

**The Bill Blackwood
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**Community Relationship Enhancement through
Citizen Review Board Implementation**

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ABSTRACT

Accountability of police misconduct can have a detrimental impact on an agency's trustworthiness to the community. A police agency is a closely scrutinized organization and expected to operate at a higher standard. When the accountability element breaks down or the standard is lowered, it can result in a public outcry for civilian oversight and reform. Agencies can be proactive and implement a citizen review board prior to any degradation of the department's accountability or trustworthiness to or by the community. The implementation of civilian oversight can have a positive impact on the agency's accountability to the public in the time of a complaint of police misconduct. The review board also offers the opportunity to teach the public about police operations by bringing select members of the community in-house and involving the community in the review of complaints or policy violations. This involvement has the potential to affect the image of the agency, the acceptability of its finding in cases of misconduct, and demonstrate the agency's desire to operate in a professional manner, and holding itself accountable to the community.

Based upon the research obtained from journals, bulletins, conference papers, white papers, and websites, a trend is beginning to surface; the public's demand for accountability and involvement through civilian oversight to insure the trustworthiness of the agency. Agency administrators, in their attempt to be proactive, should review the research presented on civilian oversight as agencies of any size can benefit from the implementation of civilian oversight.

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INTRODUCTION

How the police respond to the community's inquiry for civilian oversight can strengthen or dismantle the relationship between an agency and the community it serves (IACP, 2009). The police executive who envisions the proactive approach to policing may see the implementation of civilian oversight as a proactive step in nurturing the relationship between its agency and the consumers of police service (de Guzman & Frank, 2004), thereby fostering community policing in its truest sense (Roach, 1998). Trends indicated that the public is demanding greater accountability of the agency that serves to protect the community (IACP, 2009); the implementation of one of the variations of the civilian review boards demonstrates the department's willingness to accommodate the community's concerns.

Law enforcement must seek out injustices and respond to complaints or allegations against its department in a manner which encourages the community to come forth without fear of intimidation or retaliation and fosters a sense of justice to the community (Westbrook, Jr., 2002). The following example does not depict such a case: Rodney King's brother, attempting to file a complaint, had the desk sergeant ask him, with skepticism, if he had ever been in trouble (Clarke, 2009). In retrospect, one method to achieve a sense of fairness which encourages the community to come forward is for the agency to implement a complaint process that addresses concerns of injustice or intimidation in such a manner that the agency, the officer, and the community feel satisfied with the process and the results (Valdez, 1996). A portion of this process is the review or investigation of the complaint or policy violation. For the process to be effective, it must accommodate the needs of the agency, the officers must

buy in to the process, and the community must be satisfied with the outcome (Pardinek, 2002). As Pardinek (2002) discussed, the makeup of the review board plays a vital part in its success. The board can be comprised of different levels of involvement and authority given to the civilian participants. This may include an oversight role where the internal investigation is monitored by a single civilian or a civilian board with little to no further involvement. The board may be considered a hybrid, where it is composed of both civilian and law enforcement. They may act as an oversight committee, or they may be empowered with the authority to review the incident and make recommendations for disciplinary action, policy changes, and the implementation of the recommendations. The board may be empowered with subpoena power and the ability to dispense disciplinary action. The design of the board and its powers is a significant contributor to the success or failure of the board (Clarke, 2009).

Mass media, the internet, and cell phones with cameras have made information available almost instantly. Information that is instantaneously available often leads to information being presented out of context and distorted. If such information precedes a complaint, the public perception may be erroneous. When a high profile case takes a turn for the worse, the community calls for an outside source to review the incident (IACP, 2009), this should lead one to ask if there is value to be had by including the community in some form of review. The idea is, if the community is involved in the resolution process, the information can be put into context and the public educated in the methodology implemented by law enforcement, which demonstrates a willingness to address the violation and to take into consideration the community's concerns. This offers law enforcement executives the opportunity to involve and educate the public.

The fact is that the number of agencies implementing some type of citizen involvement has increased from approximately six in the 1960s, to over 100 in the past 50 years (Bartels & Silverman, 2005). This coincides with the growing demand for accountability of the agency to the public by incorporating civilian oversight. An agency's willingness to consider and followed by implementation would indicate a department's willingness to include the community with an increased level of transparency. This is an important step in developing strong community relations.

It is the position of this paper that a department can benefit from implementation of civilian oversight (also referred to as citizen review board). The implementation of a review board demonstrates the department's concern for the community's perception of transparency in matters deemed unsuitable for the successful operation of the department. By taking this approach, a department is able to include the community and garner support for actions taken, which strengthens support for the agency.

POSITION

Accountability may be described as the responsibilities between the institution and the people it serves. Two components of accountability are answerability, which is the right to a response and the obligation to provide a response, and enforceability, which is the capacity to take action and the ability to redress when no action is taken (Transparency & Accountability Initiative, 2013). These two areas are driving factors for the success of the agency administrator. One must understand the organizational makeup of the institution that serves the community and that the chief law enforcement officer ultimately answers to the community. The organizational chart does not end with the agency head answering to the mayor or city manager. Based upon this premise,

the involvement of the community is a necessity for successful complaint mediation and acceptance.

Accountability of the police may be described as controlling the behavior of the police (Eijkman, 2006). There is an increasing demand for public accountability in the law enforcement community (IACP, 2009), and there has been an increase in citizen oversight since the 1990s as a result for this accountability (Finn, 2000). Further, the increased demand for community oriented policing has increased the awareness of public accountability and a greater demand for citizen involvement in oversight of the agency (de Guzman & Frank, 2004). This can be seen in the development of various citizen involvement programs in four of Texas' largest agencies: Austin Police Department, San Antonio Police Department, Houston Police Department, Dallas Police Department (Valdez, 1996) (NACOLE, 2011). Finn (2000) cited an example where the citizen review board was able to quash a public outcry of police brutality in the arrest of two black males. The civilian oversight reviewed the facts and discovered the false allegations against the officers, and the citizen involvement removed departmental bias in policing themselves.

Policy implications are that civilian input from incident reviews can have an impact on policy implementation. When a policy violation occurs and a review of the incident is initiated, such a review may result in the amendment of or creation of policy with the idea to encourage acceptable behavior and minimize unacceptable behavior. By doing so, the department is demonstrating its willingness to improve the delivery of service at the individual and organizational level.

A civil suit resolved in favor of the plaintiff has little impact on the officer's behavior (Clarke, 2009); however, a policy can have a direct impact on officer's behavior (de Guzman & Frank, 2004). What this means is that officers took into consideration the policy and the direct impact to the officer as opposed to a civil action resulting in payment by the agency for wrongdoing. Accordingly, the policy guided the officer's decision in a positive manner more frequently than not, to a positive outcome (de Guzman & Frank, 2004). Policy can affect the decision making process. If policy can have a positive effect on the decision making process, policies must be kept current and in place to be effective as these policies assist in the ethical behavior of the agency as a whole and individually. The incorporation of citizen(s) in the review process offers another dimension in the creation, modification, or deletion of policy; this should be seen as an outreach from the community to assist the agency and a method of maintaining current and effective policy (IACP, 2009).

It is an unreasonable expectation that the community would buy into the operations of the agency without being informed (Westbrook, Jr., 2002). Blind acceptance is beneficial to neither party, nor does it promote trustworthiness. There is a reoccurring theme that the community wants to be involved with the agency that serves to protect them, and this responsibility falls upon the agency (IACP, 2009).

The community needs to be reassured that their trust is not being violated, and one way this can be accomplished is to have citizen involvement (IACP, 2009). By reaching out to the community, agency leaders may develop an affirmative link to the community thereby gaining trust and instilling a sense of genuine concern for the community's perception of accountability and the ethical operation of the agency. This

point is solidified in the report by the International Association of Chiefs of Police (2009) which concluded the public interest and effects of citizen review; it stated that approximately 80% of the American public is in favor of civilian review (IACP, 2009). The involvement of the community results in improved relationships between the agency and community, which increases trust in the agency's actions. When the relationships improve and trust increases in the operations of the agency, the concerns of intimidation and retaliation diminish and complainants are able to express their concerns about police action (Roach, 1998).

COUNTER POSITION

In order for the civilian oversight to be effective, it must be accepted by the agency, the officer, and the community. A primary argument is that the officers are continually oppose the implementation of any form of oversight that involves being scrutinized by one or more who are not trained in law enforcement methodology. Without the acceptance of the civilian involvement, the performance and trust of the officers will suffer and the relationship with the community diminishes, resulting in greater criticism of the agency, tension between the community and the agency, and distrust between all (IACP, 2009).

The New York City Police Department has had some sort of civilian review process in place since the 1960s and has continuously been considered a failure (Clarke, 2009). The failure of the board has resulted from a functional breakdown as a result of not following through or completing the investigation, which has left the officers feeling as though their stories are not considered or are false (Patterson, 2006). Further, the officers feel as though they are making decisions in a split second under

the stress and high emotions of the moment and then are being judged by those who do not understand the nature of the job (Attard, 2010). In either case, the resistance to civilian oversight by law enforcement personnel is a primary factor to the successful implementation.

Often, in the “Scandal-Reform Cycle,” a complaint is made against an officer and then is tried by the media, and this lends to a public outcry for reform of the process or the agency (Valdez, 1996). If the agency defends the officer, it is seen as a cover-up; if the officer is adjudicated and found guilty, then it is seen as succumbing to the media tribunal. Not only is there a lack of support by the officers, the community begins to question the validity of the oversight committee.

Compounding this effort is the reluctance of the community to accept civilian oversight if they perceive the board as stacked against them or perceive the implementation of civilian oversight as a show piece that has no real input in the process. The New York Civil Liberties Union discussed the continued failures of New York City’s Civilian Complaint Review Board (CCRB), which described the CCRB as a formality at best (NYCLU, 2007). The below average confirmation of police misconduct and reluctance to take action upon confirmation of misconduct is a major contributor to the distrust by the community (NYCLU, 2007; IACP, 2000). With a public outcry for accountability set off by the distrust of the police to police themselves and the failure of oversight, the community is left with little choice but to rebel against law enforcement and denounce support for oversight.

Officers need to be confident in the system that is judging their actions or molding policy, and officers need to feel as though the oversight is competent and

capable of reviewing the incident with an understanding of the situation, training, and methodology implemented by law enforcement rather than a knee jerk reaction to a public outcry to a volatile situation (Pardinec, 2002). The same could be said for the community's position as well; they want a system that provides accountability, transparency, and one that they can feel confident that it has their best interest in mind (Attard, 2010). The preplanning for the implementation of civilian is necessary to develop committee that is suited to the agency and community. A design formulated in advance affords the opportunity to address the concerns of the officers and community to comprise a system that is agreeable to the majority and effectively promote the positive relationship between the agency and community (Pardinec, 2002). By implementing civilian oversight to aid in policy formulation that addresses the needs of the community the officer and agency are able to respond to the need of the community quick and efficiently fostering a better relationship between all.

CONCLUSION

Accountability, the answerability of the agency and the ability to sanction upon failure to answer is a paramount issue to be addressed by the implementation of civilian oversight. Often times, the public demands to know what is going on in a given incident under review. When the agency fails to respond, it appears there is something to hide regardless of the legitimacy of the refusal to respond. Further, when a response is deemed unsatisfactory, it appears that the agency is incapable of policing itself. In either case, accountability has deteriorated and often leads to the public out-cry for reform or civilian oversight. The implementation of the civilian oversight brings the community, in a controlled environment, into the agency, offering a transparency that

the agency is capable of policing itself and has nothing to conceal. By revealing its internal affairs to civilian oversight, accountability is at the very least sustained or increased, the agency is seen as trustworthy, and it is then considered to be an agency with the community's interest at heart.

With the advent of the internet, camera phones, and instant news being sent around the world, the public has almost instant access to anything happening; it is the forward thinking administrator who embraces civilian oversight and recognizes its benefits (Attard, 2010). The chief executive officer and his agency that steps forward and embraces the public's outcry for accountability and transparency also knows that civilian oversight is "not about bad cops, but about good government" (Attard, 2010, p. 1548). There is a growing trend across the nation for greater accountability and transparency of law enforcement and increased community involvement (Bartels & Silverman, 2005). When administered correctly, civilian oversight promotes a positive relationship between the agency and public.

It is not the intent of this paper to recommend what type or style of civilian oversight should be implemented; the intent is to bring attention to agency administrators in the change of attitudes within law enforcement and the community towards civilian oversight with the hopes of agencies not implementing some sort of civilian involvement to consider the benefits and formulate a plan that works for that agency to bring the community in-house in an effort to bolster the relationship with the community in which it serves, garnering greater support in times of need. This change in attitudes can be seen in the research conducted in the year 1996 (Valdez, 1996) that displayed a negative attitude towards civilian involvement compared to the attitude of

considering it in 2002 (Pardinek, 2002), to the point of almost mandating it (Attard, 2010). It is the agency's responsibility to constantly improve the quality of service to the community which it serves, and civilian oversight is one method of doing so.

Oversight comes in various types. Some are investigatory and have subpoena power, and they are authorized to conduct their own investigations; some are panels who oversee the investigatory process with little to no input; and others are classified as auditors, and they review the process after the fact. Some are comprised solely of civilians, and others employ professional investigators or law enforcement. There can also be any combination of these (Attard, 2010). There are no standards or guidelines for the creation or implementation of civilian oversight; it is left to the governing body or the agency, just as the responsibility of educating the public falls on the agency (Attard, 2010). This is an opportunity for an agency to educate the public on the methodologies used in law enforcement to make decisions and take action, and it is an opportunity to explain why and how. By bringing the community in house and educating them, it is the chance to gain their support and show a willingness to increase the level of service to the community.

As discussed in the article titled: An exploratory study of the New York City Civilian Complaint Review Board mediation program, the majority of complainants wanted either an apology or an explanation. This expectation is far from unreasonable and is beneficial; it also has the opportunity to educate the public (Bartels & Silverman, 2005). This is a far better outcome than the implications of a cover-up. In fact, Attard (2010) suggested that such interaction increases community acceptance of all outcomes. With civilian involvement, there is a direct line of communication, which

creates an exchange of ideas on how law enforcement can better interact with the community.

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