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Civilian Review: The New National Consensus

Procedures for civilian review of citizen complaints about police misconduct exist in 60 percent of the big cities in the United States. A national survey found civilian review procedures in 30 of the 50 largest cities. Civilian review procedures have spread rapidly in recent years. Ten have been established since 1988. Fifteen, or half of the current total, have been established since 1986. Three new procedures began operations in 1991 (Long Beach, Toledo, Minneapolis).

The spread of civilian review represents a new national consensus on civilian review as an appropriate method of handling citizen complaints about police misconduct. This consensus reflects the judgment of elected officials—mayors and city council members—in over half of the big cities.

Classification of Civilian Review Procedures

Civilian review is defined as a procedure in which complaints about police misconduct are reviewed at some point by persons who are not sworn police officers.1 Existing civilian review procedures vary greatly. No two systems are exactly alike. The national survey classifies procedures according to:

(1) who does the initial investigation of a citizen complaint; and,
(2) who reviews the investigative report and makes a recommendation for action.

The three types of civilian review agencies are:2

Class I. (a) Initial investigation and fact-finding by nonsworn personnel; (b) Review of investigative report and recommendation for action by nonsworn person or board consisting of a majority of nonsworn persons.

Class II. (a) Initial investigation and fact-finding by sworn police officers; (b) Review of investigative report and recommendation for action by a nonsworn person or board which consists of a majority of nonsworn persons.

Class III. (a) Initial investigation and fact-finding by sworn officers; (b) Review of investigative report and recommendation for action by sworn officers; (c) opportunity for the citizen who is dissatisfied with the final disposition of the complaint to appeal to a board which includes nonsworn persons.

Comment. The survey rejects the commonly used distinction between “internal” and “external” review procedures. Some of the existing procedures (i.e., Chicago, Detroit) are “internal” in the sense that the staff are employees of the police department or police commission. Because the staff members are not sworn officers,
The Question of Effectiveness

The survey did not address the question of effectiveness. To date, there have been no independent evaluations of the effectiveness of civilian review procedures in the United States. The number of complaints filed in a particular city and the rate per population, do not permit meaningful comparisons of different cities. A low rate of complaints may only reflect a lack of public confidence in the complaint process; a high rate of complaints may reflect public confidence in the process.

Many police departments and civilian review agencies publish summary statistics on the percentage of complaints sustained or not sustained. It is impossible to evaluate those figures without independently investigating the original complaint, how the complaint was handled, and whether the decision was appropriate given the facts of the case.

Other Civilian Review Agencies

The survey studied civilian review procedures only in the 50 largest cities in the United States. Additional civilian review procedures exist in Rochester, NY; Hartford, CT; Berkeley, CA; Flint, MI; San Diego County, CA; Dade County, FL. At least six civilian review procedures exist in Canada (Toronto, Montreal, British Columbia, Manitoba, Quebec, the Royal Canadian Mounted Police), four in Australia, and one covering the police in England.

Unanswered Questions: The Need for Further Research

Civilian review is an extremely complex and controversial subject. Many questions about the structure, process, and effectiveness of them remain unanswered. The most important questions include:

1. Effectiveness of Civilian Review. No independent evaluations of the effectiveness of civilian review have been conducted. Meaningful evaluation could be done through: (a) public opinion surveys to determine whether the existence of a civilian review procedure is associated with more positive evaluations of police performance and/or greater confidence in the complaint process; (b) comparative audits of complaint procedures to determine whether civilian involvement is associated with more thorough investigations and/or more recommendations for disciplinary action where complaints have been sustained.

2. The Administration of Civilian Review Procedures. Existing civilian review procedures vary considerably in terms of their procedures and authority. Some have sub-

PO box questions; power, while others do not. Some conduct public hearings, while others do not. Some have the power to make recommendations about general police policies, while most do not. There are differences in how complaints are accepted for review (at police stations only vs. other locations, in-person vs. in-writing vs. telephone). Comparative case studies of several local civilian review procedures would begin to serve to identify the conditions of an effective and efficiently-run civilian review procedure.

(3) The Politics of Civilian Review. Civil rights activists have been calling for civilian review of the police for over thirty years. Until recently they have been largely unsuccessful. The recent growth of civilian review procedures suggests a significant change in the political context. What factors are associated with the creation of a local civilian review procedure? Changing city demographics? A new majority on city council? Mayoral leadership? A decline in the effectiveness in opposition from the police department?

Endnote

1. A non-probabilistic collection of material on civilian review boards is found in International Association of Civilian Oversight of Law Enforcement (IACOLE), Compendium of International Civilian Oversight Agencies (Davenport, IL: IACOLE, 1985).

2. A similar classification, using different terminology, was created by Wayne Kerstetter, "Who Disciplines the Police? Who Should?", in William J. F. Riker, ed., Political Liberalism: America: Class and Opportunity (New York: Praeger, 1985), pp. 149-182. Kerstetter's "Civilian Review" is the same as Class I in this report; his "Civilian Input" similar to Class II here; "Civilian Monitor," similar to Class III here.

<table>
<thead>
<tr>
<th>City</th>
<th>Date of Establishment</th>
<th>Name of Organization</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Francisco, CA</td>
<td>1963</td>
<td>City Attorney</td>
<td>Resolves public safety complaints and makes recommendations</td>
</tr>
<tr>
<td>Austin, TX</td>
<td>1984</td>
<td>Civilian Review Board</td>
<td>Reviews complaints of excessive force, bodily injury, or death</td>
</tr>
<tr>
<td>Oklahoma City, OK</td>
<td>1975</td>
<td>Municipal Review Board</td>
<td>Reviews complaints of police misconduct</td>
</tr>
<tr>
<td>Milwaukee, WI</td>
<td>1960</td>
<td>Civilian Complaints</td>
<td>Receives complaints of畴 policeman's</td>
</tr>
</tbody>
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Patterns of Homicide in Omaha Are Examined

The Center for Public Affairs Research offers a three-part report examining patterns of homicide in Omaha for the past fifteen years.

- **Patterns in Omaha’s Homicide Rate**
  This report examines the overall trends and characteristics of homicide in Omaha from 1975 to 1989.

- **Alcohol Use as a Contributor to Homicide**
  A Longitudinal Study of Alcohol Use and Homicide in Omaha, Nebraska: 1975-1989
  This report deals exclusively with alcohol use and homicide. The alcohol-homicide relationship is an extremely important one, and this paper attempts to explain the nexus between alcohol users and homicide.

- **Social and Economic Correlates of Homicide in Omaha: 1975-1990**
  (forthcoming)
  The third report will look at neighborhood and social correlates of homicide in Omaha.

For information on these or other reports, write or call the Center for Public Affairs Research, Peter Kiewit Conference Center, University of Nebraska at Omaha, Omaha, NE 68182; (402) 595-2311.