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How Civilian Review Boards Can Further Police Accountability and Improve Community Relations

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In the years since August 2014 when Michael Brown was shot and killed by Officer Darren Wilson in Ferguson, Missouri, the debate on police reform has intensified. Though much of this discussion has centered on reducing or preventing occurrences of excessive use of force by police, little policy change has happened. Offending officers are rarely held accountable and even law enforcement officers themselves acknowledge that they have few means to enforce accountability. In one survey from Pew Research, for example, only 27% of police reported that poorly performing officers are held accountable. Existing internal mechanisms tend to be weakly enforced and are susceptible to racial bias. The obvious conclusion is that police accountability cannot be entirely left in the hands of departments themselves. Rather, offending police should be held accountable by civilian oversight boards that include some representatives from the communities departments are supposed to serve.

Civilian oversight promises more equitable policing because it is a process by which non-police community members can regularly provide input into police department operations. In a study of citizen complaints, my co-author and I find that African-American men who live in the south side of Chicago are 2.3% less likely than other groups to have their complaints of excessive use of force sustained. Similarly, another Pew study found that roughly 40% fewer African Americans than whites believe that the police use an appropriate amount of force, treat racial and ethnic groups equally, or hold officers accountable. This racial gap makes minorities less confident in the police and less willing to cooperate with them. By bolstering confidence in police, citizen oversight boards with members of the community could increase and improve public cooperation and make communities safer for everyone.

Models for Civilian Oversight Boards

Currently, nearly 150 oversight boards or civilian–police oversight agencies operating in the United States are primarily associated with large municipal police agencies. Although these institutions differ in size, responsibilities, and other ways, they follow three primary models:

- ***Investigator-focused models*** enlist non-police civilian investigators to look into complaints against officers. These agencies tend to have individuals with specialized training.
- ***Review-focused models*** oversee internal affairs investigations and make recommendations about operations to police. These review boards tend to be staffed by volunteers and community members – an approach that can make the board seem more responsive to the community.
- ***Auditing model*** agencies fall in between the first two models and focus attention on broad patterns of officer misconduct rather than individual incidents.

A number of factors further or undercut the effectiveness of civilian oversight boards. The key to their success, however, is independence from law enforcement – which is necessary to ensure unbiased reviews of cases. Boards need to have the authority to either discipline officers or recommend discipline of officers that department leaders will then enforce. Finally, boards need to have sufficient resources of funding and manpower to effectively oversee departmental activities. Although it is the most expensive type of oversight body, the investigator-focused model is best equipped to enforce police accountability, because this type has the expertise, authority, and independence necessary to conduct credible and thorough investigations.

Best Practices from Past and Current Boards

Chicago's recent history demonstrates why oversight boards need to have autonomy and resources. The city's Independent Police Review Authority was established in 2007 after the failure of the previous Office of Professional Standards, a civilian oversight board that reported to the police department. The new Review Authority was somewhat more independent because it answered instead to the mayor – then Richard Daley. But the structure, staff, and review process remained unchanged – and improvements in oversight were insufficient.

In a report on police misconduct in the Chicago Police Department, the U.S. Department of Justice found that the Review Authority had neglected cases it was legally obligated to investigate. When the Authority did look into cases, the quality of investigations was poor and rarely ended in officer discipline – even during an eight-year period when 400 civilians were shot by Chicago police. In 2016, therefore, a new civilian oversight agency – the Civilian Office of Police Accountability – was set up to operate independently of both the Police Department and the Mayor, in the hope that trust could be built between the community and police. With significantly more funding from the city of Chicago, the Civilian Office has been more transparent and provides data on citizen complaints and their adjudication. Increased funding, transparency, and autonomy should allow the Civilian Office to do a more thorough job of addressing police misconduct and ensuring police accountability to the people of Chicago.

In Washington DC, the Office of Police Complaints has been successful where the Review Authority in Chicago was not. The DC Office has been able to enforce greater police accountability and build trust largely because of its independence from the Metropolitan Police Department. Four of the five members of the board, for instance, cannot have any current ties to law enforcement. In addition, the Office has significant input from city council and has engaged in substantive outreach efforts to the community. Even though the use of body-worn cameras by DC police has not been flawless, the Office of Police Complaints has gained access to all footage. This gives the Office better information about complaints and their adjudication – and allows researchers to study the effectiveness of body-worn cameras.

Civilian oversight boards are not a catch-all solution to excessive police force, but they can help to hold police accountable and reduce instances of the unnecessary use of force. Effective oversight boards also hold the promise of enhancing public safety and renewing public trust in police, especially within African American communities. But not all boards work equally well. To succeed, civilian oversight boards need resources and authority to maintain accurate data, and foster robust relationships with city officials and community members. Above all, they must operate independently of police departments themselves.

Read more in Olugbenga Ajilore and Shane Shirey "Do #AllLivesMatter? An Evaluation of Race and Excessive Use of Force by Police" *Atlantic Economic Journal* 45, no. 2 (2017): 201-212.