Pilot Public Safety Board

AGENDA

Thursday, January 26, 2017

5:00 pm-Private Briefing
Anaheim West Tower- 11th Floor Conference Room
201 S. Anaheim Blvd, Anaheim

6:00 pm- Public Meeting
Anaheim West Tower-Gordon Hoyt Conference Room
201 S. Anaheim Blvd., Anaheim

Approve Minutes from December 15, 2016 Meeting

Public Comments
Public Comments on any agenda items or subject matter within the scope of the pilot Public Safety Board. Please note: Individual audience participation is three minutes per speaker.

Public Safety Board Assessment Report
Presentation by Joseph Brann

Office of Independent Review Update

Board Communications

www.anaheim.net/PSB
Pilot Public Safety Board

ACTION MINUTES

Thursday, December 15, 2016
5:30 pm-Private Briefing
Anaheim West Tower- 11th Floor Conference Room
201 S. Anaheim Blvd, Anaheim

6:00 pm- Public Meeting
Anaheim West Tower-Gordon Hoyt Conference Room
201 S. Anaheim Blvd., Anaheim

Board Members Present: Chair Turpen, Vice Chair Nelson, Carolyn Bryant, Michael Colicchio, Ericka Martinez, and Michael Vogelvang

Board Members Absent: Tom Dunn

Staff Members Present: Paul Emery, City Manager
Lylyana Bogdanovich, Sr. Analyst
Michael Gennaco, Office of Independent Review Group

1. Approval of Minutes

ACTION: Member Bryant offered a Motion, seconded by Vice Chair Nelson and Motion Carried (Vote 6-0, Absent: 1) that the Public Safety Board does hereby approve the minutes from the PSB meeting held on July 14, 2016.

2. Public Comments

Public Comments on any agenda items or subject matter within the scope of the Pilot Public Safety Board. Please note: Individual audience participation is three minutes per speaker.

Mark Daniels recommended a citizen’s advisory commission with subpoena power.

William Fitzgerald expressed his thoughts about the Anaheim Police Department executing the fourth victim this year and felt that the Public Safety Board (PSB) members caused the death by inaction. Further he blamed the PSB for thirty Anaheim Fire & Rescue deaths.

Duane Roberts spoke about a complaint he filed with the City Manager on April 12 against Chief Quezada for making inaccurate statements to the City Council and the PSB regarding the KKK event. He spoke about the HR Director’s methodology and his
uneasiness with it. He explained he received a letter indicating the allegations were not supported.

A gentleman introduced himself as Time to Stand and described himself as an activist, someone that conducts first amendment audits. Time to Stand spoke about his conversation with Captain Young. Further, Time to Stand felt that the committee does not provide oversight and that the police department should not investigate themselves. He spoke about Sergeant Starke striking a woman with a club and police officers not stopping at the stop sign behind the library.

A gentleman who introduced himself as “Cameraman” indicated he films police issues and on November 3, 2016 he witnessed reckless driving behind the Anaheim Police Station. He saw multiple officers run the stop sign and officers flashed their lights at him. He would like something done about officers running the stop signs.

Renee Balenti spoke about the 2017 first quarter meeting schedule and the purpose of the board. She mentioned several officer names were given during public comment and asked if the board members were writing the names down. She spoke about APD killing a 29-year-old father of four and that APD didn’t answer community questions. She added that APD claimed a second person was in the vehicle and questioned, if so, why hasn’t that person been caught. She spoke about the PSB being established in 2012 and Chief Quezada’s appointment in 2014 and how Officer Kelly Phillips continues to harass Donna Acevedo.

Juan Flores identified himself as the brother of Adalid Flores. Mr. Flores expressed frustration on the many questions that have been asked about the death of his brother. Mr. Flores indicated he still doesn’t know the motive and there hasn’t been feedback other than deflecting by stating this is an ongoing process. He questioned whether police will continue to deflect until the next shooting. He stated no one has given his family the opportunity for clarification. If there is video, if he did have a motive, he wants to know more.

Amber Hart identified herself as the fiancée of Juan Flores and spoke about questions she has regarding considering the vehicle as a deadly weapon. She spoke about a gun or a knife not being found. She has questions regarding why the police shot him as nothing was found to indicate he was a threat. If the officer was close enough, why didn’t they utilize a taser. She commented that four children are going to grow up without a father and she sees her family grieve every day.

Brian Kaye handed out a report to all PSB members indicating the first half was provided to APD and the second half includes a list of people killed by APD, with the officers involved. He further spoke about mothers that live without knowing what happened to their sons.
Anthony Burke spoke about the last time he was here and how he suggested body worn cameras record all the time and the data should immediately be put into the cloud. He is asking for more transparency regarding Mr. Flores who was killed, he would like to know if he had a weapon and would like to see the video footage.

Donna Acevedo Nelson expressed her sympathy for the loss of Adalid Flores. Her son Joey was killed in 2012 and she is still waiting for the police report as it has been over four years. She spoke about being the co-chair of the Anaheim Community Coalition and that they put together recommendations for police oversight. She spoke about attending the PSB meetings and how she did not see members taking notes during the first year and further questioned why board members do not ask questions when someone is killed.

Linda Labados spoke about being a lifetime resident of Anaheim and in October 2011 she reported a sexual predator incident to the APD and that nothing has been done. Her daughter was 17 when this occurred and she has sent emails to Chief Quezada asking what is being done. She would like answers and would like the man responsible behind bars.

Teresa Kelly is an Anaheim resident who has attended several PSB meetings. She spoke about the PSB members being pawns and that they should do more, that the District Attorney is in bed with Anaheim and if you care you should be more vocal and take a stand.

3. Pilot Public Safety Board Assessment Update

Paul Emery introduced Mr. Joseph Brann who the City has consulted to assist with an assessment of Anaheim’s public safety review model. As part of the research, the City worked with alternative resource, a resource separate from our current external auditor to ensure independent, qualified feedback from a subject matter expert during the process.

Mr. Brann provides services to achieve improvements in policing, specializing in management performance and accountability, successful implementation of crime reduction strategies, technical expertise related to investigations alleging civil rights violations, and the adoption of effective policies and problem solving measures.

Mr. Brann provides a high level of proficiency in community policing, best practices, and developing community governance solutions that are suitable to the unique aspects of the particular community. Mr. Brann has extensive experience as a Federal Court Monitor or consultant overseeing implementation of court ordered reforms in law enforcement agencies. Mr. Brann is currently serving as a Monitor overseeing reform efforts underway in the Los Angeles Sheriff’s Department, Cleveland, Ohio Police Department, and the Seattle Police Department. Mr. Brann
has extensive experience providing transformation in law enforcement agencies; he has provided services for the City of Maywood, Cincinnati, and other CA cities.

Mr. Joseph Brann provided an update regarding the assessment he has been working on indicating the model is unique to Anaheim. He shared that he has met with each board member and conducted an interview with each member. Mr. Brann provided an overview of his methodology and began to discuss whether the Board has achieved its mission. He further spoke that across the country there is not one level of oversight that fits all and most boards struggle to find the right fit for their city. He spoke about the history of police oversight models how they started as a review model, moved to an investigative model and now they are much more of a hybrid model. Mr. Brann spoke about a recent report issued by the United States Department of Justice- the report references local jurisdictions should be willing to evaluate the effectiveness of their local oversight agencies proactively and independently. In conducting those evaluations, jurisdictions need to have realistic expectations when it comes to the impact civilian oversight may have on local police accountability. Oversight is, and should be, only one component of a jurisdiction’s police accountability framework.

Mr. Brann further spoke about the Anaheim model which incorporates an advisory board coupled with the OIR Group and referenced the PSB was not developed as a policy body. Rather the overarching goal of the PSB is to increase public input, which is something the Board is trying to do and should continue to do. Mr. Brann recommended the PSB should continue.

Mr. Brann shared information on community policy and how it is only accomplished when working with the community. Mr. Brann shared some of his recommendations which include: Identifying a clear mission statement for the body so there is a clear understanding from the Board and community; promote and increase community awareness of the PSB; develop an annual report; develop the appropriate training to ensure consideration as the board transitions and welcomes new appointees; ensure appropriate staffing resources. Mr. Brann touched on the community expectations and that it is difficult to satisfy everyone in the community, some will want a weaker model and others a more authoritative model, but nevertheless cities can come up with an effective model that works with the community.

Chair Turpen asked if there will be a final written product and Mr. Brann indicated that there will be.

Mr. Vogelvang asked about subpoena power, if Mr. Brann has worked with Boards that have subpoena power and if it is effective. Mr. Brann indicated that it depends where you are in the country and the effectiveness of subpoena power, he has seen it used and effective in other states outside of California. He stated given California’s
laws, boards and commissions with subpoena power can’t enforce it. He isn’t aware of boards using it in California.

Vice Chair Nelson asked about reviewing internal complaints and if Mr. Brann sees the Board doing that. Mr. Nelson indicated that to have civilian oversight the PSB needs to have access to internal investigations, the PSB doesn’t have to conduct investigations, but would like to review them.

Mr. Emery provide an update to the Board, indicating Council Member Moreno requested the PSB assessment to be presented to the City Council. Mr. Emery shared there are Council Members in the audience - Council Member Vanderbilt, Council Member Faessel and Council Member Moreno. Mr. Emery further spoke about the upcoming Council meeting on December 20 and Council may decide to provide further direction regarding how boards and commission appointments may occur now that the City has moved to districts.

Mr. Nelson asked Mr. Brann if his meetings included meeting with the Police and Fire unions. Mr. Brann indicated he had not meet with the unions.

Mr. Emery wrapped up the presentation and shared that the written report will be provided to the PSB.

   
   Remarks by Deputy Chief Julian Harvey, Anaheim Police Department

   Deputy Chief Harvey provided comments regarding the 2016 First Quarter Report of the Office of Independent Review Group which was presented to the Board at the last quarterly meeting. After the Police Department reviewed the Office of Independent Review Group report, Deputy Chief Harvey provided the Board with a response to each recommendation. In summary, the Anaheim Police Department reviewed the 15 recommendations and agreed with 14 out of 15 recommendations contained in the report and are implementing the recommendations.

   - **Recommendation One**- The Department should look for additional ways to structure its Major Incident Review Team process to ensure a comprehensive, holistic review of critical incidents. One consideration would be to expand its limited approach to administrative interviews / questions of involved-personnel regarding the range of performance, training, and risk management issues that such incidents often implicate.

   - **Recommendation Two**- The Department should finalize the timely finalization of pending cases that emerge from its MIRT process.
Recommendation Three - The Department should continue to evaluate best practices regarding the timing of subject interviews after critical incidents, and put more emphasis on shrinking the current gap between a shooting event and the interview process.

Recommendation Four - The Department should ensure that the MIRT review considers and assesses supervisory tactical decisions and that any such decision making by sergeants is thoroughly examined during the administrative interviews.

Recommendation Five - The Department should assess the effectiveness of its training for field supervisors to ensure that the curriculum adequately instruct sergeants to take command of tactical incidents by directing resources and delegating assignments.

Recommendation Six - When sergeants fail to adhere to the Department’s training, standards, and expectations for management and control of tactical situations, the Department should hold them accountable for those shortcomings through briefing, training or discipline.

Recommendation Seven - The Department should modify its current body-worn camera policy to include a requirement that officers activate their cameras whenever they initiate a code 3 response. The Police Department agrees with this recommendation and has amended their Body Worn Camera Policy to reflect this change.

Recommendation Eight - The Department should create a separate force reporting and review mechanism so that all reports, documents, recordings, and other evidence pertaining to a particular force incident are collected in one distinct package, and that the supervisory review process is clear and well-documented. The Police Department’s response to this recommendation can be found online at www.anaheim.net/PSB.

Recommendation Nine - The Department should explore ways to engage Department executives in the force review process to ensure that force incidents are reviewed holistically, with evaluation of any ways in which the tactics, supervision, application of force, post-incident handling, and investigative process could be improved.

Recommendation Ten - The Department should consider ways to formalize its criteria for evaluating complaints and giving an “Inquiry Only” designation, and should ensure that an appropriate level of due diligence is reflected in the accompanying documentation.
- Recommendation Eleven-The Department should develop internal deadlines for completion of Internal Affairs investigations that will ensure cases are completed substantially earlier than the one-year statutory deadline.

- Recommendation Twelve-The Department should strive for completeness in its review of potential policy violations and systemic issues, even if such matters extend beyond the specific allegations in the originating complaint.

- Recommendation Thirteen-The Department should consider moving toward in-person witness interviews as more of a “default” practice in its administrative investigations. Though deviations from this standard are sometimes reasonable and/or necessary, the rationale for doing so should be documented in the investigation file.

- Recommendation Fourteen- The Department should pursue practical ways to extend its recording policies and technology to ensure that transport of subjects is captured through audio or video or both.

- Recommendation Fifteen-The Department should consider ways to standardize its use of recorded evidence during the interview and investigations process of an administrative case.

The comprehensive written response from the Police Department explaining each of their responses to the Office of Independent Review Group recommendations is available online at [www.anaheim.net/PSB](http://www.anaheim.net/PSB).

6. **Approve 2017 Public Safety Board First Quarter Meeting Date**

   The Board approved the next meeting to be held on January 26, 2017.

6. **Board Communications**

   Member Nelson asked Deputy Chief Harvey to come up as he wanted to ask several questions. Member Nelson asked Deputy Chief Harvey questions regarding how a case is investigated if the allegation is against command staff. Deputy Chief Harvey indicated if the investigation is criminal in nature it is handled by the District Attorney. If the complaint is administrative, the Internal Affairs Division investigation may handle the complaint, depending on the complexity and nature of the complaint.

   Mr. Nelson inquired about the complaint made by Mr. Roberts and Mr. Emery explained that the Human Resources Director looked into that complaint. Mr. Nelson made a motion to recommend to the City Manager that the Office of Independent Review Group review the complaint made by Mr. Roberts.
Member Nelson offered a Motion (Vote 5-1, Abstain-Bryant,) to recommend the OIR Group review the complaint made by Mr. Roberts.

7. **ADJOURNMENT**

**ACTION:** There being no further business, Member Bryant offered a Motion, seconded by Vice Chair Nelson and Motion Carried (Vote 6-0) that the Pilot Public Safety Board does hereby adjourn the meeting at 8:29 p.m. to January 26, 2017 at 6:00 p.m. at the Gordon Hoyt Conference Room.
Anaheim Public Safety Review Model

January 2017
Anaheim Public Safety Review Model

January 2017

Anaheim Model
The City of Anaheim public safety review model consists of an independent external auditor (the Office of Independent Review or the OIR Group) and the pilot Public Safety Board, comprised of nine Anaheim residents, which is advisory to the City Manager.

Accomplishments
The City has held 11 public meetings with the pilot Public Safety Board, providing opportunities for Anaheim community members to become further engaged in public safety policies and practices.

Additionally, through the work of the independent external auditor, the Office of Independent Review Group has issued 57 recommendations since April 2015 with the Anaheim Police Department agreeing with 42 of the recommendations.

A full list of accomplishments can be found at the end of this report.

Next Steps
The pilot Public Safety Board was anticipated to run for two years at which time an evaluation was to be conducted. The City has commissioned an outside consultant who has prepared a report regarding the suggested next steps and recommendations. City staff intends to present this information to the PSB and the City Council who will provide direction regarding the next steps.

Noteworthy Recommendation
Particularly noteworthy recommendation made by the Office of Independent Review Group (OIR Group) and accepted by the Anaheim Police Department include two revisions to the Police Department's Body Camera policy. The OIR Group recommended that the policy be modified to require officers to activate their body cameras whenever they were traveling Code 3 to calls. The OIR Group indicated that the change to policy will ensure a greater likelihood that use of force instances will be captured by body cameras.
Background
In September 2012, city staff was asked to conduct research on police citizen review boards and oversight models. In January 2013, city staff presented a staff report to the City Council which provided background information and research regarding police review models.

The report summarized the benefits of police review models, including but not limited to:

- Increased public confidence;
- Improved public perception of police professionalism;
- Increased public understanding of the nature of police work and police behavior;
- Increased transparency;
- Increased accountability;
- Increased public reassurance that the investigative process is thorough and fair.

The report also included an overview of the various police review models commonly found in the United States. The makeup of models vary from jurisdiction to jurisdiction with the benefits of police review models contingent upon a variety of factors including the degree to which stakeholders work together and the approach that is implemented. Below is a summary of the different police review models.

Police Review/Oversight Models

**Auditor/Ombudsman**- An individual is authorized to review complaints and Internal Affairs investigations. The auditor is authorized to review, monitor, or audit the department’s complaints. If the Internal Affairs investigation is insufficient, the auditor may ask for further investigation or may be authorized to conduct an independent investigation.

**Monitoring/Review**- An individual is authorized to review Internal Affairs investigations of complaints and find them adequate or not and whether he/she agrees or disagrees with the findings. This model may recommend further investigation and issue policy recommendations.

**Citizen Review Board**- A board of individuals authorized to review investigations. This model may recommend further investigation and issue policy recommendations.

**Investigative Model**- An independent agency or a board is authorized to investigate complaints, review all police reports relating to the incident, and may be authorized to conduct interviews and investigate the incident. Typically, investigative models are comprised of experienced civilian investigators.

In 2014, after extensive and comprehensive research regarding public safety review models, city staff returned to Council with an implementation plan regarding a model suitable for Anaheim. The
Anaheim model consists of an independent external auditor and the pilot Public Safety Board (PSB), comprised of Anaheim residents, which is advisory to the City Manager. The overarching purpose of the PSB is to increase public input regarding fire and police services. In addition, the PSB participates in reviewing fire and police:

- Annual budget
- Staffing levels
- Service delivery mechanisms
- Policies and practices
- Certain police critical incidents

The Anaheim model incorporates a blended approach engaging community members, while also drawing upon the expertise of the Office of Independent Review Group (OIR) – a professional and independent external auditor with extensive experience in the examination of public safety practices.

The Anaheim model strives to encompass strengths from other review board models by involving community members in the process of reviewing public safety issues and incorporating a professional auditor who functions in a deliberate and proactive roles. There are no two review boards or auditor models that are the same in California or across the nation, however staff approached the Anaheim model to incorporate a citizen component and the use of an auditor that has unfettered access to records. Using this model, the Public Safety Board reviews public safety practices and procedures and may issue recommendations to the City Manager.

The OIR Group is led by Michael Gennaco who has more than 15 years of experience investigating police misconduct cases and who has reviewed more than 500 officer involved shootings throughout California. Mr. Gennaco previously served in the Office of the United States Attorney as the Chief of the Civil Rights Section. In addition to Mr. Gennaco, the OIR Group is staffed by a team of attorneys with considerable experience in criminal law, civil rights, and auditing internal investigations to ensure investigations have been conducted thoroughly, objectively and fairly.
Implementation

In 2014, the City implemented the Anaheim model, which previously mentioned, incorporates a hybrid approach of involving community members through the creation of the Public Safety Board along with enlisting the professional expertise of an independent external auditor- the OIR Group.

Public Safety Board
The creation of a pilot Public Safety Board, comprised of Anaheim residents, was developed to review public safety practices, certain critical incidents, policies and budgets. The pilot board was anticipated to run for a two-year period at which time an assessment would be conducted to determine the next steps, areas of success and areas of improvement. A report evaluating the PSB was conducted by an outside consultant with recommendations regarding the PSB next steps and will be delivered to the PSB January 2017. The complete report is available at www.anaheim.net/PSB.

In 2014, after creation of the PSB, outreach was conducted to encourage Anaheim residents to serve on the Board. Based on community feedback, the Board was comprised of a cross section of residents who had no prior fire or law enforcement experience or family involved in law enforcement. Nine residents were selected from a cross section of the City via a lottery to ensure an impartial selection process. Following the selection of members, the PSB received training on a variety of topics including use of force, internal affairs, and peace officer bill of rights and conducted their first meeting in October 2014. Since that time, the Board has conducted over 11 meetings and received 60 public speakers during meetings that were held from 2014 through 2016.

During the meetings, the Board received presentations regarding all 57 of the OIR Group recommendations and the Police Department’s response to the recommendations. Moreover, the PSB has received information regarding critical incidents in closed session, updates from Anaheim Fire & Rescue, the Anaheim Police Department, information on the proposed annual public safety budgets, body worn cameras, homeless efforts, Anaheim Police Department statistics and other events that have occurred during the two-year pilot period.

Through the combined efforts of the PSB recommendations, the OIR Group and the APD self-assessment, there have been a number of enhancements that have occurred including the public issuance of police statistics and the adoption of a policy to ensure that the transport of subjects is captured through video. Furthermore, the PSB has increased the public’s ability to participate in public safety practices, ask questions and provide feedback regarding public safety policies and critical incidents. The public board meetings are an important mechanism for the public to ask questions and notify the board and the City of improvements they would like to see.
Office of Independent Review Group (OIR Group)
When the Anaheim model was implemented in 2014, the OIR Group scope expanded. Previously, the OIR Group conducted historical audits of certain critical incidents for the City of Anaheim. In 2014, the OIR Group role expanded to include:

- Respond to the scene of all officer involved shootings and in-custody deaths in real time to monitor and advise the City in the investigation.
- Review and report on all investigations/cases closed on a quarterly basis in the following categories:
  - All uses of deadly force and in-custody deaths;
  - All bias-based policing complaints;
  - All administrative investigations in which the subject employee holds the rank of sergeant or higher;
  - A random selection of 1/3 of all administrative investigations;
  - A random selection of 1/3 of all citizen complaints; and
  - A random selection of ¼ of all use of force reviews.

With the expanded scope of work, the OIR Group responds to the scene of all officer-involved shootings and in-custody deaths in real time to monitor the Police Department’s administrative investigation. Responding to the scene in real-time allows the OIR Group to monitor the events of critical incidents investigations as they occur to ensure they are thorough and fair. They also have the ability to provide critical feedback given their unique extensive experience and perspective. The response from the OIR Group further provides an independent external monitoring of an incident with a goal of increasing the public trust in the process.

The OIR Group’s expanded scope also provides for the development of public reports to report on their findings and issue relevant recommendations based on their review of cases. Since 2014, the OIR Group has issued three public reports with a total of 57 recommendations regarding the Police Department’s training, tactics, and policies. The April 2015 report issued by the OIR Group was commissioned by the City to review a number of officer-involved shootings and one in custody death over a nine year period that were of particular interest to community members. As a result, the OIR Group reviewed twenty-three officer-involved shootings and one in-custody death. This report issued 20 recommendations and the Anaheim Police Department agreed with 16 of the recommendations. The recommendations issued focused on systemic reform, investigative protocols reform, and administrative review protocols.

The OIR Group’s October 2015 report contained an audit of use of force incidents and internal affairs investigations from a six month period commencing September 2014 and ending March 2015. The OIR Group issued 22 recommendations and the Anaheim Police Department agreed with 12 recommendations and committed to reviewing an additional six recommendations that were issued.
The OIR Group’s July 2016 report contained a review of three reports on critical incidents, nine internal affairs investigations into allegations of officer-misconduct and eight uses of force. The OIR Group issued 15 recommendations regarding adjustments to policy or practice and the Anaheim Police Department concurred with 14 of the 15 recommendations.

Particularly noteworthy recommendations made by the OIR Group and accepted by the Anaheim Police Department include two revisions to the Police Department’s Body Camera policy. Review of officer-involved shootings identified occasions in which officers either did not have time or forgot to activate their body cameras when they were faced with an exigent situation that necessitated an immediate tactical response. The OIR Group recommended that the policy be modified to require officers to activate their body cameras whenever they were traveling Code 3 to calls. The OIR Group indicated that the change to policy will ensure a greater likelihood that use of force instances will be captured by body cameras.

Additionally, the OIR Group recommended that the transport of arrestees be captured with body cameras. The Anaheim Police Department accepted the recommendation. According to the OIR Group, if the Department receives a complaint about inappropriate treatment or comments during an arrestee’s transport, the body camera footage will provide important evidence documenting what occurred.

Recently, the Anaheim Police Department agreed to implement an OIR Group recommendation dealing with internal investigations. During its most recent audit, the OIR Group found that, at times, interviews were conducted telephonically. OIR recommended that “in-person” interviews should be the default and that any reason for a deviation should be explained in the investigative report. APD agreed with the OIR Group’s recommendation.

In addition to responding to the scene of officer-involved shootings, in-custody deaths, reviewing and reporting on investigations and cases, the OIR Group plays a significant role in advising the Anaheim Police Department during the Major Incident Review Team (MIRT) process.

The Police Department’s policy is to convene a MIRT when deadly force is used, for critical incidents that involve great bodily injury, and at the discretion of the Chief of Police, Deputy Chief of Police or any Division Commander. MIRT conducts a complete administrative investigation of critical incidents to determine if the actions of the police were in accordance with the department’s policies and procedures. The investigation is focused on identifying areas for improvement in tactics, training, equipment, command and control, communications, policy and neighborhood post-incident recovery.

As a result of enhancements, the Anaheim Police Department goal is to give a MIRT presentation within days of the incident. Currently, only a handful of police organizations in California have implemented robust review protocols after critical incidents and the APD is one of those agencies. The
timing allows for the Police Department to immediately identify any concerns from the critical incident and make adjustments to procedures and training, if needed. Furthermore, the internal MIRT presentation that occurs days after a critical incident provides for an in-depth analysis and self-criticism of an event.

The OIR Group’s role has expanded to also include attendance at the MIRT presentations, which historically have been limited to police and city personnel only. Incorporating the OIR Group allows for an outside independent viewpoint to critically examine the incident in real time as the administrative investigation is occurring. Furthermore, the Police Department has taken the step to provide briefings and MIRT presentations to the Public Safety Board in closed session regarding critical incidents. The presentation in closed session provides an opportunity for the PSB to ask critical and important questions regarding an incident.

**Anaheim Model Accomplishments**

Within the scope of two years, the City adopted a police review model that was tailored to the needs of the Anaheim community, implementing a model that engages the Anaheim community and provides a greater opportunity to be more involved with public safety policies and practices. Additionally, it incorporated a professional independent external auditor with expertise who functions in a deliberate and proactive role to review officer involved shootings and critical incidents. This approach has resulted in the following accomplishments thus far:

- Implemented a model in Anaheim, the only Orange County city with public police review, consisting of a Public Safety Board and an independent external auditor (OIR Group);

- Expanded the OIR Group scope of work to monitor deadly use of force and in-custody deaths in real time;

- The OIR Group issued three public reports with 57 recommendations to improve training, tactics and policies;

- Presented the public reports to the Public Safety Board and Anaheim community;

- Issued public statistics regarding the number of officer involved shootings, in-custody deaths, administrative investigations, citizen complaints, use of force, and the number of dispositions;

- Implemented recommendations from the OIR Group, the Anaheim Police Department implemented many of the 57 recommendations issued by the OIR Group, agreeing with 42 of the recommendations;
Anaheim Public Safety Review Model

- Developed a Public Safety Board website [www.anaheim.net/PSB](http://www.anaheim.net/PSB) with the meeting dates, agendas, minutes, meeting presentations, public reports, statistics and background information;

- Held 11 public meetings with the Public Safety Board from October 2014 – December 2016 with more than 60 public speakers and a range of 10-30 members in the audience each meeting;

- Increased transparency and community engagement in the delivery of public safety by including Anaheim residents to a greater extent;

- Conducted more than 30 hours of mandatory training for the Public Safety Board members;

- Conducted closed session briefings with the Public Safety Board regarding critical incidents; and

- Strengthened the Major Incident Review Team process, which conducts an administrative investigation of critical incidents to determine if the actions of the police were in accordance with the department’s policies and procedures. The investigation is focused on identifying areas for improvement, tactics, training, equipment, command and control, communications, police and neighborhood post-incident recovery.
EVALUATION OF THE ANAHEIM PUBLIC SAFETY BOARD

Prepared by
Joseph Brann & Associates

January 26, 2017
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**Evaluation of the Anaheim Public Safety Board**

In July of 2016, the City Manager’s office informed the City Council that the conclusion of the two-year pilot period for the City’s Public Safety Board (PSB) was nearing completion. At the time the PSB was initially created in 2014, the former City Manager committed to conducting an evaluation of the role and effectiveness of the PSB by the end of the pilot period. The City recently requested Joseph Brann & Associates (JBA) to conduct this assessment and the following report is submitted in response to the questions and issues JBA was asked to explore and evaluate.

The topics and central questions that have guided this evaluation process include the following:

1) Is the PSB fulfilling the mission that was set forth?
2) Has the City/Board followed through in meeting the commitments that were established at the time the PSB was created?
3) What has been accomplished? Are expectations being met?
4) Is the PSB proving to be effective in terms of providing public safety oversight?
5) Should this model be maintained? If so, should any changes be considered?

A questionnaire was developed to guide the interviews of PSB members and elicit their observations and feedback relating to their individual expectations, the training they received, their experiences as board members and to glean any recommendations they wanted to offer regarding the continuation of this body or for improvements in the functioning of the Board. The interviews utilized open-ended questions designed to encourage reflection and promote candor. To that end, all those interviewed were assured of and have been provided anonymity throughout this process. Interviews of other key figures who are routinely engaged in the work of the PSB were also conducted, including representatives from the Police and Fire Departments and from the Office of Independent Review Group (OIR).

This report begins with a summarization of the observations and feedback provided by the participants who were interviewed. The initial discussion incorporates observations and commentary from the consultant that is focused on the issues and questions being discussed. The report then discusses the consultant’s key observations and conclusions concerning the five questions posed above. The report concludes with the consultant’s key findings and recommendations for consideration by the City Manager.
The Interviews

The interviews focused on 15 central questions that were developed to probe and evaluate topics such as: (a) whether the PSB members felt their personal understanding and expectations as Board members were consistent with what they found the Board’s purpose and mission to be; (b) whether they felt the training and orientation they were provided adequately prepared and assisted them in carrying out their duties and responsibilities; (c) whether they felt the guidelines and protocols established for managing the PSB’s operations have been effective and helpful; (d) obtaining opinions regarding the impact the PSB has had to date; and (e) determining how the operations and effectiveness of the PSB might be improved. All interviews with Board members were conducted one-on-one to encourage greater individual thought and sharing of unique perspectives.

The interviews were structured and conducted with the objective of focusing the discussion on the evaluation of the PSB while also allowing the participants the opportunity to offer any additional thoughts and observations that might be inclined to share. Other issues were occasionally raised by participants and, when relevant and suitable, the comments cited in attachment reflect that. The participants were encouraged to follow up with the interviewer and share any subsequent thoughts, questions or suggestions they might have. Some later provided additional material that has been incorporated into this report.

An overview of the consultant’s observations and findings that were gleaned from the interviews is provided below. An attachment has also been included with this report (Attachment “A”) that provides detailed examples and offers a more comprehensive picture of the responses and views expressed by the participants. The quotes and comments from the interviews that are either cited in this report or in the attachment are not intended to capture every specific observation made by the participants. Rather, the ones that have been included were selected because they tended to capture or reflect the more prominent thoughts and observations expressed by the participants and, therefore, provide an accurate sense of the issues and perspectives that were shared. In some instances, these comments serve to illustrate apparent agreement and consistency of thought among the participants. In other cases, the comments reflect unique and perhaps differing perspectives which the consultant believes warrant recognition and consideration. Some of these comments have been paraphrased for the purpose of clarity and/or brevity.

The following section summarizes the observations and feedback on the questions posed to the subjects who were interviewed. The consultant’s observations based on the interviews and identifies some

1) **Do you believe the mission and role of the PSB is clearly understood by all PSB members? By the community? By members of Anaheim Police and Fire Departments?**
Although most members of the PSB stated that a mission statement for this body was never developed, some pointed out that the “Purpose” section contained in the Operating Procedures that were established for the PSB does describe the PSB’s mission. Those procedures were developed and disseminated to the board members during the early stages of the training they received. The purpose section was cited by several members as serving to clarify the expectations which they understood the PSB was expected to address. Nonetheless, based on the discussions with the members, it is evident that some confusion, if not disagreement, has persisted surrounding the PSB’s mission and role.

Members of the PSB do not currently share a unified vision as to what their mission and role is, or, for that matter, even what they believe it should be. This appears to stem, at least in part, from the uncertainty and somewhat differing views and expectations held by PSB members concerning what the board’s role would be at the time they agreed to serve on this newly created body.

PSB members acknowledge that there are many in the community who are unaware the PSB even exists, and there are others who have expressed strong dissatisfaction with how it is currently structured and functions. Some are strongly opposed to the current model because they do not believe the PSB has the investigative and disciplinary authority to effect change in the police department. This is not an unusual situation. Similar experiences and complaints are evident elsewhere when one examines the establishment and evolution of comparable boards and commissions in other jurisdictions, and these differences of opinion and criticisms often persist – even decades later.

It is the consultant’s view that, despite whether the PSB continues to function in its current form or perhaps the City subscribes to a different model, some conflict and disagreements will undoubtedly continue surrounding the PSB’s role and authority. No similar oversight entity, or model, can be found that is without critics. Opinions vary widely about their effectiveness as well as what would be “best” for any given community but consensus is non-existent.

However, it may be possible that some of the debate can be reduced, or at least more narrowly focused, by ensuring a clear understanding is set forth surrounding what the City’s intentions are relative to the role and authority of the PSB. That could be done by establishing a very clear mission statement, ensuring that PSB members possess a solid understanding of the role, authority (including the scope and the limitations), and expectations they are being asked to take on, and then engaging them in an ongoing effort to help educate the community about what this body does and how it functions to serve the community.

2) Was the initial training provided to you by the City comprehensive enough and sufficient to prepare you and your colleagues to fulfill your roles and responsibilities on the PSB?
The responses to this question reflected a general sentiment that the orientation they were provided and subsequent training they have received has been especially helpful to the PSB members. There was acknowledgement that this has provided them with insights and a better understanding of APD and AFD organizational policies, practices along with an appreciation for the extensive training employees receive which guides how and why they respond to certain situations and react as they do. However, some members also described the training provided to the PSB members as being too “police-centric” and felt it placed undue emphasis on justifying officer reactions rather than simultaneously offering or discussing perspectives that would reflect community concerns and consideration of alternative tactics (such as de-escalation techniques).

There was a view expressed by some that the Board might be more effective in recognizing and dealing with community concerns stemming from various critical incidents if they were offered a more comprehensive picture and insights into alternative views of those incidents. Supporters of doing this expressed their belief this might serve to assure concerned community members that the PSB is open to examining community feedback and willing to inject that into discussions about police policy, practices and training.

3) **In your view, should new PSB members be required to complete a training/orientation course prior to participating in the review of incidents or other matters the PSB deals with?**

There was consensus among existing PSB members as to the importance of this being done, and recognition of the benefits this would provide for smooth transitions and more effective functioning of the Board in the future. Based on their experiences, members state they have a developed a heightened appreciation for the importance of receiving a comprehensive orientation and essential training that would help them carry out their duties prior to being engaged in reviews of critical incidents or discussions that might involve significant policy matters which they may not yet be sufficiently knowledgeable about.

Because the City was prepared and able to provide the initial members of the PSB with a structured training and orientation process prior to engaging them in any deliberations, there has not yet been a need to establish a process for training and orienting future replacements on the Board. However, that will now change as turnover takes place and decisions are being made about the future composition of this group.

Recognizing that there is some imminent turnover about to take place in the membership of the PSB, and this will be a periodic occurrence in the future, a process should be established to ensure future transitions take place with minimal disruption to the operations of the board. Consideration should be given to staggering the terms which PSB members serve on the Board to lessen the disruption and challenges.
associated with planned changes in the composition of the Board. One of those challenges involves the demands placed on staff and the time required to ensure that necessary training and orientation of new members is conducted in a timely fashion. To minimize this, it is recommended that those training sessions or blocks which involve “static” or consistent content be video recorded. Doing this would provide an ability to have future members schedule and self-administer some (or all) of their training sessions at times that are convenient for those involved. This would be especially convenient when dealing with those occasions where the training might only be required for one individual rather than being provided for a new group of members who are all beginning to serve on the Board at the same time.

4) Based on your experiences, do you believe additional, specialized or ongoing training would be helpful to the PSB in carrying out their responsibilities? If so, what might that include?

The responses and input offered here tended to be wide-ranging and reflected some very thoughtful consideration of various issues encountered by the Board over the past two years. They raised a variety of suggestions relating to administrative and operational considerations which influence how the Board functions, with recommendations focused on such things as receiving training in how to conduct public meetings, obtaining or having access to legal counsel and guidance from the City Attorney’s office (or outside counsel knowledgeable about matters affecting the Board’s operations), and promoting greater awareness and understanding of how similar bodies in other jurisdictions operate.

Members also expressed an interest in gaining exposure to and participating in various professional groups or resources involved in civilian oversight of law enforcement, such as attending training and conferences provided by the National Association for the Civilian Oversight of Law Enforcement (NACOLE). There were also suggestions made about having the PSB provided with presentations or training to help them better understand how certain operations and protocols, such as those found in the communication center, affect field activities and influence tactical decisions made by officers and supervisors. Consideration of these matters would broaden the members’ perspectives and understanding of public safety considerations, and potentially improve the effectiveness of the PSB in carrying out its duties.

5) Are the protocols and processes that have been adopted to guide how the business of the PSB is conducted working well? Are there any changes that should be considered?

There was a high level of frustration expressed by most of the PSB members in response to this question, especially as it relates to their understanding of the guidelines they have been provided about how public meetings by this body must be conducted. There is a confusion surrounding the question of whether the PSB is subject to Brown Act provisions, among other things, and a sense by some that communications between the Board members and the City Manager have been
unduly restricted to only the Chair and Vice-Chair of the Board. This protocol is viewed as being dysfunctional by some on the PSB.

Some of the frustrations voiced might be attributable to common challenges encountered when bodies such as the PSB are newly established and going through the initial stages of development. Other criticisms that were expressed reflected a seemingly growing frustration which appears to stem from a perception that the Board is not being allowed to fully or effectively engage in discussions with the community, thereby impeding their ability to carry out the responsibilities members believe they have been charged with.

6) In your view, are the PSB meetings held frequently enough and of sufficient duration to meet the demands and expectations placed on the PSB? Is the current meeting schedule (day of week and time) the best time for conducting these meetings?

Divergent views were expressed on this matter, driven by differing opinions as to what the scope of activity and the role of the PSB ought to be versus the nature of the activities and work they are actually engaged in. The responses generally reflect a view that the quarterly schedule is sufficient based on the Board’s current role and responsibilities. However, should the scope of the Board’s work and responsibilities be expanded, as some desire, there was support expressed for increasing the frequency of the meetings and also conducting broader outreach activities to enhance public awareness surrounding the Board’s role.

7) Does the PSB receive sufficient staff support from the City? Are you aware of any unmet needs or additional expectations you or your colleagues might have?

The PSB members expressed strong appreciation for the quality of staff support that has been provided by Lylana Bogdanovich, especially so when considering the multitude of her other responsibilities. However, based on a perceived need and desire by some to see the role of the PSB expanded, with more effort then being required for community outreach and additional meetings, the sense is this would necessitate greater staff support than what is currently allocated for the Board.

Several members expressed interest in having a budget established for the PSB so that various needs they have identified could be addressed and managed. Examples of the needs cited include training, attendance at conferences, public awareness materials, surveys, development and dissemination of annual and other Board reports, translator services as Board meetings, etc.

8) Should there be rules (minimum requirements) in place to govern PSB member attendance/absences and procedures for filling vacancies?
There was unanimous agreement among the Board members that the existing requirements and standards identified in the current Operating Manual should be followed. Specific concerns were expressed about the importance of members recognizing and honoring their responsibility to attend meetings. The comments also indicated a strong desire among the Board to establish and adhere to clear protocols surrounding the timely replacement of any member vacancies that occur.

9) Have you found the time required of you to fulfill your obligations as a PSB member, and the demands placed on you, to be about what you anticipated? How many hours, on average, do you believe PSB members should be expected to dedicate to this role?

The responses here were again consistent across the group, with most people stating the time required was in the range of 20-25 hours per year, outside of the actual quarterly meetings. This is considerably less than most jurisdictions with similar boards or commissions. It is not unusual for members of comparable types of boards to devote 20-40 hours per month where those entities are involved in reviewing complaint investigations and critical incidents.

The experience of existing PSB members should be used to inform future applicants being considered for appointment to this Board what they should expect in the way of demands on their time. Obviously, if changes are made relating to the Board’s role or the frequency of the meetings is increased, the expectations place on the Board and the commitments they should be prepared to make must be adjusted accordingly. Should this occur, any candidate for Board membership should be made aware of this and prepared for that possibility.

10) In your view, is the PSB visible and known within the community? Is there a need to promote greater awareness of this body and the role it serves?

PSB members are fervent in their desire to undertake an ongoing public outreach and education effort to promote awareness about the existence of the PSB and the role it is intended to fulfill. Most feel the Board’s role, scope of authority and responsibilities are not well-understood by the community, so greater public awareness is required to offset misperceptions which are prevalent. Some on the PSB believe more can and should be done by the members themselves to assist in carrying out these outreach activities, help rectify misperceptions, respond to criticisms and questions, and address other community concerns and questions related to the PSB.

11) What did you appreciate most about the body and the position you serve in? What did you like least?

Not surprisingly, the members of the PSB are motivated by a desire to engage in public service and expressed their appreciation for the opportunity to serve in a role that they believe can make a difference in their community. They cited the intrinsic rewards associated with serving on a Board of this nature but also expressed
frustrations about some of the challenges encountered given that this has been a new endeavor for the City. The criticisms directed at the members of the PSB and the City were cited as being troubling on a personal level to some, as was their sense that they were limited in their ability to respond and engage in a dialogue with those critics. No one had prior experience with this model of oversight so there was no history or experience to fall back upon in preparing the members for what they should expect.

The experiences and resulting perceptions by the PSB members that have taken shape over the past two years serve to illustrate where there are likely to be some continuing challenges for the next Board. The current Board’s observations are also of value in recognizing some of the resources that are available which the City may wish to consider in helping acclimate new Board members to their roles should this endeavor continue. The reflections and recommendations shared by the current Board will prove useful in helping orient future members as to the challenges they will encounter and in helping temper expectations. Any future training and orientation efforts undertaken for the next version of this Board should be developed with these considerations in mind.

12) How do you think Anaheim PD has most benefited from having a Public Safety Board since it was created?

There is a relatively high level of skepticism or uncertainty surrounding this question. Although some of the PSB members expressed confidence in the Police Chief’s desire to move the APD forward in terms of getting employees at all levels to work more closely and effectively with their critics in the community, it does not appear, at least within the ranks of the PSB, that major progress has yet been achieved on that front. However, that should not be viewed as a sign of failure at this stage. This is a task in process, requiring sustained attention and effort before perceptions can be altered and lasting behavioral changes take place. It often requires 7-10 years of sustained effort to bring about significant and lasting institutional change in a law enforcement organization.

13) How do you think Anaheim Fire & Rescue has most benefited from having a Public Safety Board?

There was general acknowledgement among the PSB members that the Fire Department has not been the subject of significant attention by either the Board or the community. Although various Board members felt they personally benefited from learning more about AFD’s operations, they also commented that the community’s concerns and attention have not focused on the AFD as there are not significant issues or concerns related to either their performance or relationships with the public. Further, it was noted there is no reason to believe or expect this is likely to change in the future.
With respect to the PSB’s responsibilities and the City’s expectations for this Board, this raises the question as to whether the PSB should be asked to continue devoting attention to Fire Department operations. Is this a good use of the PSB’s time and city resources?

14) How has the community most benefited from having a Public Safety Board?

The PSB has been in existence for a sufficient duration that it should now be recognized as providing the public with a platform where community members do have access and can address their concerns regarding public safety matters. The PSB affords the community another avenue by which they can bring forward questions and complaints and a means of ensuring these issues are followed up on. Refinements may still be needed but, because the PSB is in place, accountability and transparency in this arena are being enhanced.

Despite the City’s efforts to expand public access vis-à-vis the creation of the PSB and to improve transparency and accountability, there are community members, and even Board members, who remain critical of the steps that have been taken. There continue to be criticisms and skepticism expressed by some surrounding the Anaheim PSB model. Not everyone is supportive and some have views and expectations for the PSB that are quite different from what the City considered and ultimately put into effect. Again, this is not an unusual situation. There is no oversight body in existence that does not also have dissatisfied critics who are unhappy with the form of oversight established and/or the authority vested in or exercised by these entities. It is to be expected that opinions about the PSB can and will vary but that should not deter efforts to maintain and improve upon the model Anaheim has created.

15) Do you have any additional observations or recommendations to consider?

Quite a few recommendations were offered for consideration and the observations shared reflect serious thought being given to what might be done to improve the functioning of the Board and their ability to carry out the responsibilities they have been tasked with. Several of these suggestions have been discussed in the treatment of the earlier questions. Still others can be found in Attachment A or will be discussed under the major recommendations that are found in the final section of this report.

**Key Observations and Conclusions**

This report began by identifying five important questions used to guide the evaluation through the course of the interviews, review of documents, and other research. Let’s now re-visit those questions.
Is the PSB fulfilling the mission that was set forth?

There is not a clear and agreed-upon mission statement that was developed for or by the PSB. However, the “Purpose Statement” and the “Duties and Responsibilities” sections of the PSB Operating Procedures were obviously intended to provide direction to the Board and most members acknowledge this has served to focus their attention on the tasks and expectations the City wanted this body to address. Nonetheless, there are some differing views and interpretations, even among the Board members, regarding what the Board’s role is versus what it should or might be. These differences appear to be rooted in divergent interests and views, some of which are driven by PSB members’ perceptions or understanding of the expectations voiced by community members, and even disagreement over whether the Board is being called upon to address the full range of duties and expectations described in their Operating Procedures.

So, whether the PSB’s mission is being fulfilled is a question that remains under debate in the minds of some. The Operating Procedures called for the PSB to review critical incidents, examine public safety practices and services, and provide feedback to the City Manager. What seems to be at issue is the extent to which the PSB is viewed by some as having been intended to serve in a role other than as an advisory body, and therefore expected to exercise direct influence or authority over policy matters and other decisions. Based on the Operating Procedures that were originally developed, it can rightfully be argued that the PSB is fulfilling its purpose as set forth in those guidelines. Yet, from the perspective of those who desired and advocated for the PSB to be a policy-making body and who want it to be empowered with the authority to act on disciplinary matters, that mission or objective is not being accomplished. However, as evidenced by the documentation surrounding the creation of the Board, the PSB was never intended to serve as a policy-making or discipline-imposing body.

The continuing debate and controversy that surrounds this issue requires resolution. It will serve everyone’s interests to develop a mission statement for the PSB that firmly establishes what their role and scope of authority is and to clarify the desired results that are being sought. Specific goals, objectives and the desired outcomes for the PSB should be established, members should be oriented and well-versed in these, and the public should be informed and educated about this.

Has the City/Board followed through in meeting the commitments that were established at the time the PSB was created?

The City has followed through on the commitments made surrounding the creation of the PSB, the selection process, training, and ensuring the Board was prepared and supported in carrying out the responsibilities that were outlined.
At the time the PSB was established, the City described (in a report to the City Council, dated 2-18-2014)\(^1\) the overarching purpose of the PSB as being “to increase public input regarding fire and police services, as well as better understand and appropriately integrate the public’s performance expectations into the goals for those agencies”. The City described the process thus: “The PSB would work directly with the City Manager and participate in reviewing such items as fire and police budgets, staffing levels, service delivery mechanisms, police and fire policies and practices, and certain critical incidents, such as police officer involved shooting, in-custody deaths and use of force incidents”.

Based upon a review of the PSB meeting agendas, minutes of those meetings and the interviews conducted, the City Manager and staff have worked directly and closely with the PSB over the course of this pilot period. The activities and focus of the PSB meetings initially concentrated on orientating and training Board members. Once those were completed, the activities shifted toward carrying out the tasks the Board was delegated, which includes receiving briefings and updates from the OIR and APD on particular incidents (officer-involved shootings, major incidents, etc.) and engagement in discussions related to policy matters under consideration, such as the use of body-worn cameras. Moving forward, the agendas have increasingly included briefings, reviews of specific incidents such as officer-involved shootings, and discussions relating to the scope of the Board’s responsibilities. Of note, it does not appear the PSB has been involved in any specific activity or reviews relating to use of force incidents - outside of officer involved shootings. Throughout the course of the pilot Board’s activities, the City Manager has been personally engaged with them, consistently attending meetings, participating in the discussions and providing direction as appropriate.

The previously mentioned report to the City Council\(^2\) contained a statement indicating “the PSB, working in conjunction with the external auditor and City Manager, shall prepare annual reports”, going on to identify suggested issues to be covered, and stating the pilot PSB would discuss and define more specific deliverables relating to this objective. However, to date, the PSB has not been directly engaged in defining what those deliverables might be, nor have any reports been issued by the PSB that would appear to meet this expectation.

**What has been accomplished? Are expectations being met?**

The City conceptualized and implemented a form of public safety oversight that is unique to the City of Anaheim and it appears, at this stage, to be meeting the needs and expectations of most members of the community - but not all. As previously noted, there are some who do not agree with the form of oversight that has been adopted and who continue to advocate for a different model or approach. Yet, it should be acknowledged that even if a different model was adopted by the City and it was one that would satisfy the expectations of the current critics, there is no assurance this would then satisfy those

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\(^1\) Council Agenda Report from the City Manager, Subject: Public Safety Board, Item #6, dated February 18, 2014, p. 1.

\(^2\) Ibid, p. 3.
who favor the current model or still another approach. The controversy will likely continue no matter what model is adopted, as experience has shown in other communities.

In the course of determining which model would be most practical and suitable for consideration by Anaheim, the City acted responsibly. Research was undertaken to examine the range of models in existence; the experiences of other communities were considered; subject matter experts were consulted; and the community’s concerns and expectations were considered. Ultimately, the City elected to establish a hybrid model that is unique to Anaheim. The model adopted is one that relies upon the engagement of an external professional group (the OIR, with their extensive experience in monitoring law enforcement performance and conducting oversight activities) and marries this to the engagement of community representatives who serve as a resource to both the OIR and the City. In that respect, the PSB does function in an advisory capacity to the City Manager.

**Is the PSB proving to be effective in terms of providing public safety oversight?**

The pilot period has served its purpose. A platform has been provided for engaging the community, listening to their concerns and then ensuring their feedback and input is considered. The City contracted with an external, independent group of professional auditors/monitors to work in concert with a cross-section of community representatives who jointly provide the City with assistance in reviewing and ensuring the City’s public safety services are meeting professional standards and community expectations. The external resource that has been engaged, the OIR Group, brings unique skills and expertise to the table in conducting reviews of critical incidents and performance monitoring. The community representatives, the PSB, provide for a balance in the oversight process by ensuring varying community needs and expectations are recognized and considered. The model was implemented, has been tested for over two years, and is now being evaluated to determine whether refinements are needed and what the future holds.

With respect to the question as to whether the PSB is proving to be effective in providing public safety oversight, perhaps the answer depends upon what is intended or desired when one considers the meaning of the term “oversight” and how this concept is operationalized. It must be acknowledged that there are some in the community who view oversight as a function of selected community members/representatives who would then exercise final authority over the all policy decisions and disciplinary matters. And there are others who feel comfortable leaving these matters in the hands of their appointed and elected officials. Still others would favor a model or approach that rests somewhere else on the spectrum of options that could be considered.

Based upon the intentions outlined and the roles that were established at the beginning of this endeavor, it is the consultant’s view that the expectations for the PSB are generally being met. Although some refinements are being recommended, this oversight system or model is essentially performing as it was designed and intended.
**Should this model be maintained? If so, should any changes be considered?**

Anaheim has invested considerable effort in establishing a unique, multi-faceted model to engage the community and provide oversight of the City’s public safety services. The objectives outlined at the onset of this process included increasing public input on police and fire services, having that body play a role in examining performance expectations for those agencies, participating in the review of budgets, and providing public input on certain critical incidents, when needed and where appropriate. The PSB was created to ensure community perspectives are considered and factored into a comprehensive oversight strategy. The larger strategy involves the PSB working in concert with an independent external auditor that possesses the requisite legal skills and expertise in evaluating public safety policies and police practices. The involvement of the PSB ensures that consideration of community needs and expectations are weighed during the review process and subsequent discussions, while the independent auditor brings a high level of technical and professional scrutiny to the oversight process.

The model has proven to be effective in addressing the needs that were originally identified and achieving the objectives that were established. While this evaluation has identified some refinements and modifications that should be considered, the recommendation is to continue with this model because it is uniquely suited to the City. The major changes suggested are identified in the recommendations section that follows.

**Recommendations**

The two-year pilot project that was undertaken has afforded the City an opportunity to evaluate the model it developed and to now examine the results. As was noted during the developmental stages of this model, there is no single model or approach that will work in all communities. A recent report issued by the United States Department of Justice, Office of Justice Programs, reinforces this view. That report, titled “Civilian Oversight of Law Enforcement”\(^3\), reviews various forms of oversight models of law enforcement agencies across the country. A copy of this document has been included with this report (see Attachment “B”). One of the findings noted is that any jurisdiction considering a civilian oversight model should focus their efforts on achieving a “best fit” for their community rather than adopting what others may mistakenly refer to and mislabel as a “best practice”.

As was further noted in the OJP report:

“Local jurisdictions should be willing to evaluate the effectiveness of their local oversight agencies proactively and independently. In conducting those evaluations, jurisdictions need to have realistic expectations when it come to the impact civilian oversight may have on local police accountability. Oversight is – and should be – only one component of a jurisdiction’s police accountability framework. As such, local jurisdictions should seek to evaluate effectiveness based on factors over which local oversight agencies have control. As the IACP noted: “Citizen review is but one tool among many that can be used to promoted and ensure accountability. It is neither a cure-all nor likely to promote desired results unless accompanied by a full package of accountability-building strategies”

The City took a bold and admirable step in creating the pilot PSB that was develop in 2014. The feedback and lessons learned from this initial effort can now be utilized to strengthen and improve the structure, role and operations of the Board so that it is better positioned to carry out its responsibilities meet these needs in the future. Based upon the observations, suggestions and desires expressed by the key stakeholders involved in this endeavor, the following recommendations are provided to help achieve that goal.

- The Public Safety Board should be maintained, with the refinements suggested below being undertaken immediately. The model that has been established ensures consideration and integration of community concerns and feedback when examining critical incidents and when developing recommendations for improvement.

- Utilizing the existing Purpose Statement as a foundation, develop a Mission Statement for the PSB that will identify the desired outcomes and results to be achieved by the PSB.

- A determination should be made by the City regarding whether there is a desire to have the PSB engaged in the review of internal investigations or complaints. This issue continues to be raised by PSB members as well as the general community so resolution of the question is required. If it is determined the PSB will be involved in such reviews, this will have a significant impact on the number of hours required of the members, and extensive controls and protocols must then be established relating to confidentiality requirements associated with records that would be accessed.

- Promote increased community awareness of the PSB’s role and responsibilities and directly engage the PSB members in carrying this out. This should include efforts to correct the misperceptions and confusion that exist in the community regarding the City’s oversight model and how this model functions.

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4 ibid., 54
➤ As specified in the duties section of the Operating Procedures, an annual report should be prepared. This report should be used to clarify the PSB’s objectives and responsibilities, provide an overview of the work conducted, and describe their accomplishments for that reporting period.

➤ Building upon the existing PSB training platform, develop a comprehensive training program that will support the Board’s mission and ensure all expectations for this body, as well as what the limits of authority are, are understood by every member.

➤ Provide the PSB with sufficient support staff to efficiently and effectively carry out their responsibilities, including timely access to legal support, whether through the City Attorney’s office or outside counsel.

➤ The PSB has evolved since its inception and this affords the City with new options. The members’ insights and improved understanding of Anaheim’s public safety operations, coupled with their awareness of community concerns and expectations, have created a knowledge base and perspective that can be helpful to the City in dealing with various public safety needs. Consideration should be given to how the City might capitalize on this. One possibility would be to call upon the PSB to examine issues and needs related to such things as recruitment practices, hiring, deployment strategies, promotional systems, and so on. This could be done in concert with the respective public safety agencies, and by working with Human Resources, the OIR Group, etc.

➤ Establish updated guidelines and protocols to address how Board members will be nominated, selected and replaced as vacancies occur. The selection process should be based on the City Council’s new districting plan and include the staggering of terms of service to promote continuity on the Board. The need for continuity is especially important now because of the transitions that will take place following the completion of the pilot project and the potential for appointing future members based on Council Districts. It is therefore recommended that a plan be developed to have some PSB members continue serving as designated members of the PSB or to provide for a transitional period before the entire Board is replaced.

➤ Given the widely-held view that there is no community concern evident relating to the Fire Department or any obvious need for the PSB to provide oversight of them, consider either removing that responsibility or hold it in abeyance and devote the full attention of the PSB to the Police Department.
ATTACHMENT “A”

Summary of Public Safety Board
Responses to Interview Questions

The following interview questions were utilized to gather feedback and observations, along with various recommendations for improvements in the operations of the PSB, based on the responses obtained from PSB members and other major participants involved in the daily operations and activities of the PSB. The responses provided here are not intended to capture every comment made by those who were interviewed. However, the comments included here are representative of views expressed on issues where there appeared to be a high level of general agreement, or they serve to illustrate certain thoughts and reactions which the consultant believes would warrant recognition and potential consideration for action by the City Manager.

1) Do you believe the mission and role of the PSB is clearly understood by all PSB members? By the community? By members of Anaheim Police and Fire Departments?

Responses:

“No. The importance of a clear mission statement cannot be emphasized enough; everyone needs to understand and commit to it. There are continuing differences of opinion among the PSB members as to what our role should be rather rather than what it is.”

“Yes, the mission is understood by all (on the PSB and the APD and AFD) but not in the community.

“No. The mission is not clear. There is evident disagreement between the City Manager’s Office and some on the PSB regarding the scope of the PSB’s role and its’ authority. There is also disagreement over the interpretation of the operating procedures that were established.”

“I am uncertain as to whether there is a mission statement but feel the PSB does understand what its’ purpose is. But I don’t think the community does. Some see the PSB as a vehicle for seeking redress and want it to take punitive action against the police department.”

“This has become more clear over time but still not fully so. The lack of a mission statement contributes to this and the community generally doesn’t have a clear sense of what the PSB does; not sure officers do either but the senior leadership does.”

“It was well defined in the initial orientation with a lot of discussion taking place about the role and authority of the PSB. The community suffers from a lack of
understanding of this though because the City has failed to adequately educate them and promote public awareness.”

“No – the purpose statement is not a mission statement. There is disagreement among the members as to what the job of the Board is based on differing feelings about what some feel it ought to be.”

“Not at all. The process surrounding the creation of this Board was very political and there has not been a full commitment to making this body effective. Some in the community want it to be a civilian oversight board with authority over the police department, with subpoena power that could be used to further their own agendas. They don’t understand that the Chief has been willing to embrace the opportunity to get greater community engagement.”

“The PSB never had clarity regarding their role and it hasn’t been well-defined.”

“Some PSB members have discussed the need to develop a mission statement for the Board but feel they have been prevented or discouraged from doing this by staff.”

2) Was the initial training provided to you by the City comprehensive enough and sufficient to prepare you and your colleagues to fulfill your roles and responsibilities on the PSB?

Responses:

“It was good but should be ongoing – it needs to be more focused on educating the PSB members about the tactics and training officers receive so that the Board can better assess the reasonableness of officer’s actions.”

“It clarified how the PSB was intended to operate and what they would actually be doing.”

“Impressed with how comprehensive this was and would like to see this provided to more community members.”

“It was not adequately discussed or clarified at the very beginning of the process but the training provided has been one of the best things as it has helped provide a good understanding of police and fire operations.”

“It was sufficient but tended to be rather ‘police-centric’. It would help if this was balanced by presenting views other than those exclusively reflecting a police orientation to the issues.”

“It provided a comprehensive overview of the PD and FD, and a better understanding of the training that is provided related to the use of force and related
tactics; however, it was too “police-centric” and did not adequately deal with public concerns, expectations and differing views.”

“In addition to the training being very helpful in understanding what officers deal with, the “ride-alongs” are especially helpful. More ongoing training would be helpful.”

It primarily focused on the police perspective of what occurs during such things as an Officer Involved Shooting (OIS), hostile situations, public confrontations and the escalation of incidents; how officers are trained to react.

3) In your view, should new PSB members be required to complete a training/orientation course prior to participating in the review of incidents or other matters the PSB deals with?

Responses:

“Definitely – it’s essential this be done early. It will help provide continuity going forward and there needs to be a “ramp-up” period before engaging new members in any reviews that take place.”

“Absolutely. Consideration must be given to replacing members in a timely fashion when vacancies occur and this includes ensuring new members receive training to prepare them for their responsibilities.”

“Because this is a unique role with unusual responsibilities, it’s important that any potential replacements (future members) be adequately screened and prepared to assume the responsibilities; they should not be selected randomly.”

“Yes. And those selected should possess a clear understanding of what the mission is before they commence training.”

“Because of the knowledge and awareness of police tactics and operations that is required there should be a process established for bringing new members on-board prior to engaging them in a decision-making role.”

4) Based on your experiences, do you believe additional, specialized or ongoing training would be helpful to the PSB in carrying out their responsibilities? If so, what might that include?

Responses:

“Unless the role and scope of authority of the Board changes, there is probably not a lot more training required above that which is currently being offered. However, it would help if the City were to provide training in how to run effective board meetings and in managing public forums.”
“There are questions the PSB members have raised about the need and desire to have a representative from the City Attorney’s office available to them as there are legal issues that do arise which need to be considered during deliberations.”

“Would like to have more exposure to and a better understanding of how similar boards and commissions function in other jurisdictions.”

“There is a need to integrate more of a focus on examining and considering community perspectives, concerns and expectations in the training and orientation of new PSB members.”

“Attention should be devoted to educating the Board about such issues as the implementation of body worn cameras, privacy considerations, and freedom of information requests.”

“The PSB should be attending and participating in NACOLE training and conferences.”

“Expanded training in relevant legal issues, how the Board should interact with the community and the City Manager’s office, and management training are needed.”

“More time and attention should be given to developing awareness and a better understanding of police and fire communications operations and the impact these have on the interactions between the two agencies.”

5) **Are the protocols and processes that have been adopted to guide how the business of the PSB is conducted working well? Are there any changes that should be considered?**

**Responses:**

“No. Some members of the public are not getting the results they expected of the PSB because the Board has their hands tied and cannot engage in direct reviews of the cases or incidents.”

“No – there are inconsistencies. The City’s website includes complaint reviews as one of the PSB’s functions and this fosters confusion and criticism.”

“Initially these were inadequate but it is evolving and improving.”

“Generally, these are working but frustrations are being experienced because the PSB members have been told that all questions and inquiries have to be channeled through the Chair.”
“When the Operations Manual was presented it was more of a “crash course” and overview rather than a substantive training. It required more time than that. As an example, the Brown Act has been a subject of continuing debate and confusion. It’s the elephant in the room no one wants to address.”

“No – can’t recall anything being done in this area.”

“It has not been adequately emphasized and the PSB members should be consulted and engaged in refining these protocols and guidelines.”

“Constraints have been imposed on the ability of the PSB to react and respond to community input; the Board has been limited by prohibitions against communications between Board members outside of official meetings.”

“They are working but some have been frustrated in having to work through the Chair on everything. This resulted from a lack of responsiveness by a previous Chair to the concerns that were voiced.”

“The restrictions on the Board being able to communicate with the public during PSB meetings complicates and prevents effective interaction. This process is overly formal and too restrictive.”

“The PSB elected a Chair and Vice-Chair to run the meetings; not to act as the spokesperson for the entire PSB. The City Manager has decided that only those two individuals can communicate with him and this frustrates others.”

6) In your view, are the PSB meetings held frequently enough and of sufficient duration to meet the demands and expectations placed on the PSB? Is the current meeting schedule (day of week and time) the best time for conducting these meetings?

Responses:

“Quarterly seems to be fine given the limited duties of the Board, lack of engagement with the community and inability to bring back issues for discussion with them.”

“Bi-monthly meetings are needed.”

“Need more meetings as the issues are not being covered. The PSB should be reviewing IA investigations and the agendas do not cover the issues that were identified as being subject to PSB attention in the Operations Manual.”

“Quarterly is currently adequate but recognizes that others are pushing to have these more often. Should be considered “as needed”.”

“It’s sufficient at this state – might be different if the scope of work was broader.”
“Nothing should be done about meeting more frequently until the confusion and ambiguity surrounding the PSB’s role is dealt with. Unless the objectives are made clear it would be counterproductive to increase the frequency.”

“Should be monthly. The PSB is not actually reviewing cases. This should be done by the PSB to meet community expectations and the PSB should spend more time out in the community meeting with people and examining their issues.”

“Should be at least 6 per year. The content is currently too limited. More time is spent on presentations to the PSB by staff than in engaging the PSB in substantive discussions about policing issues and community concerns.”

7) Does the PSB receive sufficient staff support from the City? Are you aware of any unmet needs or additional expectations you or your colleagues might have?

Responses:

“Yes, however, there are questions in the community as to whether the purpose of the PSB is to represent the City’s and PD’s interests as opposed to seeking community feedback. The City is not providing the tools or means to be more responsive and helpful in promoting community outreach.”

“Lylyana has been great – strives to be timely in sharing information but has too much on her plate. Am concerned about the timeliness of the reports from the OIR group.”

“No, Lylyana has too many other obligations and responsibilities. The City Manager and Lylyana should meet with the entire PSB rather than just the Chair and Co-Chair. The City should promote and encourage greater public awareness regarding the role and meetings of the PSB.”

“Staff is responsive to questions from the PSB but members have expressed an interest in meeting with the City Council to discuss their concerns and recommendations for improving the role of the PSB.”

“It’s just Lylyana and she has been outstanding in her work with and attention given to the PSB. The only unmet need would be in getting the minutes more rapidly – ideally within 1 week.”

“Lylyana does a very good job. But because of the importance of this body, the City Manager should consider having an Assistant or Deputy City Manager routinely attend these meetings.”
“No. There is no budget for the PSB and it should have a dedicated (part-time) staff member assigned.

“No. Lylyana has too many other responsibilities so the PSB cannot be her priority. The PSB either needs more of her time or another dedicated staff person.

8) Should there be rules (minimum requirements) in place to govern PSB member attendance/absences and procedures for filling vacancies?

Responses:

“Any potential PSB members should be made aware of the demands and expectations of this role in advance of stepping into the position”

“Yes. These are partially covered in the Operations Manual but it lacks discussion regarding how to nominate and fill Board vacancies.”

“These rules were addressed initially when the PSB was created but there has not been follow-through by the City. As an example, missing more than 3 meetings in a calendar year would automatically result in being removed and replaced. No action has been taken when that has occurred.”

“Yes – but first address the lack of clarity about the purpose and role of the PSB.”

“Yes. There should be clear standards established, including a selection process, guidelines for filling vacancies, and expectations covering attendance.”

9) Have you found the time required of you to fulfill your obligations as a PSB member, and the demands placed on you, to be about what you anticipated? How many hours, on average, do you believe PSB members should be expected to dedicate to this role?

Responses:

“The demands have not been a burden. Other than the initial training required, the position has only required about 20-25 hours per year.”

“It’s about what I expected initially but as time has progressed it has required even less than I anticipated, other than for the actual meetings.”

“It’s far less than what was anticipated.”

“I was surprised this has only involved 4 meetings a year. It only requires about 5 hours a quarter, other than for the scheduled meetings.”
“I expected it to require a lot more time but it’s only involved about 8 hours a month. I feel there is a need for more time but sense that the Board’s role has been limited.”

10) In your view, is the PSB visible and known within the community? Is there a need to promote greater awareness of this body and the role it serves?

Responses:

“No. There is almost no awareness of the Board or their role. There is a need to promote awareness of the Board’s work as this can help clear up obvious misconceptions in the community and clarify what is being done.”

“There has been a lack of outreach efforts and this has resulted in questions being raised as to whether the PSB is actually doing or accomplishing anything.”

“No - and the community is confused. The only ones who are aware are the very small number of people who routinely attend the PSB meetings.”

“The PSB was created to appease a small number of people in the community who will continue to be critics of the PD and City. The process has failed to seek broader community input and perspectives. More should be done in the way of outreach to overcome the misconceptions and misgivings that surround the limited authority of the PSB.”

“The process or efforts seems to have been intended to pacify a group that is no more than about 2% of the population.”

“No. Which is why advertising and outreach efforts are needed.”

“The meetings are not publicized and most of the public doesn’t even realize the PSB exists. These meetings should be noticed in the Anaheim Bulletin and through other sources.”

11) What did you appreciate most about the body and the position you serve in? What did you like least?

Responses:

“The opportunity to serve the community and develop a better understanding of community concerns and national issues affecting. But some people are displeased because of personal agendas so it becomes a thankless role.”

“Provided with access to and developed a better understanding of both PD and FD operations. Liked the least: the inability to make meaningful decisions.”
“The efforts undertaken by the City to establish a Public Safety Board; but didn’t care for some in the community constantly “ripping” the PSB whenever they disagreed with the Board’s findings. Also, feels the PSB should have the ability and opportunity to respond to complaints and criticisms for it to be effective.”

“Developed an appreciation and understanding of the level of commitment that the City’s public safety employees bring to their work. But discovered that dealing with the politics associated with this role is not enjoyable.”

“Opened my eyes to both PD and FD operations – things I did not previously understand. Appreciates the good work done by Mike Gennaco and the recommendations which have resulted in improvements in accountability. Did not like the inability to meet in smaller groups to deal with issues, and the lack of more frequent meetings.”

“Like the Chief’s willingness to embrace the concept and his willingness to engage with the community. Did not care for how the initial Chair was determined as that process did not involve the members of the PSB. Did not care for the limitations on communications within the PSB and with the community. Felt the PSB has not been truly supported by the City Council and City Manager.

12) How do you think Anaheim PD has most benefited from having a Public Safety Board since it was created?

Responses:

“It’s provided an opportunity for the Chief to better educate members of his Department, along with community members, about the type of issues all are concerned with.”

“The creation of the PSB has to some extent served as a firewall for the PD in terms of dealing with criticisms and attacks.”

“I don’t think the APD has benefitted from this. The Board’s quarterly meetings provided a forum for some community members to voice their concerns so this may have helped the PD hear from the community a bit more than what otherwise would have happened.”

“APD hasn’t realized the benefits of this yet. Nothing significant is being done differently but the PSB is now asking some of the same questions the community has been asking.”

“The PD now has 9 well-educated and informed community members who better understand police operations and practices.”
“The APD is more aware of and sensitive to community concerns and they have improved in their willingness to share information which the public needs to be aware of. The PSB was needed and has been effective.”

“This has provided another avenue and a credible source through which the PD can provide important and timely feedback to the community when major issues or concerns arise.”

“There has been a “quieting” of complaints because of the PSB having been established.”

13) How do you think Anaheim Fire & Rescue has most benefited from having a Public Safety Board?

Responses:

“The public rarely questions the fire department’s role or actions. The need to include the AFD in this endeavor was widely viewed as an “add-on” to appease police labor and lessen the resistance to the creation of the Board.”

“There has not been any benefit to the AFD.”

“It has enabled the AFD to keep community members informed about major issues and policy decisions affecting their respective neighborhoods.”

“Very much the same as the PD, except that the FD has gone from “great” to “greater”.”

“It has provided them with another forum and outlet for sharing information about their operations.”

“Drop the façade about the focus and attention devoted to the Fire Department, or determine how this process might be used to more effectively address both police and fire.”

14) How has the community most benefited from having a Public Safety Board?

Responses:

“It has provided an avenue for community members to express their concerns and have their voices heard.”

“This has helped foster dialogue and promoted more direct engagement between the community and the police.”
“I don’t feel the community has benefited very much as those who tend to show up for the PSB meetings have not seen much material change due to the nature of the Board that is in place and the limitations placed on it”

“Although it is not yet sufficient, the community does now have a place where people can come and express their concerns and know they will be heard.”

“Even the critics have begun to acknowledge changes and improvements in how the police are operating.”

“The PSB has possibly been able to provide a little more information than what was previously provided, while also affording people the opportunity to discuss their issues in a public forum.”

“The public now has a forum where they can not only be heard, there is an opportunity to educate them and others about the issues. However, the typical attendance is estimated to be around 15-20 people.”

“The community has a forum other than the Chief’s Advisory Board and this doesn’t require the public to have an existing relationship with the Chief in order to be heard.”

**15) Do you have any additional observations or recommendations to consider?**

*Responses:*

“There has never been any recommendation or input from the PSB on any policies”.

“Consider televising the PSB meetings to reach a wider audience and promote greater community awareness”

“Would like to see training of the PSB members conducted by additional trainers, other than law enforcement personnel, to ensure other perspectives are introduced and balance the learning experience (so that we can get multiple perspectives on the same topic/issue).”
CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

A REVIEW OF THE STRENGTHS AND WEAKNESSES OF VARIOUS MODELS

Joseph De Angelis | Richard Rosenthal | Brian Buchner
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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

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).

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

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.

*Based on data collected from 97 civilian oversight programs
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

1931
National Commission on Law Observance & Enforcement (Wickersham Commission) Report on “Lawlessness in Law Enforcement”

1948
Creation of Washington D.C. Complaint Review Board

1968
Kerner Commission Report recommending external oversight for police

1969
Creation of the Kansas City, Missouri Office of Community Complaints (OCC); the longest continuously operating agency in the U.S.

1973
Creation of the first Independent Investigations Office in Berkeley, CA

1991
Rodney King Beating & Christopher Commission Report re: LAPD

1993
- 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

1994
Enabling legislation for federal “Pattern & Practice” civil lawsuits by The Department of Justice Civil Rights Division (42 U.S.C. §14141)

2001
Over 100 oversight agencies identified in U.S.

2016
Over 144 oversight agencies identified in U.S.
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. 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-Assessment models**, 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 over time 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 2001; 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.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Jurisdiction</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Citizen Complaints</td>
<td>San Francisco, CA</td>
<td><a href="http://www.sfgov.org/occ">www.sfgov.org/occ</a></td>
</tr>
</tbody>
</table>

**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

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

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

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

<table>
<thead>
<tr>
<th>Agency</th>
<th>Jurisdiction</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen’s Police Review Board</td>
<td>Albany, NY</td>
<td><a href="http://www.albanylaw.edu/cprb">www.albanylaw.edu/cprb</a></td>
</tr>
<tr>
<td>Citizens’ Police Complaint Board</td>
<td>Indianapolis, IN</td>
<td><a href="http://www.indy.gov/egov/city/dps/cpco">www.indy.gov/egov/city/dps/cpco</a></td>
</tr>
<tr>
<td>Civilian Police Review Board</td>
<td>Urbana, IL</td>
<td><a href="http://www.urbanaillinois.us/boards/civilian-police-review-board">www.urbanaillinois.us/boards/civilian-police-review-board</a></td>
</tr>
<tr>
<td>Citizen Review Committee</td>
<td>St. Petersburg, FL</td>
<td><a href="http://www.stpete.org/boards_and_committees/civilian_police_review_committee">www.stpete.org/boards_and_committees/civilian_police_review_committee</a></td>
</tr>
<tr>
<td>Citizens’ Review Board on Police Practices</td>
<td>San Diego, CA</td>
<td><a href="http://www.sandiego.gov/citizensreviewboard">www.sandiego.gov/citizensreviewboard</a></td>
</tr>
</tbody>
</table>

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).

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**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 than 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 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

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

**Table 3: Examples of Auditor/Monitor-Focused Agencies**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Jurisdiction</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Police Auditor</td>
<td>San Jose, CA</td>
<td><a href="http://www.sanjoseca.gov/ipa">www.sanjoseca.gov/ipa</a></td>
</tr>
<tr>
<td>Office of the Independent Monitor</td>
<td>Denver, CO</td>
<td><a href="http://www.denvergov.org/oim">www.denvergov.org/oim</a></td>
</tr>
<tr>
<td>Los Angeles Board of Police Commissioners</td>
<td>Los Angeles, CA</td>
<td><a href="http://www.oig.lacity.org">www.oig.lacity.org</a></td>
</tr>
</tbody>
</table>

**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**

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

*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 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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Anderson, Justin, Larry Brubaker, Sean DeBlieck, Brooke Leary and David Dean. 2015. Law Enforcement Oversight: Limited Independence, Authority & Access to Information Impede Effectiveness. King County, Washington: King County Auditor’s Office.


