BRIEFING NOTES:

Citizen Review of Police Conduct

PURPOSE:

The purpose of this briefing note is to examine the various forms of citizen review of police conduct and provide recommendations for implementation of a citizen review or advisory function in Columbia.

BACKGROUND:

In the 2009 the U.S. DOJ, Community Oriented Policing Services (COPS) released a publication entitled, “Building Trust between the Police and Citizens They Serve”, An Internal Affairs Promising Practices Guide; the report provided extensive discussion of the Internal Affairs process and its relationship to building and maintaining community trust. The report states that one way law enforcement agencies can be accountable to their citizens is by engaging them in any number of trust building initiatives, including citizen input. Citizen involvement is one possible measure that would serve to reassure the community of the legitimacy and accountability of the department. The most common forms of citizen review of police misconduct include:

- **Citizen review board**: A panel handles every aspect of the citizen complaint continuum.
- **Police review/citizen oversight or advisory council**: The police department handles every aspect of the complaint continuum, but citizens review those actions/determinations.
- **Police review/citizen-police appeal board**: The police department handles every aspect of the complaint continuum, but the complainant may appeal the outcome to a board comprised of officers and citizens.
- **Independent citizen auditor**: The police department handles every aspect of the complaint continuum, but a citizen serves as an auditor to review the process for effectiveness and accuracy.

In a separate and recent report provided by the President’s Task Force on 21st Century Policing, civilian oversight is also addressed. Task Force Recommendation 2.9: states, “Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian
oversight to meet the needs of that community.” The President’s Task Force report recommends a process of assessing the need and desire for new or additional civilian oversight with the input from and in collaboration with police employees because the people to be overseen should be a part of the process that will oversee them. This guarantees that the principles of internal procedural justice are in place to benefit both the police and the community they serve.

In recent local public discussions about benefits of advisory councils, two area law enforcement agencies are frequently mentioned; The S.C. Department of Public Safety and the Richland County Sheriff’s Department.

The South Carolina Department of Public Safety uses a Community Advisory Council where civilian members are selected from each Troop around the state. The council is tasked with advising on crime and collision prevention, promoting and suggesting officer training, encouraging recruitment throughout their community, and acting as a sounding board for better understanding between the community and department.

The committee is comprised of a minimum of (10) and no more than (15) civilians from many different aspects of the community. The members meet quarterly and are chaired by a selected member of the department.

The Richland County Sheriff’s Department utilizes a Citizens Advisory Council made up of citizenry from diverse aspects of the community. The committee meets (4) times a year and reviews citizen complaints, disciplinary actions against deputies, and review internal policies and procedures. Members are chosen at the discretion of the sheriff.

In a much different type of civilian oversight, the City of Austin, Texas utilizes an independent group called the Office of Police Monitor or OPM. This group is staffed with (9) full time civilian personnel and is contracted by the City of Austin and the Austin Police Department. The Staff consist of one Police Monitor, one Assistant Monitor, one Research Analyst, three Complaint Specialists, one Community Liaison, one Executive Assistant, and one Administrative Specialist.

The OPM has an annual budget of $1,079,667 (FY 2014) and has functions such as observing interviews conducted by sworn personnel, receives citizen complaints, monitors police investigations, conducts systematic audits of the police department, makes policy recommendations, and reviews completed investigations.

Another is the Citizen Review Panel or CRP. This panel is comprised of (7) volunteer civilians who are appointed by the mayor and must be a resident of Austin for at least (2) years and be willing to serve for a minimum of (2) years. The panel reviews all disputed investigations and findings conducted by Internal Affairs. Each member must attend (4) days of police procedure training and (6) hours of Internal Affairs Investigations training.
CURRENT SITUATION:

The Columbia Police Department does not utilize any type of advisory council at this time. An overview of our process is as follows: At the Columbia Police Department, employee misconduct complaints can originate externally (from a citizen of Columbia or anyone outside of the Columbia Police Department), or internally (from an employee of the Columbia Police Department).

Complaints against employees of the Columbia Police Department can be submitted in a variety of ways:

► Online – Go to the Department’s website at www.columbiapd.net, and click on “Online Services,” then “Complaints” to complete the “Employee Complaints” form.

► In person – You can request to speak to the employee’s supervisor at any time, or file your written complaint at the Columbia Police Department headquarters located at #1 Justice Square, Columbia, SC. You can also visit any district or region office and ask to speak to a supervisor.

► Mail – Send a letter to the Chief of Police or the Internal Affairs Unit. Letters should be sent to the Columbia Police Department at #1 Justice Square, Columbia, SC 29201

► Phone – Call the Internal Affairs Unit at 803-545-3583 or 803-545-3936.

Upon receipt of citizen complaints, the Internal Affairs Unit will notify and provide the information submitted to the employee’s Unit/Section Commanding Officer and Region/Division Commanding Officer. All complaints are taken very seriously and every effort is made to process them in a timely manner.

After a complaint is filed, the following procedures will be followed:

► The complaint is processed through the Internal Affairs Unit for tracking purposes and assigned to the employee’s supervisor or the Internal Affairs Unit to investigate.
► An investigator will contact the complainant and arrange an appointment for an interview. While the Internal Affairs Unit would like to communicate effectively with complainants and assist complainants through the process, anonymous complaints are also investigated.
► At the time of the interview the complainant is placed under oath and a sworn statement is taken.
► Once the statement is prepared in writing, the complainant is given the chance to review the statement for accuracy and signature.
► Interviews and statements are obtained from all witnesses in each incident. All documentation is assembled in the case file for review by the employee’s chain of command and command staff.

After an investigation is complete and the case is reviewed by the employee’s chain of command.
command or the Professional Standards Commander, it is forwarded to the Chief of Police to determine a disposition.

If the complaint is sustained, the Chief of Police will determine the disciplinary action to be taken. Members of the Internal Affairs Unit review all disciplinary actions taken for consistency with the Department’s disciplinary philosophy, and works with the command staff to resolve any inconsistencies.

Upon disposition of a complaint allegation, Internal Affairs mails a letter to the complainant to advise them their complaint has been thoroughly investigated and resolved.

Additionally, The City of Columbia has a process in place that governs all departments within the city to include the police department whereby the city manager obtains the final decision on hiring, promotions, demotions, and terminations. Additionally, as a part of this process employees have the right to request that certain disciplinary actions taken against them be heard by a grievance board. This board acts as an independent Advisory Review Board apart from the department the employee works in and provides an opinion directly to the City Manager that is either in support of the action or offers an alternative recommendation.

The City of Columbia’s policy in concert with the Columbia Police Departments Directives and Procedures provide transparency, accountability, fairness, and thoroughness in respect to and specifically concerning the adjudication of disciplinary matters, hiring and the termination of employees, and the promotion and demotion of employees. The process is designed to give officers/employees confidence that complaints against them will be investigated in a timely manner and they will be treated fairly and consistently.

Lastly, the Columbia Police Department Office of Professional Standards publishes an annual report of all Internal Affairs findings for the year. This report is provided to the public for review and comment.

**Options**

**Option 1:**

Continue with the review processes currently in place within the Columbia Police Department and City of Columbia.

**Advantage**

- This option is most economical and requires little to no additional manpower, unless significant issues arise.

**Disadvantage**

- Does not address negative public perception of police or lack of community trust.
Option 2:

Establish a seven (7 to 10) person Citizen Advisory Board chosen with input from the Chief of Police, City Manager, and members of City Council. The Board members would be City residents who represent diverse demographics and occupations in the community. Once selected, these individuals would be required to attend the Police Departments Citizens Police Academy and/or a curriculum for the purpose of becoming familiar with police operations and policies and receive Internal Affairs Investigations training. Members must be willing to meet at a minimum of quarterly and serve for at least (1) year. All members must meet background requirements, be in good standing in the community and not be a party to any legal litigation with the City of Columbia or the Columbia Police Department.

Advantage

- Demonstrates our commitment to transparency and open dialogue.
- Gives the community direct involvement and ownership in their police department.
- Builds a bridge of support between the community and police department.
- Provides the Chief of Police with an external view or opinion of specific matters.
- Include the citizens in a trust building initiative that reassures the community of the legitimacy and accountability of the police department.
- Includes input and collaboration with police.
- Ensures procedural justice is in place to benefit both the police and the community.

Disadvantage

- Without clear direction and mission could provide an expectation from the community or board of that which was not intended.
- Requires training and/or orientation of Advisory Board members in various aspects of the policing and departmental policies and procedures.
- Officers may view as a sign of mistrust or interference from the community they serve.

RECOMMENDATION:

Option 2:

Establish a seven (7 to 10) person Civilian Advisory Board chosen with input from the Chief of Police, City Manager, and members of City Council. The Board members would be City residents who represent diverse demographics and occupations in the community. Once selected, these individuals would be required to attend the Police Departments Citizens Police Academy and/or a curriculum for the purpose of becoming familiar with police operations and policies and receive Internal Affairs Investigations training. Members must be willing to meet at a minimum of quarterly and serve for at least (1) year. All members must meet background requirements, be in good standing in the community and not be a party to any legal litigation with the City of Columbia or the Columbia Police Department.