



**BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**

**MEMORANDUM**

**TO:** Commissioner Barbara J. Jordan

**FROM:** Thomas Davis, Esq.  
Director of Policy and Legislation *Thomas B. Davis*

**DATE:** March 13, 2018

**SUBJECT:** Composition of Civilian Oversight Boards across various Jurisdictions

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**Introduction**

This memorandum is in response to a request from District 1's Commissioner Barbara J. Jordan to provide information regarding the various structures of civilian oversight boards in jurisdictions across the country. The scope of this research was primarily limited to the composition of civilian oversight boards. A civilian oversight board is defined as an agency, staffed with civilians, not sworn officers, charged with investigating civilian complaints of misconduct by government employees, particularly police and corrections officers.<sup>1</sup> Civilian complaint review boards have existed since the 1940s; however, in 1973, Berkeley, California became the first city to establish a Police Review Commission with the independent authority to investigate complaints of police misconduct.<sup>2</sup>

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. Our research also found that there are key components of effective civilian oversight boards: (1) board majority is nominated by civic organizations; (2) broad scope to review complaints; (3) independent investigatory authority; (4) disciplinary authority; (5) power to audit departmental or agency policies and practices; (6) secure funding; and (7) public access and reporting requirements.<sup>3</sup>

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<sup>1</sup> 46 Seton Hall L. Rev. 1033: Getting It Right: Building Effective Civilian Review Boards to Oversee Police: <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

### **External Model of Civilian Oversight Board**

Citizens often support external police oversight committees that are independent from law enforcement agencies and are staffed, as well as paid for, by the legislative bodies holding jurisdiction. The committee head may or may not report to local government officials and its membership composition typically reflects the surrounding community it serves. As an external body, members of the community who make up the committee conduct their own investigations and present their findings to police department executives for review and approval.<sup>4</sup> The majority of external boards do not have the power to exercise disciplinary authority; they must rely on the police department executives' final decision regarding the imposition of disciplinary measures.<sup>5</sup>

### **Internal Model of Civilian Oversight Board**

While community members often prefer the external model of oversight, police administrators tend to prefer internal review, which is the traditional and longstanding method of investigating allegations within a department. Under this approach, investigations of police misconduct are conducted internally, i.e., police officers policing themselves. A second approach to internal oversight is to have a system in which the investigation is still carried out by police department members and executives; however, citizens have a role in reviewing final reports that have already been approved, as they can then take action and make recommendations. A third approach to internal oversight employs the use of an auditor or contracted positions within a police department that are ultimately tasked with conducting a thorough investigation on behalf of a police department.<sup>6</sup>

### **Hybrid Model of Civilian Oversight Board**

In response to certain developments in community-oriented policing, and an increased number of complaints and investigations, many police and sheriff departments have adopted "hybrid" systems of oversight, borrowing features from both the internal and external models. They are external in that they are composed of members appointed by government officials. They investigate allegations, make recommendations to the government and oversee the complaint investigation process. On the other hand, they are internal in that they work in conjunction with the police department to investigate cases submitted directly to that department.<sup>7</sup>

### **Civilian Oversight Boards**

The following sections convey summary information on the creation, composition and responsibilities of various civilian oversight boards across the United States. The boards were selected because they illustrate the different models of civilian oversight in the country. While Miami-Dade County has a population of 2,717,945 residents according to the most recent United States Census Bureau estimates, the jurisdictions selected range in size from Newark, with a population of 281,764, to New York City, with a population of 8,537,673.

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<sup>4</sup> Citizen Oversight Committees in Law Enforcement: <http://cpp.fullerton.edu/pdf/Citizen%20Oversight.pdf>

<sup>5</sup> 46 Seton Hall L. Rev. 1033: Getting It Right: Building Effective Civilian Review Boards to Oversee Police: <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>

<sup>6</sup> Citizen Oversight Committees in Law Enforcement: <http://cpp.fullerton.edu/pdf/Citizen%20Oversight.pdf>

<sup>7</sup> *Id.*

## Atlanta

In 2016, the population of Atlanta, Georgia, numbered 472,522.<sup>8</sup> 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.<sup>9</sup>

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;
- 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.

A newspaper article dated May 21, 2016, entitled "Powers of Atlanta Citizen Review Board Expanded" states that "[w]hile the board has access to investigators, subpoena power and a mandate to provide a credible, independent and "safe and welcoming place" to bring complaints, the police department upheld only 11 percent of the 34 cases in which the review board recommended that the officer be disciplined".<sup>10</sup>

## Baltimore

In 2016, the population of Baltimore, Maryland, numbered 614,664.<sup>11</sup> Created in 1999, the Civilian Review Board of Baltimore City (CRB) is an independent agency in the city through which members of the public can issue a complaint against officers of various law enforcement units. The CRB entertains complaints that allege the use of excessive force, abusive language, harassment, false arrest and false imprisonment. The CRB handles complaints for the following law enforcement units: the Baltimore City Police Department, the Baltimore City School Police, the Baltimore City Sheriff's Office, the Baltimore Environmental Police, the Police Force of the Baltimore City Community College, and the Police Force of Morgan State. The final decision-making responsibility for discipline in any complaint rests with the head of the law enforcement agency.

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<sup>8</sup> <https://www.census.gov/quickfacts/fact/table/atlantacitygeorgia/PST045217>

<sup>9</sup> <http://acrbgov.org/>

<sup>10</sup> <https://politics.myajc.com/news/local-govt--politics/powers-atlanta-citizen-review-board-expanded/a13gYGBnuUkUER0xfKw6II/>

<sup>11</sup> <https://www.census.gov/quickfacts/fact/table/baltimorecitymaryland,US/PST045217>

Board members are composed of a member of the public from each of the nine police districts in Baltimore City. Members of the Board are selected by the Mayor and subject to the advice and consent of the City Council. Also on the Commission as non-voting members, are one representative of the Fraternal Order of Police, one representative of the Vanguard Justice Society, the Baltimore City Police Commissioner or the Commissioner's designee, one representative of the American Civil Liberties Union of Maryland (ACLU), and one representative of the Baltimore City Branch of the National Association for the Advancement of Colored People (NAACP).<sup>12</sup>

A newspaper article dated May 11, 2016, entitled, "The Civilian Review Board Ups its Game" states that "... the Civilian Review Board has been considered irrelevant by most (if they even know it exists) and marginalized by city officials who allowed it to limp along with a single investigator for years".<sup>13</sup>

### Chicago

In 2016, the population of Chicago, Illinois, numbered 2,704,958.<sup>14</sup> 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.<sup>15</sup> 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.

A newspaper article dated April 12, 2017, entitled "Civilian Office of Police Accountability to Launch in September, Replace Long-Term Criticized IPRA" states that "COPA was authorized by the Chicago City Council last year after revelations that IPRA had been ineffective and had failed to properly investigate or punish police misconduct".<sup>16</sup>

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<sup>12</sup> <https://civilrights.baltimorecity.gov/civilian-review-board>

<sup>13</sup> <http://www.citypaper.com/news/mobtownbeat/bcp-051116-mob-civilian-review-board-20160511-story.html>

<sup>14</sup> <https://www.census.gov/quickfacts/fact/table/chicagocityillinois/PST045216>

<sup>15</sup> <http://www.chicagocopa.org/about-copa/mission-history/>

<sup>16</sup> <http://www.chicagotribune.com/news/local/breaking/ct-copa-start-date-met-20170412-story.html>

## Detroit

In 2016, the population of Detroit, Michigan, numbered 672,795.<sup>17</sup> The Board of Police Commissioners was created in 1974 by City Charter, which was adopted by the vote of the people. The Charter vests broad supervisory authority over the Police Department in the members of the civilian Board of Police Commissioners.

The 2012 City Charter provides for the Board to have 11 commissioners, 4 members appointed by the Mayor and subject to the approval of the City Council, and 7 elected members, one from each non at-large Police Commission District. It was envisioned that these civilian appointees would represent the various interests, values and opinions of the community – clergy, labor, medicine, legal, public interest and education.

The 2012 Charter gives the Board of Police Commissioners supervisory control and oversight of the Police Department. It has plenary authority over citizen complaints and has the power to appoint fact-finders, subpoena witnesses, administer oaths, take testimony, and require the production of evidence.<sup>18</sup>

A newspaper article dated September 30, 2015, entitled “City Council Restores Detroit Police Commission Power Stripped by EM” states that the Detroit City Council voted unanimously to restore the oversight powers of the Detroit Police Commission at the expiration of an order issued in 2014 by the Emergency Manager when Detroit entered bankruptcy.<sup>19</sup>

## Los Angeles

In 2016, the population of Los Angeles City, California, numbered 3,976,322.<sup>20</sup> Los Angeles does not have a Civilian Oversight Committee. However, the Office of the Inspector General (OIG) is an independent entity established through a voter-approved amendment to the City Charter in 1995 to inspect, among other duties, on behalf of the Police Commission, the Los Angeles Police Department’s (LAPD) handling of complaints of employee misconduct.

A 1998 incident involving misconduct by numerous gang unit officers, triggered an effort for LAPD reform and significant strengthening of the OIG. Beginning in 2000, the OIG’s new powers included the authority to initiate any audit or investigation of the LAPD without prior approval of the Police Commission. In 2001, the City entered into a Consent Decree with the U.S. Department of Justice. The Federal Court appointed a monitor to work with the OIG in conducting oversight and evaluation of the Department’s efforts to satisfy the Decree. The court lifted the Decree in 2009 and substituted a Transition Agreement to govern the last phases of reform. In 2013, the court allowed withdrawal from the Transition Agreement because all objectives had been met.

Today the OIG functions as the “eyes and ears” of the Board of Police Commissioners, which is responsible for overseeing the LAPD. The OIG also reviews investigations related to all officer-involved shootings and significant uses of force that result in death or hospitalization, as well as complaint investigation of police officer misconduct.<sup>21</sup>

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<sup>17</sup> <https://www.census.gov/quickfacts/fact/table/detroitcitymichigan/PST045216>

<sup>18</sup> <http://www.detroitmi.gov/How-Do-I/Find-Detroit-Archives/Police-Commissioners-History>

<sup>19</sup> [http://www.mlive.com/news/detroit/index.ssf/2015/09/city\\_council\\_restores\\_detroit.html](http://www.mlive.com/news/detroit/index.ssf/2015/09/city_council_restores_detroit.html)

<sup>20</sup> <https://www.census.gov/quickfacts/fact/table/losangelescitycalifornia/PST045216>

<sup>21</sup> <https://www.oig.lacity.org/>

A newspaper article dated January 23, 2018, entitled “Veteran Police Advisor Tapped to be the Next LAPD Inspector General” states that the Inspector General’s Office “... acts as the investigative arm of the Police Commission, the five-person civilian panel that oversees the LAPD. The office has taken on more work in recent years as the commission adopted a more hands-on approach to oversight, pushing the Police Department toward new policies and training intended to help reduce shootings by officers”.<sup>22</sup>

### Newark

In 2016, the population of Newark, New Jersey, numbered 281,764.<sup>23</sup> On March 16, 2016, the Newark Municipal Council passed legislation creating one of the nation’s strongest police civilian review boards. This review board has the power to investigate complaints of misconduct lodged by civilians against Newark police officers.

The Newark Civilian Complaint Review Board (CCRB) is comprised of 11 civilian members: one appointed by the Mayor, three by the Municipal Council, and seven nominated by community and civil rights organizations.<sup>24</sup>

The CCRB, which was created after the U.S. Department of Justice issued a report that was critical of the way the police department complaints were handled, has subpoena authority to compel the production of documents and the testimony of witnesses and have authority to make disciplinary decisions when wrongdoing is found to have occurred. However, since its inception, the CCRB has faced opposition from the city’s police union.

A newspaper article dated July 19, 2017, entitled “Court Order Leaves Newark Police Review Board Toothless, Activists Say” states that “[a] recent injunction restricting the use of subpoena and investigatory powers by Newark’s civilian police review board has drawn the ire of activists who say those powers – long questioned by police union officials – are necessary tools”.<sup>25</sup>

### New York City

In 2016, the population of New York City, New York, numbered 8,537,673.<sup>26</sup> 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

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<sup>22</sup> <http://www.latimes.com/local/lanow/la-me-ln-lapd-inspector-general-20180123-story.html>

<sup>23</sup> <https://www.census.gov/quickfacts/fact/table/newarkcitynewjersey/PST045217>

<sup>24</sup> 46 Seton Hall L. Rev. 1033: Getting It Right: Building Effective Civilian Review Boards to Oversee Police: <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>

<sup>25</sup> [http://www.nj.com/essex/index.ssf/2016/12/injunction\\_against\\_newark\\_police\\_review\\_board\\_prom.html](http://www.nj.com/essex/index.ssf/2016/12/injunction_against_newark_police_review_board_prom.html)

<sup>26</sup> <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045216>

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.<sup>27</sup>

A newspaper article dated July 19, 2017, entitled "New York Police Challenging More of Review Board's Findings, Study Shows" reveals that "[i]n 2014, the New York Police Department asked the Civilian Complaint Review Board to open a channel for police lawyers to challenge the agency's findings and proposed penalties, effectively creating an extra avenue for police pushback in a process whose final outcomes the department already controlled".<sup>28</sup>

### San Jose

In 2016, the population of San Jose, California, numbered 1,025,350.<sup>29</sup> The Office of the Independent Police Auditor (IPA) was established by the San Jose Council in 1993 with the enactment of a City ordinance codified in the San Jose Municipal Code. Thereafter, on November 6, 1996, the voters of San Jose amended the City Charter to establish the Office of the Independent Police Auditor as a permanent arm of city government.

The mission of IPA is to provide independent oversight of and instill confidence in the complaint process through objective review of police misconduct investigations. In addition to the Independent Police Auditor, the staff of the office includes two lawyers, an analyst who advocated for individuals in the juvenile and dependency systems in the past, an analyst with expertise in information technology, and an office specialist.<sup>30</sup>

A newspaper article dated January 14, 2018, entitled "Increasing Police Oversight at Heart of Council Study Session" states that "[a] specially convened City Council meeting ... will explore the idea of expanding civilian oversight of the San Jose Police Department, particularly when it comes to use-of-force and internal investigations. The study session is being held largely at the behest of local civil rights advocates and members of police watchdog groups who believe that the city's Office of the Independent Police Auditor lacks sufficient powers to hold the police force accountable".<sup>31</sup>

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<sup>27</sup> <http://www1.nyc.gov/site/ccrb/about/about.page>

<sup>28</sup> <https://www.nytimes.com/2017/07/19/nyregion/new-york-police-challenging-more-of-review-boards-findings-study-shows.html>

<sup>29</sup> <https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia,US/PST045217>

<sup>30</sup> <http://www.sanjoseca.gov/index.aspx?NID=687>

<sup>31</sup> <https://www.mercurynews.com/2018/01/14/san-jose-increasing-police-oversight-at-heart-of-council-study-session/>

### Summary Table of Civilian Review Boards

The following table conveys summary information on the various civilian oversight boards across several jurisdictions of the United States.

Public Entity	Board Name and Composition	Date of Creation	Subpoena Authority	Discipline Authority	Authority to Review Policies, Practices and Procedures
Atlanta	Atlanta Citizen Review Board; the 13 members of the ACRB are appointed by different entities.	2007	Yes	No	Yes
Baltimore	Civilian Review Board of Baltimore City; Voting members: 9 (from each police precinct), 5 non-voting members	1999	No	No	No
Chicago	Civilian Office of Police Accountability; Comprised of a diverse staff.	2016	Yes	Yes	Yes
Detroit	Board of Police Commissioners; Members: 11 (7 from each police district and 4 appointed by mayor).	1974	Yes	Yes	Yes
Los Angeles	There is no Civilian Oversight Board; however, there is an Office of the Inspector General				
Newark	Newark Civilian Complaint Review Board; The 11 members are appointed by different entities.	2016	Yes	Yes	Yes
New York City	Civilian Complaint Review Board; Members: 13 (5, i.e., one from	1953	Yes	No	No



	each borough, designated by the City Council; 3 members with law enforcement experience designated by police commissioner; the remaining 5 are selected by the Mayor, who also selects one to serve as Chair)				
San Jose	There is no Civilian Oversight Board; however, there is an Office of the Independent Police Auditor				