

STUDY OF THE CITIZENS' POLICE REVIEW BOARD IN ALBANY, NY

EVALUATION AND BENCHMARKS FOR THE CPRB

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## Introduction

### *Acknowledgements*

This report is the result of a study conducted by the University at Albany Center for Human Services Research on the Albany Citizen's Police Review Board (CPRB). Support for this study was provided by the City of Albany and the Albany Law School. The authors wish to thank all of those who spoke with us and provided information during the course of the study, as well as the Albany Law School Government Law Center (GLC), Maureen Obie, and Ray Brescia for their assistance and feedback.

### *Overview*

In 2015, the University at Albany Center for Human Services Research was contracted by the CPRB to conduct a study reviewing past performance and identifying appropriate benchmark measures that can be used to measure board-related performance outcomes in the future. The purpose of this report is to examine the findings resulting from three main study activities: a review and comparison of models of police oversight; a formative evaluation of the operations and past activities of the Albany Citizen's Police Review Board (CPRB); and the identification of performance benchmarks that are appropriate for measuring review board outcomes. Also included are a set of findings and recommendations regarding board practices and procedures.

## Oversight Models and the CPRB Operational Model

An initial task of the study of the CPRB was to develop an understanding of approaches to police oversight and complaint review, as well as to provide a comparison of Albany's approach relative to other common models of police review. First, we conducted a review of the academic literature on the theory and practice of police review. Second, we collected studies of other police oversight and review agencies in order to provide real-world examples of review models and their relative strengths and weaknesses. Ultimately, we found that the Albany CPRB's approach to police review represents a relatively mainstream approach, reflecting common elements found in other citizen and review organizations throughout the U.S.

### *Literature Review and History Section*

Discussion of the value of citizen oversight of police has been occurring for nearly 100 years. Citizen oversight of the police was first discussed in the 1920s by radical civil liberties activists (Walker, 2006). However, the first civilian review board was not established until 1948 in Washington, D.C. Other early boards (created in the late 50s-mid 60s) were established in cities including Philadelphia, PA; Minneapolis, MN; York, PA; Rochester, NY; and New York City (President's Commission, 1967). These early boards tended to be limited in their productivity and processed relatively few cases.

Otherwise, prior to the middle of the 20th Century, nearly all oversight of police was conducted internally by police leadership or through the political structure of the relevant governing body, such as a city's mayor or council (Bobb, 2006). A lack of rigor in handling complaints was also seen as common across police departments at the time. Many police departments had little interest in dealing with citizen complaints, and most did not even create formal internal processes for recording citizen complaints themselves until the 1960s (President's Commission, 1967).

At the same time, citizen concerns over police misconduct grew due to high levels of tension between citizens and police during the 1960s (mostly regarding civil rights issues) (Skolnick & Fyfe, 1993). Although interest in citizen review boards was increasing, many proposals to create these boards failed, often due to lack of support from the police and/or political leaders (Skolnick & Fyfe, 1993; Terrill, 1991). The result was that growth in police oversight remained low during the decade.

New citizen oversight mechanisms were slowly established in the 1970s and early 1980s. During this period, the role and authority of boards was also modernized into the form that exists today. Examples include the Kansas City Office of Citizen Complaints, which still exists in its original form, and the Berkeley, CA board, which was the first citizen oversight board with independent authority to investigate complaints (Walker, 2001; Walker, 2006b). In addition, the Detroit, MI board gained full authority over the police department (Article 7-1107 as described in Smydra, 1993). Still, growth remained slow, and in 1980 only an estimated 13 review boards were operating nationwide (Walker & Wright, 1995).

The real growth in citizen police oversight occurred during the late 1980s and the 1990s. Support grew as policing moved towards a more community inclusive model, minorities began to represent a larger portion of many cities, and local politicians supportive of citizen review were elected (Bayley, 1991; Skolnick & Fyfe, 1993). Additionally, during this period several well publicized incidences of police brutality occurred (e.g. Rodney King, Abner Louima), and in many of these cases it was felt that the police were not adequately punished for their misdeeds (see U.S. Commission on Civil Rights, 2000, p. 1-2). As a result of all these factors, public support grew for external citizen review bodies, and by 1994 at least 66 oversight agencies and boards were known to be operating (Walker & Wright, 1995).

By 2000, almost all major cities had adapted some form of citizen police oversight (Walker, 2006b). Growth continued throughout the decade, and as of 2015 there are over 200 citizen oversight programs throughout the US (npr.org, 2015). In addition, citizen review of police is prevalent in Canada and the UK and other areas internationally (NACOLE, 2015). There has also been an emphasis on developing standards and expanding procedures, for instance adding mediation as a means to resolve complaints (Walker, 2006b). Still, as discussed later in this report, there remain large differences in how police oversight and complaint review are conducted, with communities adopting models that fit their needs and political climates.

## *Research and Practice on Evaluating Citizen Review Boards*

As the use of review boards and other forms of oversight have increased, so have assessment efforts. The experiences and evaluations of other boards can be used to help inform the CPRB's own selection of appropriate benchmark measures and attainable goals. In this section, we summarize findings from the literature on some performance and outcome measures that have been used or considered for assessment purposes by other review boards and oversight agencies throughout the country.

### **Number of Complaints**

The number of complaints received for review is an easy and common metric to track; however, as a measure of performance, it is generally inappropriate. Although the number of complaints is sometimes thought to be an indicator of the level of police misconduct in the community, the evidence suggests misconduct is usually either over or underreported by citizens (Lersch & Mieczkowski, 2000; Adams, 1995). More importantly, a simple count of complaints does not capture differences in the magnitude of misconduct or community concern. For instance, complaints involving misuse of force are vastly different from discourtesy complaints. In general, the research suggests that it is important to document the nature of complaints as the number of complaints in and of itself is not an effective outcome measure.

### **Satisfaction**

Research suggests user satisfaction is an important and valid measure of the success of review boards. Surveys of complainant experiences and satisfaction have been used in many evaluations of review boards (for examples see Dunn, 2006; Gissiner, 2012; Bartels & Silverman, 2005; MGT of America, 2011). However, there are significant challenges in measuring satisfaction. For one, the two groups involved in the complaint review process—citizens and police officers—tend to both feel that the procedures are biased towards the other (Walker & Archbold, 2014). The satisfaction of complainants has also been shown to be highly associated with the results of the review; those with sustained complaints tend to report greater levels of satisfaction with their experience than those with other case findings (Sviridoff & McElroy, 1989b).

For review boards, the overall level of complainant satisfaction is often low (e.g. Landau, 1996; Sviridoff & McElroy, 1989b). Still, in order to maintain an effective citizen complaint system, there needs to be some attention paid to citizen satisfaction. An alternate approach to consider is measuring satisfaction in terms of improvement over time, since it may remain low in an absolute sense (for example see Gissiner, 2012). In addition, since satisfaction is known to vary based on the outcome of the complaint process (i.e. sustained versus not sustained findings), it may be helpful to examine satisfaction separately in each of these categories over time.

### **Public Trust or Confidence**

Similar to the satisfaction of actual complainants is the public's perception of the board or oversight agency and whether or not they trust the entity to handle complaints against the police. Measurement of public perceptions is usually done through a random-sample community survey that queries respondents regarding their knowledge of the board or review agency and their general satisfaction with it and with law enforcement in the community (for example, see Grown, 2006; Schwantes, 2010; Lexington, n.d; St. Louis County, n.d.). In some cases, qualitative methods such as focus groups or interviews are used to collect community input (see for example Pailca, 2012), though this is generally a more costly approach and not used for regular, ongoing data collection.

Public surveys can provide ongoing feedback on the visibility of the board in the community, as well as potentially illuminate problems or concerns in the community regarding the police or public safety in general. On the downside, community-level surveys typically incur some costs to implement and can struggle with low response rates.

### **Rates of "Sustained" Findings**

One outcome measure often touted by community advocates is the rate of "sustained" findings or findings in favor of the complainant. However, the reality is that most complaint review systems typically have low sustained rates (e.g. Sviridoff & McElroy, 1989b). Additionally, changes in the sustained rate rarely have a clear cause. While an increase in the rate may represent an improvement in the investigation or review process, it could also reflect outside effects, such as declining accessibility or even instances of improper "sustained" findings by the board. As such, the sustained rate is only an informative indicator when considered in context.

### **Time to Resolve Complaint**

Researchers recognize that completing investigations of complaints quickly is a pervasive issue for boards (Walker & Archbold, 2014). Lengthy complaint reviews are related to complainants' dissatisfaction (DeAngelis, 2009). This is potentially a good area to keep a record of, and to track progress; however, often the board has little control over the speed of investigations. Other studies of this issue have found that staff shortages in internal affairs often leads to delays in resolving complaints (Walker & Archbold, 2014). One approach is to track the amount of time for complaints to move through each phase of investigation and review process and to set separate goals (for example see City Auditor's Office Kansas City, 2005; Griffin-Valade & Severe, 2013). The timeliness of complaint reviews can be an important outcome measure, though the causes should be kept in context.

### **Ease of Filing a Complaint**

For the complaint review and oversight process to be effective, it needs to be able to access and process information on all legitimate reports of problems with the area's law enforcement system. One way to make sure this happens is to have an accessible and easy-to-use system for citizens to file complaints, for instance some boards allow for complaints by telephone or e-mail (e.g. NYC). Other communities have regularly conducted audits of the complaint-filing process to help determine whether the intake points for filing a complaint are accessible and informational for users (City Auditor's Office Kansas City, 2005) However, the use of undercover auditors to visit intake points requires recruiting individuals who will not be recognized and making in-person visits, which can be costly and time consuming compared to other forms of data collection.

## Models of Police Oversight

A review of academic literature and a sampling of other police review agencies reveals a wide variety of approaches to the oversight and discipline of public safety officers. At the extreme, some police departments—typically in small or rural communities—may have no formal system for reviewing or investigating police officer conduct beyond the authority of a Police Chief, Sheriff, or other executive figure. When there is no formal structure for handling complaints, there is typically an “informal” process wherein each instance of citizen complaint would be addressed on a case-by-case basis with no specific guidelines regarding whether or not an investigation would occur. Nearly all police departments lacked formal procedures for handling complaints until at least the 1960s (Walker & Archbold, 2000).

Today, police forces in larger communities are more likely to have some form of oversight and investigative capacity, though it is not always independent. However, independent review and oversight structures have become more common; The National Association for Civilian Oversight of Law Enforcement lists over 100 members in the U.S.<sup>1</sup> and undoubtedly many more exist but do not maintain membership. Based on some general commonalities identified during our review, we developed a set of general classifications of police review/oversight that illustrate the strengths and weaknesses inherent to each type of approach. It is important to note that all boards may not fit perfectly into one classification, and some may have characteristics in common with more than one model.

Perhaps the most powerful, but least independent, form of police review is the “internal affairs” model (**Table 1, model 1**). Under this model, allegations against police officers are entirely handled by a sub-unit within the police department that is staffed by detectives or other professional law enforcement officers. These units understand law enforcement regulations, have the capacity to conduct in-depth investigations, and possess the authority to enact formal discipline. However, internal affairs units are part of the police department and not independent organizations, which means they may be viewed as biased and inaccessible by citizen complainants.

In communities where there is an independent form of police oversight in place, the citizen review and input model (**Table 1, model 2**) is a common approach. Under this model, a group of citizens reviews how the police department (typically through an internal affairs-type of unit) investigates and handles complaints or allegations of misconduct. The focus of this approach is usually on monitoring the handling and outcome of individual complaints or allegations brought for review. On its own, this model has limited power and can do little beyond drawing public attention to problems and making recommendations to the police chief or public officials. However, the addition of specific capabilities, such as the authority to monitor or access internal investigations, subpoena officers and witnesses, or take other legal actions can be added to bolster the independence and power of the model (**Table 1, model 5**).

A third approach is the citizen oversight or audit model (**Table 1, model 3**), which provides independent public review but is typically more interested in overall processes and procedures. This model typically has a greater access to internal records and may serve as a form of audit that procedures and recordkeeping meet standards set by the host governmental entity, as opposed to looking at the investigation of individual complaints. Like the citizen review and input model, however, the power of the approach is generally limited to generating reports and consulting with governing officials as opposed to exercising any direct discipline.

Finally, review and oversight of the police is occasionally handled by an organization that is independent of the police department’s organizational structure, but that also has the ability to conduct investigations and exercise some degree of legal or administrative authority (**Table 1, model 4**). An example of this model could be an Ombudsman office that employs professional investigators and that has power to compel the testimony of public employees and officials. While this model is the most powerful form of police oversight, it is also generally the most expensive and difficult to implement.

Albany’s CPRB is an advisory board that primarily monitors the handling of specific complaints, though it is also able to offer mediation, employs professional monitors, and can potentially exercise subpoena power through the Albany Common Council. As such, the CPRB most closely

<sup>1</sup> See <https://nacole.org/nacole-resources/oversight-agencies/links-to-oversight-agencies-u-s/> for more information and a list of member organizations.

aligns with the second model of citizen review and input, supplemented by the additional features of professional investigation monitors, access to subpoena power, access to legal counsel, and mediation services (expected to be implemented soon after this report is published). Relative to other communities that employ an advisory-type review model, Albany's approach might be considered relatively strong because of the presence of the supplemental services and powers.

However, it should be noted that the CPRB has never sought to use subpoena power through the common council, and its legal counsel is shared with the City of Albany, which could potentially create a conflict of interest. Additionally, while a mediation program is being put into place, it had not yet been implemented at the time of this report. As a result, there is some uncertainty regarding how useful these powers may or may not be to reviewing and resolving complaints.

**TABLE 1. CATEGORIZATION OF GENERAL APPROACHES TO REVIEWING POLICE ACTION**

REVIEW MODEL	CHARACTERISTICS	PROS	CONS
(1) Internal affairs (IA) model	Police department staff investigate allegations of wrong-doing, make findings, reprimand offenders; focus on corruption, misuse of force; no citizen or other governmental involvement	IA has strong power to discipline officers; efficient, requires no new structure and can act quickly; access to internal records and to question involved officers; some reviews found IA more likely to substantiate claims that citizen review or oversight models	Perception of bias; filing a complaint more difficult for citizens; lack of communication outside department; conflict of interest between desire to clean up department or to avoid scandal
(2) Citizen review and input model or monitoring model	A group of public representatives reviews how the police department has investigated and decided on a complaint, but does not have the authority to directly investigate or adjudicate, and does not have access to sensitive records; the reviewers may make non-binding recommendations to an authority; members drawn from the community and may be structured to include representatives of specific interest groups, as well as police and political interests	Maintains some advantages of IA model, such as efficiency and investigative expertise, while reducing perceptions of bias; oversight can improve quality of internal investigations; relatively low-cost implementation; can improve ease of filing complaint for citizens; can improve image of police department with community	Power of review board is only advisory, with no power to compel discipline or policy change; restricted access to investigation components; some studies show portion of claims sustained is the same or less than IA model; can create "us versus them" mentality for police and IA; citizen complainants may not be any more satisfied with outcomes

**TABLE 1. CONT.**

<b>REVIEW MODEL</b>	<b>CHARACTERISTICS</b>	<b>PROS</b>	<b>CONS</b>
(3) Citizen oversight or audit model	An outside group of public representatives oversees the police department's investigative process; focus may be more on the procedures of internal investigations as opposed to individual complaints; advises police department or city manager on policies; usually has access to some internal records; model may overlap with citizen review/input/monitor models	Slightly more information and authority than simple review model; can address systematic procedural problems in a department; can prevent future or recurrent problems; may have more power to impact change; less threatening to police relations	Power of board remains advisory with limited power; focus on policy and procedures less likely to satisfy individual citizen complaints
(4) Investigative agency or review agency model	An independent organization or agency with independent powers handles citizen complaints about police officers; non-police investigators conduct fact-finding with access to police officers and records; organization have some adjudicative or administrative power, such as to subpoena witnesses, issue findings, and recommend discipline	Most powerful model outside of IA; more likely to be viewed by citizens as independent and objective; in some instances may be able to resolve complaints without involving police department	Higher likelihood of conflict with police department; can cloud jurisdiction authority of police department, government, board; investigators may lack expertise and access as outsiders to system; most expensive model
(5) Modifications and additions to citizen review and monitoring models	Added roles or authorities may include mediation, subpoena powers, employ of professional monitors, and legal services	Generally increase the capabilities and powers of the review board	Can add cost; can require capabilities beyond citizen volunteers

References: Finn 2001; Hudson 1971; Kerstetter 1985; Prenzler & Ronken 2001; Stone & Bobb 2002; Walker & Kresiel 1996

## Formative Evaluation

The purpose of formative evaluation for the Albany CPRB is to provide the board with feedback on both its internal operations and on evidence of areas of weakness and strength. Although the term “formative evaluation” is typically associated with newer programs (and the CPRB has operated for more than a decade), the board is in the midst of significant changes—specifically the implementation of mediation—that will change how complaints are reviewed and resolved in the near future. Additionally, the CPRB is just now looking to develop formal benchmark measures that can be used to gauge outcomes. Therefore, this section presents findings intended to support board decision-making and to highlight areas of potential strength or weakness, but that are not sufficient to measure the impact or overall merit of the CPRB's operations. Instead, in the next section we recommend a series of benchmark measures that may be instituted and tracked over time to appropriate CPRB outcomes in the future.

To conduct the formative evaluation, three major sources of information were utilized:

- interviews with stakeholders
- a baseline survey of complainant satisfaction
- an analysis of internal program data from the GLC database.

The following provides an overview of the major findings from each source of data, followed by a summary of identified areas of strength and weakness.

### *Stakeholder Views on CPRB*

In April and May 2015, interviews were conducted with key stakeholders, including:

- current and former board members
- monitors
- community advocates
- the police officers' union
- representatives of Albany Police Department.

The purpose of these interviews was to understand the perceptions of individuals involved in the complaint review process regarding the board's operations and goals, as well as the challenges and strengths of the current approach. In total, 20 individuals participated in a semi-structured interview sessions of approximately one-hour in length. A list of participants is provided in the appendix.

The notes from these interviews were reviewed and analyzed to identify themes that were both widespread across stakeholders or that potentially identified a new area of interest. Although the interviews were semi-structured—meaning that a core set of questions was used to guide discussions—participants were also able to discuss other issues or concerns not directly addressed by the interview questions. Of particular interest were instances where stakeholders that seemingly represent different or opposing viewpoints identified the same issues or concerns. This section presents these common or widely-shared observations, grouped by thematic area, followed by a discussion of the findings from the overall stakeholder interview process.

### **Appropriate CPRB Goals and Indicators of Success**

- Goals are related more to perceptions than outcomes; e.g. community satisfaction, improving relations with police, providing unbiased oversight, being fair and complete
- Success will be reflected in being known in the community, trusted by all parties, increasing knowledge of community, impacting police policies and procedures

## Perceptions of the CPRB

- Stakeholders are mixed on how complainants feel about the process
- Some complainants do not understand the CBRB process, role, and/or findings
- A fear is that CPRB is not held in high regard, not well-known
- No one knows much regarding how the officers involved in review perceive fairness of process because many interviewees do not have direct access to officers

## Mediation

- Nearly all seem to believe the new mediation will be beneficial in many ways: greater satisfaction for complainants, lower caseloads, and reducing investigation times by freeing up resources at OPS
- Process of re-starting mediation has been difficult and long
- Despite progress, major details on the mediation process remain unknown to many stakeholders
- Successful mediations will be necessary to build trust and establish mediation as a viable option

## Case Monitoring

- General desire for monitors to have more access and more evidence, particularly police interview transcripts and involvement in more interviews with complainants and witnesses
- Some concerns that the reports of the monitors varies greatly
- There may be some duplication of review work between monitors and board members

## Board Structure, Capabilities, and Process

- Mix of comments on member longevity; some staying too long, some turnover too quickly
- Board has had recent turnover and has had vacancies go unfilled for a long period of time
- Communication and reaction times for board are seen as problematic
- Outside stakeholders view board as fair and thoughtful in their review of cases
- Increased outreach efforts by the board are desired
- The caseload and expectations of community involvement are quite high for a small all-volunteer community-based board

## Strengths of the Current Police Review System

- Review process seen as giving a voice; perception is better than other local communities
- Board members highly respected, perceived as fair, well-intentioned individuals
- Relationship between CPRB and OPS is very good

## General Issues and Concerns with the Current Police Review Process

- Overall review process is seen as very slow
- Caseload is too high for OPS and CPRB; lots of frivolous complaints
- Many cases closed as “not sustained” due to a lack of physical evidence and impartial witnesses, as well as inconsistent participation by complainants in the investigation

## Survey of Recent Complainants

In June 2015 a short survey was sent to all individuals who had a complaint review completed by the CPRB between 2012 and June 2015. The purpose of this survey was to pilot test an instrument for measuring complainant satisfaction with the complaint review process and to establish a baseline of impressions about the CPRB that could serve as a comparison for data collected in the future. The 11-item survey queries former complainants on their experience filing a claim and the review process, as well as on their understanding of the process and satisfaction with the overall review. For convenience, respondents were given a choice of completing and returning a paper survey<sup>2</sup> in a postage-paid return envelope or completing the survey online using a provided web link.

In total, 136 surveys were mailed out during the week of June 22.<sup>3</sup> Of these, 40 were returned as undeliverable due to addresses that were no longer valid and for which there was no forwarding address, leaving a total of 96 possible surveys. Survey responses were accepted until August 3, 2015, at which point only nine completed surveys had been received, a 9.4 percent response rate. The response rate was extremely low, but not entirely surprising, given that the survey was conducted retrospectively to

<sup>2</sup> A copy of the paper survey is included in the appendix.

<sup>3</sup> Of these, 16 surveys for 2015 complainants were sent out directly by GLC while the rest were mailed by CHSR.

former complainants who may have forgotten about their complaint, lost interest, or moved away. If adopted for use by the GLC, the satisfaction survey will need to be conducted in conjunction with the completion of the CPRB review. When conducted near the time of the board review the complainant will be more likely to be reachable and to still be interested in and engaged with the review process.

The low number of responses greatly limits the ability to draw conclusions based on the survey data. Any quantitative estimates about the views and satisfaction of complainants that was derived from these nine responses would be subject to a very high margin of error. However, we can draw some basic conclusions, which should be taken into account to assure that any future survey effort is more successful. It should also be mentioned that, despite their small numbers, the respondents were somewhat varied in characteristics and demographics. Ages ranged from 27 to 69, five respondents were female, and three respondents were black, while 6 were white.

- Respondents had trouble remembering when they had filed their complaint and when (or if) they had received results. These questions can be removed from a future satisfaction survey. Data on the length of time for cases to be reviewed should be captured by the GLC database.
- Responses to “where did you originally find out about the CPRB?” were mixed and had several “other” write-in responses. One response of “internet search” seems likely to be recurrent and should be added to the response options.
- Respondents were mostly negative (“somewhat disagree” or “completely disagree”) for all the agreement rating items. These agreement statements included, “filing a complaint for review is easy to do”; “I was treated with respect throughout the complaint review process”; “the review process is timely; the time to review my complaint was reasonable”; “the investigation conducted by OPS was fair”; “the CPRB was fair in their review and findings”; and “the investigation and the review findings were all fully explained to me.”
- On a scale of 1 to 10, eight of the nine respondents rated their overall satisfaction level as being either “1” or “2,” indicating they are very dissatisfied. Only one rated their satisfaction level higher (“5”), which is at the middle of the scale.
- Most respondents would not recommend friends/family to file a complaint with the CPRB. However, a few said that they would “maybe, depends on the situation.”

- Eight of the nine respondents wrote in comments about improving police review in Albany, which suggests that despite being dissatisfied with their experience, they are interested in being heard.
- All of the comments included either recommendations about policing (as opposed to complaint review) and/or reflected misunderstandings about the power and role of the CPRB. This suggests that there is a need to better educate complainants about the complaint review process, the nature of the board, and its powers and limitations.

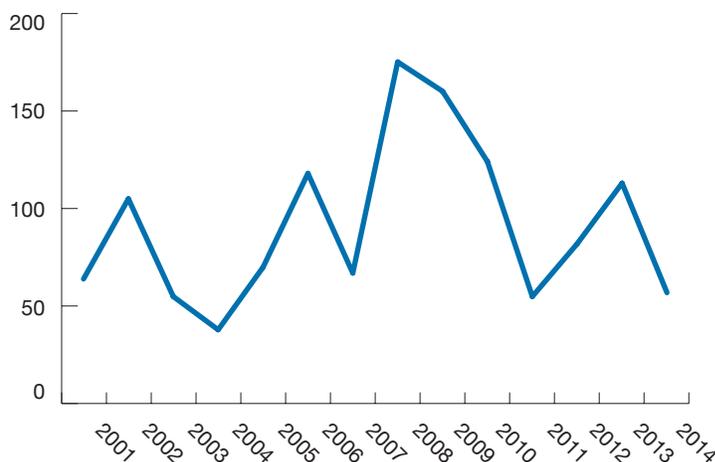
### Current Data Collected by the CPRB

The Albany Law School’s Government Law Center (GLC) provides administrative support and recordkeeping that is necessary for the operations of the CPRB. As part of this process, the GLC maintains a database that contains basic information on complaints filed with the board and their status in the investigation and review process. This section provides an overview of the database and highlights some general trends in CPRB activity.

### Observations and Trends from the Data

1. There is no clear trend of increasing or declining complaints since the inception of the CPRB. As shown in **Figure 1**, during the past 12 years, the number of complaints filed in Albany has been highly variable, ranging from 38 complaints in 2004 to 175 in 2008.

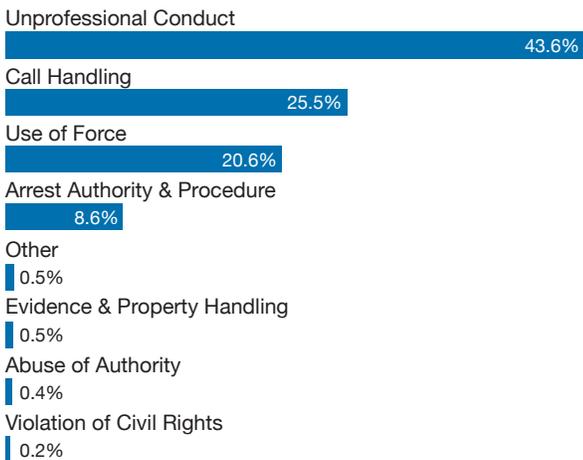
**FIGURE 1. TOTAL COMPLAINTS RECEIVED BY THE CPRB 2001-2014.**



2. The complaints filed with CPRB represent a mix of different types of allegations. The “unprofessional conduct” category of complaint was most common, followed by “call handling” (Fig. 2). These categorizations include allegations that can range from relatively minor, such as the use of derogatory or inappropriate language, general rudeness, or failure to properly fill out reports, to more serious concerns such as civil rights violations, racial bias, and unlawful detention and entry. An examination of specific allegations within the “unprofessional conduct” and “call handling” categories reveals that issues with rudeness and inappropriate language represent the most common individual sub-categories (Fig. 3).

3. No one type of complaint is increasing or decreasing in prevalence. An examination of complaint types over time reveals no significant upward or downward trend. However, there was a notable spike in unprofessional conduct allegations in 2008-2009 that led the overall increase in complaints filed during those years (Fig. 4).

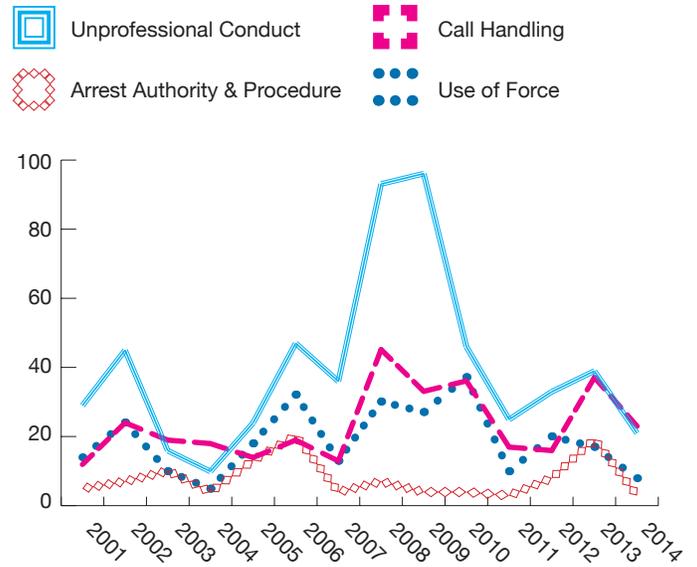
**FIGURE 2. COMPLAINTS 2001-2014 BY MAJOR COMPLAINT TYPE GROUPING.**



**FIGURE 3. SUBCATEGORIES OF “UNPROFESSIONAL CONDUCT” AND “CALL HANDLING” FROM 2001-2014.**

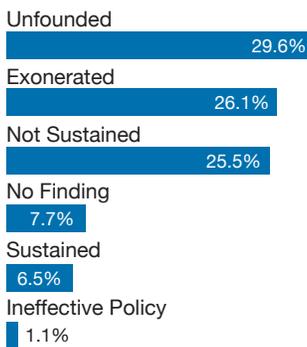


**FIGURE 4. TRENDS IN COMMON COMPLAINT TYPES, 2004-2014.**

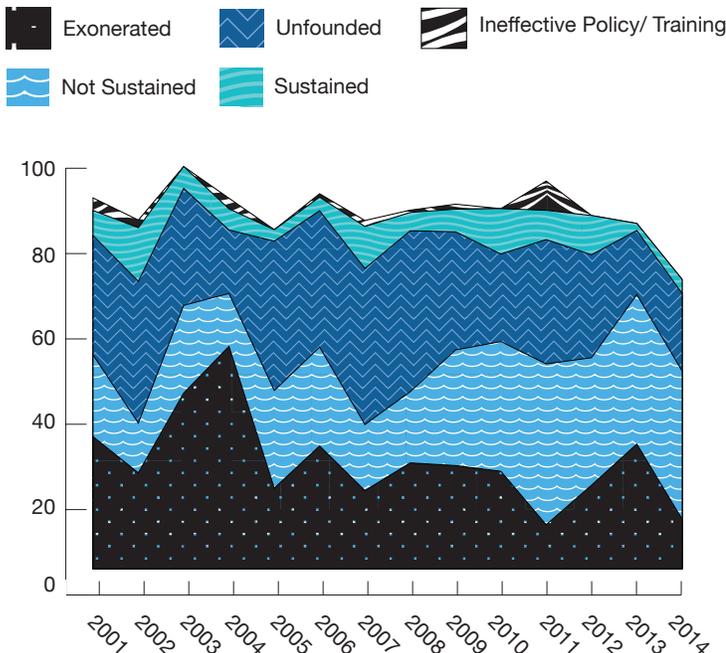


4. The most common complaint review findings during the life of the CPRB were unfounded, exonerated, or not sustained, which in total represents about 85% of all findings. Only 6.5 percent of complaints were “sustained” and about 1.1 percent were judged to be the result of ineffective training or policy (Fig. 5). When examined as a portion of findings over time, findings of “unfounded” have decreased slightly while the finding of “not sustained” has grown, as shown in Figure 6. The original findings of OPS were also examined, but are not charted separately due to the high level of agreement. Between 2001 to 2014, the CPRB agreed with OPS’ original findings in 97 percent of all cases.

**FIGURE 5. TOTAL CPRB FINDINGS BY TYPE OF FINDING 2001-2014.**



**FIGURE 6. FINDINGS AS A PERCENT OF TOTAL CASES REVIEWED 2001-2014.**

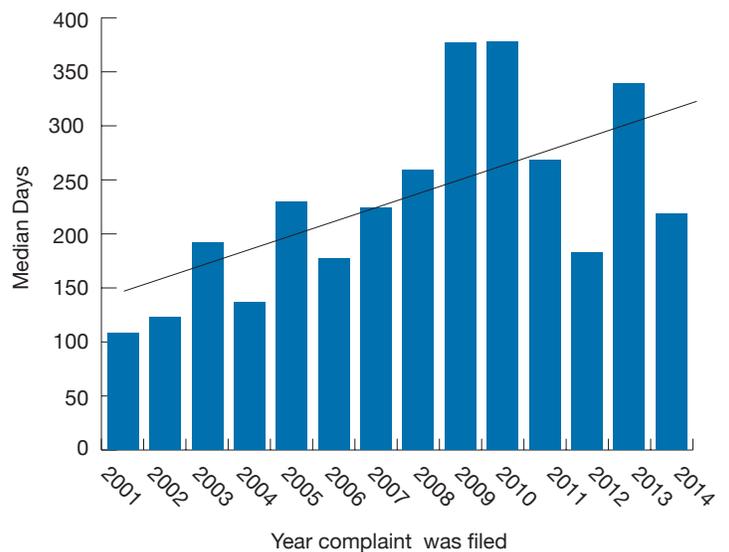


<sup>4</sup> Does not sum to 100% most years due to instances of *no finding*, cases not completed and early use of mediation.

5. The time for a complaint to be reviewed is long and has increased since the early years of the CPRB. Between 2001 and 2015, the median time between the initial filing of a complaint to the time it was reviewed and closed was 234 days (about 7-8 months).<sup>5</sup> An examination of time-to-close by filing year shows that the median days to close a complaint has generally risen over time (Fig.7). Although the current median for 2014 shows promise, it will certainly rise over time, as many cases filed during 2014 have not yet closed. In order to search for the cause, the days between initial complaint filing and the receipt of the OPS report were examined as a portion of the total days to close.

It was also noted that, on average, the wait for the OPS report represents 69.7 percent<sup>6</sup> of the time to review and close a case—a proportion that has remained stable over time (Fig. 8). Since OPS is not responsible for a larger portion of the complaint-processing time, this suggests that times have increased proportionally for all involved parties: OPS, monitors, and the board. Additionally, it should also be noted that the number of CPRB meetings has declined over time from 11 or more between 2001-2005 to nine (or fewer) during the past four years. It should also be considered that a smaller number of meetings is likely to reduce the number of complaints that can be reviewed each year.

**FIGURE 7. MEDIAN DAYS FROM INITIAL FILING TO CLOSURE OF COMPLAINT, BY YEAR OF COMPLAINT**

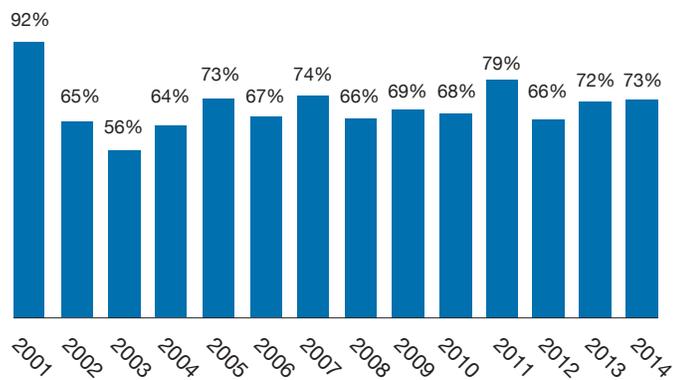


<sup>5</sup> Excludes active and suspended cases, as well as those not selected for review. N=605.

<sup>6</sup> Average across 577 closed cases with available data on OPS report receipt for the period 2001-2014.

Overall, the data from GLC's database reveal few noteworthy trends in the nature of complaints handled by the CPRB. A typical complaint reviewed by the CPRB is likely to involve either unprofessional conduct or call handling and determined by the board to be "unfounded" or "exonerated" or "not sustained" in agreement with the findings of the OPS investigation. The number of complaints submitted for review has not shown any consistent trends during the lifetime of the board, nor has the relative mix of complaints, with the exception of a brief spike in complaints of unprofessional conduct that has since diminished. The only issue of concern illustrated by the data is the length of time it takes to review and close a complaint: the median number of days is high, and the trend has generally been upward over the past 14 years.

**FIGURE 8. DAYS UNTIL RECEIPT OF OPS REPORT AS A SHARE OF TOTAL DAYS FROM COMPLAINT TO CLOSURE.**



## Benchmark Measures

The primary outcome of this study was to identify and select a set of performance measures that can be tracked by the CPRB to assess their performance on an ongoing basis. Based on a review of research of other police review boards, the comments and suggestions of CPRB stakeholders, and the demonstrated capacity of the CPRB and the GLC to collect and store data, the following measures are being recommended to track future performance.

### Complainant Satisfaction

One of the primary reasons for the CPRB to exist is to provide a venue for citizens to feel heard and to receive fair treatment after experiencing a situation where they feel they were improperly treated by the police. Whether or not the CPRB is providing such a venue can be measured in the satisfaction of complainants who have gone through the complaint review process. As such, we recommend instituting an ongoing satisfaction survey for all individuals who have a complaint reviewed by the board. The survey form that was piloted for this study (or a similar instrument) should be mailed to each complainant in a follow-up letter sent after his or her complaint has been reviewed by the board. Because the initial survey conducted for this report (as well as the literature review) suggests that satisfaction is likely to be low, success should be measured by response rates, attendance of complainants at their review hearings, and change in satisfaction levels over time.

### Timeliness of Review

A concern that was widely expressed by stakeholders is that the review process takes too long to complete. Additionally, a review of past CPRB records also indicated that the amount of time between a complaint being filed and closed is long and generally getting longer. We recommend tracking the total time from complaint initiation to board review, as well as the times controlled by the CPRB and the GLC, such as time between receiving a report and the time between the actual case review. The tracking of these times may require the addition of new fields to the GLC database and the institution of new tracking procedures in order to capture periods of complaint handling that are the responsibility of OPS and of GLC and the CPRB.

Measures of success related to timeliness may be considered both in terms of meeting the goals established by the original CPRB legislation<sup>7</sup> and through a steady trend of improvement. For example, the system should be able to measure:

- The number of complaints investigated by the OPS within the 60-day goal
- The number of complaints reviewed by the CPRB within 60 days of receiving the report of findings by OPS
- The total number of complaints reviewed and closed within 120 days

As our initial review of the records suggests that these goals are rarely attained, progress should also be measured in terms of the trend in times between filing a complaint and having it reviewed.

## Policy Impact

One area where the CPRB has the potential to have a significant impact for the community is through their suggestions and input regarding APD policies and procedures. For example, many stakeholders mentioned the impact of the CPRB during a recent case involving a juvenile who was detained outside for a lengthy period while the family home was searched, which resulted in new APD procedures regarding the handling of juveniles in situations where a parent or guardian is not present. Based on these findings, it is recommended that CPRB enact a process to formally track when the CPRB makes a policy recommendation to the APD chief and to record any response or outcome resulting from these recommendations. The benchmark could be the number of policy recommendations and the proportion responded to and enacted.

## Representativeness of Complainants

The board may wish to consider comparing the characteristics of complainants and types of complaints received by the board with the overall mix of individuals whom are arrested, ticketed, or otherwise have involvement with the police. This may be a more challenging benchmark to measure since data on the full array of citizen-police interactions is limited compared to records

of arrests. Still, the board should consider it a benchmark to be receiving complaints that are representative of the racial, age, and neighborhoods where encounters are occurring. If not, CPRB may need to reach out to specific populations that are underrepresented.

## Use and Impact of Mediation

As the CPRB rolls out the mediation option in the coming months, steps should be taken to track

- How many complaints are referred to mediation
- How many officers and complainants agree to mediation
- The results of mediation (e.g. actions taken between the parties, if any)
- The satisfaction of mediation participants.

The benchmark goal should be for mediation to show an impact by:

1. Reducing the caseload of complaints for investigation and review
2. Shifting the mix of complaints reviewed away from the more minor issues, such as rudeness
3. Showing a high and improving level of satisfactions for participants

It is our understanding that a satisfaction survey has been designed for mediation participants. However, care should be taken to also track data on mediation, including types of complaints referred, participant numbers, and outcomes.

<sup>7</sup> See original authorizing legislation at <http://www.albanylaw.edu/glc/about/expertise/police/Pages/Legislation.aspx>

## General Recommendations and Closing Thoughts

In addition to recommending benchmarks for performance tracking, several issues arose during the study regarding CPRB processes that the board may wish to take into consideration for the future. Each issue is representative of a theme that was raised by multiple stakeholders and/or observed by the authors over the course of the study. While these issues may not directly impact CPRB outcomes, there is the potential for improving the functioning and recognition of the board in the community.

- Greater outreach and publicity is needed for the CPRB. A wide range of stakeholders indicated that community awareness of the board is not high enough and that complainants do not know about or understand the powers of the board. Board outreach is a stated requirement of the legislation<sup>8</sup> authorizing the CPRB; however, it was indicated that members are not widely engaged in outreach activities. It is recommended that the board develop a formal strategy for increasing engagement and publicity. As indicated previously, the CPRB might also consider tracking community awareness as a benchmark outcome measure.
- Work to improve board communication and responsiveness. Stakeholders indicated that communication with board members, both internally and externally, has been problematic at times. Because a quorum is necessary to conduct board business, it is essential that board members be reachable and respond in a timely manner to phone calls, emails, and other communications to ensure that the CPRB is able to respond quickly to questions from other members or opportunities for publicity or community engagement.
- Consider standardizing the information requested from the monitors and/or changing the role of the monitors. The established role of the monitors is to observe the investigation and report on anything missing or deficient from the OPS investigation.<sup>9</sup> However, several stakeholders indicated that the information in the monitors' reports could be highly variable and that their activities could be redundant with the activities of both OPS and the board members. It was also reported that monitors desired access to additional information and access to interviews. The CPRB may wish to update and standardize their expectations

for the information that they expect the monitors to report back to the board. There may also be options for considering new roles, such as an auditing role where monitors examine a sample of OPS cases after completion instead of only being assigned at the beginning of select cases.

- Take steps to alleviate the workload for board members. The authors, as well as several outside stakeholders, observed that members of the CPRB are responsible for a very high workload for an all-volunteer board. The responsibility extends far beyond the monthly meetings to include a significant amount of reading, reviewing investigation materials on-site at APD's offices, and an expectation of community engagement and outreach. Albany City and the CPRB should consider steps to addressing this burden, such as offering a stipend to reward members for their extra hours, taking steps to ensure that the board is always fully populated, and possibly increasing the size of the board to spread the complaints across more reviewers.
- Explain the process to complainants. As mentioned earlier, not all complainants understand the process or role of the CPRB. This could include providing simple explanations of what each of the finding categories means and spelling out the review process using graphics and accessible language to describe the basic steps and who performs each.

Finally, in closing it should be stated that while this report offers suggestions for tracking and improvement, that the CPRB is well aligned with mainstream police review board practices. The literature suggests that the CPRB's model strikes a reasonable balance in terms of its authority level, approach, and effectiveness when compared to other systems of police review operating in other parts of the nation. Additionally, stakeholders from all sides noted the importance of the CPRB and the efforts of the board members to provide a fair review of each complaint.

<sup>8</sup> Section § 42-350. Community outreach. See <http://www.albanylaw.edu/glc/about/expertise/police/Pages/Legislation.aspx>

<sup>9</sup> See § 42-343. Review of complaints. Subsection B. Ibid.

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## Appendix

1. Copy of the satisfaction survey.
2. Questions from semi-structured interview protocol
3. Interview participants





## List of Questions for Semi-Structured Interviews

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1. Intro, find basic info: How did you get involved with the CPRB? What is your role? How long have you been involved with reviewing complaints OR when were you involved?
2. How do you receive or become aware of a complaint for review (if in a role to do so)? How many complaints do you typically see in a month?
3. What type of complaints do/did you typically see (if in a role to do so)? Do/did you see any common type of complaint or issue that is a problem in Albany?
4. How do/did you go about handling a complaint (if in a role to do so) (e.g. deciding if a monitor is needed, collecting evidence, whether or not recommendations are made to the police)?
5. What do you see as being the goal(s) of the CPRG? To what extent are those goals being met by the current structure and process for handling complaints? Are these goals reasonable/achievable?
6. Is the CPRB/case review process fair to complainants and police? Why or why not? Does either side or both sides appear to be satisfied or dissatisfied with the results of the review process?
7. Mediation is a new activity of the CPRB...how do you think mediation will change the review process? Have there been any other major changes or new activities discussed or implemented?
8. How do you think the complainants and their community's view the CPRB?
9. Have you seen any policy changes or community impacts as a result of a CPRB review of complaints? For example, changes in City policies and laws, APD practices, police behavior, or even community opinions/reactions?
10. What is the greatest strength of the current CPRB? What would/does make a complaint review successful? What kind of outcomes have occurred or should occur?

## List of Interview Participants

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The authors would like to thank everyone who participated in the stakeholder interviews.

### Current and Former Board Members:

- Mickey Bradley
- Charles Goodbee
- Marilyn Hammond
- Maritza Martinez
- Anthony Potenza
- David Rozen
- Eugene Sarfoh
- Akosua Yeboah

### Monitors:

- Theresa Balfe
- Richard Lenihan
- George Kleinmeier
- William Van Valkenburg

### Additional Interviewees and Affiliations:

- Leah Golby- Public Safety Committee
- Christine Granich- New York State Law Enforcement Officers Union
- Alice Green- The Center for Law and Justice
- Kathy Hendrick- Albany Police Department Office of Professional Standards
- Michael Hicks- Albany Police Department Office of Professional Standards
- Mark Mishler- Attorney
- Barbara Smith- City of Albany Mayor's Office
- Melanie Trimble- New York Civil Liberties Union

## About the Center for Human Services Research

The Center for Human Services Research (CHSR) is a research department within the School of Social Welfare at the University at Albany. CHSR has over 20 years of experience conducting evaluation research, designing information systems and informing program and policy development for a broad range of agencies serving vulnerable populations. CHSR studies cover a wide range of topics including children and family services, education, early childhood development, health behavior and services, youth development, and juvenile justice. Within these areas, studies address such social issues as intimate partner violence, substance abuse, child maltreatment, school readiness, and neighborhood reform. Rigorous research and evaluation methods, strong relationships with project partners, and timely, accurate and objective information are hallmarks of CHSR's work. For more information about CHSR please visit [www.albany.edu/chsr](http://www.albany.edu/chsr).

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