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**COMMUNITIES AND POLICE DEPARTMENTS
BENEFIT FROM CITIZEN OVERSIGHT
OF LAW ENFORCEMENT**

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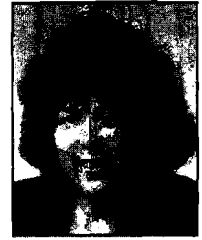
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Communities and Police Departments Benefit From Citizen Oversight of Law Enforcement

Patricia E. Salkin



Since the 1950s, controversy has surrounded the issue of whether police departments properly handle citizen complaints of misconduct against police officers. According to a 1960s report by the National Advisory Commission on Civil Disorders, numerous investigations of police department practices found that departments had failed to receive and thoroughly investigate citizen complaints and discipline officers who were guilty of misconduct. In the 1980s, the U.S. Supreme Court, in a series of cases dealing with civilian complaint procedures, held that a municipality could be found liable for failure to properly investigate citizen complaints against police officers. Most recently, during the 1990s, a series of high profile police abuse cases were brought to the public's attention by the media, leading to unprecedented levels of concern over police accountability and the role of citizen oversight of law enforcement.

Today, there are more than 100 police review boards/entities operating across the United States. These are most often boards comprised of citizen volunteers who accept, investigate and review complaints filed by members of the public about unacceptable police behavior. These boards are creatures of local law (or city charter) and in New York, there are about a dozen citizen review boards in existence (for example, there are boards in Albany, Binghamton, Buffalo, Clarkstown, Ithaca, New York City, Ossining, Rochester, Schenectady, Syracuse, Utica and Yonkers). Some of these boards have been in existence for 25 years, others were created and/or modified within the last year. Each board has different powers and duties depending upon the political and legal climate during which it was

created. Some boards have review functions only, working to ensure that the internal affairs office of the police department is conducting a thorough and fair investigation of each complaint. Other boards have independent investigatory powers, including the power to subpoena witnesses to appear before the board.

There are literally dozens of issues that confront chiefs of police, mayors/supervisors and the public when drafting local laws creating a citizen oversight entity. The public policy statement of why an external oversight entity is being created, the powers and duties of the boards, details of board membership (including qualifications, voting rights, training, resignation and conflicts), quorum requirements, the complaint review process, and staffing (just to name a few) make the development and negotiation of these laws often a long negotiation process with the public, advocacy organizations, unions and management. In addition to the public policy decisions that must be made, there are a host of legal considerations that may expand or limit a board's effectiveness. For example, in New York, section 50-a of the Civil Rights Law grants protection to police officers from the disclosure of certain personnel information that includes disciplinary details. In addition, the public sector collective bargaining laws of the State may limit the extent to which local laws in different cities may go without the cooperation and support of the union rank and file. The Open Meetings Law and municipal liability concerns also factor into local lawmaking consideration and into the actual operation of these boards. Some boards, such as New York City and Albany, provide a mediation option during the complaint review process.

Municipalities with police departments should consider the benefits of locally created police review boards. They can serve to educate the public about policing, advise the Chief of Police and City Hall on appropriate training for police officers so as to avoid or reduce common citizen complaints (by far, the most common complaint is incivility or rudeness), and provide a neutral forum for the filing and review of citizen complaints, adding credibility to most Departments and internal affairs operations they oversee. Empowered to create these boards absent state statute, municipalities would be well served to explore the needs and potential for such an arrangement.

In October 2000, the Government Law Center of Albany Law School was given a unique opportunity by the City of Albany to serve as, in essence, the staff of the then newly constituted Citizens' Police Review Board. In preparation for this challenge, faculty, staff and students at Albany Law School became quick studies in the field of citizen oversight of law enforcement, and they now serve as statewide and national resources for governments, boards and courts across the country. To find out more information about the Albany Board and to access links to other boards across the country, visit our website at <http://www.als.edu/glc/cprb> or call the Government Law Center of Albany Law School (518-445-2329).

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