for newer homes. He asked what $300,000 buy in terms of sewers.

Mr. Karch stated instead of building new sewers, we need to maintain what we have. The City would recommend expanding our existing lining program. It varies sometimes 2-1/2 times cheaper than to dig up new sewers and sometimes much greater than that. From an overall perspective, it costs us about $50,000 a block to resurface.

Alderman Sage asked what the approximate cost per linear foot of relining sewers. How many feet of sewer does $300,000 reline?

Mayor Renner asked if there is general agreement on the Council that we make a budgetary amendment change and whether it is relining sewers, and we could get some of that information, that we can make at a later point.

Alderman Mwilambwe stated that he would like some more information.

Alderman Hauman stated that she was not opposed, but would like time to talk to the people at The Grove again.

Alderman Bray stated she would like some information on this realignment of costs that the City Manager discussed.

Alderman Schmidt stated she is very interested in the budget amendment.

7.   Presentation and update of the current status of Metronet high speed internet to the City.

Mr. Rasmussen provided an update of the status of Metronet's desire to provide high speed internet to the City, mostly to the western part of the City. Staff has been working on this for about six months. Metronet would like to provide high speed internet to the City and much of the City, mostly the eastern part of the City, they can underground now because we provided for that. In the western part of the City, however, undergrounding would be prohibitive and it requires putting in new poles.

Alderman Painter asked why they could not bury the lines like they did on the east side since they cannot use the poles.

Mr. Rasmussen replied that it would be cost prohibitive when in the east side we were beginning to put the neighborhoods in and we required undergrounding, so the land was provided for it. In the west side of town, those provisions were not there so we have buried water lines and sewer lines and other internet surface, so it would be very difficult to dig and get around all of those and would be cost prohibitive for them to provide the service in those areas.

Alderman Schmidt stated, for the greater good and for what we want to see this community become technologically, economically, this needs to be done.

Mr. Barrons' stated that in the absence of Metronet or any other pole-attachment company, our plan is good and useful. Our life of poles is 37 years and can be out to 50 or 60. What we do as part of the agreement with all of the attachment companies is we say we are willing to do the work; however, once you start looking at the amount of expense to rearrange our facilities plus the cost of setting a taller pole, it becomes pretty cost prohibitive for Metronet or some of the other attachment companies.

Mr. Keysar discussed that when we do cost analysis, we average $6500 per pole for basic cost analysis on a pole, but based on the size and what is on the pole, they can be 10, 12, even 15 or 20 thousand dollars depending on the type of pole.

Alderman Bray asked if there is some other solution other than underground and adding poles every time on both sides of the alleyway, is there an even better pole that could accommodate everyone's lines. In other words, get rid of what is currently there, go back with this better pole that would accommodate both Ameren and Metronet and is there such a thing.

Ms. Sheller stated that they have been working on a solution with Ameren and the City for quite some time. The only plausible solution for this part of the City for us to get everybody and expedite the deployment is to come up with this mechanism at this time.

Mr. Rasmussen stated, they could put up a bigger new pole that would accommodate all of them and at some point in time, Ameren will probably do that in terms of upgrading their poles and when they do that, then we will require Metronet to take their pole down and go to the new poles.

Mr. Hales stated that there is a draft letter. The engineers prepared on a case by case basis to authorize the erection of new poles if that is ultimately the only way to provide service on a block-by-block basis.

8.   Presentation and Discussion of FY2017-2021 Draft Capital Improvement Plan.

Mr. Hales talked about the process going forward. The goal line is going to be the Adoption of this 5-year Capital Improvement Plan. There is a lot of high-priority, capital projects that are all competing for a very small finite source of revenue. There is a lot of significant accomplishment. We do feel that a couple of critical things that we need Council input on prior to any final vote on the CIP is to consider an increase in our sanitary sewer fees and our storm water fees. This is important because we are seriously undercapitalized as far as revenue to help move ahead with any significant future sanitary sewer or storm water projects. After the fees, a proposed bond to be issued to address some significant high-priority needs such as street resurfacing, which could include not only street resurfacing but some underground utilities that would go along with those street resurfacing needs. This could be in the 10, 20 million dollars, plus or minus.

Ms. Silva stated that we are making a lot of strides in the right direction on the Capital Improvement Plan. We are measuring our assets. We are coming up with master plans for them. We have some funding plans already. We are beginning to address our long-term liabilities on many fronts, but we have got much work to do.

Mayor Renner stated that if we were to increase water/sewer rates by two or three dollars a month, that money could be dedicated to a bond and with today's rates we could conceivably get quite a bit of bang for our buck.

Alderman Mwilambwe stated we have discussed concerns in terms of revenue in the future and possible structural deficit. He asked how to balance those two competing demands.

Ms. Silva replied that her rule of thumb of great financial discipline is if you issue debt, you have revenue to pay for it.

9.   Adjournment.

Motion by Alderman Hauman, seconded by Alderman Bray, to adjourn the Committee of the Whole Session. Time: 8:11 p.m.

Motion carried. (Viva voce)

CITY OF BLOOMINGTON

ATTEST

_____

Tari Renner, Mayor

_____

Renee Gooderham, Chief Deputy Clerk, R.M.C.

COMMITTEE OF THE WHOLE
AGENDA ITEM NO. 6

FOR COUNCIL: June 19, 2017

SUBJECT: Presentation and Discussion on Public Safety and Community Relations

RECOMMENDATION/MOTION: Discussion only.

STRATEGIC PLAN LINK: Goal 4: Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Residents feeling safe in their homes and neighborhoods; 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: On May 15, 2017, Mayor Renner brought forward the topic of Public Safety and Community Relations for general Council discussion. In furtherance of that discussion, a sample ordinance was drafted for the Council to discuss and consider. The draft ordinance establishes a Public Safety and Community Relations Board ("Board"), consisting of 7 members for the purpose of: (1) providing another means by which to achieve continuous improvement in police community interactions through policy recommendations and communications with the Police Chief and City Manager; (2) serving as another conduit for citizen complaints and interact with the Police Chief on non-binding reviews; (3) adding a citizen perspective to the evaluation of citizen complaints; (4) contributing to timely, fair, and objective review of citizen complaints; and (5) providing fair treatment to and protect the rights of citizens and police officers.

Note that existing collective bargaining agreements that cover the Police Department employees and specifically limit re-investigations and prohibit the compulsion of police officer testimony in front of citizen review boards. Accordingly, the proposed Board is purely advisory to the Police Chief and is designed as a mechanism to achieve community input and guidance as opposed to re-investigating complaints or issuing any discipline. As to the collective bargaining agreements, they specifically provide:

> The City shall not reinvestigate any incident that was previously investigated by an appropriate authority unless there is reasonable belief [that] new information is available. An appropriate authority is defined as the Chief, Assistant Chief, Internal Affairs Officer or such other person expressly designated by the Chief of Police to conduct a specific investigation. See Section 5.4(a) of the Unit 21 CBA

Further, Section 5.8 of the Unit 21 CBA proclaims: "[t]he employer shall not compel a bargaining unit employee to speak or testify before, or to be questioned by, a citizen review board or similar entity relating to any matter or issue." The Sergeant & Lieutenant CBA includes similar language at Sections 5.4(a) and 5.10, respectively.

There are, of course, various models of citizen engagement models that are utilized across the country. What is being proposed in Bloomington is purely advisory, and focuses on policies and procedures.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: ACLU, Black Lives Matter, Not In Our Town, YWCA

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Reviewed by: David A. Hales, City Manager

Attachments:

- Draft Ordinance
- Article: Civilian Oversight of Law Enforcement

CHAPTER 35.5 – PUBLIC SAFETY & COMMUNITY RELATIONS BOARD

Section 1: Establishment and purpose.

A Public Safety & Community Relations Board (hereinafter "PSCRB" or "Board") is hereby established to:

(a)   Provide another means by which to achieve continuous improvement in police community interactions through policy recommendations and communications with the Police Chief and City Manager.
(b)   Serve as another conduit for citizen complaints and interact with the Police Chief on non-binding reviews.
(c)   Add a citizen perspective to the evaluation of citizen complaints.
(d)   Contribute to timely, fair, and objective review of citizen complaints.
(e)   Provide fair treatment to and protect the rights of citizens and police officers.

Section 2: Composition.

(a)   The PSCRB shall consist of seven (7) members appointed by the Mayor with the approval of the City Council.
(b)   Members shall serve for a three-year term; however, at the inception of the Board, two (2) members shall be appointed for a one-year term, two (2) members for a two-year term, and three (3) members for a three-year term, so that terms are staggered.
(c)   The chair and a vice-chair of the Board shall be selected amongst the members of the PSCRB.
(d)   A majority of the sitting members of the PSCRB shall constitute a quorum.
(e)   Members shall serve until their successors are appointed and confirmed, unless removed from office.

Section 3: Qualifications for membership.

(a)   All members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service.
(b)   No city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency.
(c)   No person with a criminal felony conviction shall be eligible to serve on the PSCRB.
(d)   In making appointments, the Mayor shall endeavor to reflect community diversity, including different neighborhoods, income levels, ethnicity, age, gender, sexual orientation and ability status.
(e)   All members shall be required to maintain strict confidentiality of sensitive information and the failure to do so shall be cause for removal among any other legal applicable consequences.

Section 4: Training and orientation.

The City Legal Department and Police Department shall develop written standards for orientation and continuing education for all PSCRB members.

Section 5: Rules and procedures.

The PSCRB, in consultation with the Legal Department and Police Department, shall establish rules and procedures for the transaction of PSCRB business.

Section 6: Review of police department findings by the PSCRB.

If a complainant is not satisfied with a determination of the Police Chief at the conclusion of an internal investigation, he or she may make a request for review by the PSCRB within thirty (30) days from the date of receipt of the notice of the Police Department's findings. The PSCRB shall have access to any documents either provided voluntarily by the complainant or that are otherwise subject to release under the Freedom of Information Act for its review. The Police Chief is further authorized to discuss the case in a confidential setting with the PSCRB or its chair. Nothing herein shall entitle the PSCRB to compel any testimony or conduct a formal re-investigation. Rather, the PSCRB shall review the complaint and help ensure the Police Chief followed proper protocols. The PSCRB may recommend certain policy changes based on the review to either the Police Chief or City Manager.

Section 7: Meetings.

(a)   The PSCRB shall be subject to the Illinois Open Meetings Act and shall set a regular meeting schedule. In addition to any other meetings that may be set by the PSCRB, it shall conduct quarterly meetings that provide the general public with an opportunity to voice concerns and to provide recommendations for improving interactions between the Police Department and the community.
(b)   All PSCRB meetings shall be open to the public except when closed as provided in the Open Meetings Act and all other applicable federal, state and local laws.

Section 8: Community outreach.

(a)   The PSCRB shall work with the Police Department, Legal Department, and Human Relations Commission to anticipate and prevent problems, including analyzing data and making recommendations to the Police Department about issues requiring special attention.
(b)   The PSCRB is empowered to periodically study and issue reports to the corporate authorities about police/community relations and other issues which relate to community climate.
(c)   The PSCRB shall develop a brochure explaining PSCRB procedures and the rights of complainants. The brochures shall be prepared and distributed to the public according to a plan developed by the PSCRB and approved by the City Manager. Appropriate information on the PSCRB and its procedures shall also be posted on the City's website and available

through the Police Department, the Legal Department, and the Bloomington Public Library.

(d) The PSCRB shall develop a "Know Your Rights" poster to be displayed prominently within the Police Department. The poster shall provide information on (1) the right of citizens to make complaints, and (2) the right of citizens to have a complaint reviewed by the PSCRB.

(e) The PSCRB shall develop and distribute complaint forms in languages and formats accessible to citizens, and educate the community on the complaint process and the importance of reporting complaints. Complaints may be filed either directly with the Police Department, the PSCRB, or the City's Legal Department.

(f) All materials distributed to the public under subsections (c) and (d) of this section shall contain, in a prominent typeface, the following statement: "Harassment, retaliation, or retribution for filing a complaint or testifying on behalf of a complainant will not be tolerated. If you believe that you are the subject of harassment, retaliation, or retribution as a result of the complaint process, please contact the Public Safety & Community Relations Board, the Department of Professional Standards within the Police Department or the City's Legal Department for appropriate investigation and follow-up."

(g) The PSCRB may hold periodic meetings with neighborhood groups, civic organizations, and/or community leaders to discuss community concerns relating to public safety and police procedures.

Section 9: Staff Assistance.

The City Manager shall assign staff, including but not limited to personnel from the Legal Department and Police Department, to assist the PSCRB with its functions and to serve as a conduit to the City Manager.

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

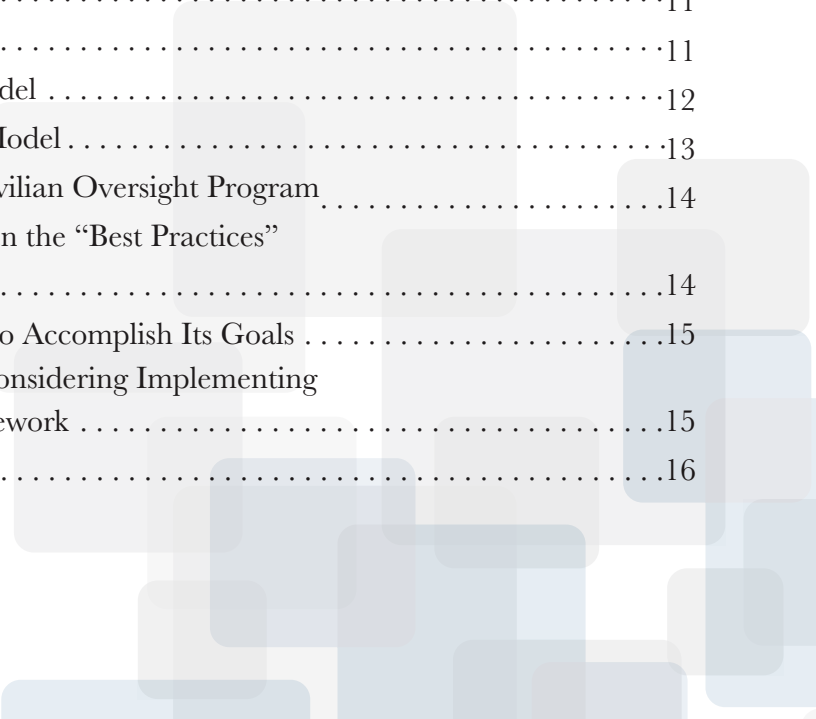## A REVIEW OF THE STRENGTHS AND WEAKNESSES OF VARIOUS MODELS

Joseph De Angelis | Richard Rosenthal | Brian Buchner

OJP **DIAGNOSTIC** CENTER
Data-Driven Justice Solutions

National Association for Civilian Oversight of Law Enforcement
NACOLE
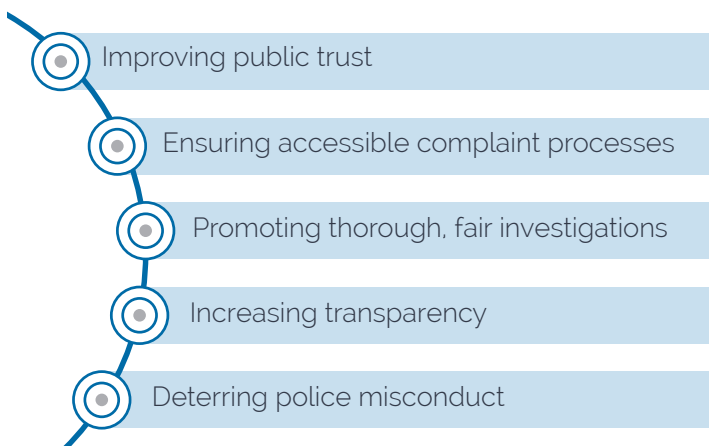Quis Custodiet Ipsos Custodes?

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Introduction and Overview

Over the last several decades, issues of trust and accountability have moved to the forefront of community-police relations, and a great deal of scholarship has been devoted to enhancing police performance including strengthening police accountability and oversight functions. During this same period, the creation of organizational mechanisms for reviewing and improving officer conduct has also increased (Walker 2001; Ferdik et al. 2013; Alpert et al. 2016).

One such mechanism for increasing accountability is civilian oversight of law enforcement. Sometimes referred to as *citizen oversight, civilian review, external review and citizen review boards* (Alpert et al. 2016), this accountability tool utilizes citizens (non-sworn officers) to review police conduct. In some jurisdictions, this is accomplished by allowing oversight practitioners (both paid and volunteer) to review, audit or monitor complaint investigations conducted by police internal affairs investigators. In other jurisdictions, this is done by allowing civilians to conduct independent investigations of allegations of misconduct against sworn officers. Civilian oversight can also be accomplished through the creation of mechanisms to authorize review and comment on police policies, practices, training and systemic conduct. Some oversight mechanisms involve a combination of systemic analysis and complaint handling or review.

Figure 1: Five Common Goals of Civilian Oversight Programs*

- Improving public trust
- Ensuring accessible complaint processes
- Promoting thorough, fair investigations
- Increasing transparency
- Deterring police misconduct

*Based on data collected from 97 civilian oversight programs

The goal of this publication is to provide an overview of civilian oversight models and a discussion of the strengths and challenges of each model. This report draws from available research as well as data collected from 97 police oversight agencies. This report is designed to help local policy makers, police executives and members of the local community explore key issues that can accompany the implementation and sustainability of civilian oversight of law enforcement at the municipal and county levels.
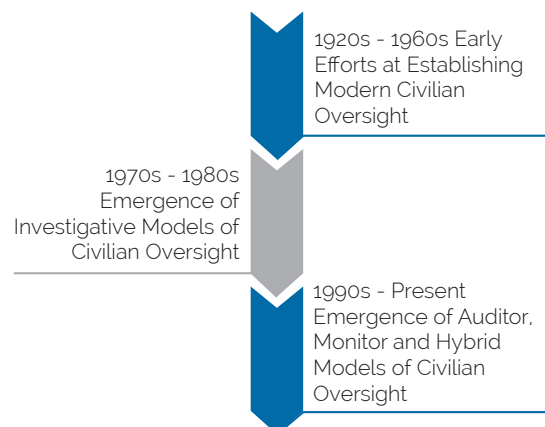
This report:

1. Provides a brief history of civilian oversight
2. Reviews contemporary models of civilian oversight
3. Details three different models of oversight: investigation-focused models, review-focused models and auditor/monitor-focused models
4. Presents considerations for implementing or reforming a civilian oversight program

Brief History of Civilian Oversight

The history of civilian oversight in the United States can be broken down into several distinct waves of development (Walker 2001; 2006).[1]

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1   See Walker's (2001; 2006) work for a more detailed historical review of the key stages in the development of civilian oversight. Bobb (2003), Ferdik et al. (2013) and Alpert et al. (2016) also provide useful historical descriptions of the evolution of civilian oversight in the United States.

Figure 2: Waves of Development of Civilian Oversight in the United States

1920s - 1960s Early Efforts at Establishing Modern Civilian Oversight

1970s - 1980s Emergence of Investigative Models of Civilian Oversight

1990s - Present Emergence of Auditor, Monitor and Hybrid Models of Civilian Oversight

Early Efforts at Establishing Civilian Oversight, 1920s-1960s.

Modern forms of civilian oversight began to emerge in several large cities in the middle of the 20th century. These early agencies were organized around volunteer review boards that played a role in receiving complaints and reviewing completed internal police investigations of community complaints filed against officers (Hudson 1971; Terrill 1988; Walker 2001; Walker 2006). Early review boards were implemented in Washington, D.C., Philadelphia and New York City. Overall, these early efforts shared several key, common characteristics. First, the implementation of each of these oversight mechanisms in the middle of the 20th century was strongly influenced by the early civil rights movement and local crises resulting from police uses of force in communities of color (Walker 2001). Second, these early oversight agencies were designed around a civilian review board model—that is, they were largely composed of volunteer members with relatively little expertise in police issues, had small or non-existent budgets and little staff support (Jones 1994; Walker 2001). Third, these agencies all encountered significant resistance from police unions, local politicians and policy makers, which ultimately resulted in their dissolution (Bayley 1991; Walker 2001; Walker 2006).

Emergence of Investigative Models of Civilian Oversight, 1970s-1980s.

Although all of the oversight agencies implemented during the first wave ultimately failed, a second wave of development began in the late 1960s and carried through to the 1980s (Walker 2001; Walker 2006; Alpert et al. 2016). Oversight agencies implemented in the second wave had enhanced resources, greater durability and expanded organizational authority (Walker 2006). For example, a number of oversight agencies created in the second wave were granted the power to conduct investigations that were entirely independent of the police. In Berkeley, California in 1973, a city ordinance created the Police Review Commission (PRC) and granted it the ability to independently investigate complaints filed by members of the public against police officers (Walker 2001). Nearly ten years later, in 1982, an amendment to the City Charter

created the Office of Citizen Complaints in San Francisco, California. The Office of Citizen Complaints completely replaced the police internal affairs function in relation to citizen complaints and was granted the authority to both receive and investigate all citizen complaints (the police department continued to investigate internally-generated complaints against officers) (Walker 2001; Ferdik et al. 2013). Many of the agencies created in this second wave of development are still in operation today.
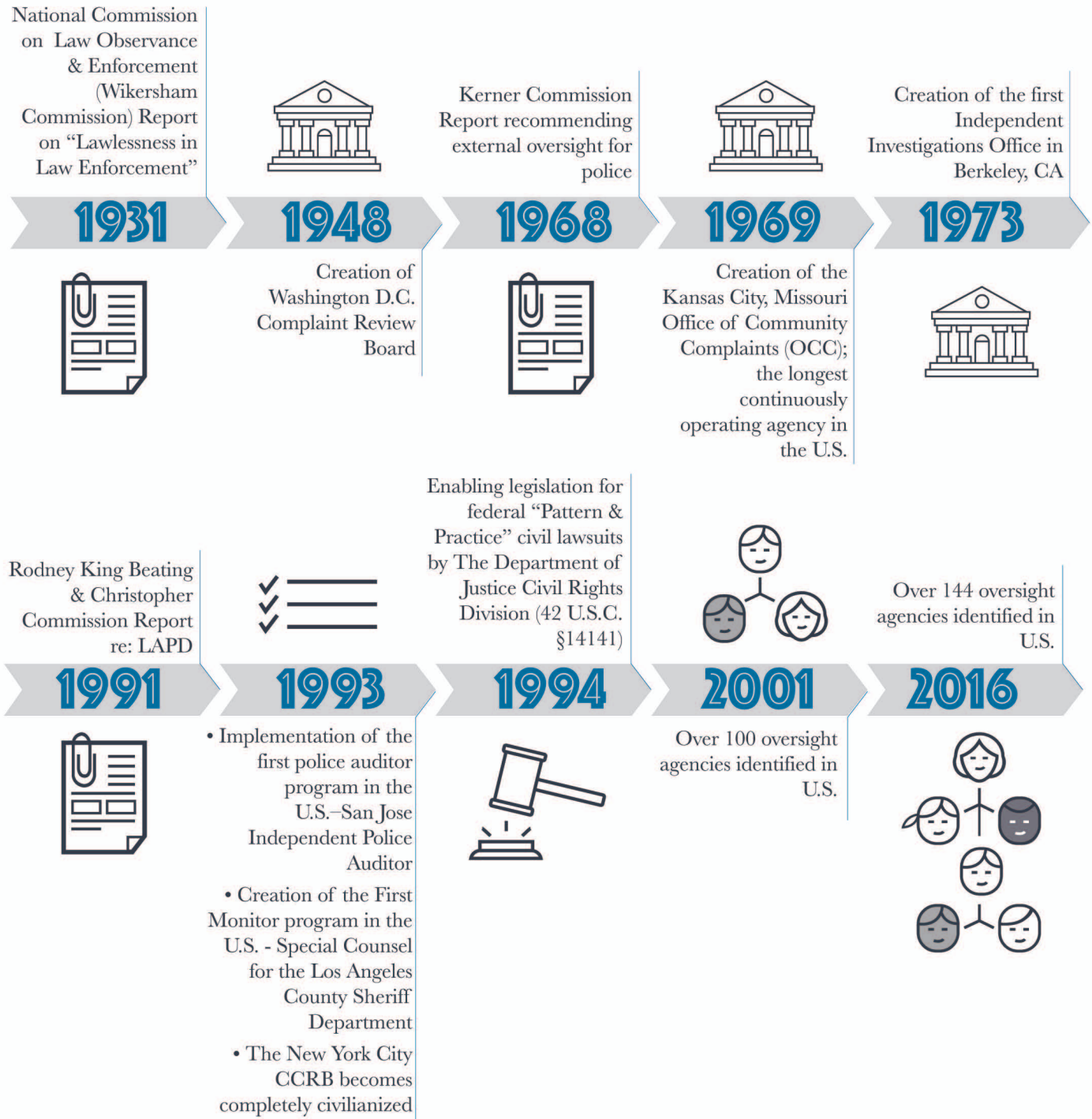
Emergence of Auditor, Monitor and Hybrid Models of Civilian Oversight, 1990s-Present.

A third wave of development began in the 1990s and continues even today. During this period there was a rapid expansion of the number of police oversight agencies in the United States. If the first wave of oversight agencies was marked by review boards, and the second wave was characterized by the development of fully independent investigative oversight agencies, the third wave saw the emergence of a new model of oversight—the auditor/monitor model (Bobb 2003; Walker 2006). The first auditor-focused oversight agency was implemented in 1993 in San Jose, California and was followed a short time later by the Seattle Police Auditor (Walker 2006; Ferdik et al. 2013).

Unlike earlier models of oversight that tended to focus on either reviewing or investigating individual complaints, these auditor/monitor agencies had the mandate to examine systemic patterns in complaints, critical incidents, or other types of police officer conduct. These auditor/monitor agencies were granted the authority to conduct broad evaluations so they could offer data-driven recommendations for improving police policies, practices and training (Walker and Archbold 2014).

By the late 1990s and early 2000s, the United States also began to see the development of a new generation of hybridized forms of civilian oversight, which often emerged as replacements for earlier civilian review boards. For example, the Independent Police Review Division (IPR) was implemented in Portland, Oregon in 2001 and was consciously designed to draw its organizational structure from different models of oversight (c.f. Office of the City Auditor 2001). Similar hybridized auditor/monitor oversight agencies were also implemented in other large cities, including Denver (2005) and New Orleans (2009).

Figure 3. Civilian Oversight Evolution

National Commission on Law Observance & Enforcement (Wikersham Commission) Report on "Lawlessness in Law Enforcement"

1931

Kerner Commission Report recommending external oversight for police

1948

Creation of Washington D.C. Complaint Review Board

1968

Creation of the first Independent Investigations Office in Berkeley, CA

1969

Creation of the Kansas City, Missouri Office of Community Complaints (OCC); the longest continuously operating agency in the U.S.

1973

Rodney King Beating & Christopher Commission Report re: LAPD

Enabling legislation for federal "Pattern & Practice" civil lawsuits by The Department of Justice Civil Rights Division (42 U.S.C. §14141)

1991

• Implementation of the first police auditor program in the U.S.–San Jose Independent Police Auditor

• Creation of the First Monitor program in the U.S. - Special Counsel for the Los Angeles County Sheriff Department

• The New York City CCRB becomes completely civilianized

1993

1994

Over 144 oversight agencies identified in U.S.

2001

Over 100 oversight agencies identified in U.S.

2016

Contemporary Models of Civilian Oversight

While almost no two civilian oversight agencies in the U.S. are identical, the literature offers several initial observations about characteristics of contemporary forms of civilian oversight. These include:

- *High Variability in Organizational Structure.* There is currently a tremendous amount of variation in the structure of different oversight agencies (Walker and Kreisel 1996; Walker 2001; Bobb 2003; Alpert et al. 2016). Some agencies are operated almost completely by a small number of community volunteers while others have a large number of paid professional staff. Some oversight agencies have no operating budget while other agencies have multi-million-dollar budgets.

- *Wide Differences in Organizational Authority.* There is substantial variation in the role that oversight agencies play in relation to the intake of complaints, the relationship they have to the complaint investigation process, their level of access to police records, whether they can make recommendations as to findings and discipline, their ability to make policy recommendations and a long list of other characteristics (Walker and Kreisel 1996; Walker 2001; Bobb 2003; Alpert et al. 2016).

- *Organizational "Hybrids" are Common.* While early forms of oversight tended to operate as "citizen review boards," and focused on reviewing and commenting on completed internal affairs investigations, many contemporary oversight agencies combine different organizational forms and types of organizational authority in relatively complex ways (Walker 2001; Finn 2001; Attard and Olson 2013; Alpert et al. 2016).

Classifying Contemporary Models of Civilian Oversight

Over the years, there have been multiple attempts to classify approaches to civilian oversight of law enforcement. The primary challenge in doing this is that almost no two civilian oversight agencies in the U.S. are identical. Each jurisdiction has its own political, social and cultural tensions that influenced the development of each oversight entity's legal authority and organizational structure, and practices vary widely (NACOLE 2015).

In the late 1990's, Walker (2001) developed one of the earliest and most sophisticated classification systems for oversight.[2] Describing the different models as Class I, Class II, Class III and Class IV systems, Walker argued that models of oversight should be considered along a continuum that range from forms of oversight that are the most independent from police departments to oversight systems that are the least independent. He defined Class I systems as agencies that are independent of police departments and conduct fully independent investigations into allegations of officer misconduct. Class II systems review and comment on internal investigations conducted by the police. Class III systems function as appellate bodies, with complainants filing appeals with the oversight agency when they are dissatisfied with the outcomes on complaints investigated by local law enforcement. Class IV systems have the ability to audit, monitor or review the police/sheriff department's complaint handling system. In addition to these classes, Walker also recognized that there are hybrid oversight agencies that did not fit easily within any of these categories (Walker 2001: 62).

Since Walker developed this classification scheme, a number of others attempts to update it have occurred. Ferdik, Alpert and Rojek (2013) adapted Walker's (2001) classification schema to explore organizational variation in U.S. and Canadian oversight agencies. In 2005, the Police Assessment Resource Center (PARC) conducted a research project for the city of Eugene, Oregon to assist that city in determining an appropriate oversight model for the Eugene Police Department (PARC 2005). The research project created a three-part classification scheme: (1) *Review & Appellate models*, which are designed to review completed police internal investigations or hear appeals from the public on investigation findings; (2) *Investigative & Quality Assurance models*, which replace the police internal affairs process in whole or in part; and (3) *Evaluative and Performance-*

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2   A number of other academics and practitioners have recently developed classification schema that group police oversight agencies in slightly different ways (c.f. Prenzler and Ronken 2001; PARC 2005).

Based models, which adopt a holistic approach to evaluating patterns in police risk management, performance, operations or other organizational systems in order to promote systemic reform.

In another recent review of models of oversight, Attard and Olson (2013) revised Walker's oversight schema, and grouped oversight agencies based on their role in the complaint handling process, as well as by their organizational structure. Accordingly, they grouped oversight agencies into three categories: (1) *Investigative agencies* which conduct independent investigations of complaints filed against police officers; (2) *Auditing/monitoring agencies* that systematically review and examine police internal investigations and other law enforcement activity to make recommendations around policy and training; and (3) *Review boards and commissions*, which includes a diverse range of agencies headed by volunteer community members who may hold community forums, hear appeals or issue findings on investigations completed by paid staff (Attard and Olson 2013: 3-5).

This report adopts an oversight classification scheme that is a slightly revised version of Walker's (2001) and groups oversight agencies into three categories based on the core agency functions: (1) Investigation-focused; (2) Review-focused; and (3) Auditor/monitor-focused.

Three Categories of Civilian Oversight Models

Investigation-focused Model

Summary of Investigation-focused Agencies

Key Characteristics

1. Routinely conducts independent investigations of complaints against police officers
2. May replace or duplicate the police internal affairs process
3. Staffed by non-police, "civilian" investigators

Potential Key Strengths

1. May reduce bias in investigations into citizen complaints
2. Full-time civilian investigators may have highly specialized training

3. Civilian-led investigations may increase community trust in the investigations process

Potential Key Weaknesses

1. Most expensive and organizationally complex form of civilian oversight
2. Civilian investigators may face strong resistance from police personnel
3. Disillusionment among the public may develop overtime when community expectations for change are not met

The investigation-focused agency operates separately from the local police or sheriff's department. While the structure, resources and authority of these types of agencies can vary between jurisdictions, they are tied together by their ability to conduct independent investigations of allegations of misconduct against police officers. These oversight agencies may either completely replace the police internal affairs function or they may conduct investigations that supplant, parallel or duplicate the work of internal affairs (Finn 200l; PARC 2005).

San Francisco's Office of Citizen Complaints is one example of an entirely civilian governmental agency that is solely responsible for investigating complaints filed by community members against sworn members of the San Francisco Police Department (OCC 2016).

The organizational structure of investigative agencies can vary significantly. In some cases, an investigative agency may be governed by a volunteer board and supported by a professional staff of investigators. In small jurisdictions, an investigative agency may be staffed by a single investigator or consultant (Finn 2001; PARC 2005).

The available literature on investigation-focused agencies identifies a common set of organizational functions, including:

- Serving as the intake point for public complaints against police officers (Bobb 2003)

- Reviewing and classifying the nature of the complainants' allegations (King 2015)

- Conducting independent interviews of complainants, officers and witnesses (Attard and Olson 2013)

- Being staffed by non-police "civilian" investigators, although some agencies may employ retired or former police officers (Finn 2001)[3]

- Being headed by a community board or commission that may hold hearings, issue subpoenas or make findings on investigations conducted by professional non-police investigative staff (Attard and Olson 2013)

Table 1 provides examples of investigation-focused models in the United States.

Table 1: Examples of Investigation-focused Models in the U.S.

Agency	Jurisdiction	Website
Office of Citizen Complaints	San Francisco, CA	www.sfgov.org/occ
Office of Police Complaints	Washington, D.C.	www.policecomplaints.dc.gov
Citizen Complaint Review Board	New York, NY	www.nyc.gov/html/ccrb
Citizens' Law Enforcement Review Board	San Diego County, CA	www.sandiegocounty.gov/clerb.html
Citizen Police Review Board & Office of Municipal Investigations	Pittsburgh, PA	www.cprbpgh.org & www.pittsburghpa.gov/omi

Potential Strengths of the Investigation-focused Model

An investigation-focused agency with appropriately trained staff can complete thorough and impartial investigations (Prenzler and Ronken 2001; PARC 2005). Investigation-focused agencies are the most independent forms of oversight (Walker 2001) and tend to have more resources and larger staffs than other types of oversight. Their investigators are also likely to have had highly specialized training and experience in relation to investigations, particularly as the organization matures. Thus, where investigation-focused agencies are sufficiently resourced, have well-trained, competent staff and are granted sufficient access to department personnel and records, they may be able to improve the quality of internal investigations. Even though this is a commonly identified strength of the investigation-focused oversight agency, more rigorous comparative research is needed on this issue.

A related potential strength of the investigation-focused model is its ability to increase public faith in the integrity of the investigations process, especially in the aftermath of significant public scandals involving the police. Available public opinion research demonstrates strong public support for the independent investigation of serious complaints against police officers (Prenzler 2016). Most investigation-focused agencies utilize civilian staff to conduct fact-finding investigations and operate a multi-member community board that may hold hearings, issue findings and/or make recommendations to the police department. As a result, this model may reassure a community that investigations are unbiased, thorough and that civilian perspectives are represented both within the complaint investigation process and upon review of completed investigations (PARC 2005).

Potential Limitations of the Investigation-focused Model

One potential limitation of the investigative model is the significant costs and resources necessary to conduct competent, timely investigations, including large staffing requirements and complex organizational issues that can accompany the implementation of a stand-alone investigative oversight agency. Full investigative agencies are more expensive than other models of oversight, largely due to the increased personnel costs that accompany the hiring of professional investigators (Finn 2001: vii).[4]

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3   Some Canadian independent investigation agencies employ "seconded" officers who are currently serving police officers assigned as full-time investigators serving at the pleasure of the oversight agency director (e.g., the Alberta Serious Incident Response Team (ASIRT) and the Nova Scotia Serious Incident Response Team (SiRT)).

4   Although the cost of an investigation-focused oversight agency is by necessity higher than the other models of oversight, the higher cost could be mitigated by the savings realized from a reduction or the elimination of personnel needed to conduct police internal investigations.

Another potential weakness is that investigation-focused agencies tend to generate significant resistance from police unions and their allies (King 2015). Unions have routinely argued that civilian investigators do not have the technical background or professional experience to conduct competent investigations into allegations of officer misconduct (Prenzler and Ronken 2001; Walker 2001). Arguing that they will be biased against police officers, police unions have often opposed the implementation of full investigatory oversight agencies (King 2015).

As a result of police resistance and suspicion, civilian investigators may have trouble penetrating the defensive police subculture that can characterize police organizations (Prenzler and Ronken 2001; Livingston 2004). In some cases, officers who are distrustful of independent investigators may be less likely to be truthful and forthcoming during investigative interviews (Livingston 2004).

In addition, it can be argued that the use of former police officers or even civilian investigators who have not previously served as police officers may not eliminate pro-police bias in complaint investigations. Oversight investigators may harbor either pro-police bias or anti-police bias, depending on their own personal background and experiences.

Independent investigation-focused agencies in large cities have also been plagued with budgetary and personnel limitations that have resulted in untimely investigations. The New York City CCRB has often been criticized for lack of timely investigations as well as efforts taken by that agency to reduce its workload through re-allocation of resources (Clarke 2009).

Some researchers have argued that while the community may have great confidence in full investigative models initially, community confidence can wane over time if these models are perceived as not leading to the reforms promised during implementation (McDevitt et al. 2005: 5). For example, the public may expect that more citizen complaints will be sustained and stronger punishments imposed after full investigative oversight models are implemented. However, there is currently no systematic evidence to support this expectation, and it is currently unclear what impact full investigative models have on

patterns in findings and discipline for police officers alleged to have engaged in misconduct.

One final challenge associated with investigation-focused agencies is that they have the potential to undermine the responsibility of police chiefs and sheriffs to maintain discipline (McDonald 1981; Prenzler and Ronken 2001). That is, by removing the responsibility for investigating allegations of officer misconduct reported in citizen complaints, chiefs of police and sheriffs may be "let off the hook," have less incentive to create robust internal accountability mechanisms and simply blame the external oversight agency when misconduct occurs (PARC 2005: 21)[5]. In addition, in police agencies where internal affairs units are reduced or eliminated, the opportunity for officers to obtain experience in conducting personnel investigations and recognizing the extent to which bad conduct can negatively affect the agency, becomes limited or nonexistent.

Review-focused Model

Summary of Review-focused Agencies

Key Characteristics

1. Often focus on reviewing the quality of completed police internal affairs investigations

2. May make recommendations to police executives regarding findings or request that further investigation be conducted

3. Commonly headed by a review board composed of citizen volunteers

4. May hold public meetings to collect community input and facilitate police-community communication

Potential Key Strengths

1. Ensures that the community has the ability to provide input into the complaint investigation process

2. Community review of complaint investigations may increase public trust in the process

3. Generally the least expensive form of oversight since it typically relies on the work of volunteers

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5   *It is important to note that most jurisdictions still grant the police chief or sheriff the final decision-making authority when it comes to findings and employee discipline.*

Potential Key Weaknesses

1. May have limited authority and few organizational resources

2. Review board volunteers may have significantly less expertise in police issues and limited time to perform their work

3. May be less independent than other forms of oversight

Review-focused agencies examine the quality of internal investigations, primarily those conducted by internal affairs. Many review agencies take the form of volunteer review boards or commissions and are designed around the goal of providing community input into the internal investigations process (PARC 2005). Instead of conducting independent investigations, review-focused agencies may evaluate completed internal affairs investigations, hear appeals, hold public forums, make recommendations for further investigation or conduct community outreach (Attard and Olson 2013). As with investigation-focused agencies, review-focused agencies vary in their organizational structure and can perform a range of functions (Walker and Kreisel 1996; Prenzler and Ronken 2001; Walker 2001; Finn 2001; Bobb 2003; Attard and Olson 2013; Ferdik et al. 2013; Walker and Archbold 2014).

The available literature on review-focused agencies indicates they:

- Receive complaints from the community

- Review completed police investigations of externally-generated complaints

- Make recommendations to the police executive on individual investigations

- Hear appeals

- Gather, review and report on public concerns (Walker 2001; Finn 2001; Prenzler and Ronken 2001; Bobb 2003; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; King 2015; Alpert et al. 2016).

Table 2 provides examples of review-focused models in the United States.

Table 2: Examples of Review –focused Models in the U.S.

Agency	Jurisdiction	Website
Citizen's Police Review Board	Albany, NY	www.albanylaw.edu/cprb
Citizens' Police Complaint Board	Indianapolis, IN	www.indy.gov/egov/city/dps/cpco
Civilian Police Review Board	Urbana, IL	www.urbanaillinois.us/boards/civilian-police-review-board
Citizen Review Committee	St. Petersburg, FL	www.stpete.org/boards_and_committees/civilian_police_review_committee
Citizens' Review Board on Police Practices	San Diego, CA	www.sandiego.gov/citizensreviewboard

Potential Strengths of the Review-focused Model

Some researchers argue that review boards and commissions may be perceived by the public as more representative of the community than programs that are staffed by full-time professionals (Finn 2001; Attard and Olson 2013). As such, community members may be more likely to perceive the review-focused model as supporting and protecting community interests (Walker 2001).

Beyond public perception, review-focused agencies have the benefit of allowing community representatives to bring an outsider's perspective to the complaint investigations process, which may help jurisdictions identify and correct deficiencies within individual complaint investigations (PARC 2005). Where review boards have a diversity of community representation, there may be a stronger motivation on the part of police investigators to ensure that not only is there no bias in the conduct of their investigations, but that any appearance of bias is also removed. With respect to the review of policy and officer conduct, review-focused agencies have the ability to identify deficiencies in policy or training as they apply to individual

cases being reviewed. A diverse board will have the ability to provide different perspectives on police policy and training and make recommendations for change that could result in improved police-community relations.

Finally, review focused agencies tend to be the least expensive form of oversight. They are often operated by volunteers and may have no stand-alone budget (PARC 2005). As a result, this type of oversight is popular in smaller jurisdictions that have limited resources.

Potential Limitations of the Review-focused Model

Review-focused agencies tend to have limited authority and, like investigation-focused agencies, typically focus on individual case investigations. As a result of such a reactive focus, their ability to promote large-scale systemic organizational change may be limited (Walker 2001; PARC 2005). Moreover, review-focused agencies may not have the authority to systemically evaluate police policies or procedures, make policy recommendations, or examine aggregate patterns in officer conduct (PARC 2005: 11).

Depending on the structure of the review agency, they may be less independent from the police than other oversight models. These types of oversight agencies may be more likely to report to the police chief, have a small or no stand-alone budget, have limited or no staff support and board members tend to be political or police chief appointees (Walker 2001; PARC 2005; Olson 2016). Moreover, they may have to rely on the police or sheriff's department for meeting space, administrative support and training. Since review-focused agencies do not always have the power to conduct independent investigations, they are also more likely to rely on the police or sheriff's department for information (McDevitt et al. 2005; Olson 2016).

Since review-focused agency board members are generally volunteers drawn from a range of professional backgrounds, they may have less expertise than paid professional oversight staff and have limited time to perform oversight functions. This aspect may reduce the efficiency of a jurisdiction's oversight function and lead to a shallow impact on the quality of internal investigations (Finn 2001; Olson 2016).

Auditor/Monitor-focused Model

Summary of Auditor/Monitor-focused Agencies

Key Characteristics

1. Often focuses on examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline

2. Some auditors/monitors may actively participate in or monitor open internal investigations

3. Often seek to promote broad organizational change by conducting systematic reviews of police policies, practices or training and making recommendations for improvement

Potential Key Strengths

1. Often have more robust public reporting practices than other types of oversight

2. Generally less expensive than full investigative agencies, but more expensive than review-focused agencies

3. May be more effective at promoting long-term, systemic change in police departments

Potential Key Weaknesses

1. Auditor/monitor focus on examining broad patterns rather that individual cases may be treated with skepticism by some local rights activists

2. Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tension between the oversight agency and police officers

3. Most auditors/monitors can only make recommendations and cannot compel law enforcement agencies to make systemic changes

One of the newest forms of police oversight can be found in the auditor/monitor-focused model of oversight. Civilian oversight agencies that follow this model can also be referred to by several different names including police

monitor[6] or inspector general. This model of civilian oversight began to develop in the 1990s and generally emerged as a type of political compromise to satisfy police and community concerns about bias and professionalism (Walker 2006; Walker and Archbold 2014: 180). While local community and civil rights activists tended to argue in favor of citizen review boards or full investigative models, police unions tended to be strongly opposed to those models. As a result, the auditor/monitor-focused model emerged partly as a mechanism for bridging the disparate goals held by the different stakeholders to the complaint process (Walker and Archbold 2014).

While there can be variation in the organizational structure of this type of civilian oversight, auditor/monitor agencies tend to focus on promoting large-scale, systemic reform of police organizations (PARC 2005). Accordingly, this type of organization tends to have a unique set of goals that distinguish it from investigation-focused and review-focused models of oversight (Walker 2001; Finn 2001; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; Walker and Archbold 2014).

The available literature on auditor/monitor-focused agencies identifies a core set of functions which include:

- Ensuring a jurisdiction's processes for investigating allegations of misconduct are thorough, complete and fair

- Conducting evaluations of police policies, practices and training

- Participating in open internal affairs investigations

- Robust public reporting (Walker 2001; Finn 2001; Prenzler and Ronken 2001; Bobb 2003; PARC 2005; Attard and Olson 2013; Ferdik et al. 2013; King 2015; Alpert et al. 2016).

Table 3 provides examples of auditor/monitor-focused agencies in the United States.

Table 3: Examples of Auditor/Monitor-Focused Agencies

Agency	Jurisdiction	Website
Independent Police Auditor	San Jose, CA	www.sanjoseca.gov/ipa
Office of the Independent Monitor	Denver, CO	www.denvergov.org/oim
Independent Police Monitor	New Orleans, LA	www.nolaipm.gov
Los Angeles Board of Police Commissioners Office of the Inspector General	Los Angeles, CA	www.oig.lacity.org
Office of the Inspector General for the New York City Police Department	New York, NY	www.nyc.gov/oignypd

Potential Strengths of the Auditor/Monitor-focused Model

Since these agencies tend to focus on exploring patterns in complaints, auditor/monitor-focused models may have broader access to police and sheriff's department records, case files and electronic databases than review-focused agencies (McDevitt et al. 2005; Olson and Attard 2016). While review-focused agencies tend to have only limited access to individual closed internal affairs files, auditor/monitors-focused models tend to be granted more expansive access to police department records (Walker and Archbold 2014). Moreover, auditor/monitor-focused agencies tend to be (or become) policing experts, have larger budgets and may have more extensive training than might be found in volunteer-based oversight agencies (McDevitt et al. 2005).

It is possible that the auditor/monitor-focused model may be more effective at promoting long-term, systemic change in police organizations, in part because they can focus on broader trends and patterns in complaints and make public recommendations for how the police department can improve (Walker and Archbold 2014). Unlike investigative agencies, auditor/monitor-focused models do not generally take the investigations process away from the police department, but instead use systematic evaluation and public reporting to ensure that policy makers and the local community knows whether the department is holding its officers accountable (PARC 2005). Auditor/monitor-focused agencies also have the ability to track whether police departments implement their recommendations and whether those changes have resulted in organizational improvements over time (PARC 2005; Walker and Archbold 2014).

Some scholars have argued that the independence of auditor/monitor agencies may increase their credibility with the public, leading to more effective public outreach (Walker and Archbold 2014: 183). The more robust public reporting authority and greater staffing resources may enhance the ability of auditor/monitor agencies to conduct effective community outreach when compared to review-focused agencies, which rely on community volunteers or even independent investigation agencies that focus on specific, individual complaints of misconduct.

Potential Limitations to the Auditor/Monitor-focused Model

Local civil rights or community activists may oppose this type of civilian oversight because they may view this model's reliance on full-time, paid staff with skepticism. Some community members and civil rights activists may be left dissatisfied, since they may desire that discipline be imposed in specific cases of officer misconduct versus the auditor/monitor agencies' focus on aggregate patterns in complaints and other metrics within law enforcement agencies (Walker and Archbold 2014). In fact, the very nature of the auditor/monitor-focused model concept may put the police auditor/monitor at odds with community demands or expectations in high profile and controversial cases. The concept behind the auditor/monitor model is that the office be fair, unbiased and evidence-based in

its decision-making (Walker and Archbold 2014). Such decision-making may result in criticism of the oversight agency by the community, the police or both.

In some cases, an auditor/monitor agency may choose to allow the police executive to take credit for a reform initiative, to maintain long-term relationships with police leadership. Such actions, while they may promote positive reform in a police organization, may result in a lack of understanding in the community as to the actual effectiveness of the oversight program.

Like other models of oversight, most auditor/monitor-focused agencies can only make recommendations and cannot compel law enforcement agencies to make changes (Walker and Archbold 2014: 195). In situations where the law enforcement agency regularly declines to accept recommendations or continues to engage in activities contrary to the expectations of certain members of the public, the oversight agency may be perceived as ineffective.

One final limitation is that the auditor/monitor-focused model is strongly dependent on the quality of the staff hired to do the work (Walker and Archbold 2014). Analyzing patterns in complaints, findings, discipline or conducting performance evaluations of other police policies and practices requires a high level of technical sophistication and training, as well as a commitment to objective, evidence-based evaluation. The hiring of staff without relevant experience or a commitment to objective, dispassionate evaluation methods may cause significant tension between the oversight agency and police executives, as well as with rank-and-file officers.

Table 4 summarizes the common characteristics and forms of authority for the three types of oversight models.

Table 4: Common Characteristics and Forms of Authority by Oversight Model

	Investigation-Focused Agencies	Review-Focused Agencies	Auditor/Monitor Agencies
Receive Community Complaints	Frequently	Frequently	Frequently
Decide How a Complaint will be Handled	Frequently	Rarely	Sometimes
Review Police Complaint Investigations (e.g., for thoroughness, completeness, accuracy)	Sometimes	Frequently	Frequently
Conduct Independent, Fact-Finding Investigations	Frequently	Rarely	Sometimes
Perform Data-Driven Policy Evaluations	Sometimes	Sometimes	Frequently
Recommend Findings on Investigations	Frequently	Sometimes	Frequently
Recommend Discipline to the Police Chief	Sometimes	Rarely	Sometimes
Attend Disciplinary Hearings	Sometimes	Rarely	Sometimes
Have a Board Composed of Community Members	Frequently	Frequently	Sometimes
Hear Appeals	Sometimes	Sometimes	Rarely
Have Paid Professional Staff	Frequently	Sometimes	Frequently
Staffing and Operational Costs	Most Expensive	Least Expensive	Intermediate Expense

Table notes: Based on data collected from 97 U.S. oversight agencies, 2016.

Considerations When Implementing or Reforming a Civilian Oversight Program

Over the past 30 years, local experimentation with different types of oversight models, to include hybridization of these different models, has resulted in a complex, heterogeneous organizational field. And while the data included in this report explores organizational variation across different oversight agencies, it does not answer two fundamental questions:

• Which forms of oversight are the most effective?

• Under what circumstances should a jurisdiction implement a review-focused model of oversight as opposed to an investigative or auditor/monitor-focused model?

Even though the question of what type of model constitutes a "best" form of oversight remains unanswered, much can be learned from patterns shown in this paper. In fact, the growing hybridization of police oversight and the blurring of the boundaries between different models of oversight carry an important lesson for local jurisdictions that are exploring whether to implement oversight or are considering revising their current oversight framework.

Jurisdictions Should Focus on the "Best-Fit" Rather Than the "Best Practices" When Considering How to Structure Civilian Oversight

A key lesson that can be learned from the history of oversight in the U.S. is that there is not necessarily any "best practice"

in the creation of a civilian oversight of law enforcement program. Rather, a jurisdiction should look for a "best- fit" model of oversight (Bobb 2003). Every jurisdiction has its own social, cultural and political issues, and every police agency has its own unique organizational history, traditions and sub-cultural characteristics. While some police agencies may be proficient at holding their officers to account with respect to certain types of conduct, other police agencies may struggle. Some large jurisdictions have ample financial resources to implement highly professionalized, organizationally complex forms of oversight while smaller jurisdictions may have far fewer resources with which to implement and sustain police oversight.

> *"Evidence that that any one civilian oversight approach or mechanism is more effective than another does not yet exist, although the role and authority of a civilian oversight function often grows over time to meet emerging community needs and expectations." (Anderson et al. 2015: 3)*

Given these differences between cities and counties in the U.S., it is likely that no single model of oversight is going to work for all jurisdictions. As a result, the best form of oversight for individual jurisdictions simply depends on the circumstances faced by the jurisdiction that is either creating or updating its oversight processes.

Oversight Should Employ the "Least Force" Necessary to Accomplish Its Goals

Even though law enforcement resistance to the concept of police oversight has diminished over time, it can still be argued that "the least intrusive means of oversight" (Bobb 2003) necessary to achieve police accountability is the best means of approaching the oversight function in the long-term. Just as the police are expected to only use that amount of force that is proportionate, necessary and reasonable to accomplish their task, so it can be argued that jurisdictions creating or reforming an oversight function should similarly accomplish the feat of ensuring police accountability (Bobb 2003). In other words, a jurisdiction seeking to create or update an oversight function should choose the least intrusive model of oversight necessary to accomplish the task. If the model chosen does not accomplish that objective, a more aggressive form of oversight would then be required. As such, it is impossible to suggest that

any one model of oversight is better than another. Each jurisdiction must evaluate its own police agency; its culture, its leadership, its overall current capacity to police itself and its future potential in that regard before choosing the most appropriate form of oversight that will have the highest likelihood of success over time.

A Number of Resources are Available to Jurisdictions Considering Implementing Oversight or Reforming Their Current Oversight Framework

One of the key challenges for local jurisdictions that are considering whether to implement oversight is to find examples of jurisdictions that have successfully implemented and sustained effective oversight agencies. It can also be difficult and resource intensive for local jurisdictions to collect examples of legal language, organizational procedures, and other "nuts-and-bolts" documents that they can use as models after they decide to implement oversight. Several relatively recent reports have sought to overcome these problems by providing detailed cases studies of existing oversight agencies (Finn 2001; PARC 2005; McDevitt et al. 2005; Attard and Olson 2013; Noe 2013; Olson 2016; PARC 2016). These reports contain key details about oversight agency powers, organizational, structure, funding and staffing and should be consulted by local jurisdictions who are considering oversight or interested in reforming their local oversight agency. A number of academic books also provide practical information about civilian oversight of law enforcement (Goldsmith and Lewis 2000; Walker 2001; Perino 2006; Walker and Archbold 2014; Prenzler and den Heyer 2016).

In addition, to help local jurisdictions gain access to examples of oversight policies, legal language and key organizational documents, the National Association for Civilian Oversight for Law Enforcement (NACOLE) has created a companion website to this report that includes up-to-date profiles for model police oversight agencies. This website's toolkit includes examples of ordinance/charter language, oversight policies and procedures, annual reports, special topics reports, complaint forms, outreach brochures and other documents that can serve as examples for new oversight agencies. This website's toolkit can be accessed by visiting: www.nacole.org/agency_profiles

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