

City of Portland

Police Accountability Commission

Areas of Agreement on Best Practices, and Practices to Avoid, from Other Jurisdictions

The Police Accountability Commission agrees that the following items are best practices from other jurisdictions.

Policy

A1. The oversight body is empowered to take input from community members on broad policing policy issues.

Identified in: San Diego (City)

Spreadsheet Reference: DH-004

In the City of San Diego, the Board is able to take input from community members on policy issues, and is not limited in the policy areas they can discuss by law, elected official limitation, or origination from a case or pattern of cases of alleged misconduct. Community involvement is vital to the success of their oversight system.

A2. The oversight body can assess implications of alleged misconduct cases they review, including on policy, procedure, and training, and take action after this assessment.

Identified in: San Diego (City), New York City, San Diego (County)

Spreadsheet Reference: Lines DH-001, DH-002, DH-007, DH-008

Deriving policy recommendations from real-world complaints allows for the system to improve by finding places where a policy does not explicitly define a certain type of undesirable conduct as misconduct, and taking action to rectify this by improving the policy for future cases. This also allows for assessing cases where policy or procedure prevents a certain type of conduct, but training for officers did not sufficiently convey this expectation, and creating training changes or recommendations based on the knowledge gained from assessing these cases.

- In the City of San Diego, the Board can, as part of assessing cases, make recommendations to the Chief of Police on policy changes.
- In New York, these recommendations are on policy, procedure and training and are made to both the Chief and public.
- In San Diego County, the Board can make policy or rule change recommendations along with votes on findings on individual cases.

Commented [PAC 09-121]: Commissioner formatting suggestion (Dan): Include asterisk or other separator to separate individual cities more visibly.

A3. The oversight body has authority to make recommendations regarding policy and training.

Identified in: Denver, Seattle, Oakland, San Diego County

Spreadsheet Reference: DA-025

Oversight boards develop an understanding of police officer actions and their impact on community members. Recommending policy and training improvements based on that understanding has the potential to improve police department operations.

- Additionally, in San Diego County the oversight body regularly reviews policy, training, and protocols, and recommends changes to police as well as the Mayor and City Council.

Commented [PAC 09-012]: Commissioner Question (Debbie): Does the document address what happens to the recommendations?

Commented [PAC 09-013R2]: Commissioner note (Monica): In Philadelphia, when police department rejects recommendations they are required to say why.

Commented [PAC 09-194R2]: Staff note: There is a category later on, "Chief / Police Commissioner required to implement / respond", but it does not include this information on Oakland, etc. To add to this category before next draft.

A4. The oversight body sets policy for the police department.

Identified in: San Francisco, Oakland

Spreadsheet Reference: Line DH-005, DA-024

- This authority encompasses a direct policy-setting authority in San Francisco, where the Police Commission sets policy for the police department.
- In Oakland, the Police Department must seek approval from the Police Commission for changes to policy, rules, practices, customs, and General Orders. The Police Commission is the primary policy approving authority in Oakland. Should the Commission disagree with the Police Department, the City Council has 120 days to overrule the Commission's disagreement and confirm the changes proposed by the police department, but the Council is not obligated to do so and in the absence of Council action, the Police Commission decision is final. This practice ensures that community input is incorporated into the adoption of policy for the police department.

A5. The oversight body has a staff unit focused on policy.

Identified in: New York

Spreadsheet Reference: Line DH-006

- In New York, the oversight body has a policy unit of paid staff members. The policy unit does data analysis, includes lawyers, and makes monthly, semi-annual and annual reports.

A6. Oversight body conducts public review of police department budget

Identified in: Oakland

Spreadsheet Reference: Line DA-034

- In Oakland, the oversight body (the [Oakland Police Commission](#)) is the designated place for community input on decisions related to the police and oversight, including public review of and adjustments to the police department's annual budget.

B. Board Jurisdiction and Case Authority

B1. Oversight Body has defined authority over misconduct directly affecting the public.

Identified in: San Diego (City), New York, San Francisco, San Diego (County)

Spreadsheet Reference: Line DH-081, DH-084, DH-086, DH-087

- In the City of San Diego, the Board has authority over officer-involved shootings, deaths in custody and other specific incidents: Force resulting in bodily injury; dishonesty including perjury, false reports & concealing evidence; cases of substantial public interest; where data shows pattern of inappropriate policies; sexual misconduct; physical assaults; domestic violence.
- In San Francisco, the oversight body investigates unlawful search/arrest, biased policing, dishonesty, sexual assaults, use of force with bodily injury/death, officer shootings, misconduct, improper performance including unwarranted action, neglect of duty, use of force, conduct unbecoming (like rudeness).
- In San Diego County, the list includes excessive force; discrimination; sexual harassment; improper discharge of firearm; illegal search/seizure; false arrest; false reporting; criminal conduct; death caused by law enforcement; misconduct, improper or illegal act, omission or decision that directly affects a person or property; violation of orders; unbecoming conduct including discourtesy, harassment, intimidation, procedure, retaliation, untruthfulness; use of force with injury; force used at protests.
- New York is a partial best practice, as the list is limited; their Board has authority over Force, Abuse of authority, Discourtesy, Offensive language

Commented [PAC 09-015]: Commissioner Comment (Monica): Emulating places that limit authority to just these types of cases is not something we want to do. Important to centralize place where investigations and complaints are centered in to simplify the process.

Commented [PAC 09-126R5]: Commissioner follow-up (Monica): May be limiting if only the enumerated items (as in each of the lists below); would prefer all investigations and complaints be directed to oversight body with defined exceptions ("all except" not enumerated list)

Commented [PAC 09-197R5]: Commissioner follow-up (Monica): Don't want to end up with things that don't get investigated because they're not on a specific list. Felt better after it was described that a list could be helpful – just want to make sure the list is comprehensive.

(FADO cases). This includes improper search/seizure, failure to identify, untruthfulness, sexual misconduct. However, in New York it does not have authority over theft of money, neglect of duty, corruption, perjury and off duty criminal conduct.

B2. The oversight body has authority to receive all complaints, even about items it may not have investigative authority over.

Identified in: Chicago, Philadelphia

Spreadsheet reference: Line AT-001

- Chicago has the Civilian Office of Police Accountability (COPA), which takes all complaints and forwards the complaints not under their jurisdiction to the proper body. COPA is independent of the Police Bureau, and this type of process would show the public that the process is independent of police influence. Intake going through a non-police entity would also avoid the risk of discouraging community members from filing through police or at police buildings.
- Philadelphia's civilian oversight body receives all complaints except those related to tardiness/labor situations.

B3. Oversight board has authority to direct Agency Director to investigate cases.

Identified in: Denver

Spreadsheet reference: Line DA-016

The oversight board serves as the eyes and ears of the public, so the more involvement they have in individual cases, the better.

B4. A standing civilian Police Accountability Board (PAB) receives complaints, appoints civilians to a civilian Charging Committee and to any necessary Trial Boards, and reviews all data regarding complaints and submits an annual

Commented [PAC 09-018]: Commissioner suggestion (Dan): Put this higher than B1 so it's read first.

Commented [PAC 09-019]: Commissioner comment (Monica):
We may want to add Philadelphia to this item.
Philadelphia's civilian oversight body receives all complaints except those related to tardiness/labor situations.

report each year to the local Council. The civilian PAB identifies trends and makes policy recommendations about the complaint process.

Identified in: Maryland (State)

Spreadsheet reference: Line LL-006

The civilian Police Accountability Board has significant power to influence all stages of the complaint and disciplinary process. The civilian Board touches all three layers of the process, including complaint, charging decision, and appeal. The civilian Board interacts directly with citizens making complaints, which increases both face time and credibility with the general public. The civilian Board appoints members to the civilian charging committee which reviews investigations and decides charges and discipline, ensuring civilians appoint civilians to a critical internal process. The civilian Board appoints a civilian to any Trial Boards which must be stood up during internal appeals, again ensuring that civilians appoint civilians at another critical point in the process.

B5. Board has authority to send cases to the District Attorney, Grand Jury or other authority for criminal investigation.

Identified in: San Diego [\(City\)](#)

Spreadsheet Reference: Line DH-090

In San Diego, the oversight body has the authority to ask for a criminal investigation. This collaboration with criminal authorities, when police misconduct may rise to the level of a crime, helps to create accountability. [San Diego staff believes this power has never been used in San Diego.](#)

C. Makeup of Oversight Board

C1. The oversight body is large enough to be representative of the City's population.

Commented [PAC 09-0110]: Previously flagged for further discussion in spreadsheet discussion 08-29. Portions may be split and moved to other locations (e.g. policy -> policy section, trial board -> hearings section)

Commented [PAC 09-1211R10]: Commissioner Comment (Dan): Support separating reporting to report section, policy to policy section, keep only "receives complaints" function in this section.

Commissioner Comment (Lovisa): If there's a part of this I think is a good practice, the civilian board making policy recommendations. Some of this is situational.

Commented [PAC 09-1212R10]: Flagged for change prior to next draft.

Commented [PAC 09-1913R10]: Flagged (again) for change prior to next draft

Commented [PAC 09-1214]: Commissioner suggestion for inclusion (Dan, from spreadsheet text)

Identified in: Washington DC, San Diego City, San Diego County, San Francisco, New York

Spreadsheet Line: JR-001, DH-009, DH-010, DH-012, DH-013

A larger board membership allows for more diversity, demographic, and geographics reflected in the community and ability to have smaller panels.

Membership totals range from 5 to 23 members (Washington DC: 5-15, SD City: 23, SF:7, NY: 15. SD County: 9-15) with many allowing some flexibility in totals.

C2. Board member makeup should reflect the demographics and geographic and diversity of the community

Identified in: Washington DC, San Diego City, New York

Spreadsheet Line: JR-001, DH-010, DH-014

- Insert information here The City of San Diego Charter requires “taking into consideration sex, race and geographical area so the membership [...] shall reflect the entire community.”
- The New York Charter requires the “Board to reflect diversity of the City.”

C3. Selection criteria for membership includes subject matter expertise

Identified in: Oakland, Denver, Seattle

Spreadsheet Line: DA-026

Considered as a makeup of board members. Examples include people with trial experience, civil rights or public defense lawyers, police accountability experience, and lived experience.

C4. Designated alternates for oversight body

Identified in: Oakland

Commented [PAC 09-1215]: Flagged for further discussion (Sophia/Dan): Question over if examples given are “enough”

Commented [PAC 09-1216]: Commissioner Comment (Dan): 5 and 7 are not examples of “larger”. We’re not suggesting 5 or 7, pull them out. San Francisco/DC on separate lines as counterexamples

Commented [PAC 09-1217R16]: Note: Separate out as with previous items into different line for each jurisdiction.

Commented [PAC 09-1218R16]: Commissioner Suggestion (Dan): “ Adequate membership totals range from 9 to 23 members. Washington DC can have as many as 15 members.

Final paragraph: San Francisco’s board only has seven members and Washington DC can have as few as five

Commented [PAC 09-1219R16]: (and remove low end of DC and the SFO reference from the parentheses)

Commented [PAC 09-1920R16]: Flagged for update in next draft.

Commented [PAC 09-1221]: Commissioner Comment (Monica): Philadelphia had a geographic quota from each police precinct. Posed difficulty to them.

(From spreadsheet:) “Their goal was to get representation from all neighborhoods. Unfortunately this has not worked well from them because the city is so diverse in the make up of the different neighborhoods and in the quality of the applicants that they got. They had to pass on some great applicants from neighborhoods that were already represented in their make up and choose applicants less desirable because their particular neighborhood was less interested in participating.”

Spreadsheet Line: DA-027

Alternates are selected along with active commissioners and are available when openings occur. Alternates serve on ad hoc committees.

D. Selection of Oversight Board

D1. Oversight body is appointed by Council.

Identified in: San Diego, San Francisco

Spreadsheet Lines: JR-002, DH-016, DH-018

Investment by more people in the process helps with diversity, especially diversity of opinion. The use of a broad group of elected officials aids in diversity.

- In San Diego, the Council as a whole appoints members.
- In San Francisco, the Mayor and Board of Supervisors appoint members.

The PAC also identified counterexamples, including in Washington, DC, where the Mayor appoints members of the oversight body; The Commission considers this a practice to avoid.

D2. Members of the oversight body have to agree to certain terms upon appointment and reappointment. Board members take an oath and sign affirmation upon appointment and reappointment.

Identified in: San Diego City

Spreadsheet Lines: DH-017

Swearing in of the Board members.

- **In the City of San Diego, Board members take an oath and sign affirmation upon appointment and reappointment.**

Commented [PAC 09-1222]: Commissioner comment (Monica): Standard practice, doesn't need to be stated.

Commissioner comment (Dan): Wanted to include it because it might be a barrier to participation, and wanted to pass this along to full commission to determine if they want to include this.

Co-chair comment (Sophia): I don't know if we're recommending this (currently in good practice/possibly good practice), or if it's customary in other jurisdictions.

Commented [PAC 09-1923R22]: Commissioner follow-up (Dan):

Could also be a really important thing to not have people who sign on to this and don't help the work.

Maybe more broad – "have to agree to certain parameters upon appointment", and then the oath and affirmation as a San Diego-specific example.

Co-chair comment (Sophia): "Members have to agree to certain terms upon appointment and reappointment"

Commented [PAC24]: Needs more information.

D3. Community members apply for oversight body, and staff screens applications applications are screened before passing them on to the appointing authority.

Identified in: San Diego County, Denver, Philadelphia
Spreadsheet reference: Lines DH-022, DA-029, MA-011

- In San Diego County, the applications are reviewed by staff, who conducts interviews and ensures the District Attorney does a background check on candidates.
- ~~Denver is a partial best practice;~~In Denver, applications are received and screened, with interviews conducted by a nominating committee.
- ~~In Philadelphia, is a partial best practice:~~ Applications are received and sent to the appointing authority (City Commissioners), who select the appointees.

Commented [PAC 09-1225]: Commissioner suggestion (Dan):

Commented [PAC 09-1226]: Commissioner suggestion (Dan):
"In Denver, applications are..."

Commented [PAC 09-1227R26]: Commissioner suggestion (Debbie):
Say what it IS in Denver rather than judging it – could be same in Philadelphia.

Commented [PAC 09-1228]: Flagged for further discussion (Debbie):
I would prefer a process where it's not just the staff, but community members are involved in screening the applicants. In the end – in Denver – I'm sure City Council appoints the members, but there is public involvement in the selection process.

Actually, our Citizen Review Committee has selection involvement from community members, who sit on interviews too.

E. Terms and Removal of Oversight Board Members

E1. Members serve staggered, multi-year terms.

Identified in: San Diego City, New York, San Diego County, Denver
Spreadsheet Lines: DH-024, DH-028, DH-029, DA-030

Membership terms ranging for two-to-three-year renewable terms.

- In the City of San Diego, members serve two-year terms, with terms staggered so 11 or 12 expire at one time.
- In San Diego County, members serve three-year terms.
- In New York, members serve three-year terms.

E2. Members may apply for renewal up to a total maximum length of service. Renewal applications are evaluated and considered by appointing authority.

Identified in: San Diego City, New York, San Diego County, Denver

Spreadsheet Lines: DH-024, DH-028, DH-029, DA-030

Total term limits allow renewal up a total of eight years in several jurisdictions.

- In the City of San Diego, members may serve up to eight years, and then can apply again after two years.
- In San Diego County, board members may renew one time for an additional three years.
- In Denver, members may apply for another term and are considered by the nomination committee.

E3. The oversight body has defined criteria for automatic member removal.

Identified in: San Diego City, New York, San Diego County, Denver

Spreadsheet Lines: DH-030, DA-031, DH-028, DH-238

- *Attendance/Membership Activity*: Predetermined number of unexcused absence (Denver, San Diego City, County San Diego), unmet minimum participation, or workload requirement, inactivity in board activities (San Diego City)
- *Administrative*: Criminally convicted and unable to serve; financial or personal conflict of interest; vacancies by death, resignation, no longer being a resident; failing to complete training (San Diego City, County San Diego).
- *Ethical and Policy Violations*: unethical conduct, misuse of position/documents; violation of confidentiality (San Diego City, County San Diego).

E4. The oversight body has defined authority and criteria for discretionary removal or referral to the appointing authority for removal.

Identified in: San Diego (City), San Diego (County)

Spreadsheet Lines: DH-027, DH-026, 383, DH-243

- *Vote by board members:* removal recommendations forwarded to City Council for consideration, defense allowed (San Diego City).
- *Board of Supervisors:* Board Chair notifies, who can remove members at any time (County San Diego).
- Excused absences can be for unforeseen event, health reasons, out of town, conflict of interest.
-

E5. Members whose term has expired continue to serve until their replacement is appointed.

Identified in: San Diego (City), San Diego (County)

Spreadsheet Lines: DH-024, DH-029

- In San Diego City, members can serve until the next person is appointed.
- In San Diego County, members can continue in seat until replacement is appointed.

F. Hiring/Firing of Chief (or Staff)

F1. The oversight body hires, manages, conducts reviews, and can choose to fire the Executive Director of the oversight agency.

Identified in: Washington DC, San Diego City, New York, San Diego County, Denver, Oakland

Spreadsheet Reference: Line JR-005, DH-051, DH-052, DH-053, DA-002, DA-013

- In Washington DC, the oversight body hires the Executive Director and conducts annual performance reviews. Contracts are for three years and may be renewed.

- In San Diego, the oversight body conducts annual performance reviews of the Director.
- In New York, the Board sets policy including personnel policy, and hires the agency director.

F2. The oversight body hires, manages, and can choose to fire the top monitor or inspector-general.

Identified in: Oakland

Spreadsheet Reference: Line DA-003

In Oakland, the Police Commission hires and fires the Inspector-General. An Inspector-General who provides this type of oversight and reporting makes the system more transparent and builds trust.

F3. The oversight body is directly involved in hiring and, if necessary, firing the police chief.

Identified in: Oakland

Spreadsheet Reference: Line DA-002, DA-001

In Oakland, the Commission recommends four candidates for police chief to the Mayor, who chooses and hires the chief from among these candidates. It also has a key role to play in firing, and with enough votes can fire the police chief *independent of the Mayor*. This approach ensures community input is considered in police chief selection and removal.

Commented [PAC 09-1929]: Commissioner Comment (Katherine): These two sentences don't seem to align – the second sentence seems to explain more what an Inspector-General is, but doesn't do it. If we're saying what builds trust is that the civilian commission is what hires/fires the inspector-general, then we say that's what builds trust, not just the function (of an IG) itself.

Commissioner comment (Debbie): Separate heading to have a proposal for an Inspector-General in our system. Remove from this point (and move to section proposing IG)

G. Public Nature of Meetings / Hearings

G1. The Oversight Body holds meetings which are open and accessible to the public.

Identified in: San Diego City, New York, Oakland

Spreadsheet Reference: Lines DH-033, DH-035, DH-041, DH-042, DA-032, DA-009

Many jurisdictions include not only open public meetings of the oversight body, but written guarantees of communication about public notice, agenda item publication, etc.

- In San Diego (City), committee meetings are public and publicly noticed 72 hours in advance.
- In New York, meetings include public input and include publicly sharing information on agency operations, complaint activity, and disposition of cases.
- In Oakland, the meetings of both the oversight body and its sub-committees are open to the public with participation throughout. Names of those expected to attend Oakland Police Commission meetings are included on their meeting agendas.

11G2. The oversight agency holds open evidentiary hearings on misconduct complaints and public investigative reports.

Identified in: Oakland

Spreadsheet Reference: Line DA-033

This is a previous practice of the oversight system in Oakland which ended in 2006. Until 2006, police oversight agencies held open evidentiary hearings of misconduct complaints and public investigative reports. The public could follow the cases to understand exactly what the allegations of misconduct were against identified officers, how the complaints were investigated, and what the findings and recommendations for discipline were. ^A California court case ended this practice, but Oakland advocates point to it as a best practice even though it is no longer possible in California.

G3. The oversight body has a set list of agenda items which are used every meeting.

Commented [PAC30]: Flagged for further discussion (Sophia) - wants more information as to why they stopped doing it

Identified in: San Diego (City), San Diego (County)

Spreadsheet Reference: Line DH-037, DH-044

- In the City of San Diego, their set agenda includes: business is transacted, presentations are heard, communicate with public, hear testimony but not on particular cases, training is given, Executive Director report, Police department report, committee and chair report, City attorney report, old business, new business.
- In San Diego County, agenda items include: Roll call; Approval of minutes; Work report by staff; Chair report; training for members; public input including from complainants up to three minutes; New Business; Unfinished Business; Board Member Comments; and Sheriff liaison "query". Additional items may be filed with the Chair by members.

G4. Regularly scheduled Community Oversight Board public meetings with agency director, chief of police, and manager of public safety.

Identified in: Denver

Spreadsheet Reference: Line DH-047

The oversight board holds open public meetings with the police chief, manager of public safety, and oversight agency director where policy issues, etc. can be discussed. Open meetings with leaders in public safety and accountability give the oversight board and public the opportunity to discuss critical issues, ask questions, and consider policy issues.

G5. Discipline is not revealed to the public.

Identified in: San Diego (City)

Spreadsheet Reference: Line DH 034

In San Diego City, law prohibits revealing discipline to the public.

Commented [PAC31]: Flagged for further discussion (Katherine): Not sure if this should be recommended

Commissioner comment (Monica): This is something I would not like to recommend as a best practice.

Co-Chair Proposal (Sophia): Change to "practice to avoid". This one is not helpful for us to do in Portland. It's not something any of us think we should do.

Commissioner proposal (Dan): Flip around, use as counterexample to New York's (DH-068) "reports include agency operations, complaint activity, case disposition, discipline".

Co-Chair Proposal (Sophia): Cross it out here, flip it around and include as good example (New York) under "Reporting"

Commissioner Proposal (Monica): Separate out from other items in "Reporting" as "Discipline is revealed to the public to the extent state law allows" (as New York).

Commented [PAC 09-1932]: Commissioner comment (Katherine): This may be a state law.

Proposal: "to the extent state law allows"?

Additional comment (Katherine): I think we should add "collective bargaining agreements" to state law.

G6. The oversight body holds open meetings regularly and frequently.

Identified in: San Diego (City), New York, San Diego (County)

Spreadsheet Reference: Line DH-035, DH-036, DH-039, DH-045

- In the City of San Diego, open meetings are generally held once per month. The oversight board held 11 open meetings in 2021.
- In New York, the oversight body holds open meetings at least once a month, with exceptions for August and December.
- In San Diego County, open meetings are held 1-2 times per month.

G7. Hearings on individual cases are generally open to the public, with limited, specific exceptions defined in the law.

Identified in: Seattle, Maryland

Spreadsheet Reference: Lines DH-038, DH-040, DH-043, DH-046, DH-049

- In Maryland, every county has a Trial Board, and its proceedings are open to the public with limited exceptions (such as to protect the identity of a victim).
- Seattle is a partial example of this practice, as in Seattle some appeal hearings are open to the public. If the officer chooses arbitration, then they are not.

The Police Accountability Commission also identified several counter-examples, which are considered practices to avoid:

- In the City of San Diego, closed meetings are held twice a month, and are confidential to hear cases and other matters not subject to disclosure. Presentations from the Shootings Review Board and discussions of discipline occur in closed meetings.
- In New York, hearings are not open to the public.
- In San Diego County, hearings are not open to the public. In closed session, Board, staff, and legal discussion is confidential.

H. Budget

H1. The oversight body's budget is sufficient to fulfil its duties. Oversight Body budget is limited to less than 1% of the police department's budget.

Identified in: New York

Philadelphia, San Diego City, Washington DC

Spreadsheet Reference: Lines JR-004, DH-271, MA-004

- In New York, the budget is nearly \$39 million.

Counter-examples:

- In Philadelphia, the police oversight budget is limited to less than 1% of the police department's budget.
- In Washington, DC, the oversight budget is \$2.2 million, mostly for salaries.
- In the City of San Diego, the budget of the Citizens' Review Board on Police Practices, which existed from 1988-2016, was \$1,327,134 for three staff members. The Commission on Police Practices, which was created in 2020, has a budget of about \$2.5 million.

Commented [PAC33]: Flagged for further discussion (Monica): Portland will have 5%, which is in line with NACOLE suggestions and higher than the examples given. Support 5%.

Commented [PAC 09-1934R33]: Commissioner comment (Monica): We should not be emulating this at all.

Commented [PAC 09-1935R33]: Commissioner comment (Dan): Phrased the way it is, yes (it's a practice to avoid). If we were trying to phrase it as a best practice, it'd be "budget is sufficient for what it's required to do". Note: The Charter says it has to be **at least 5%** - it might be helpful to say "enough to do what it needs to do".

Commented [PAC 09-1936]: Fact-check

I. Audit Functions

I1. The oversight agency reviews all misconduct investigations to ensure they are complete before findings and discipline are determined.

Identified in: Seattle

Spreadsheet Reference: Line DA-005

In Seattle, there is an Inspector-General who reviews investigations prior to findings and discipline being determined. This practice helps ensure investigators conduct thorough investigations, and inserts an added layer of oversight and review to the process.

2. The oversight agency audits closed cases alleging misconduct and may recommend policy changes.

Identified in: San Francisco, New York, Oakland

Spreadsheet Reference: Line DH-054, DH-055, DA-004

- In San Francisco, the audit division reviews closed complaints.
- In New York, the Executive Director audits closed cases.
- In Oakland, the Inspector-General is responsible for ensuring allegations of misconduct are thoroughly investigated, and identifies systemic policies needing improvement. This continues oversight similar to the DOJ or court monitor.

3. The oversight body may conduct Sentinel Event Reviews.

Identified in: Seattle

Spreadsheet Reference: Line DA-006

Sentinel Event Reviews study, in-depth, a significant and undesirable event, with the goal of prevention rather than response. A broad review of incidents of concern to the community for the purpose of learning from past mistakes gives the community and police the opportunity to learn and develop new policies and practices that will lead to better outcomes.

- In Seattle, the Office of the Inspector-General oversees Sentinel Event Reviews, which are led by a select group of community members, police representatives, and OIG.

Commented [PAC 09-1937]: Commissioner comment (Dan):
"Undesirable police related events".

Commented [PAC 09-1938]: Commissioner comment (Monica):
When I see "sentinel event reviews" it makes me think of "root cause analysis" and would like to see those words in this document.

J. Reporting

1. The oversight body and agency are required to regularly and frequently issue public reports.

Identified in: Washington DC, San Diego (City), San Francisco, Philadelphia, Seattle, Denver

Spreadsheet Reference: Line JR-006, DH-056, DH-060, DH-064, DH-067, DA-007, DH-070, DA-010

Several jurisdictions require annual reports, with many jurisdictions requiring more frequent reports in addition to an annual report.

- In Washington, DC, there is an annual report and a semi-annual review, as well as a use of force data report.
- The City of San Diego oversight body issues semi-annual reports to the Mayor and City Council.
- San Francisco's oversight body issues annual reports.
- Philadelphia's oversight body issues annual reports.
- In New York, the policy unit issues monthly, semi-annual, and annual reports on data (a total of 14 reports a year). The monthly statistical reports are generated before each meeting.
- In Seattle, City Code requires an annual report.
- In San Diego County, there is an annual report.
- In Denver, the oversight body issues an annual report, and has one of its meetings specifically designed for public comment on the report.

Commented [PAC39]: Is this each use of force?

I2. Annual reports of the oversight body and oversight agency have required contents which are defined by law

Identified in: Seattle, San Diego (City), San Francisco, Philadelphia, New York, San Diego (County)

Spreadsheet Reference: Line DA-007, DH-056, DH-060, DH-063, DH-070

The Commission identifies the definition of required contents in law as a best practice. By listing specific reporting requirements in the code for agency and commission reports, it ensures the same type of information will be available to

the public and others over time. This facilitates year-to-year comparisons and reliable access to information.

- In Seattle, the required contents of agency and commission annual reports are defined in code.
- In the City of San Diego, the reports include duties and powers, redacted case summaries, and summaries of committee work. This is a partial best practice, as it is not required to include statistics on how the board voted on discipline (though reports often do include this information).
- In San Francisco, the annual report includes cases, allegations, and demographics, disaggregated by geographical area or district, as well as policy recommendations and their status, and a summary of outreach.
- In San Francisco, the annual report includes cases, allegations, and demographics, disaggregated by geographical area or district, as well as policy recommendations and their status, and a summary of outreach.
- In New York, reports include agency operations, complaint activity, case dispositions, and discipline.
- In San Diego County, the annual report includes Board activities, recommendations/outcomes, trends, Board mission, staff, members' biographies, messages from Chair & Executive Director; complaints by year, quarter, allegations, by unit, type and agency. Lists Board actions by case number, date and findings, lists death cases.

3. Reporting on closed cases includes all information, except complainant and officer names in specific situations.

Identified in: Washington DC, San Francisco, Philadelphia, [New York](#), [Seattle](#)

Spreadsheet Reference: Line JR-007, DH-061, MA-001, [DH-068](#), [DA-011](#)

Several jurisdictions publish data on closed cases, with dates, facts of the case, and findings included. Sometimes, there are exceptions for officer and

complainant names, but these are specifically defined exceptions to open reporting.

- In San Francisco, data on officer involved shootings includes names of officers and dates.
- In Philadelphia, data on officer involved shootings includes names of officers and dates. Every case reviewed is posted with detail on complaints/findings/outcomes with names (if complainant allows) as well as the names of the officers involved.
- In Washington, DC, case decisions are posted online without the officer or complainant's names, but with facts of the case supporting the findings.

The Police Accountability Commission also identified counter-examples which they consider practices to avoid:

- In New York, data on cases that went to mediation are not public.

J4. The oversight agency maintains an online tracker of commission policy recommendations, including their responses and implementation.

Identified in: Seattle

Spreadsheet Reference: DA-008

Placing a recommendation tracker on the website gives the public the opportunity to see which commission, civilian agency, and IG recommendations have been implemented.

- The [Seattle tracker](#) provides reasons for the recommendations that have not been implemented, as well as responses and progress on implementation.

J5. Online reporting includes complaints, findings, outcomes, and discipline, as well as aggregated data.

Commented [PAC 09-1940]: Commissioner comment (Monica):
During investigation in progress, names not included in Philadelphia. After the case is concluded, then names are included.

Identified in: New York, San Francisco, Philadelphia

Spreadsheet Reference: Line DH-063, DH-059

- In New York, online reporting includes sample cases, complaints, allegations, victims, and officers; data includes race, gender, age, and outcomes. In New York, discipline letters are posted online, and include officer names.
- In San Francisco, the online dashboard shows case statistics, open, closed, and sustained allegations, and findings.
- In Philadelphia, the online dashboard shows case statistics, open, closed, and sustained allegations, and findings.

J6. The oversight body can propose the release of otherwise-confidential information.

Identified in: New York

Spreadsheet Reference: Line DH-066

[Insert information here]

K. Appeal Process

K1. If officer is dissatisfied, they can appeal/ rebut findings within a defined period determined by the review boards; Supervisor cannot file on officer's behalf

Identified in: San Diego County, San Diego City, New York, San Francisco, County San Diego

Spreadsheet Reference: 356,361; 362, 364, 366, 367, 368, 369,370, 371; DH-225, DH-220,DH-2336, DH-228, DH-230, DH-231 DH-232, DH-233, DH-234, DH-235

- Case can be reopened if sufficient and substantial evidence is presented, that serves justice and is in the public best interest”

Commented [PAC 09-1941]: Commissioner comment (Dan):
There's probably a list of specific circumstances where this is appropriate.

The rule about releasing employee information is that it can't be released "unless it's in the public interest," and if a police officer harms a community member, it's **always** in the public interest.

From spreadsheet:
"Guidelines should be specific about kinds of information and circumstances..."

- Complainant can object to dismissal of a case
- Officers can appeal to Civil Service Commission and present a defense.
- All appeals packages, evidence and auxiliary information are sent to the review board and present case of justification, argument and vindication
- Findings of Civil Service Commission are final

L. City Council Involvement

Spreadsheet Reference: 374,375; DH-237, DH-239

Identified in: County San Diego, San Diego City

- County Board of Supervisors can send a case back to the Board for reconsideration.
- Mayor conducts reviews of process, trends in complaints, investigation, and discipline.

M. BOARD COMPENSATION

M1. The board should be fairly and reasonably compensated for their work, reimbursed for authorized, reasonable, and necessary expenses, or may choose pro bono option.

Spreadsheet Reference: 377, 378, 379, 380; JR-020, DH-240, DH-241, DH-242

Identified in: County San Diego, Washington DC, San Diego City, New York

N. COMMITTEE WORK / INTERNAL STRUCTURE

Spreadsheet Reference: 385, 387, 388, 390, 391, 392, 394, 395, 396, 398,39941, 402, 403, DH-003, DH-245, DH-246, DH-248, DH-249, DH-250, DH-252, DH-253, DH-254, DH-255, DH-256, DH-257, DH-259, DH-260, DH-277

Identified in: San Diego City, New York, County San Diego

- The board has committees with board selected/determined members. Standing committees and subcommittees are decided upon by board members and committee chairs. Each committee will have a chair and vice chair. The chair(s) are the spokesperson for the committees, The board has a parliamentarian to consult on procedure, but Chair makes ruling.
- The board establishes its own internal processes and rules. Bylaws, administrative, operational, and standing rules can be amended based on boards established internal processes and rules.

Q. LOCATION OF OFFICE INDEPENDENT AND ASSESSABLE TO THE COMMUNITY

Spreadsheet Reference: 405, 406, 407, 408, 409, 410 :JR-02, DH-261, DH-262A, DH-262B, DH-263

Identified in: Washington, DC, San Diego City, San Francisco, New York

Office is in a private space with private security independent of police related government offices.

P. REQUIRED IMPLEMENTATION/RESPOND TO FINDINGS AND RECOMMENDATIONS by CHIEF/POLICE COMMISSIONER

Spreadsheet Reference: 412, 413, 414; JR-022, DH-265, DH-266

Identified in: Washington DC, New York

Commissioner has final say on discipline. The findings can be accepted, modified or rejected or appealed .

Q. Standard of Review for Board Findings

Spreadsheet Reference: 417, 148; DH-268, DH-269, DH-270

Identified in: County San Diego, New York

Preponderance of the evidence used for Board findings in hearings and investigative processes

Collective Bargaining

26. A representative from the police commission has a seat at the bargaining table in contract negotiations.

Identified in: Seattle

Having a commission member participate in police union contract negotiations would inject the community perspective.

27. List names of commissioners and alternates on meeting agendas

Identified in: Oakland

Agendas for Oakland commission meetings list commissioners' and alternates' names. (Note: Oregon Open Meetings Law requires meeting minutes/summaries to include the names of commission members)

Staff

28. Agency director is hired and serves at the pleasure of the oversight board.

Identified in: Denver, Oakland

Giving oversight board/commission the authority to hire and fire the agency director makes the system more accountable to the community. This is already built into Portland's new system.

29. Appoint screening committee to select candidates for agency director who will be forwarded to oversight board. After a community process, oversight board selects new agency director.

Identified in: Denver

Screening committee is made up of oversight board chair, city council member, current or retired judge, director of Career Services Authority, person with extensive knowledge of police oversight or internal investigations but has never worked in Denver in law enforcement, and a justice system-involved community member selected by the oversight board.

30. Employ a community process when selecting agency director.

Identified in: Denver

Screening Committee forwards three candidate names to oversight board. Board conducts a community process and selects a candidate to recommend to city council for appointment. City Council confirms. Oversight board has authority to fire the agency director.

31. Citizen Review Board will be volunteers from the community- small stipend for their work. They will have an Executive Director that is a paid city position as well as full staffers paid by the city to support the work of the CRB. Their budget is limited to less than 1% of the police department's budget.

Identified in: Philadelphia

N/A

32. Consider experience working with community along with investigative, policy, and management skills when hiring agency director.

Identified in: Oakland

Oakland Community Police Review Agency interim director suggested that candidates with public defense or civil rights backgrounds might be better suited to lead oversight agencies because it is important for them to know how to connect to the community.

Independent Legal Counsel

37. Authority for civilian agency and/or oversight board to hire independent counsel.

Identified in: Denver, Oakland

Independent counsel gives civilian oversight agency the legal advice they need to carry out its duties. City attorneys are responsible for representing the interests of the municipality, which sometimes conflicts with the interests of a civilian police oversight agency.

Timeframe for Filing Complaints

38. Deadline to file community complaints

Identified in: Denver, Oakland

No firm deadline. Denver encourages waiting no longer than 60 days so it is easier to conduct the investigation while the event is still fresh. Oakland has no deadline but faces California's one-year statute of limitations mentioned above.

MISC

39. Uniform Three-tier structure for an entire state

Identified in: Maryland

1. Accountability Commission - civilian
2. Admin Charging - decision making where officer can accept or reject the decision and the Chief can only deviate to harsher penalty
3. Trial Board - made up of one civilian, one law enforcement officer and a retired admin judge to moderate.

Investigative Process

40. Transparency for investigations

Identified in: Philadelphia

While investigations are still proceeding, Philly publishes all the information in anonymous form, with names withheld. When investigations are complete, the information is published with identifying information.

41. Investigation includes recommendation for how avoid misconduct or improve response

Identified in: Chicago

Investigators can also assess policy issues regarding how incident could have been avoided, training, policy deficiencies, etc.

Intake

42. Members of the public may submit complaints to either a law enforcement agency or to the civilian Police Accountability Board.

Identified in: Maryland (state)

Members of the public can submit complaints directly to law enforcement agencies, which are expressly required to facilitate the complaint process, or to a civilian Police Accountability Board. This reduces the chances that civilians will be frustrated in their attempts at making a complaint because they were turned away for making their complaint to the "wrong" person or agency. Forcing law enforcement agencies to accept complaints also requires law enforcement agencies to continue to bear some of the administrative load of the complaints which they generate.

43. Centralized placed to receive all complaints and to investigate all allegations of all types (except for labor law disputes- like overtime issues, labor law issues within the police department).

Identified in: Philadelphia

Simplifies the process and provides one centralized place of access

Discipline

44. A civilian Administrative Charging Committee shall recommend discipline in according with a standardized disciplinary matrix.

Identified in: Maryland (state)

Civilians control the decision to charge. Charges then trigger what is essentially automatic discipline according to the disciplinary matrix. The standardization of the disciplinary matrix fosters transparency and predictability for both community members and members of law enforcement. The civilian charging committee is not required to "invent the wheel" from scratch each time they recommend administrative charges, which may save time and resources.

45. The Chief of Police may deviate upwards from the discipline chosen by the civilian Administrative Charging Committee, but not downwards.

Identified in: Maryland (state)

The Chief of Police is allowed to influence the discipline of the officer, which may lend the system more credibility with law enforcement officers. However, the Chief is bound by the charging decision made by the civilian charging committee. If the Chief wishes to deviate, the Chief may only deviate upwards, which means that civilians set a "floor" below which discipline may not fall. This can also serve as a check on the automatic disciplinary matrix, in case for some reason the discipline required by the matrix is insufficient to the instant case.

46. An officer has a right to reject the discipline recommended by the Chief and ACC. An officer may request a Trial Board be convened for further review.

Identified in: Maryland (state)

The officer has a right to request a third look at the disciplinary action being recommended. A separate trial board will be convened for each incident, and only at the request of the subject officer. No standing trial boards are required, which reduces spend and which also implies that they are considered for use only in exceptional circumstances.

47. Discipline Committee - subset of police commission -- makes final call when oversight agency and police chief disagree on findings and discipline

Identified in: Oakland

Incorporating a policy that creates a police commission discipline committee that makes the final call would ensure the civilian committee, not the police, have the final say.

48. Citizen review board makes recommendations for discipline, action, but they do not have the power to execute it. It is up to the Police Department to follow the recommendations. When they decide they will not follow the recommendation they have to say why they won't

Identified in: Philadelphia

This was because of how the law in PA is written

Hearing Process

49. Trial Boards consist of three members: one police officer of equal rank to the subject officer, selected by the Police Chief, one civilian chosen by the civilian Police Accountability Board, and one administrative law judge, selected by the chief county administrator.

Identified in: Maryland (state)

We The Trial Board is the final step before state law requires that a party be allowed to appeal to the local circuit court. By including an administrative law judge as the deciding vote, the Trial Board process seems designed to ensure that anything that is appealed to a circuit court is easily upheld on appeal. The judge's expertise lends the impression that the investigation has been reviewed for any egregious errors, as well as that a neutral third party has reviewed, and had significant impact on, the case.

50. A civilian Administrative Charging Committee shall review the investigation and make a determination that the subject officer shall be, or shall not be, administratively charged.

Identified in: Maryland

A civilian administrative committee need not do the investigation itself in order to have a significant impact on the disciplinary process. Another option is to allow a law enforcement agency to do the investigation, and then routing the investigative file to a civilian group for review and charging and discipline decisions. Since the civilian group is not doing the heavy lift of conducting investigations, more resources and time can be dedicated to civilian oversight of the charging and discipline process.

Subpoena Power and Compelling Testimony

51. Police are required to be present at hearings/proceedings/investigation- it is part of their subpoena powers

Identified in: Philadelphia

Still In Process

52. Broad subpoena power, plus duty of all employees (including high level management) to cooperate and failure is grounds for termination

Identified in: Chicago

Information access and cooperation required for accountability process to function. LA County Sheriff currently refusing to cooperate with oversight entities and thwarting investigation of deputy gangs

Continuous Improvement

53. Periodic complainant satisfaction surveys

Identified in: Seattle

Conduct periodic complainant experience reports and develop recommendations for improving the system based on the information gathered.

<https://seattle.gov/documents/Departments/OPA/Reports/Complainant-Experience-Report-June-2021.pdf>

54. Require oversight commission to conduct self-evaluation every three years and determine whether commission should continue or change. If commission's charter is changed, require a report on change after one year

Identified in: LA County

This allows for agency to evolve in response to changing circumstances

Officer Participation

55. Head of law enforcement agency or their designee attends and participates, but is not a voting member of oversight commission

Identified in: LA County

Provides information and perspectives to commission and potentially helps law enforcement buy-in to oversight model

Structure and Internal Process

56. Integrating three forms of civilian oversight: investigatory, auditing/monitoring, and holistic review functions

Identified in: Chicago

Chicago combines the three civilian accountability models: an **investigatory and disciplinary** function (Civilian Office of Police Accountability and the Police Board); an **auditing/monitoring** function (Public Safety Inspector General, which reviews patterns and practices for civil rights violations and fairness and consistency of officer discipline); and a **review** function (Community Commission for Public Safety--which drafts policies and can hire and fire leaders of police and accountability agencies). This allows oversight of both individual officer conduct and overall agency practices and policies.

Complaints Process

57. Workarounds if signed/sworn complaint cannot be obtained but investigation appears warranted

Identified in: Chicago, LA County

To address the fact that many complaints were not being investigated due to the lack of verification, Chicago created an override system that allows COPA to investigate complaint and recommend override to Internal Affairs Chief; in LA County, if complaint is anonymous, it cannot be referred for investigation but it is reviewed and maintained for purposes of monitoring patterns and systems of misconduct

Mediation

58. Referral to mediation

Identified in: Chicago

All complaints where discipline would be suspension of 30 days or less eligible for voluntary mediation

Community Engagement

59. Oversight Commission solicits community input and engagement on use-of-force incidents and civil rights issues and functions as bridge between community and law enforcement

Identified in: Chicago, LA County

Builds community engagement and trust

Oversight Board Training

60. Civilian oversight board members get training and a reasonable stipend for service; vacancies must be filled within set period

Identified in: Chicago, LA County

Chicago provides stipend of \$15K; LA County provides stipend of \$5K. LA County provides 6-month mandatory training and orientation, and vacancies must be filled within 60 days.

61. CRB members will receive training on police law, investigations, criminal justice partners, the DA, policies/procedures, state constitutional law, community and civil rights organizations, etc.

Identified in: Philadelphia

Still in process

The Police Accountability Commission agrees that the following items are practices to avoid from other jurisdictions.

Practice to Avoid 1: Statute of limitations on completing complaint process

Identified in: California (State Law)

Justification: According to sources in Oakland, there is a Calif. law that places a statute of limitations on completing complaint/disciplinary process of one year. If deadline is not met, the complaint investigation and disciplinary process is terminated.

Practice to Avoid 2: Civilian board and internal affairs running parallel investigations

Identified in: Oakland

Justification: The civilian board and the police internal affairs will conduct investigations at the same time, then decide on discipline together. This process appears to be very ineffective.

Oakland: Civilian board and internal affairs running parallel investigations

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California: Statute of limitations on completing complaint process

Justification: According to sources in Oakland, there is a Calif. law that places a statute of limitations on completing complaint/disciplinary process of one year. If deadline is not met, the complaint investigation and disciplinary process is terminated.

Philadelphia: Citizen review board has subpoena powers and gets access to all the files and evidence. They are allowed to go to the crime scene and gather information independently.

Justification: Decreases the chance that evidence will be tampered with or that evidence will be withheld in cases needing to be reviewed

Philadelphia: Members of the CRB requirements- living in Philadelphia, no background in work for the police, may not be a sworn member or past member of the city, municipal or state police department or current officer of a political party

Justification: N/A