

**BCC Meeting: April 10, 2018
Research Notes**

Item No.7D, 7D Supplement

File No. 180054 (180860 Supplement)

Researcher: MF Reviewer: PGE

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL; AMENDING CHAPTER 2, ARTICLE IC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE INDEPENDENT REVIEW PANEL TO THE INDEPENDENT COMMUNITY PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE INDEPENDENT REVIEW PANEL; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 2, Article IC of the Code of Miami-Dade County to change the name of the Independent Review Panel to the Independent Community Panel; and to amend the composition, authority, powers and staffing of the Independent Review Panel.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic

Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>

Ordinance No. 14-65, adopted by the Board on July 1, 2014, amended Section 2-1 of the Code of Miami-Dade County to require that reports prepared at the request of the Board be presented to the Board, and reports prepared at the request of a committee of the Board be provided to such committee.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, Prime Sponsor, District 1
Commissioner Daniella Levine Cava, Co-sponsor, District 8**

On December 11, 2017, the proposed ordinance was considered by the Health and Social Services Committee. It was forwarded to the Board with a favorable recommendation with Committee amendments following a public hearing. The amendments provide that the County Attorney shall render opinions relating to the Panel's duties, jurisdiction or power and to add a reporting requirement for the Mayor.

On February 6, 2018, the proposed ordinance was reconsidered by the Board.

Commissioner Sosa expressed her objections to the proposed ordinance because of its funding source, noting this type of proposal should be reviewed during the budget process.

Commissioner Martinez noted he agreed with Commissioner Sosa's comments, and stated that he also had philosophical objections.

Commissioner Levine Cava noted the Dade County Police Benevolent Association (PBA) had presented its objections in writing. She said she believed that the purpose of this ordinance was to offer the public members an opportunity to voice their concerns.

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Miami-Dade Police Department (MDPD) Chief of Police Juan Perez explained his involvement in the development of this ordinance. He noted he had expressed his personal views at the committee level. He also noted he had made several recommendations, which were never considered by the groups reviewing whether the Independent Review Panel (IRP) should be established. He advised that establishing the proposed IRP was unnecessary since MDPD was a very robust agency; and if funding was available, it should be used to combat gun violence. He lamented that the town hall meeting held to engage the community took place in a location within the City of Miami instead of in an unincorporated area of the County. He stated that he had made the following recommendations to increase the panel's effectiveness: 1. that the public hearings be held in unincorporated areas of the County, which were the communities where MDPD provided services; 2. that the scope of work be narrowed to focus on critical issues only like police shootings and excessive force complaints; and 3. that the members of the panel should be appointed by members of the Board of County Commissioners, one per district, to ensure proper representation of the community.

Mr. Steadman Stahl, President of the Dade County Police Benevolent Association (PBA), appeared before the Board to express his objections to creating the proposed IRP and funding the group from the Public Safety Trust Fund. He pointed out that the police force was a regulated profession, and there were twenty two different agencies overseeing the police department. He said he did not believe that the community had such a level of distrust as to warrant the panel's creation.

Commissioner Levine Cava advised that she had participated actively in the development of this proposed ordinance; but as she had addressed constituents' concerns over the last three years, she realized that it would be very beneficial to have discussions in an open forum on the public members' concerns on the operations of the County's departments. She stated that it would create an open opportunity to hopefully educate the public on the County's trustworthiness.

Vice Chairwoman Edmonson expressed her support for the creation of the IRP. In response to Vice Chairwoman Edmonson's question regarding the funding source for the proposed IRP and the number of officers that would not be hired if the item passed, Budget Director Jennifer Moon, Management and Budget Department (MBD), clarified that the proposed funding for the IRP was not included in the budget at this time for the purpose of hiring police officers; rather, the reserve funds were included in the budget as emergency funds to fund an extraordinary event if it happened. She explained that the General Fund included a number of reserve accounts as funding sources for extraordinary events, and Fiscal Year 2017-18 had \$1,053,000 in reserve funds.

Commissioner Sosa reviewed the powers that would be granted to the members of the IRP, if passed; and she expressed her objections to the duplication of departmental responsibilities and tasks.

Commissioner Diaz expressed his support for a strong law enforcement component in the community and for balance. He also expressed his objections to the proposed ordinance due to the County's current budgetary constraints and said he believed the money would be better spent hiring more officers.

In response to Commissioner Moss' question regarding the City of Miami's Independent Review Panel, Deputy Mayor Maurice Kemp noted the City had a Civilian Investigative Panel that performed fairly well regardless of its ups and downs; but it had also met opposition.

In response to Commissioner Moss' question regarding the exclusion of officers from subpoenas, Assistant County Attorney Shanika Graves advised that the City of Miami's Civilian Investigative Panel was limited to addressing complaints about police officers. She also noted the proposed amendment would be broader in scope since this ordinance comprised all County employees; but the City like the County had to be in compliance with the Florida Supreme Court's decision in the D'Agastino case, which expressly provided that police and corrections officers protected by the Law Enforcement Officers' Bill of Rights were excluded from subpoenas.

Commissioner Moss noted the MDPD had been extremely responsive in the past and new policies had been established to address problems for events that had happened within his County commission district; consequently, from his personal perspective, budgetary

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issues should not be reason not to create the IRP if the Board wished to support it. He also noted this item could be funded from any of the budget funds other than the reserves.

In response to Commissioner Monestime's question regarding whether the police department objected to using the Public Safety Reserve Fund as the funding source or whether it was opposed to the proposed ordinance because it was unfavorable to MDPD, Police Chief Perez expressed his objection to being the only department director being questioned when the item impacted twenty four other directors. He clarified that MDPD already had in place an internal review process and established measures to address complaints and investigate police officers; and in addition, the Federal Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI) also investigated officers when necessary. He further clarified that he already had many established measures in place to address misconduct. He expressed his desire to have those funds utilized for a gun violence initiative that would be rolled out later during the year or another lasting initiative that would provide a positive impact on the community. He stressed that the identified funding source should be used for police or other public related matters. He expressed the belief that this ordinance was about police oversight.

Commissioner Moss observed that several statements made earlier at this meeting appeared to make this issue a police department matter, but it was not. He noted this Board had strongly supported the MDPD during the past years, and the Board would not advance an item that was against the MDPD.

Following a discussion between Commissioner Monestime and Chief of Police Perez regarding subpoenas and the benefit of having an open forum to hold community discussions and engagement, Chief of Police Perez clarified that this ordinance proposed to establish an investigative panel to investigate complaints and provide recommendations; and it was not a community engagement panel.

Commissioner Monestime requested that Deputy Mayor Maurice Kemp provide him with data on what had been the negative impact of independent review panels or other similar working groups established throughout the State of Florida including the City of Miami's panel and the County's past Independent Review Panel (IRP). He also asked him to review whether the operations of the proposed IRP could be funded from a different funding source than the Public Safety Reserve Fund.

Chief of Police Perez said he hoped that this Board would identify a different funding source to establish the proposed panel; and he asked that the funds not be taken from the MDPD since every County commission district had emphasized their need for additional police services, police officers, and victim advocates.

Commissioner Monestime stated that he was unsupportive of an item that would emasculate law enforcement, but he would support having law enforcement and the community engage in conversations to facilitate a better understanding of each of the parties that would ultimately save lives. Therefore, he was unable to understand the reasons for not having identified another funding source.

Discussion ensued among Chairman Bovo, Deputy Mayor Kemp, and Budget Director Moon regarding where complaints about County employees could be filed and all of the avenues currently available for that purpose.

Chairman Bovo expressed his concerns for using the Public Safety Reserve Fund as the funding source, noting he would be supportive if the panel were funded from a different source. He noted, in his opinion, there were currently multiple avenues for residents to file complaints; therefore, there was no need to add more layers of components.

In response to Commissioner Jordan's statement relating to the County's ability to address citizen's complaints, Division Director Erin New, Office of Human Rights and Fair Employment Practices, clarified that her division was under the jurisdiction of the Human Resources Department (HRD); and the division was limited to addressing discrimination complaints and County employees' employment complaints, including conducting investigations and mediations. She noted the Commission on Human Rights enforced Chapter 11A and addressed citizens' complaints.

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Commissioner Jordan pointed out that there did not exist within the County an entity that would address community complaints and concerns, and she explained the process that was undertaken to develop the foregoing ordinance. Commissioner Jordan expressed her wish to bifurcate the vote of related Agenda Item 11A11 in order to vote on the funding source separately because she believed the recommended funding source was used to make the item fail.

Vice Chairwoman Edmonson expressed her support for the creation of the IRP, noting a different funding source should have been recommended. She said she believed that the Public Safety Reserve Fund was recommended as the funding source to have the ordinance fail.

Commissioner Sosa voiced her opposition to the foregoing ordinance due to the lack of community public meetings within each of the County commission districts to seek approval from the residents of those districts.

In response to Commissioner Martinez' question, Mayor Gimenez explained the County had spent \$3 million in body cameras for the use of police officers to be able to verify what had actually happened during incidents. Therefore, he was not convinced about the value of establishing an independent review panel to investigate events now that police officers had body cameras. However, he agreed that in the past, there had been a need to have such investigative panel. He noted he had implemented the use of body cameras because he believed that, in the vast majority of cases, officers had acted correctly; but there were sometimes incidents of wrong doing. Therefore, he would continue to advocate for the improvement of the body camera technology. He also noted that FDLE was a professional, independent agency that conducted shooting investigations throughout the State.

In response to Commissioner Martinez' question, Mayor Gimenez noted the County Administration had not recommended the funding source. Discussion ensued regarding the funding source recommendation and the number and locations of the community meetings. Commissioner Martinez expressed his objection to the foregoing ordinance because he did not wish to be judged by individuals who had never done the job of a police officer and who had never been surrounded by circumstances where you are holding a gun while taking down a subject. He noted this ordinance was developed only for the police department because the City of Miami's Independent Review Panel only addressed police complaints, and there was already so much oversight. He stated that he was unsupportive of this ordinance even if a different funding source was identified.

In a closing statement, Commissioner Jordan expressed her support in the past for the MDPD and firm belief that it was the best police department; but she had just realized that, in the past, the budget process was used to eliminate the IRP due to police concerns. She said she believed that three community meetings were held. She advised that the community members should be given an avenue and opportunity to voice their concerns; and if the IRP ever became a concern or problem to the police department, she would introduce legislation to dissolve the panel. She asked for the Board's support to establish the IRP.

There being no other comments or objections, it was moved by Commissioner Jordan that the Board of County Commissioners adopt the foregoing ordinance as presented. This motion was seconded by Commissioner Monestime; and upon being put to a vote, the motion passed by a roll call vote of 7-5 (Commissioners Diaz, Martinez, Sosa and Souto and Chairman Bovo voted no) (Commissioner Heyman was absent).

On February 16, 2018, the proposed ordinance was vetoed by the Mayor. In his veto message, the Mayor stated that on February 6, 2018, the Board of County Commissioners (Board) adopted Ordinance No. 18-13, changing the name of the Independent Review Panel (IRP) to the Independent Community Panel, and amending the composition, authority, powers and staffing of the IRP. He noted he was vetoing this legislation because he was not entirely convinced that there was a need for an ICP, as the County already had numerous internal mechanisms and external entities that oversaw and investigated complaints against any County employee or agency.

The Mayor noted the Miami-Dade Police Department (MDPD), in particular, already had oversight and held itself accountable, beginning with the Professional Compliance Bureau (PCB), which was an internal investigative entity that reported only to the

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MDPD Director. He pointed out that, in addition to the PCB, several other internal and external entities provided oversight of the MDPD; and the County had already invested \$3 million to implement one of the largest body-worn camera programs in the nation..

This ordinance was reconsidered at the Board of County Commissioners' meeting held on February 21, 2018. The Board deferred this ordinance to the Board meeting scheduled for April 10, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, it is assumed that the Office of Community Advocacy would provide the staff support needed to manage the nominating and member selection process from existing resources. In addition, when the Independent Community Panel (ICP), formerly IRP, was last funded in FY 2008-09, it had five full-time employees and a countywide general fund allocation of \$599,000. The five-year impact assumes that the ICP is funded at the same level as in FY 2008-09.

It is assumed that the ICP would begin its operations halfway through FY 2017-18, and would require a one-time capital expense for startup costs, including office space and equipment that may be needed to operate the new office; this would have an immediate fiscal impact to the County of \$349,500. For year one of the future five-year fiscal impact, the costs would increase to \$475,650, with a five percent growth in personnel expenses and three percent growth in operating expenses, every year thereafter. Funding for the FY 2017-18 would be provided from the General Fund Public Safety Reserve. Future years funding would be subject to appropriation as part of the annual budget development process.

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Ordinance Relating to the Independent Review Panel (172453)

Fiscal Impact Table

Use Existing
Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund	\$ 349,500	\$ 349,500	\$ 628,950	\$ 659,852	\$ 692,282	\$ 726,317	\$ 762,036	X	
Proprietary									
Federal Funds									
State Funds									
Interagency Transfers									
Subtotal	\$ 349,500	\$ 349,500	\$ 628,950	\$ 659,852	\$ 692,282	\$ 726,317	\$ 762,036		
Expenditure Category									
<i>Operating</i>									
Salary	\$ 226,500	\$ 226,500	\$ 475,850	\$ 499,433	\$ 524,404	\$ 550,624	\$ 578,156		X
Fringes	\$ 60,000	\$ 60,000	\$ 126,000	\$ 132,300	\$ 136,915	\$ 145,881	\$ 153,154		X
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$ 13,000	\$ 13,000	\$ 27,300	\$ 28,119	\$ 28,963	\$ 29,831	\$ 30,726		X
Grants to Outside Organizations									
Capital	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -		X
Subtotal	\$ 349,500	\$ 349,500	\$ 628,950	\$ 659,852	\$ 692,282	\$ 726,317	\$ 762,036		
<i>Non-Operating</i>									
Debt Services									
Distribution of Funds in Trust									
Transfers									
Depreciation, Amortization, and Deletions									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Grand Total	\$ 349,500	\$ 349,500	\$ 628,950	\$ 659,852	\$ 692,282	\$ 726,317	\$ 762,036		

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any.
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year.
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

ANALYSIS

The Independent Review Panel (IRP) was created in 1980 in the wake of the riots which followed the acquittal of four Miami-Dade police officers in the death of Arthur McDuffie. The IRP was empowered to hold public hearings, prepare reports and propose recommendations regarding serious complaints or grievances made against employees, agencies or instrumentalities of Miami-Dade County. The IRP was last funded during the 2008-09 fiscal year, because of the economic downturn experienced by the country as a whole; its funding has not since been restored.

On November 1, 2016, the Board adopted Resolution No. R-1075-16, which created the Miami-Dade County Independent Review Panel Working Group (Working Group), and charged it with: 1) reviewing Chapter 2, Article IC of the Code of Miami-Dade County; 2) analyzing the history and effectiveness of the Independent Review Panel; 3) reviewing and analyzing similar entities from other jurisdictions; 4) obtaining input from the community; 5) reviewing relevant literature relating to citizens review panels; and 6) providing the Board with a list of recommendations for proposed amendments to the IRP ordinance.

The Working Group presented its initial report to the Board on July 6, 2017; and its final report on October 17, 2017. In accordance with the Working Group's recommendations, the proposed ordinance amends the ordinance establishing the Independent Review Panel, as follows:

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- The Panel is renamed as the Independent Community Panel;
- The Panel shall consist of 11 members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and had demonstrated an active interest in public affairs and service;
- In order to secure representative membership of the Panel, each of the following 10 community groups or organizations shall submit the names of one qualified person from which the Board shall make appointments: the American Civil Liberties Union of Greater Miami, the Miami-Dade Branch of the National Association for the Advancement of Colored People, the Spanish American League against Discrimination, the Florida Immigrant Coalition, the National Alliance on Mental Illness, the Miami Coalition of Christians and Jews, the Miami Coalition of South Florida Muslim Organizations; Equality Florida; Haitian Women of Miami, and the National Organization of Black Law Enforcement Executives;
- The Board shall appoint five Panel members from the names submitted by the above-listed organizations;
- In addition to the five Panel members selected in accordance with the preceding bullet point, the remaining Panel members shall be appointed as follows: one member shall be appointed by the Mayor, one member shall be appointed by the Miami-Dade County Association of Chiefs of Police, four at-large members shall be appointed by the Panel based on their work experience (one member shall be a retired judge or magistrate judge, one member shall be or have been a human resources professional, one member shall be or have been a social work professional, and one member shall be or have been a member of the clergy);
- In the event the Panel is investigating an incident involving the jurisdiction employing the member appointed by the Miami-Dade County Association of Chiefs of Police, the Association of Chiefs of Police shall appoint a different member as a substitute until the conclusion of the investigation;
- Individuals nominated for appointment to the Panel are not required to be members of or affiliated with the entities that recommend their appointment;
- The Panel may hold public hearings, conduct mediations or other forms of dispute resolution, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County;
- When the Panel detects a violation of one of the ordinances within the jurisdiction of the Commission on Ethics and Public Trust or the Office of the Inspector General, the Panel may refer the matter to such entity;
- The Panel shall be empowered to subpoena witnesses and/or documents for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers as defined in the Police Officers' Bill of Rights;
- The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Mayor or County Mayor's designee and the director of the concerned County department. Within 45 days of receipt of the Panel's final report, the County Mayor or County Mayor's designee shall transmit a report to the Board and the Panel, which shall provide all actions taken in response to the Panel's final report and any recommendations made therein and the County Mayor or County Mayor's designee shall place such report on an agenda of the Board pursuant to Ordinance No. 14-65;
- The Board shall appoint an Executive Director from three nominees provided by the Independent Community Panel. The Executive Director's remuneration shall be consistent with established Miami-Dade County Human Resources policies and salary ranges;
- The Executive Director may hire and administer the necessary staff. At a minimum, subject to budgetary allocation by the Board, staff shall consist of the following positions: Senior Investigator/Mediator, Mediator, Office Administrator, and Professional Auditor.

The item also amends the ordinance by deleting the following sections:

- The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities;

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- The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police, to give sworn testimony or to produce documentary or other evidence (this is replaced by The Panel may request any person to give sworn testimony or to produce documentary or other evidence to the extent permitted by applicable law);
- The County Attorney shall render opinions relating to the Panel's duties, jurisdiction or power and such opinions shall be binding upon and adhered to by the Panel (this is replaced by the Panel may request the County Attorney to render opinions relating to the Panel's duties, jurisdiction or power).

In Agenda Item 7D Supplement, Commissioner Jordan noted following the Board's February 6, 2018 decision to reconsider this ordinance, meetings were held with the Mayor, the Police Director, the Police Benevolent Association and numerous community representatives to review the proposed changes. The Supplement summarizes the conceptual changes to the proposed ordinance, as follows:

- Changing the total membership of the Panel to 11 members;
- Changing the number of community organizations that can nominate persons to 10;
- Amending the list of organizations which may nominate persons for Board appointments;
- Maintaining 5 Panel appointments by the Board from the community organization nominations;
- Providing for an appointment by the County Mayor;
- Providing for an appointment by the Miami-Dade County Chiefs of Police;
- Providing for appointments of four at-large persons by the Panel, and providing that each such member shall be appointed based on their work experience in one of each of the following fields – judiciary (retired), human resources, clergy and social work;
- Providing that when the Panel detects a violation of one of the ordinances within the jurisdiction of the Office of Inspector General or the Miami-Dade County Commission on Ethics and Public Trust, the Panel may refer the matter to the appropriate entity; and
- Establishing that the rate of remuneration for the Panel's Executive Director shall be consistent with established Miami-Dade County Human Resources policies and salary ranges.

ADDITIONAL INFORMATION

More than 100 civilian oversight boards have been established throughout the nation. Based on the Commission Auditor Office's research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid, model incorporates aspects of both the external and internal models. Below are a few example of Civilian Oversight Boards created in various jurisdictions of the United States:

Atlanta

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended with subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;
- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;

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- One member is appointed by the Atlanta Bar Association;
- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;
- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees or serve in public office.