

# THE IMPACT OF CIVILIAN INVESTIGATIVE AGENCY RESOURCES ON THE TIMELINESS OF POLICE MISCONDUCT INVESTIGATIONS

*Sharon Fairley\**

*As many cities and counties turn to civilian oversight of law enforcement to enhance accountability, resource allocation is a critical issue with which police reform advocates, oversight entity administrators, and political leaders struggle almost every budget cycle. Resources are tremendously important in this context. Historically, lack of resources has been an important, if not the decisive factor leading to an oversight entity's demise.*

*This Article reports on a unique and newly created dataset composed of case management and budgetary information from civilian oversight entities responsible for independent police misconduct investigations. The data were collected and analyzed to provide greater insight into the resources and staffing afforded to these entities while also assessing caseload management challenges. Interviews with civilian oversight entity administrators were conducted to provide context to the observations made from the data collection. The Article is intended to provide guidance to civilian oversight administrators and city leaders in assessing the resource needs of civilian oversight investigative entities.*

*Civilian oversight entities continue to face hurdles when seeking the resources necessary to provide effective investigative oversight. Given tight municipal budgets and the political nature of resources appropriated for public safety needs, once an oversight entity is established at a certain budget level, garnering support for a significant increase in any given budget cycle is an uphill battle. Even entities with statutorily established budgetary minima have difficulty securing the resources they need because city leaders are reluctant to appropriate more than is legally required.*

INTRODUCTION . . . . .	565
I. BACKGROUND . . . . .	567
A. Impact of Resource Constraints on Civilian Oversight Effectiveness . . . . .	567
B. Challenges in Identifying and Managing Budgetary Needs . . . . .	570

---

\* Professor from Practice, University of Chicago Law School; Former prosecutor, U.S. Attorney's Office, Northern District of Illinois; Former Chief Administrator, Independent Police Review Authority and Civilian Office of Police Accountability, Chicago. Special thanks to Angel Lockhart, Martin Martinez, Chrystal Kwabea Adu-Poku for their dedicated research assistance and to Dylan Baker and Morgen Miller for their astute data analysis.

II.	INVESTIGATIVE OVERSIGHT ENTITY BUDGET AND CASE CLOSURE DATA COLLECTION . . . . .	572
	A. Oversight Entities Studied . . . . .	572
	B. Data Gathering Process . . . . .	573
	C. Overview of Data Collected . . . . .	575
	1. Civilian Oversight Agency Resources . . . . .	575
	2. Law Enforcement Agency Size and Resources . . . . .	576
	3. Agency Case Processing Information: Complaints, Investigations Opened, and Closed . . . . .	577
	4. Legal Requirements for Investigative Timeliness . . . . .	581
III.	ANALYSIS OF COMPLAINT DATA . . . . .	582
IV.	ANALYSIS OF BUDGET & RESOURCE DATA . . . . .	588
	A. Agency Financial Resources . . . . .	588
	1. Civilian Oversight Entity Budgets Relative to Police Department Budgets . . . . .	589
	2. Civilian Oversight Entity Budget Relative to Size of Police Department . . . . .	591
	3. Civilian Oversight Entity Budget Relative to Annual Complaints Received . . . . .	592
	4. Proportion of Civilian Oversight Entity Budget Used for Personnel vs. Non-personnel Expenses . . . . .	593
	B. Civilian Oversight Entity Personnel Resources . . . . .	594
	1. Police Department FTE Load Factor . . . . .	594
	2. Civilian Oversight Entity Staff Size Relative to the Number of Complaints . . . . .	595
	3. Civilian Oversight Entity Budgeted vs. Actual Headcount . . . . .	596
V.	ANALYSIS OF CASE MANAGEMENT DATA . . . . .	598
	A. Annual Closed/Opened Ratio . . . . .	598
	B. Average Number of Investigations Closed per Oversight Entity FTE . . . . .	601
VI.	KEY OBSERVATIONS . . . . .	603
	A. Agency Financial and Personnel Resource Needs . . . . .	604
	B. Hiring and Retaining Qualified Investigative Staff . . . . .	605
	C. Data Collection and Management . . . . .	606
	D. Legal Resources . . . . .	607
	E. Transparency and External Communications . . . . .	608
	F. Case Management Challenges and Practices . . . . .	608
	G. Legally Mandated Budget Floors . . . . .	609
	CONCLUSION . . . . .	611

## INTRODUCTION

Since 2020, dozens of communities have created or enhanced civilian oversight of law enforcement as an important component of their police accountability systems.<sup>1</sup> The administrators and political leaders responsible for creating new civilian oversight or implementing existing civilian oversight programs struggle almost every budget cycle to address funding for oversight agencies and programs. Resources are tremendously important in this context. Historically, lack of resources has been an important, if not the decisive, factor leading to an oversight entity's demise.<sup>2</sup> When agencies do not receive sufficient resources to fulfill their mandate, the quality, timeliness, and impact of oversight suffers. This leaves communities disappointed and potential injustices unremedied and breeds skepticism within the law enforcement community.<sup>3</sup> Budgetary challenges for civilian oversight entities that conduct independent police misconduct and complaint investigations can be particularly vexing because this form of oversight is quite resource intensive. History has certainly established that oversight entities need sufficient resources to manage their caseloads. Resource needs have increased over time as investigations have become more complex, often involving the review and analysis of video material. Today, these entities have developed additional operational needs that are essential to the role they play within the police accountability infrastructure. Moreover, investigative oversight agencies are increasingly involved in data and policy analysis, complainant support, and community engagement.

Resource limitations can impair even the most sophisticated civilian oversight entity's ability to manage its caseload. Some jurisdictions have attempted to ensure adequate funding to oversight entities by establishing statutory minimum standards for an entity's budget or staffing.<sup>4</sup> However, these legal thresholds may actually work against an

---

1. See Sharon Fairley, *Survey Says: The Development of Civilian Oversight of Law Enforcement Skyrockets in the Wake of George Floyd's Killing*, 31 S. CAL. REV. L. & SOC. JUST. 283, 284 (2022).

2. See *infra* notes 3 and 24.

3. Monica Davey, *Chicago Mayor Looks to Replace Agency That Reviews Police Conduct*, N.Y. TIMES (May 13, 2016), <https://www.nytimes.com/2016/05/14/us/chicago-rahm-emanuel-police.html> [<https://perma.cc/QV33-S7MC>] (discussing how the community had lost trust in the city agency responsible for investigating police misconduct to such a degree that the agency had to be replaced by a completely new entity); see also SAMUEL WALKER, POLICE ACCOUNTABILITY: THE ROLE OF CITIZEN OVERSIGHT 43–44 (2001) (discussing the impact of failed oversight entities).

4. MICHAEL VITOROULIS ET AL., NAT'L ASSOC. CIVILIAN OVERSIGHT L. ENF'T, CIVILIAN OVERSIGHT OF LAW ENFORCEMENT: REPORT ON THE STATE OF THE FIELD AND EFFECTIVE OVERSIGHT PRACTICES 48 (2021) [hereinafter NACOLE FULL REPORT], <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub>.

entity's ability to procure the resources it needs to provide the quality and timely oversight the community demands, as city officials can treat the minima as maxima and feel reluctant to provide necessary resources beyond what is legally required.

Although inquiries into what makes civilian oversight successful have consistently pointed to funding as a critical success factor,<sup>5</sup> exploration of funding and caseload management challenges among oversight agencies has been limited. Sam Walker, who has written extensively on civilian oversight, identified resources as a vexing challenge over two decades ago in his seminal work: *Police Accountability: The Role of Citizen Oversight*.<sup>6</sup> A study of best practices conducted by the National Association of Civilian Oversight of Law Enforcement ("NACOLE") included a limited analysis of budget information for a group of seven oversight entities.<sup>7</sup> Thus, today, there remains a dearth of empirical analysis that can guide oversight practitioners and government leaders responsible for budget appropriations.

This Article seeks to narrow this information gap. The analysis discussed herein is based on a dataset of case management and budgetary information from sixteen civilian investigative entities operating across the United States. The purpose of the data collection and analysis was to identify how resource and staffing challenges impact an oversight entity's ability to manage its caseload. The Article is intended to provide empirical support for the allocation of sufficient resources to civilian oversight entities. The data and information gathered is used to assess and compare how well investigative agencies in cities across the United States are funded using metrics based on budget appropriations and workload determinants such as the number of complaints an agency takes in and the number of investigations the agency undertakes.

The data gathered herein illustrates that the civilian investigative agency budgets remain exceedingly low relative to expenditures on policing. In addition, the entities surveyed report their resource needs have increased as their work has become more sophisticated, requiring new and enhanced capabilities such as data analysis and community engagement. Further, the Article identifies the most common impediments to the timely closure of police misconduct investigations: access to law

---

pdf [<https://perma.cc/KC7Z-JJ5T>] ("A growing number of jurisdictions have enacted legislation that sets their oversight agency's budget as a fixed percentage of the overseen law enforcement agency's budget.").

5. *Id.* at 68 ("Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness.").

6. WALKER, *supra* note 3, at 136.

7. NACOLE FULL REPORT, *supra* note 4, at 49.

enforcement records and staffing shortages. Few of the agencies surveyed have direct access to the records necessary to conduct their independent investigative process, making it difficult to conclude investigations in as timely a manner as they could. The agencies also report challenges in recruiting and maintaining experienced investigative staff.

Part I of the Article will provide background on the barriers to effective oversight that resource constraints have posed over time. Part II will describe the data gathering content, sources, and processes behind the analysis discussed herein. Part III will present an analysis of data related to the annual number complaints received by these entities, a measure of the entity's workload. Part IV presents an analysis of budgetary and personal resources. Part V presents an analysis of case management and case processing efficiency measures. Lastly, Part VI will set forth key findings and suggestions for future research and analysis.

## I. BACKGROUND

### A. *Impact of Resource Constraints on Civilian Oversight Effectiveness*

Civilian oversight for law enforcement, in particular civilian involvement in police misconduct investigations, has evolved and proliferated over several decades as an important mechanism for police accountability and transparency. Calls for civilian oversight of police date back to the early twentieth century. In the four or five decades after the founding of the Chicago Police Department in the 1850s, corruption within the department had become so widely apparent that the public lost confidence in the Chicago police being able to police themselves.<sup>8</sup> By 1913, a small corps of civilian inspectors investigated complaints made against the rank-and-file members of the Chicago Police Department.<sup>9</sup> Four investigators from outside the police department conducted hundreds of police misconduct investigations each year, whereas other cities at the time entrusted these inquiries to ranking officers within the police department.<sup>10</sup> Initially, the civilian investigators were not only responsible for examining misconduct, they also tracked the documentation of crime records, performed informal audits of department supplies and property, and inspected district

---

8. CITIZENS' POLICE COMMITTEE, CHICAGO POLICE PROBLEMS 71 (1931).

9. *Id.* at 72. (“[I]n Chicago popular distrust of the police has operated to turn this important function over to men without police service or background.”).

10. *Id.* at 71–72.

stations and uniforms.<sup>11</sup> However, their duties were later simplified and focused on misconduct investigations.<sup>12</sup> Between the late 1920s and mid-century, the concept of civilian involvement to address complaints against police officers gained traction nationwide and resulted in communities experimenting with the concept.<sup>13</sup>

Yet, historically, there are numerous examples of entities established with great expectations that failed to fulfill their responsibilities. Paradigmatic is the Civilian Review Board (“CRB”) established in Washington, D.C. in 1948 and widely viewed as the first formal civilian oversight entity established in the United States.<sup>14</sup> The three-member board was empowered to review complaints referred to them by the police chief.<sup>15</sup> Although, on paper, the board had the power to make recommendations about the proper disposition of a complaint, in practice, it operated with little visibility and independence.<sup>16</sup> The Washington, D.C. CRB reviewed only fifty-four cases in its first sixteen years and referred only eight cases back to the police chief for action.<sup>17</sup> The board was disbanded in 1995 when it had amassed an unmanageable backlog of cases.<sup>18</sup>

Another example of an unsuccessful entity is the Berkeley Police Review Commission, established by referendum in 1973 as the first civilian oversight entity empowered to conduct independent investigations of police misconduct.<sup>19</sup> The commission featured a board of nine citizens, each appointed by a city council member, as well as a staff of investigators.<sup>20</sup> In addition to its investigatory powers, the commission could hold public hearings on specific complaints and issue recommendations to the city manager and police chief regarding disciplinary action.<sup>21</sup> Unfortunately, over time, the commission fell into a “state of disarray” and lost staffing.<sup>22</sup> The commission’s political and

---

11. *Id.* at 71.

12. *Id.*

13. Justina R. Cintron Perino, *Developments in Citizen Oversight of Law Enforcement*, 36 *URB. LAW.* 387, 387 (2004).

14. WALKER, *supra* note 3, at 22–23.

15. *Id.*

16. *Id.*

17. *Id.*

18. JOSEPH DE ANGELIS ET AL., *CIVILIAN OVERSIGHT OF LAW ENFORCEMENT: ASSESSING THE EVIDENCE* 19 (2019); JOEL MILLER, *CIVILIAN OVERSIGHT OF POLICING: LESSONS FROM THE LITERATURE* 10 (2002).

19. WALKER, *supra* note 3, at 32.

20. *Id.* at 33.

21. *Id.*

22. *Id.*

financial support eroded substantially by the 1990s as activists focused on broader issues.<sup>23</sup>

Resources continued to be an issue for civilian oversight leading into the twenty-first century. In 1995, San Francisco residents voted to require that the Office of Citizen Complaints be staffed with at least one investigator for every 150 police officers.<sup>24</sup> Yet, the agency still faced “a battle” to actually get the proper funding from the Board of Supervisors to meet the required staff ratio.<sup>25</sup> In pursuit of the required funding, the agency’s director provided extensive testimony to the Finance Committee of the Board of Supervisors and ultimately resorted to organizing a letter-writing campaign enlisting individuals and non-profit groups such as the ACLU and NAACP to put pressure on the mayor and supervisors.<sup>26</sup>

More recently, in the mid 2010s, in the wake of several tragic fatal police-citizen encounters, activists increased their calls for civilian oversight. These incidents typically shed light on flaws in a city’s police accountability system, often leading communities to consider new or enhanced measures regarding civilian oversight of police. In fact, in 2015, President Obama’s Task Force on 21st Century Policing explicitly suggested that every community consider at least some form of civilian oversight for law enforcement.<sup>27</sup> Since that time, civilian oversight has become almost ubiquitous among larger American cities and continues to evolve in scope and complexity across the United States.<sup>28</sup>

When Chicago’s Civilian Office of Police Accountability (“COPA”) was established by city ordinance in 2016, one of the important goals was to address the chronically inflated backlog of cases that had dogged its predecessor agency, the Independent Police Review Authority (“IPRA”).<sup>29</sup> In fact, to ensure that the new agency had sufficient resources, the Chicago City Council incorporated a budget

---

23. *Id.*

24. PETER FINN, NAT’L INST. JUST., CITIZEN REVIEW OF POLICE: APPROACHES AND IMPLEMENTATION 135 (2001), <https://www.ojp.gov/pdffiles1/nij/184430.pdf> [<https://perma.cc/WM6X-R2CG>].

25. *Id.*

26. *Id.*

27. PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING, FINAL REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING 26 (2015), [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf) [<https://perma.cc/HYM8-H39P>] (“Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”).

28. See Fairley, *supra* note 1, at 284.

29. Jodi S. Cohen et al., *In Oversight of Chicago Police, IPRA Gives Victims False Sense of Justice*, CHI. TRIB. (Jun. 17, 2017, 2:33 PM), <https://www.chicagotribune.com/investigations/ct-chicago-police-ipra-mediation-met-20160616-story.html> [<https://>]

floor into the agency's establishing ordinance.<sup>30</sup> Despite this budgetary safeguard, the new agency continued to rack up an unwieldy backlog of cases.<sup>31</sup>

The creation of civilian oversight entities in cities large and small increased substantially in 2020 and 2021 following the killing of George Floyd by Minneapolis police officer Derek Chauvin.<sup>32</sup> Numerous municipalities created new entities or enhanced the scope and powers of established ones. However, there was little information available to guide lawmakers, city leaders, and agency managers regarding how to determine the resources needed to ensure the long-term success of these entities.

Today, despite the growth of civilian oversight as an important police reform strategy, entities doing this important work continue to be plagued by resource constraints.<sup>33</sup> This challenge is particularly poignant for entities empowered to conduct independent investigations of police misconduct because, as discussed *infra* in Part VI, these entities often require substantial resources to fund quality investigations, as well as other operational needs that contribute to the overall effectiveness of the oversight they provide.<sup>34</sup>

### *B. Challenges in Identifying and Managing Budgetary Needs*

Because civilian oversight entities are typically funded out of municipal coffers, like other municipal agencies, they must compete for scarce resources available through the city budget appropriation process. Civilian oversight entities often face substantial pushback from city managers and police departments who may be reluctant to devote resources to oversight rather than the police department itself.

However, even where city leaders are willing to fund a civilian oversight entity, determining the level of resources necessary to fulfill

---

perma.cc/P5YK-J8KD] (“[F]our years after it launched, IPRA was plagued by the same problem as its predecessor agency — a seemingly intractable backlog of cases.”).

30. CHI., ILL., MUN. CODE § 2-78-105 (2016) (requiring that the agency's budget “shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police Department”).

31. The number of pending cases increased from 1,017 in 2017 to 1,835 in 2020. CHI. CIVILIAN OFF. POLICE ACCOUNTABILITY, 2021 ANNUAL REPORT 24 (2022), <https://www.chicagocopa.org/wp-content/uploads/2022/02/2021-Annual-Report-Final.pdf> [<https://perma.cc/94Y3-B7ZY>].

32. Fairley, *supra* note 1, at 285.

33. NACOLE FULL REPORT, *supra* note 4, at 68 (“In several jurisdictions, budgetary and staffing constraints have presented significant barriers to the civilian oversight agency's ability to perform critical oversight functions in a manner that is adequate, efficient, and meets the needs and expectations of community stakeholders.”).

34. See *infra* Figure 19; see also FINN, *supra* note 24, at vii (noting that the investigative form of civilian oversight is broadly recognized as the most expensive).



the entity's mission can be a challenge. For example, it is not always possible to anticipate the number of complaints or incidents an agency will take in. Thus, when creating a new civilian oversight entity or enhancing the scope and powers of an existing entity, it can be difficult to estimate the number of complaints it will receive and be required to investigate or review, and correspondingly, the financial, technical, and human resources needed to operate effectively. When Chicago's COPA was created in 2016, its jurisdiction was expanded (relative to IPRA) to include the investigation of allegations of improper search and seizure. At that time, there was little empirical evidence available to help guide the structure and scope of the staff needed to accommodate this expanded jurisdiction. Moreover, when established agencies accumulate a backlog of cases, they face the daunting task of trying to manage the incoming caseload while working down the backlog without any additional resources.

According to NACOLE, providing adequate funding and operational resources is essential to effective oversight.<sup>35</sup> Several jurisdictions have created statutory mechanisms to establish the minimum resources they are required to provide an oversight agency.<sup>36</sup> The goal in doing so is to insulate the oversight entity from politically motivated budget interference.<sup>37</sup> Some municipalities have established a budget floor for the oversight entity that is linked to the size of the police department's budget.<sup>38</sup> For example, the annual budget for Chicago's COPA must be at least one-percent of the budget appropriated to the Chicago Police Department ("CPD").<sup>39</sup> Other jurisdictions have attempted to address the resource issue by establishing staffing requirements based on the agency's headcount relative to that of the police department.<sup>40</sup> As previously noted, this practice was first established in San Francisco in 1995,<sup>41</sup> and was more recently adopted in Oakland in 2016 when the city amended its charter to establish the Community Police Review Agency, a new civilian

---

35. NACOLE FULL REPORT, *supra* note 4, at 68.

36. *Id.* at 48.

37. *Id.*

38. *Id.*

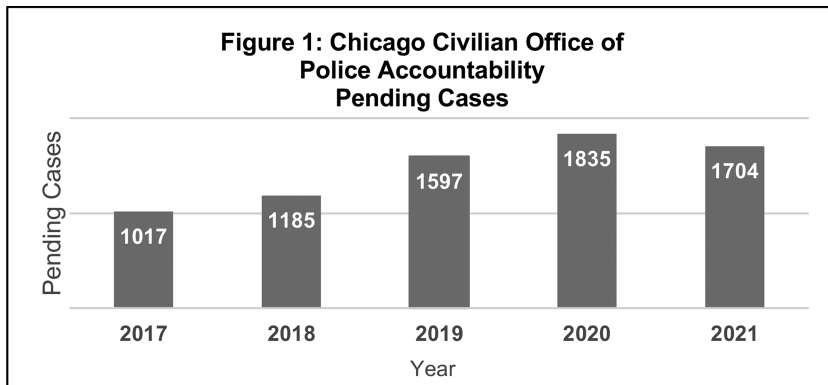
39. CHI., ILL., MUN. CODE § 2-78-105 (2016) ("The appropriations available to pay for the expenses of the Office during each fiscal year shall be determined by the City Council as part of the annual City budget process but shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police Department contained in the annual appropriation ordinance for that fiscal year.").

40. NACOLE FULL REPORT, *supra* note 4, at 50.

41. S.F. OFF. CITIZEN COMPLAINTS, 1999 ANNUAL REPORT 1 (2000); *see also* S.F., CAL., CITY CHARTER § 4.136(c) (2016).

investigative agency that, by law, must employ one investigator for every hundred sworn officers.<sup>42</sup>

However, given that many civilian oversight entities continue to struggle with managing their caseloads, these minimum resource requirements may not be sufficient. For example, despite COPA's funding link to the CPD's budget, the agency was unable to keep up with its caseload. As illustrated in Figure 1, the agency's pending caseload rose steadily during the first four years of its existence.<sup>43</sup>



The goal of the empirical analysis pursued herein, is twofold: first, to gain a better understanding of how the size and scope of financial and personnel resources impact an oversight entity's ability to manage its caseload, and second, to provide more specific empirical evidence from which to devise appropriate budget levels for civilian investigative agencies.

## II. INVESTIGATIVE OVERSIGHT ENTITY BUDGET AND CASE CLOSURE DATA COLLECTION

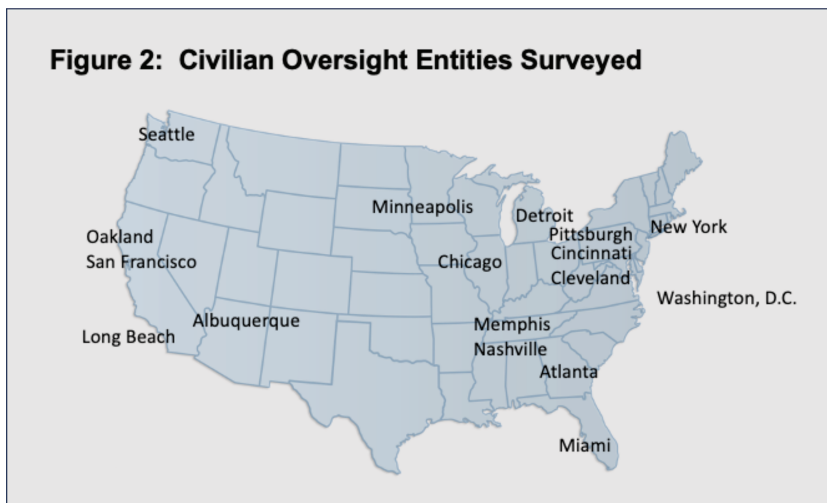
### A. Oversight Entities Studied

The data collection effort behind this project focused on municipal civilian oversight entities that conduct independent investigations of complaints against police department members and of critical incidents involving police department officers.<sup>44</sup> The list of investigative oversight entities targeted for data collection is provided in Appendix A. Figure 2 illustrates the cities in which these entities operate.

42. OAKLAND, CAL., CITY CHARTER § 604(e)(4) (2016) (amended 2020).

43. CHI. CIVILIAN OFF. POLICE ACCOUNTABILITY, *supra* note 31, at 24.

44. See *infra* Appendix D (listing the investigative agencies surveyed and describing their investigatory jurisdiction).



Although each of these entities was established to fulfill similar investigative responsibilities, they vary in the scope of their jurisdiction and the kinds of complaints and incidents they investigate. The studied entities also oversee police departments that vary substantially in size. For example, the Citizen Complaint Authority, which investigates the conduct of the Cincinnati Police Department, had a budgeted headcount of 1,243 full-time employees (“FTE’s”) in 2020. Meanwhile, the Citizen Complaint Review Board (“CCRB”), which oversees the New York City Police Department, is forty times as large, with a budgeted headcount of over 51,000 FTE’s in 2020.

The entities studied also represent a range of operational maturity. The longest-established agency, New York City’s CCRB, has existed in some form for six decades, while the newest agency, Nashville’s Community Oversight Board, has only been operating since 2019.

### *B. Data Gathering Process*

Initially, the project team attempted to acquire the project data via Freedom of Information Act (“FOIA”) and Public Records Act requests to the civilian oversight entities and their corresponding police agencies. However, this data collection method was not as productive as hoped. Responses from the police departments were particularly slow and often incomplete. To supplement data received in response to FOIA requests, the project team mined data related to police department budgets and staffing from publicly available city budget reports. In addition to FOIA requests, the project team also sent e-mail requests for data directly to oversight agency heads (typically,

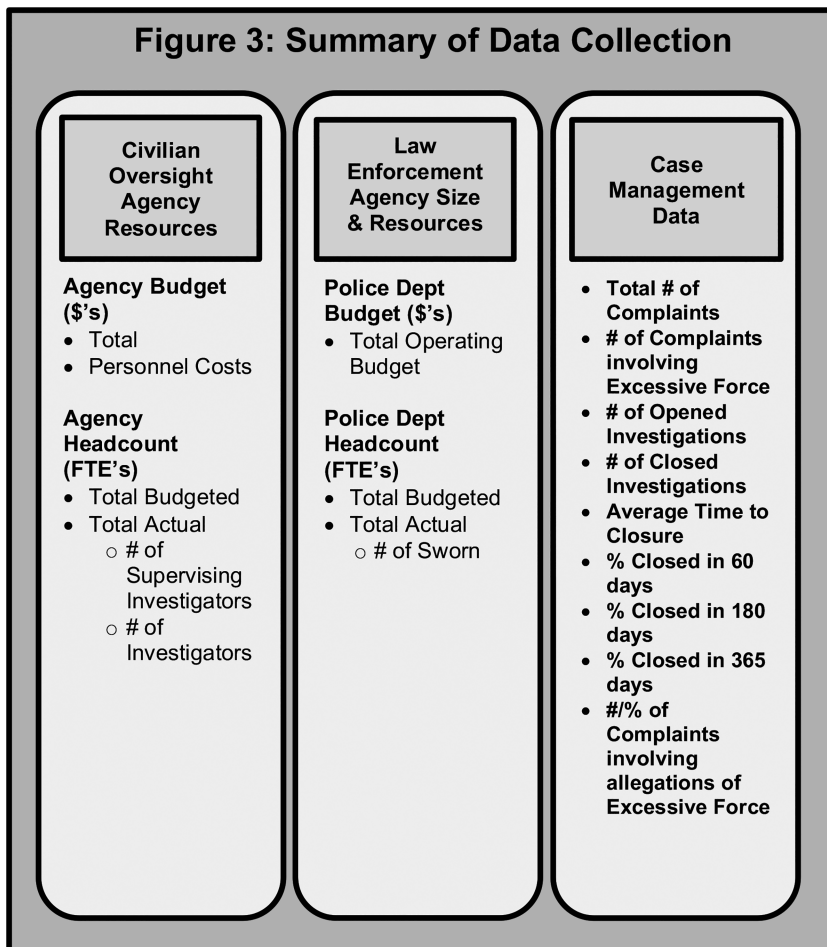
an executive director), supplemented with follow-up email and phone communications. These direct requests proved more fruitful and efficient in getting the requested data. The project team also retrieved some data related to the oversight agencies from publicly available oversight entity and city budget reports.

There was tremendous variation among the oversight entities in terms of the productivity of the data gathering process. Some agencies, such as New York City's CCRB and Chicago's COPA, were extremely cooperative and helpful in providing data down to the case level. Data gathering from other oversight agencies was less efficient, often because the data management practices for those agencies were much less developed. Only one agency from which the project team requested data, Detroit's Office of the Chief Investigator (an entity that reports to the Detroit Police Commission), was completely uncooperative. The project team did not receive any data from Detroit entities in response to our FOIA requests, nor could the project team find any relevant public data. Thus, that entity is not included in this analysis.

Because each agency has developed its own way of describing and maintaining the relevant data, the project team also conducted interviews with willing entities in order to get a better understanding of data maintenance practices and the definitions behind the data labels. The goal was to ensure that the team was capturing information that would enable comparisons across oversight entities.

### C. Overview of Data Collected

The project team set out to collect three categories of data in the following subject areas:



Originally, the project team sought data for the five-year period of 2016 to 2020. However, the dataset was supplemented with data from earlier and later calendar years if such data was available. A summary of the data collected from each city is provided *infra* in Appendix E.

#### 1. Civilian Oversight Agency Resources

The project team collected data on both financial and human resources. The project team obtained some basic budget and headcount data for most of the entities studied because this information is

generally available in public documents related to each city's annual budget appropriation. Some of the more detailed budget and headcount information was obtained from only a smaller subset of the target oversight entities.

Regarding oversight entity budgets, we sought the entity's total appropriation and the portion of the appropriation dedicated to personnel costs. The goal in delineating funding for personnel versus non-personnel expenses was to assess the portion of the budget the entity has available for needs other than staffing, such as training, equipment, and community engagement programming. Unfortunately, this information was obtained for only seven of the entities studied because the information was not provided in response to the requests and was otherwise not publicly available. Regarding the agency staffing information, the project team attempted to capture the total budgeted headcount and the *actual* headcount for each year studied. This would allow for an analysis of whether staffing shortages (where actual headcount falls short of budgeted headcount) are creating impediments to closing investigations in a timely manner.

## 2. *Law Enforcement Agency Size and Resources*

Because many of the measures currently used to assess the sufficiency of civilian oversight entity resources involve ratios that compare agency resources to the size of the police department overseen, the project team also collected data on the size and resources of the local police departments in the cities studied. Generally, the team obtained basic police department budget and headcount information from publicly available city budget appropriation documents. The publicly available budget documentation typically included the annual budgeted headcount for the city's law enforcement agency. However, for more nuanced analysis, the project team also sought the actual headcount and the number of sworn professionals in the organization for each year of study. The goal was to leverage these more specific data points as a more direct indication of the number of individual officers that would be the basis of complaints or involved in critical incidents. Unfortunately, several law enforcement agencies were either unwilling or unable to provide this more specific data. Perhaps this is because the law enforcement agencies do not collect or maintain this information in the format it was requested. For example, to be consistent from agency to agency, the project team requested the actual headcount and the number of sworn officers as of January 1 for each of the calendar years of 2016 to 2020. Many of the agencies may not track headcount information in this way.

### 3. *Agency Case Processing Information: Complaints, Investigations Opened, and Closed*

#### *Overview of the Investigative Process*

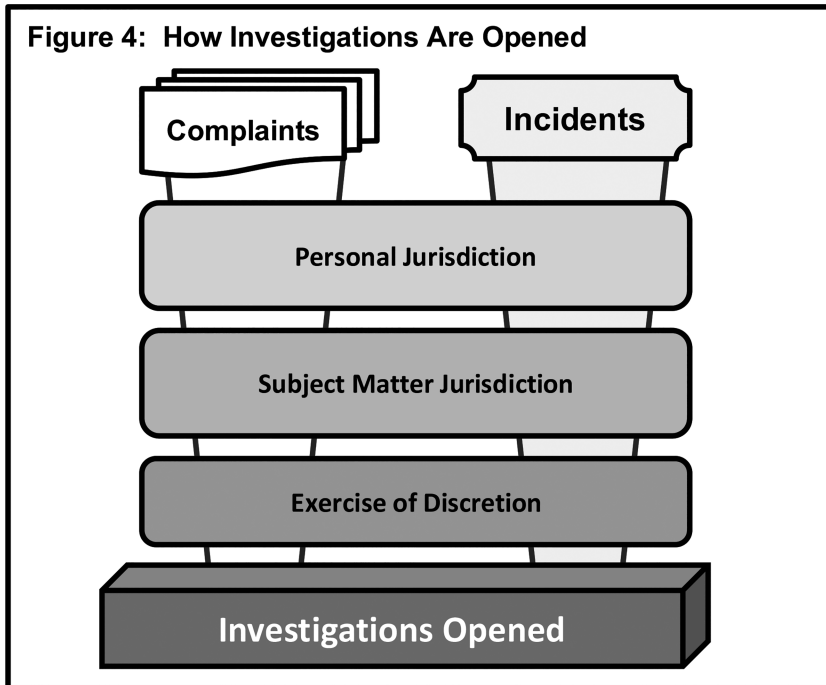
The investigative process starts with either the receipt of a citizen's complaint or a notification about an incident within the agency's jurisdiction, such as an officer-involved shooting or a death in-custody. Typically, agencies receive far more complaints than incident notifications. As such, the number of complaints an agency receives is an important determinant of its workload.

Although most oversight entities do not fully investigate every complaint they receive, most are required to log each complaint to have a record of it. The entity must also expend time and effort reviewing each complaint to determine whether it falls within the entity's jurisdiction or should be referred to a different entity for further investigation and disposition. Also, agencies typically review complaints to determine whether the allegations constitute a violation of a specific policy. If not, complaints are usually dismissed without further action. Some entities also undertake preliminary investigative steps, such as interviewing the complainant and compiling documentation related to the incident that gave rise to the complaint, before determining whether they will commence a full investigation.

Volatility in the number of complaints received over time can make caseload management more challenging because the entity may not be able to staff up quickly enough to handle significant spikes in incoming complaints. This was a challenge for several entities in 2020 due to a spike in complaints arising from the policing of protests in response to the killing of George Floyd in Minneapolis.

Along with the number of complaints received, the number of investigations opened is an additional measure of an entity's workload. It is also one of the primary measures of interest in this analysis because it is the number of full investigations conducted (rather than complaints lodged) that require the bulk of the entity's investigative time and resources.

As depicted in Figure 4, the number of investigations opened is based on several factors including the number of complaints received and the number of incidents that occur that fall within an entity's jurisdiction, such as officer-involved shootings, police-citizen encounters resulting in a use of force, or in-custody deaths. An agency can only investigate complaints and incidents that fall within its personal and subject matter jurisdiction.



Personal jurisdiction defines the individuals or type of employees against whom complaints are filed or who are involved in incidents that are within the agency's purview. For example, some agencies are authorized to investigate complaints or incidents involving all police department employees, whereas other agencies are limited to investigating complaints or incidents involving sworn police department members. Also, agencies may receive complaints filed against officers employed by other law enforcement agencies. This happens with some frequency in jurisdictions like Miami, where there are multiple law enforcement agencies with similar names operating in close proximity or with overlapping jurisdiction, such as Miami Police, Miami-Dade Police, and Miami Beach Police. Complaints that fall outside the agency's jurisdiction may be referred to a different agency for further investigation.

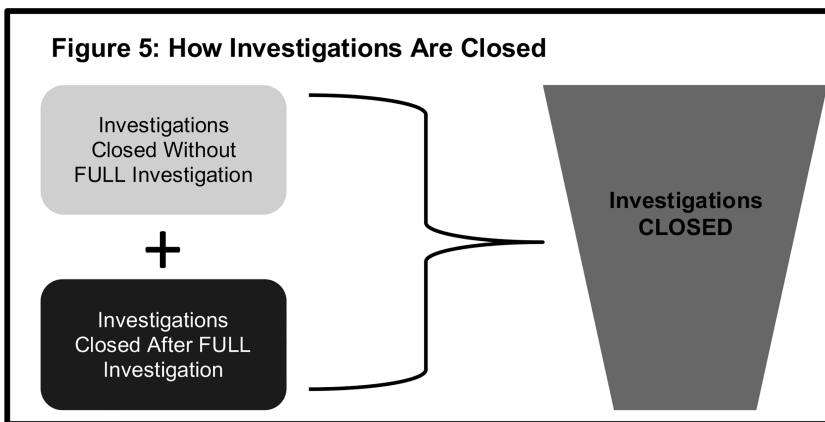
Subject matter jurisdiction defines the types of complaints or incidents that fall within the agency's purview. For example, some agencies are limited to investigating specific types of complaints (such as excessive force) or incidents (such as shootings or deaths in-custody), whereas other agencies are authorized to investigate complaints of any kind.

Some agencies are also entitled to exercise discretion in determining which complaints and incidents will receive full investigation. This



depends on whether the establishing ordinance bestows the entity with the discretionary power to investigate certain kinds of complaints or incidents or creates a duty to investigate all complaints or incidents of a certain type.<sup>45</sup>

The third key measure of how well an agency handles its caseload is the number of investigations it “closes” in a given year, where the term “to close” a case means the agency’s investigative work on the case has been completed or otherwise terminated. As depicted in Figure 5, investigative entities may close a case with or without full investigation.



When an agency concludes an investigation, the agency typically summarizes its findings and recommendations and transmits them to the individual or entity responsible for imposing discipline. However, there are numerous reasons why an oversight entity might close a case without a full investigation, some of which are legally required based on

45. For example, by ordinance, while Cincinnati’s Citizen Complaint Authority takes in all complaints, the entity is required to investigate: (1) complaints involving allegations of “serious misconduct” and (2) serious police intervention, but it has the discretion to determine whether other complaints will be investigated. CINCINNATI, OHIO, ADMIN. CODE art. XXVIII § 3 (2002). Similarly, the Atlanta Citizen’s Review Board has “full discretion to select appropriate individual incidents to review.” ATLANTA, GA., CODE OF ORDINANCES art. XVI, § 2-2211(C) (2007) (amended 2010). Likewise, the Pittsburgh Citizen Police Review Board takes in all complaints but has “full discretion to select appropriate individual incidents to investigate.” PITTSBURGH, PA., CODE OF ORDINANCES § 662.05(b) (1997). Conversely, by ordinance, the Memphis Citizens’ Law Enforcement Review Board (“CLERB”) has a duty to “cause a full and complete investigation . . . of each complaint filed with the board, except complaints . . . that are the subject of pending criminal proceedings.” MEMPHIS, TENN., CODE OF ORDINANCES § 2-52-6(A) (1994). However, the CLERB also has discretionary power to investigate cases involving the use of deadly force and incidents resulting in the death or injury of persons in police custody. *Id.*

statutory law and collective bargaining agreements.<sup>46</sup> The extent to which and the reasons why an entity closes cases without full investigation varies greatly across the entities studied. In addition, the methods by which these entities define what constitutes a full investigation also varies. As such, it was not possible to devise a universal definition for closure *with* versus *without* full investigation. Thus, the project team collected the total number of investigations closed, with and without full investigation. Perhaps a future project might explore the extent to which these entities close cases without full investigation as a way of managing their caseload and resource constraints.

### *Data Collection Related to Case Processing Metrics*

To assess how well each entity keeps up with its caseload, the project team collected data on the number of complaints received, the number of investigations opened, and the number of investigations closed for each year studied. Each of these variables factors in to how well an agency processes cases from start to finish.

Data on the number of complaints each entity received per year was obtained for most agencies for the calendar years of 2015 to 2021. Note that, in reviewing the city-to-city comparisons of complaint data, it is important to keep in mind that there could be some variation in the way the entities define “complaint” for reporting purposes.

Because one of the key questions driving this inquiry is the extent to which these entities keep up with their investigative caseloads, one of the most important measures to be used in the analysis is the ratio of the number of investigations closed to the number of investigations opened during a given year. Where the number of investigations closed exceeds the number of investigations opened, the Closed/Opened ratio will be greater than 1.0, indicating that the agency was able to keep up with its caseload during that given year. Conversely, where an entity closed fewer investigations than it opened in any year, the Closed/

---

46. For example, by ordinance, Albuquerque’s Civilian Police Oversight Agency may administratively close complaint investigations where the allegations reflect:

[M]inor policy violations that do not constitute a pattern of misconduct, duplicate allegations, allegations which are too broad and/or lack any specificity, allegations that even if true would not constitute officer misconduct, allegations regarding events that occurred several years before the complaint was filed, or allegations by an individual who files repeated complaints that the Director has determined to be without merit.

ALBUQUERQUE, N.M., MUN. CODE § 9-4-1-4(C)(2)(g) (2014) (amended 2023). Similarly, Pittsburgh’s Citizen Police Review Board must close a case where the “preliminary inquiry fails to establish reason to believe that any misconduct occurred.” PITTSBURGH, PA., CODE OF ORDINANCES § 662.05(h)(3) (1997).

Opened ratio would be less than 1.0, indicating the entity was unable to keep up with its caseload during that year. Unfortunately, the project team only obtained data on the number of investigations opened and closed from ten of the cities surveyed, typically because the agency either failed to respond to the request for this information and the team could not source the information from publicly available documents, or because the agency provided the information in a way that appeared incompatible with the metrics provided by the other agencies.

In addition to the core data on the number of investigations opened and closed within a given year, the project team also sought additional data that would shed light on each oversight entity's investigative processing efficiency. The requested data points for each year studied included: average time (in days) to close an investigation, and the percentage of investigations closed within 60, 90, and 365 days. There were only a handful of oversight entities that were able to provide this more detailed case management data. Thus, the dataset is not robust enough to provide comparisons across the entities studied on these measures.

The project team hypothesized that excessive force investigations are more complex and take more time to investigate and resolve. To validate this hypothesis, the project team sought data to understand the extent to which an agency's investigative caseload consists of complaint or incident investigations of alleged excessive force. Unfortunately, there was too much variation in the way the entities designated cases by type of allegation to allow for direct city-to-city comparisons on this measure. This was not terribly surprising given the wide variation in the definitions of use of force among the law enforcement agencies themselves.

#### 4. *Legal Requirements for Investigative Timeliness*

In addition to the entity-based data outlined above, the project team collected information on the legal limits governing the timeliness of the investigative process. This information is provided in Appendix B. These limits come from a variety of sources, including state law, municipal ordinances, and collective bargaining agreements. Some legal authority creates a definitive time limit within in which an investigation must be completed. Those provisions are referred to herein as "Hard Investigatory Time Limits."<sup>47</sup> Other provisions, referred to herein

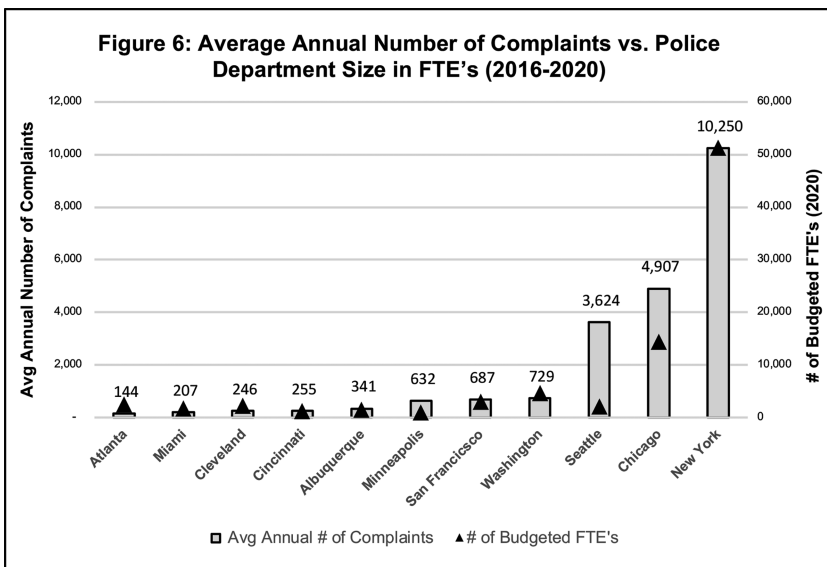
---

47. For example, Illinois state law requires that all investigations involving allegations of excessive force by law enforcement personnel must be completed within five years, otherwise, the potential penalty that may be imposed on the accused officer is substantially limited. 65 ILL. COMP. STAT. 5/10-1-18.1 (amended 1992).

as “Soft Investigatory Time Limits,” establish an *expected* time limit for investigations beyond which the agency is required to provide an explanation for the delay or take some other explanatory action to be transparent about the delay.<sup>48</sup>

### III. ANALYSIS OF COMPLAINT DATA

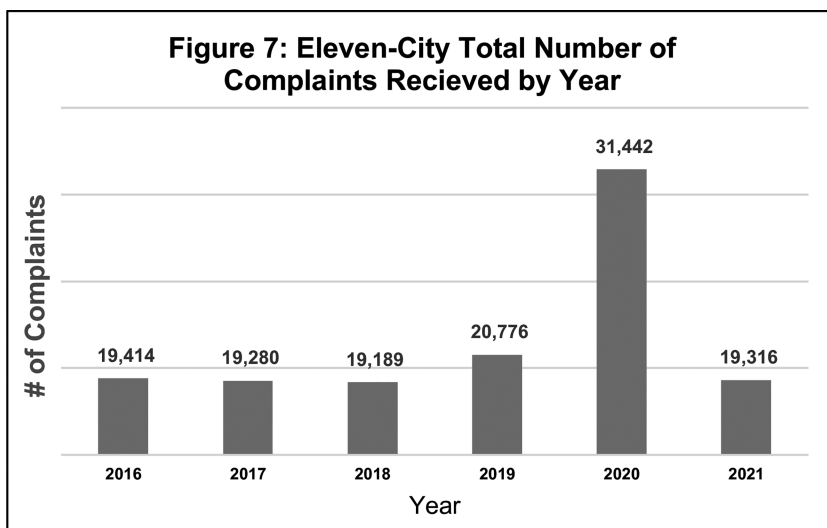
As would be expected, the number of complaints received by an oversight entity was correlated with the size of the city’s population and police force. For example, New York City’s CCRB received, on average, over ten thousand annual complaints for the five years of study (2016-2020) compared to Atlanta’s Citizen Review Board, which received only 144 annual complaints on average during that same time period. As depicted in Figure 6, the average annual number of complaints received generally tracks with the size of the police department based on the number of full-time equivalent employees (“FTE’s”). However, the Seattle and Chicago police departments generate more complaints on average than other departments based on their size.



It is important to note that the period of study included the year 2020, when several American cities witnessed large protests in response to the May 2020 killing of George Floyd by Minneapolis police officer

48. For example, the establishing municipal ordinance requires that Chicago’s COPA provide notice to complainants where an investigation is not closed within six months. CHI., ILL., MUN. CODE § 2-78-135 (2016).

Derek Chauvin. Based on an aggregation of the data from the cities for which complaint information was available, as illustrated in Figure 7,<sup>49</sup> in aggregate, the eleven oversight entities witnessed a substantial increase in the number of complaints received in 2020.



However, the spike in complaints was not consistent across all the cities studied. The spike in the total number of complaints witnessed in 2020 was primarily driven by a significant jump in complaints in Seattle. In assessing the Seattle Police Department’s handling of several days-long waves of public protest that occurred from May through December 2020 in response to Floyd’s killing, the Seattle Inspector General described the protests and the resulting use of force by police as “massive.”<sup>50</sup> Seattle’s Office of Police Accountability received over nineteen thousand complaints about police conduct during these periods of public protest.<sup>51</sup>

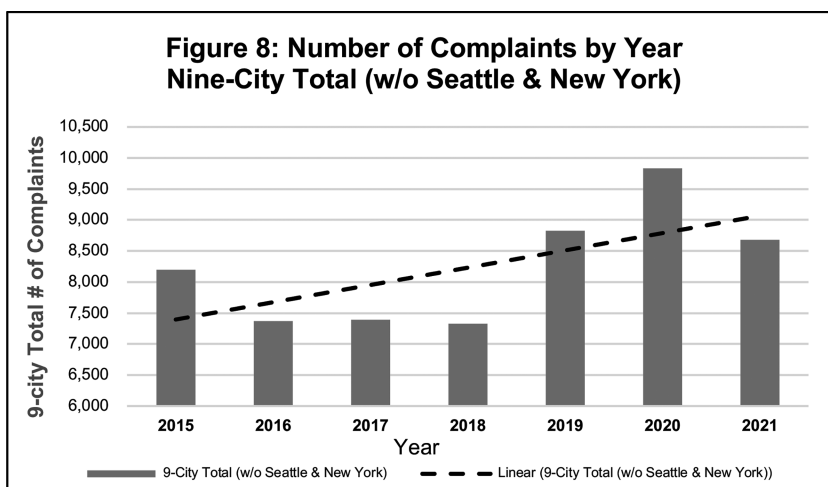
The trend in the eleven-city total number of complaints is also impacted by the data from New York, which accounts for just under half of the total number of complaints.

49. The total annual number of complaints received as depicted in Figure 7 is comprised of data for the eleven cities for which complaint data was available for the 2016–2021 time period (Albuquerque, Atlanta, Chicago, Cincinnati, Cleveland, Miami, Minneapolis, New York, San Francisco, Washington, and Seattle).

50. SEATTLE OFF. INSPECTOR GEN., SENTINEL EVENT REV. OF POLICE RESPONSE TO 2020 PROTESTS IN SEATTLE 3 (2021), <https://www.seattle.gov/Documents/Departments/OIG/Policy/OIGSERWave1Report072221.pdf> [<https://perma.cc/YJ5B-LE5A>].

51. SEATTLE OFF. POLICE ACCOUNTABILITY, 2020 ANN. REP. 7 (2021), <https://www.seattle.gov/Documents/Departments/OPA/Reports/2020-Annual-Report.pdf> [<https://perma.cc/CK5A-SXKF>].

Examining a nine-city total without Seattle because of the anomalous spike in complaints in 2020, and without New York because its size dwarfs the other entities, as illustrated in Figure 8,<sup>52</sup> there is a general upward trend in the total number of complaints across the other nine cities for which complaint data was available.



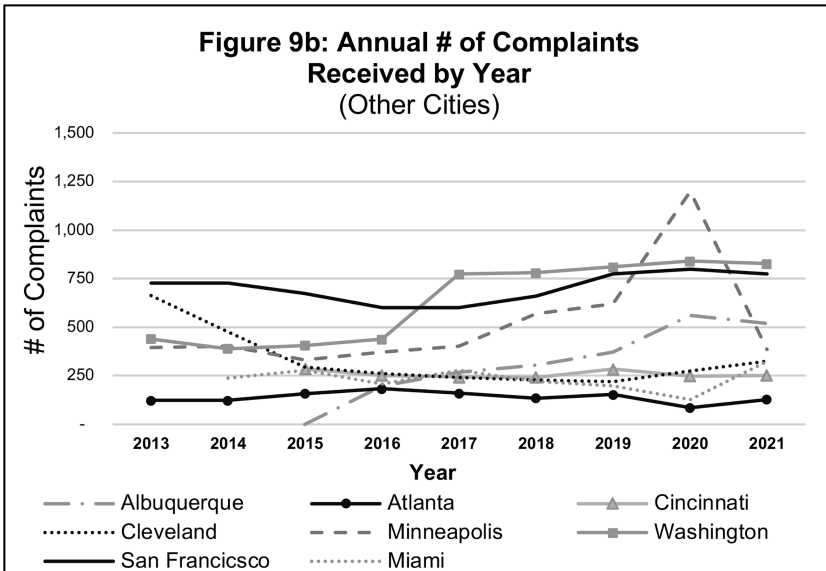
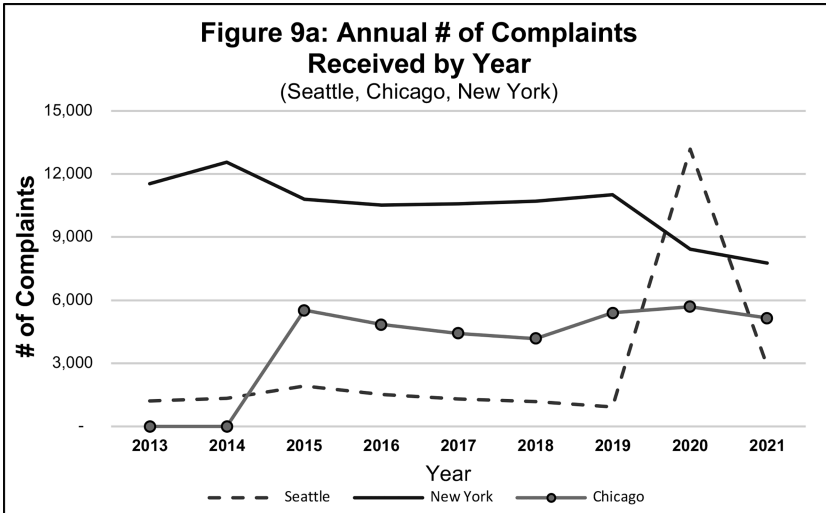
In addition to Seattle, Minneapolis also witnessed an increase in the number of complaints associated with the police handling of George Floyd protests, as would be expected given that the tragic incident occurred in that city and thus deeply affected that community. However, there was also a spike in complaints in Albuquerque in 2020. This significant spike is difficult to explain, as there were significant public protests which sparked intensive police response in many cities across the United States, not just Albuquerque. It is possible that the police response to the protests in Albuquerque involved more forceful tactics than in other cities, sparking more complaints. For example, news reports indicated Albuquerque police used a helicopter and tear gas to disperse crowds.<sup>53</sup>

Data showing the annual number of complaints received by each city is illustrated in two separate figures (Figures 9a and 9b) to allow for separate scaling for the cities which receive the highest absolute

52. The composite average annual number of complaints received as depicted in Figure 8 is comprised of data for the eleven cities for which complaint data was available for the 2016–2021 time period (as identified in Figure 7) but excluding Seattle.

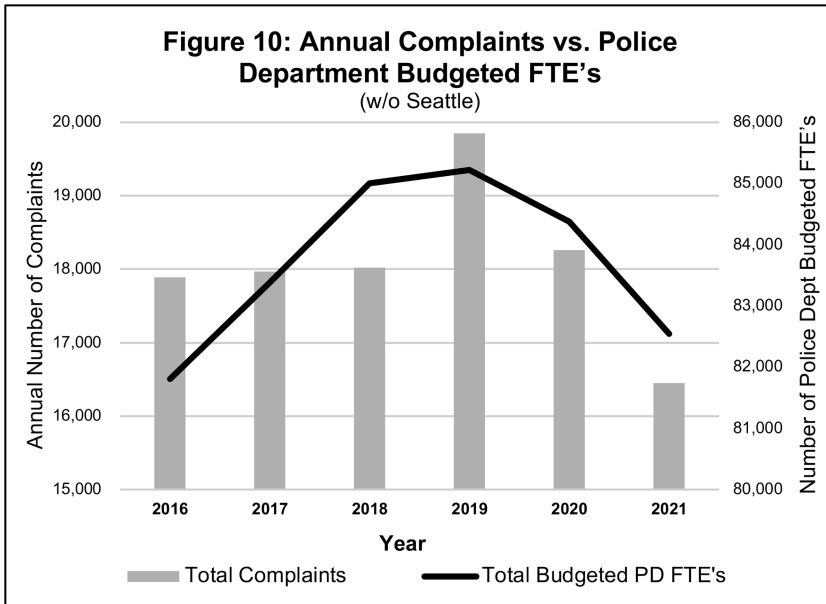
53. Associated Press, *4 Arrested After Gunshots Occur During George Floyd Protest in Albuquerque*, KVIA ABC-7 (May 29, 2020, 10:40 AM), <https://kvia.com/news/new-mexico/2020/05/29/4-arrested-after-gunshots-occur-during-george-floyd-protest-in-albuquerque/> [https://perma.cc/254E-7ZU2].

number of complaints versus the other cities. Among the larger cities, as illustrated in Figure 9a, the jump in annual number of complaints received in Seattle in 2020 was quite pronounced. As illustrated in Figure 9b, Minneapolis and Albuquerque also witnessed a significant increase in complaints in 2020.<sup>54</sup>



54. The complaint data for the cities by year is illustrated in two separate charts, each with a different scale (Figures 9a and 9b), separating the cities with substantially higher numbers of annual complaints from the rest of the group to make it easier to observe the time-based trend in complaints experienced by each city.

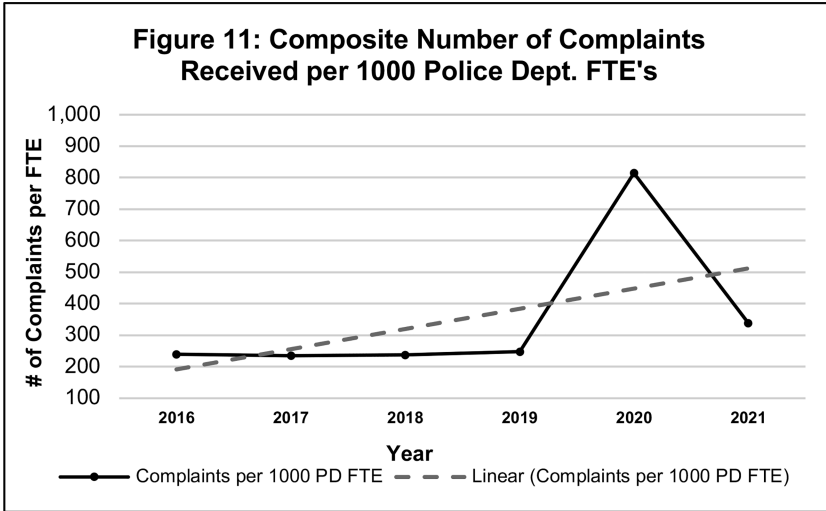
However, it is also important to consider that the absolute number of complaints lodged against police officers in a given year is likely correlated with the number of officers employed. As illustrated in Figure 10, the number of complaints across the ten cities for which data was available (omitting Seattle due to the significant 2020 spike in complaints), the number of complaints peaked in 2019 along with a peak in the number of budgeted police department full-time employees.



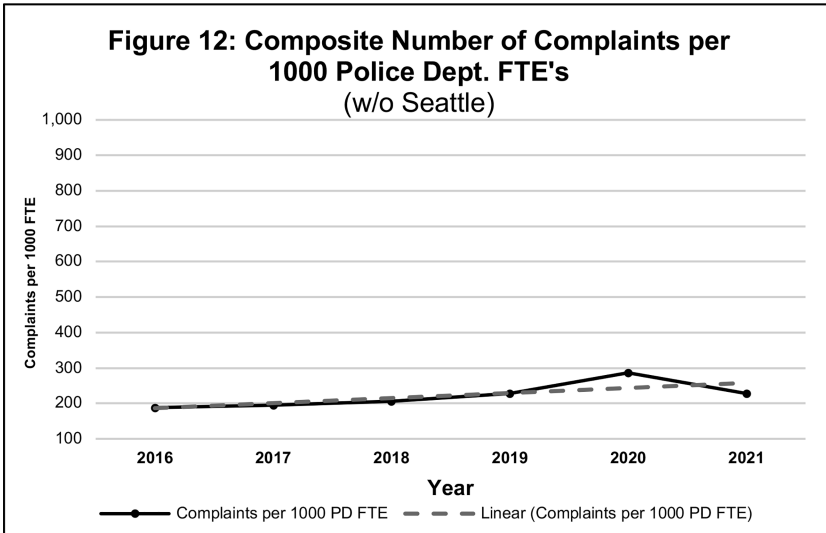
As such, the project team also created a measure of the number of complaints received each year per thousand budgeted full-time equivalent employees of the police department. Looking at this data in the aggregate, as illustrated in Figure 11,<sup>55</sup> the 2020 spike in the number of complaints creates an upward trend over the years of study.

55. The composite number of complaints received per thousand FTE police department employees as illustrated in Figure 10 includes the eleven cities for which complaint data was available for the time period of 2016 to 2021 (the same list of cities as included in Figure 7).





However, after removing Seattle from the composite (which had the largest spike in complaints in 2020), the trend in the aggregated number of complaints received per thousand budgeted police department full-time employees was relatively flat, as illustrated in Figure 12.<sup>56</sup>

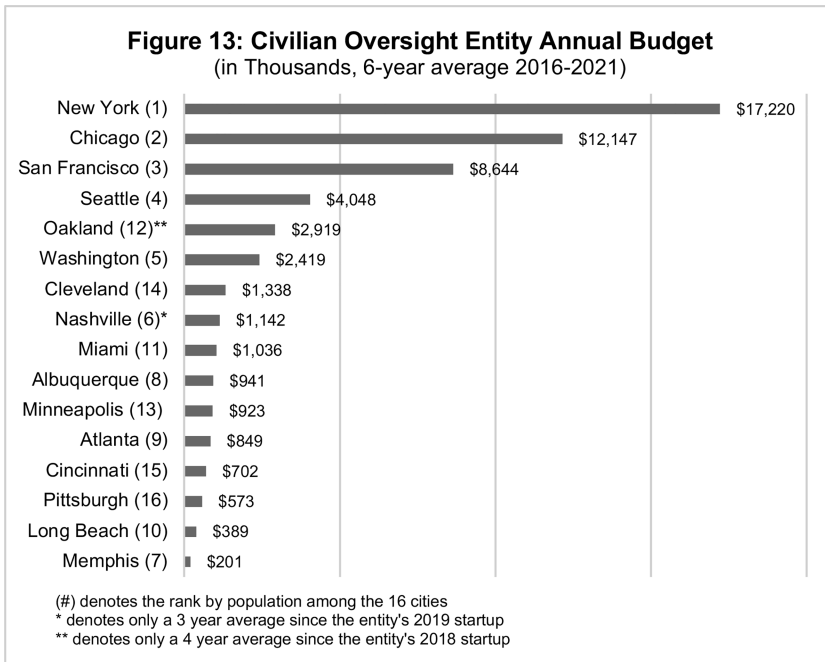


56. Data for Seattle is excluded from this composite average to observe the trend across the cities without the isolated and unusual spike in complaints that occurred in Seattle in 2020 related to the George Floyd protests.

#### IV. ANALYSIS OF BUDGET & RESOURCE DATA

##### A. Agency Financial Resources

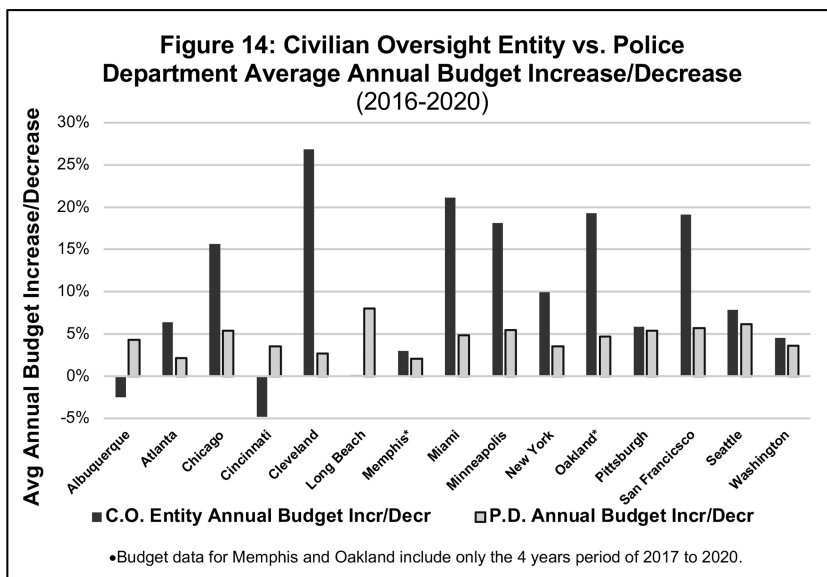
As would be expected, because the jurisdictions studied range substantially in size, oversight entity budgets vary greatly. As illustrated in Figure 13, New York City's CCRB receives the most funding, with an average annual budget of over \$17.2 million from 2016 through 2021. However, as will be addressed below, New York's CCRB is not as well-resourced as other entities given the relative sizes of the police departments being overseen. The oversight entities in both Long Beach and Memphis received the least financial support among the sixteen entities surveyed even though they serve cities that are larger than those served by their peer institutions. Memphis and Long Beach rank seventh and tenth respectively based on the size of each city's population, which does not correspond to their levels of funding.



A review of the civilian oversight entity budgets as appropriated in actual dollars, not adjusted for inflation, over the five-year period of observation (2016 to 2020) as depicted in Figure 14,<sup>57</sup> reveals that most of the entities received budget increases over the five-year period, while

57. Figure 14 excludes Nashville because that agency has been operating for less than three years, thus the data comparison would not be comparable.

only two of the thirteen entities showed a budget decrease. On average, the budget increases for the civilian oversight entities outpaced inflation<sup>58</sup> and also outpaced budget increases for their corresponding police departments. This was not surprising given the intense scrutiny being placed on police department budgets in recent years in the wake of police reform activism.<sup>59</sup>



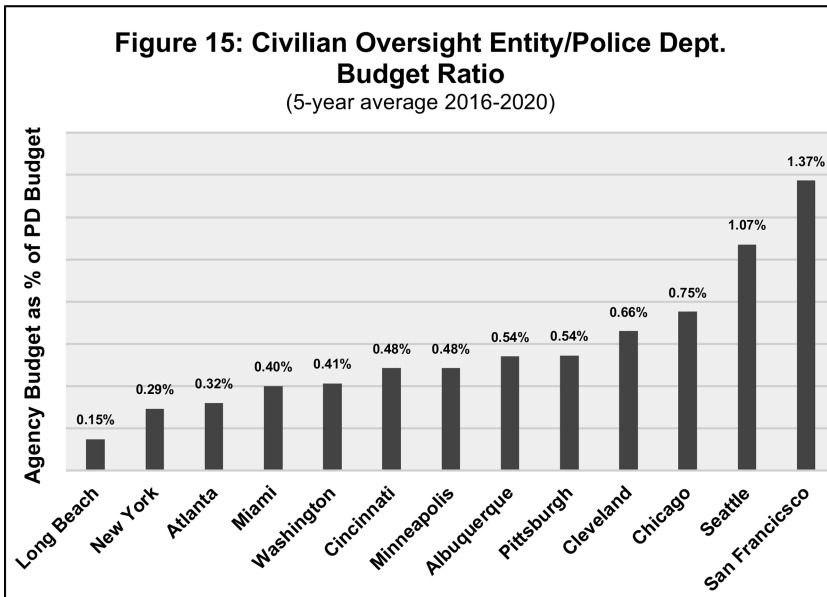
### 1. Civilian Oversight Entity Budgets Relative to Police Department Budgets

Because the entities studied operate in cities that range in size, it is appropriate to normalize the budgetary data to facilitate city-to-city comparisons and benchmarking. One of the common methods of normalizing this kind of data is to analyze the entity budget in relation to that of the police department being overseen. Looking at the civilian oversight entity's budget as a percentage of the budget allocated to the police department is a commonly used measure, which is hereinafter referred to as the "CO/PD Budget Ratio." Some municipalities, specifically Chicago, Cleveland, and Miami, establish budgetary

58. The U.S. inflation rate for the years of 2016 through 2020 averaged just under 2%. See *Consumer Price Index, 1913-*, FED. RSRV. BANK MINNEAPOLIS, <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator/consumer-price-index-1913-> [https://perma.cc/GEH8-UH3T].

59. Jack Herrera, *The Defunding Debate*, COLUM. JOURNALISM REV. (Jul. 3, 2020), [https://www.cjr.org/special\\_report/defund-the-police.php](https://www.cjr.org/special_report/defund-the-police.php) [https://perma.cc/FM2H-FEKG].

minima for their investigative oversight entities on this basis.<sup>60</sup> Among the thirteen civilian oversight entities for which five years of data was available, the five-year average CO/PD Budget Ratio was 0.58%, well below what is commonly viewed as an appropriate budget floor of 1%.<sup>61</sup> As illustrated in Figure 15, among the thirteen entities, the CO/PD Budget Ratio ranged from a low of 0.15% for the Long Beach Citizen Police Complaint Commission, to a high of 1.37% for the San Francisco Department of Police Accountability. Only two cities out of the thirteen studied had agencies with CO/PD Budget Ratios above 1%.



60. CHI., ILL., MUN. CODE § 2-78-105 (2016) (requiring that the COPA annual budget appropriation “shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police Department contained in the annual appropriation ordinance for that fiscal year”); CLEVELAND, OHIO, MUN. CODE ch. 25, § 115-2 (2021) (“The [Civilian Police Review] Board and its Office of Professional Standards must receive a budget totaling at least 1.0% of the budget allocated to the police force.”); MIA., FLA., CODE OF ORDINANCES § 11.5-35 (2017) (“The [Civilian Investigative Panel] shall be operated on an annual budget that shall be no less than one percent of the approved regular salaries and wages line item of the city’s police department general fund budget except as otherwise required by the city manager’s declaration of a fiscal emergency, financial urgency, or financial emergency.”).

61. For example, the Miami Civilian Investigative Panel and Chicago Civilian Office of Police Accountability Budgets may not be less than 1% of the salary and wage line item in the city police department’s general fund budget, unless there is a fiscal emergency. MIA., FLA., CODE OF ORDINANCES § 11.5-35 (2017); CHI., ILL., MUN. CODE § 2-78-105 (2016).

## 2. *Civilian Oversight Entity Budget Relative to Size of Police Department*

Another means by which to assess a civilian oversight entity's budget appropriation relative to its jurisdictional size is to create a "per capita" measure of the oversight entity budget per full-time employee of the police department. This measure is an indicator of how much the jurisdiction is investing in investigative oversight per police department employee.<sup>62</sup> New York City and San Francisco established minimum staffing requirements for their oversight entities using this kind of metric.<sup>63</sup> Based on this measure, as illustrated in Figure 16, San Francisco's Department of Police Accountability is the most resourced civilian oversight entity among those studied. Also of note is the fact that the four entities that receive the most resources relative to their police department headcount (San Francisco, Oakland, Chicago, and Seattle) operate within recently revamped, multi-tiered oversight systems. In 2016, San Franciscans voted to amend their city charter by renaming its investigative agency and giving it direct authority over its budget.<sup>64</sup> By city ordinance, the agency must be staffed with no fewer than one line investigator for every 150 sworn members in the police department.<sup>65</sup> That same year, the citizens of Oakland amended their city charter to create a new civilian oversight structure that included the creation of the Community Police Review Agency to conduct misconduct investigations.<sup>66</sup> Also that year, Chicago revamped its civilian oversight infrastructure, replacing the beleaguered IPRA with COPA.<sup>67</sup> In 2017, Seattle passed an ordinance with the objective of creating a "comprehensive and sustainable independent oversight system" that

---

62. Although, it is important to acknowledge that because we were unable to obtain data on the number of sworn employees from all agencies, this measure is based on the total number of department employees, not just the officers who are out interacting with civilians, and who therefore have the potential to generate complaints or be involved in incidents that require investigation.

63. S.F., CAL., CITY CHARTER § 4.136(c) (2016) ("The staff of DPA shall consist of no fewer than one line investigator for every 150 sworn members."); N.Y.C., N.Y., CITY CHARTER § 440(g) (2019) (amended 2022) ("[T]he appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year . . .").

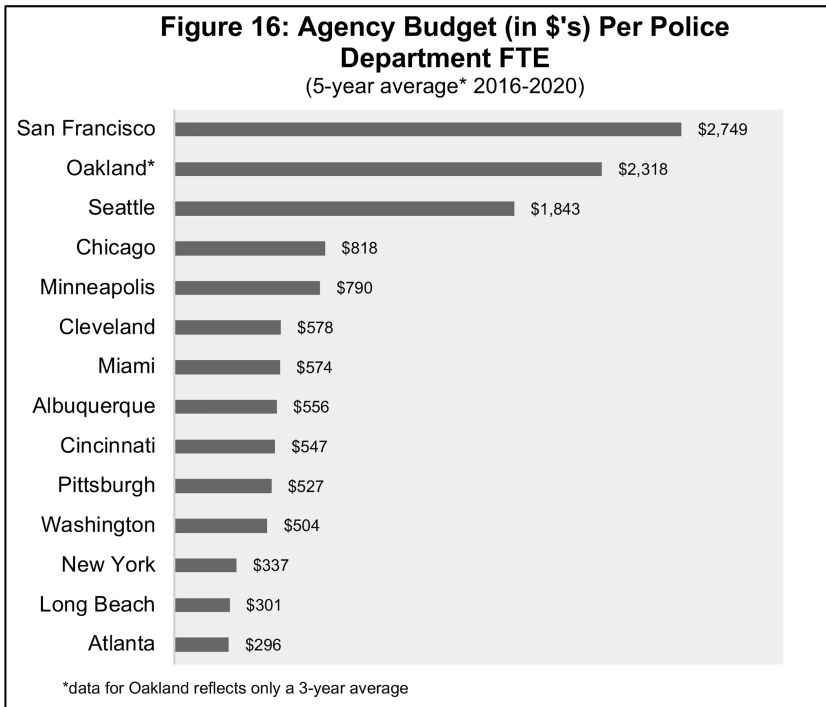
64. S.F. CITY & CNTY. BD. OF SUPERVISORS, CHARTER AMENDMENT, FILE NO. 160586 (2016).

65. S.F., CAL., CITY CHARTER § 4.136(c) (2016).

66. OAKLAND, CAL., CITY CHARTER § 604(e)(4) (2016) (amended 2020).

67. See CHI., ILL., MUN. CODE ch. 2-78 (2016).

included the establishment of the Office of Police Accountability to investigate allegations of police misconduct.<sup>68</sup>

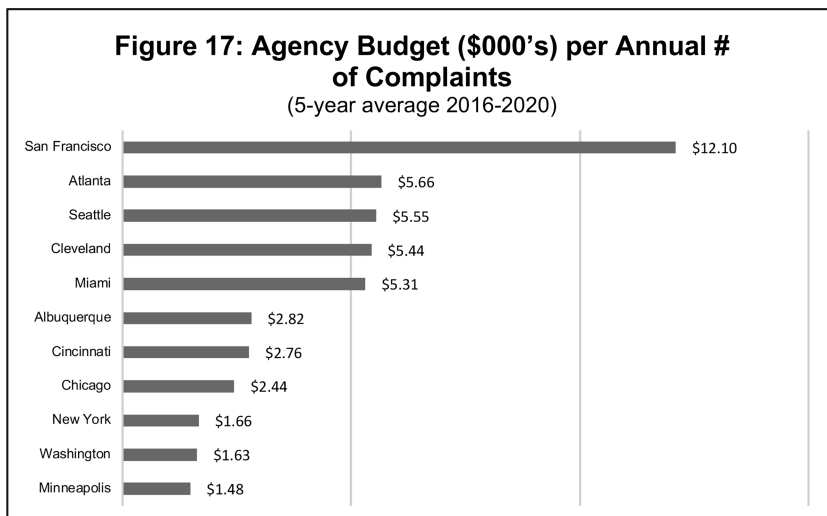


### 3. *Civilian Oversight Entity Budget Relative to Annual Complaints Received*

Another method of comparing entity resources relative to the entity's need for resources is to consider the entity's annual budget relative to the number of complaints received, which is a measure of its workload.

When looking at entity budgets relative to the number of complaints they receive, as illustrated in Figure 17, there is some variation. Again, San Francisco's Department of Police Accountability is the most well-resourced entity from this perspective. Interestingly, while there is some variation among the other entities on this measure, the disparities among the entities are not quite as stark as illustrated in Figure 16 above, aside from San Francisco.

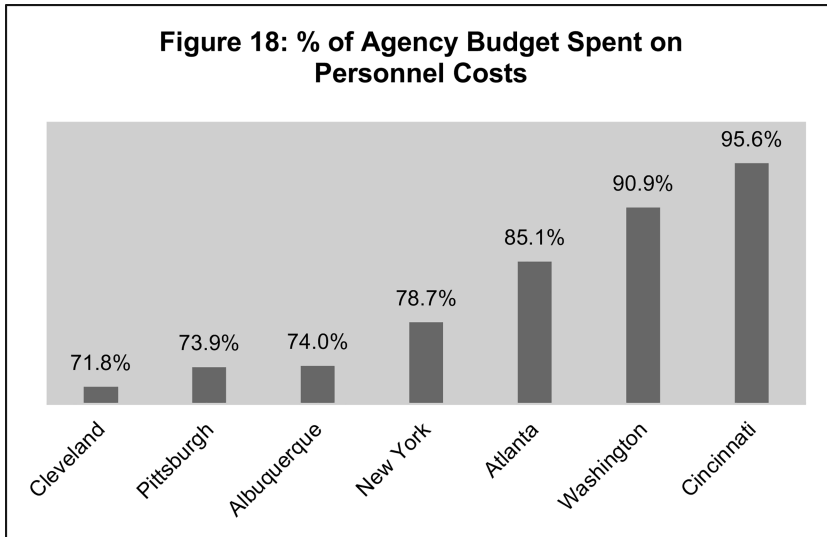
68. SEATTLE, WASH., CITY ORDINANCE 125315 (2017).



#### 4. *Proportion of Civilian Oversight Entity Budget Used for Personnel vs. Non-personnel Expenses*

As outlined *supra* in Part II.C.1, data on the portion of an entity's budget spent on personnel versus non-personnel costs was obtained for seven of the entities studied. However, where such data was made available, as illustrated in Figure 18,<sup>69</sup> the bulk of funding is directed toward personnel costs, with no entity spending less than seventy percent of their budget on personnel costs. This is not surprising given that investigative work, which lies at the core of the mission for each of these entities, is highly personnel-intensive. But it is important to note that, for some entities, operational expenses are not insignificant relative to personnel costs. For example, the cost of office space for New York's CCRB in downtown Manhattan is substantial. Perhaps future analyses could delve more deeply to learn more about the kinds of non-personnel expenses the entities are supporting.

69. Data on this measure was available for only seven of the cities studied.

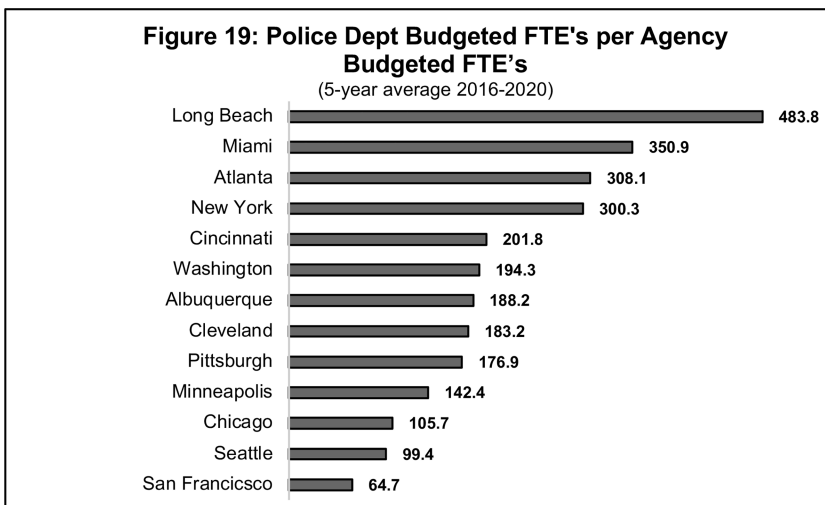


## B. *Civilian Oversight Entity Personnel Resources*

### 1. *Police Department FTE Load Factor*

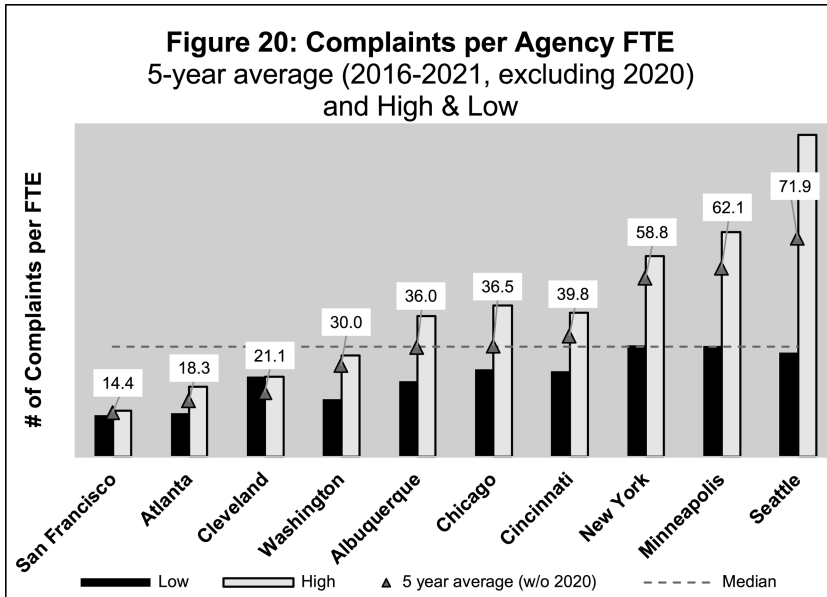
One way to assess whether a civilian oversight entity has been afforded sufficient personnel resources is to compare the agency's headcount to the headcount of the law enforcement agency being overseen. The project team was unable to obtain *actual* headcount data from most jurisdictions for the reasons discussed *supra* in Part II.C. However, the team did obtain *budgeted* headcount data from which to create a measure based on the number of budgeted police department FTE's divided by the number of budgeted oversight agency FTE's. This ratio is referred to as the "PD FTE Load" because it reflects how many police department employees each oversight entity employee supports. Among the thirteen agencies for which this data was obtained, the five-year average (2016 through 2020) PD FTE Load was 215—meaning there were 215 police department employees being overseen by each oversight entity staff member. As depicted in Figure 19, among the thirteen entities surveyed for which this data was available, the PD FTE Load ranged from a low of 64.7 for the San Francisco Department of Police Accountability, which, as discussed *supra* in Parts I.A and IV.A.2, is required to maintain a ratio of one investigator per 150 police department members, to a high of 483 for the Long Beach Citizen Police Complaint Commission, which has the least resources among the entities studied.





## 2. *Civilian Oversight Entity Staff Size Relative to the Number of Complaints*

Another measure used to assess and compare the civilian oversight personnel resources is to consider the size of the entity's staff relative to the number of complaints it receives, which is a measure of its workload. A measure of the size of each oversight entity's staff relative to the number of complaints the entity receives is shown in Figure 20. Note that data for 2020 has been excluded due to the unusually significant spike in complaints experienced by some of the entities that year. Based on this measure, even after eliminating 2020 from the data, the oversight entities in New York, Minneapolis, and Seattle appear to be underfunded relative to the other agencies based on the number of complaints they receive annually.



### 3. *Civilian Oversight Entity Budgeted vs. Actual Headcount*

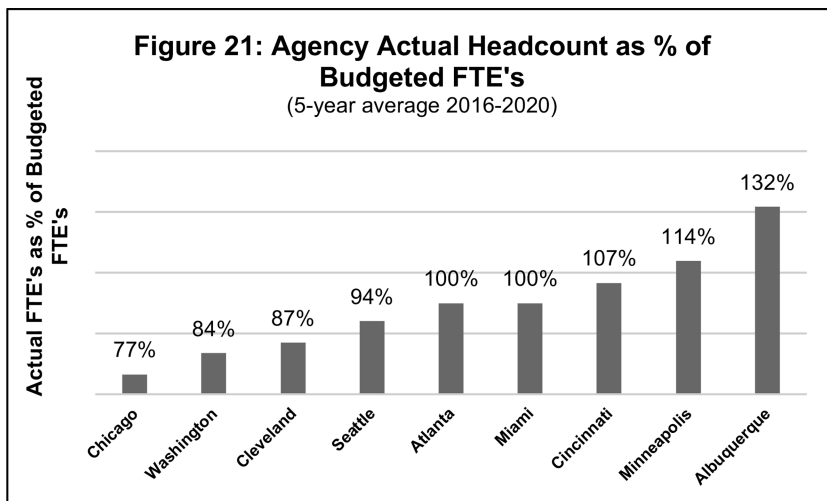
One issue of particular concern is the fact that some of the agencies appear to be chronically understaffed relative to their budgeted headcount. In 2019, the New York City charter was amended to set a minimum for CCRB staff at 0.65% of the number of uniformed police officers.<sup>70</sup> Yet, the agency struggled to meet that staffing level and acknowledged that the staffing shortfall was impacting the timely completion of investigations.<sup>71</sup>

Almost all the oversight entities studied reported challenges with hiring and retaining investigative staff members. As illustrated in Figure 21, on average, during the five-year period of 2016 to 2020, Chicago's COPA had vacant positions representing over twenty percent of its budgeted headcount. The entities in Washington, Cleveland, and Seattle also appear to struggle with maintaining staff levels. Based on feedback from the entities, many are struggling with both hiring and retaining investigative staff for a variety of reasons. Some entities

70. See, e.g., Christopher Werth, *Staffing at Police Watchdog Agency Not Keeping Pace with NYPD: Report*, GOTHAMIST (Mar. 17, 2022), <https://gothamist.com/news/staffing-at-police-watchdog-agency-not-keeping-pace-with-nypd-report> [https://perma.cc/2PNG-PY7F].

71. *Id.* (noting that in December 2021, the agency was understaffed with 69 open positions relative to the budgeted headcount 265 full time employees)

reported having to return funds to the city coffers at the end of a budget year because they were unable to fill all their budgeted positions. This only exacerbates the budget appropriation challenges when additional resources are being sought the next year.



As would be expected, hiring for 2020 was significantly impacted by the COVID-19 pandemic. However, the two most frequently cited challenges to hiring were: (1) cumbersome procedures resulting in long lead times in the hiring process; and (2) finding qualified investigative staff. Some agencies struggle with complex recruiting and hiring procedures required by either their city's administration or by collective bargaining agreements with the unions that represent entity personnel. According to leaders at Chicago's COPA, it can take up to one year between when the agency posts a job opening and when the staff member starts working because of the highly complex, rigid hiring plan the agency is legally required to follow.

Given the significant growth in the number of civilian oversight entities operating nationwide, particularly in the last five years, the employment of experienced investigative personnel in civilian oversight has substantially increased. Among the sixteen entities surveyed herein, the total number of budgeted FTE's increased by fifty-nine percent from 2015 to 2021 to just over 550 FTE's. As the number of available positions has increased and the nature of the work has become more sophisticated, finding qualified professionals presents an ongoing challenge. Although most entities require at least some kind of prior investigative experience when filling investigative positions, it is not always possible to find individuals with prior experience conducting

police misconduct investigations. As such, most new hires require substantial onboarding and on-the-job training.

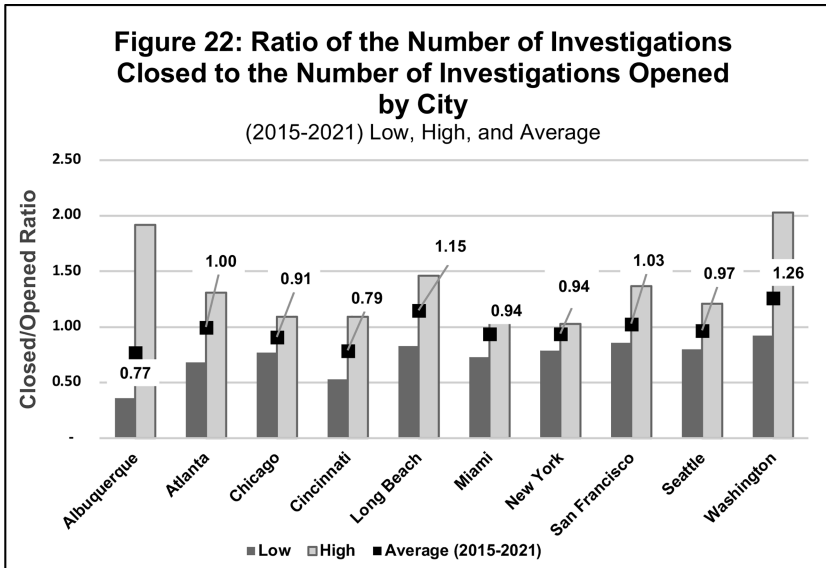
There are several factors that likely contribute to turnover among investigative staff at oversight entities. Based on feedback from the entities studied, many investigators who have gained substantial training and experience are lured away to more lucrative investigative positions in the private sector. Some smaller entities with fewer supervisory and management roles may lack career progression opportunities as investigators gain experience and expertise, causing investigators to pursue positions with greater professional development possibilities. All the entities surveyed reported that the intense nature of the work can also lead investigators to seek less stressful investigative work in either the public or private sector.

## V. ANALYSIS OF CASE MANAGEMENT DATA

### A. *Annual Closed/Opened Ratio*

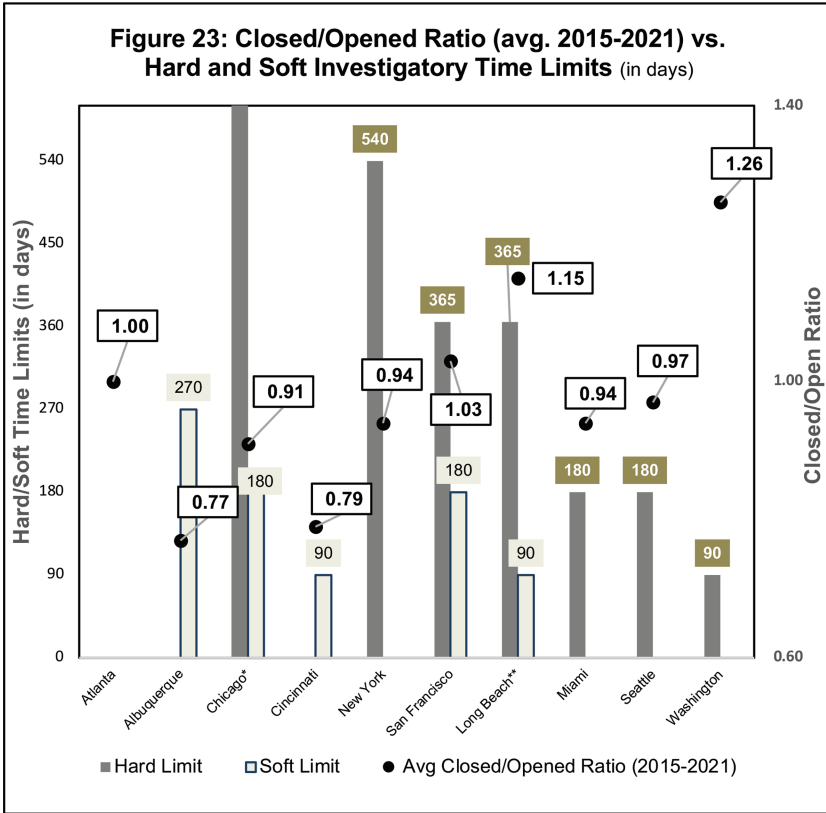
The primary data measure to assess how well the entities are managing their caseloads is the Closed/Opened Ratio—the ratio of the number of investigations closed within a given year relative to the number of investigations opened during that year. As illustrated in Figure 22, while most of the civilian oversight entities for which data was available achieve a Closed/Opened Ratio approaching 1.0 on average over the seven-year period of observations, there was a fair degree of variation from year to year, where in some years the agency closes more investigations than it opens, while in other years it opens more investigations than it closes, thereby increasing the pending caseload going into the next year. As noted *supra* in Part II.C.3, the project team was only able to obtain the relevant data for this measure from ten of the studied entities.

Among the entities for which this data was available, only four of the ten entities maintained an average Closed/Opened Ratio of one or above during the seven years for which data was available (2015-2021): the Atlanta Citizen Review Board, the Long Beach Citizen Police Complaint Commission, the San Francisco Department of Police Accountability, and the Washington Office of Police Complaints.



Graphics illustrating the annual Closed/Opened Ratio for each individual oversight entity over the period of study is included as Appendix C.

Although the dataset was not robust enough to draw any statistical conclusions, as illustrated by Figure 23, it appears that the oversight entities with a legally defined timeframe (hard investigatory time limit) for their investigative process are more likely to keep up with their caseloads as indicated by an average Closed/Opened Ratio of one or above for the 2015 to 2021 period of study.

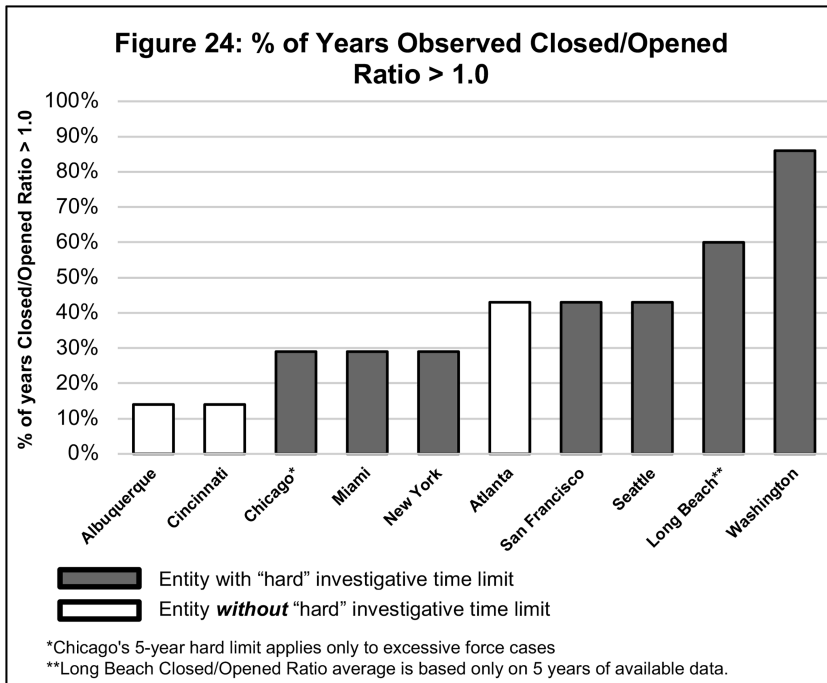


\*Chicago has a 5-year hard limit on the time to investigate excessive force allegations, so that bar is beyond the scale of this graphic.

\*\*Long Beach Closed/Opened Ratio average is based only on 5 years of available data.

Rather than observing an entity’s average Closed/Opened Ratio over the seven-year period of observation, another way to assess an entity’s caseload management is to assess the number of years observed for which the Closed/Opened Ratio was above 1.0, meaning, in that year, the entity closed more cases than it opened, thereby reducing the ongoing pending caseload. Figure 24 illustrates the percentage of the years observed for which the entity’s Closed/Opened Ratio was 1.0 or above. As illustrated in Figure 24, entities with a hard investigatory time limit tended to be more successful in managing their caseloads, based on more observed years for which the Closed/Opened Ratio was greater than 1.0. This aligns with the results in Figure 23: for example, the Washington and Long Beach entities—which exhibited the highest overall Closed/Open Ratios (1.26 and 1.15 respectively)—also achieved a Closed/Open Ratio above 1.0

for a majority of the years observed. In contrast, the Albuquerque and Cincinnati entities—which exhibited the lowest Closed/Open Ratios (0.77 and 0.79 respectively)—also achieved a Closed/Open Ratio about 1.0 for the fewest number of years observed.

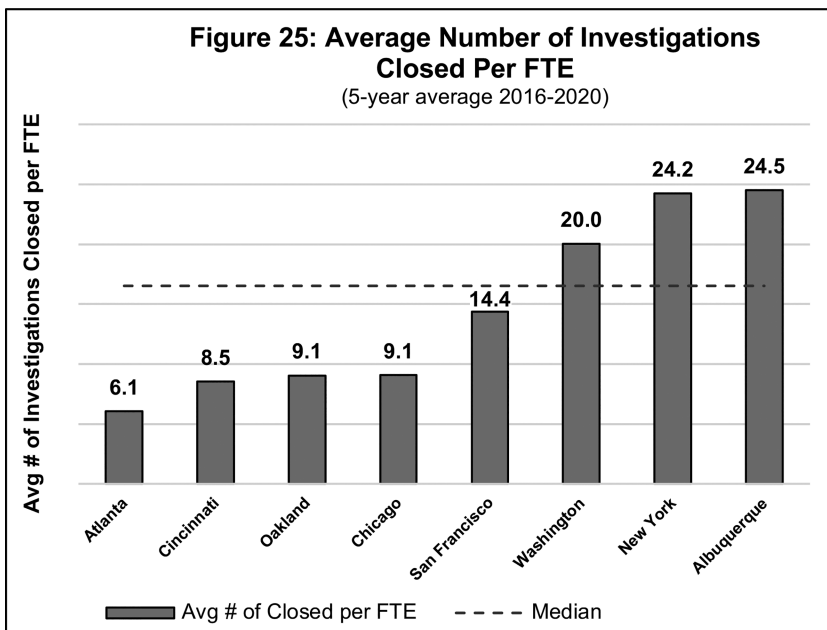


### B. Average Number of Investigations Closed per Oversight Entity FTE

In an attempt to assess the relative efficiency of the entities at closing cases, the project team created an efficiency measure based on the number of investigations each entity closed in any given year relative to the size of the entity’s staff. Since we were unable to obtain reliably comparable data on the *actual* number of employees within each entity that were *directly engaged in conducting investigations*, the team calculated this efficiency measure based on the entity’s *total* number of *budgeted* FTE’s. This measure is illustrated in Figure 25. The data observed for this measure for Long Beach was omitted because the measure is so significantly higher relative to the other entities that it appears to be an outlier.

Over the five-year period for which this data was available, the number of investigations closed per agency budgeted FTE ranged

from just over five to just under twenty-five. As shown in Figure 25, on average, Atlanta's Citizen Review Board closed just over six investigations per year per budgeted FTE, while Albuquerque's Civilian Police Oversight Agency closed just over twenty-four investigations per year. The median across the entities for which this data was available was 16.5. It should be noted that efficiency of the entities that are chronically understaffed relative to budget, such as Chicago's COPA, is understated based on this measure because there are significantly fewer employees than budgeted actually doing the work. For example, Chicago COPA's five-year average number of investigations closed per budgeted FTE was 9.10. This measure would increase thirty-two percent to 12.03 if the actual number of FTE's was used in the calculation.

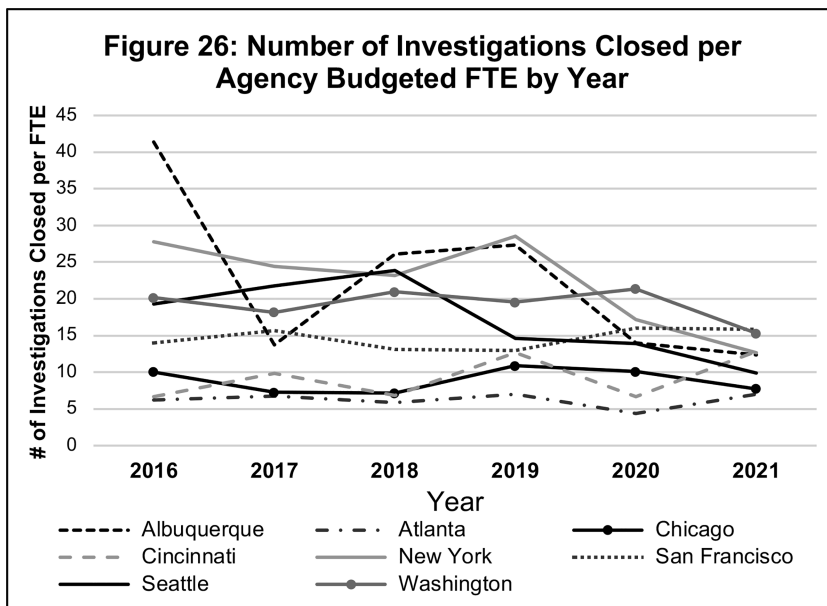


As would be expected based on the variation in complaint intake from year to year, there was a fair degree of variation in the number of investigations closed per year per FTE over the study period. As illustrated in Figure 26,<sup>72</sup> most entities saw a decline in the measure in 2020, most likely attributed to the challenges in conducting investigative activity during the COVID-19 pandemic. Albuquerque and Miami

72. This data is provided in table form in Appendix F.



demonstrated the most volatility in this measure, while San Francisco and Washington exhibited the most stability.<sup>73</sup>



## VI. KEY OBSERVATIONS

Most of the civilian oversight entities surveyed reported that procuring financial resources is an ongoing challenge. Municipal coffers are tight, and the annual municipal budget appropriation process is complex and political in every jurisdiction. Budget issues and controversies can become even more complicated in the context of policing matters. In many communities, citizens and activists are advocating for the redirection of at least some of the funding behind policing and law enforcement to broader community support services such as education, community development, and healthcare as a way to address the underlying causes of crime.<sup>74</sup>

The sufficiency of the dollars appropriated to civilian oversight entities has a direct impact on an entity's ability to fulfill its mission. Most entities reported that, once they are established, it can be very

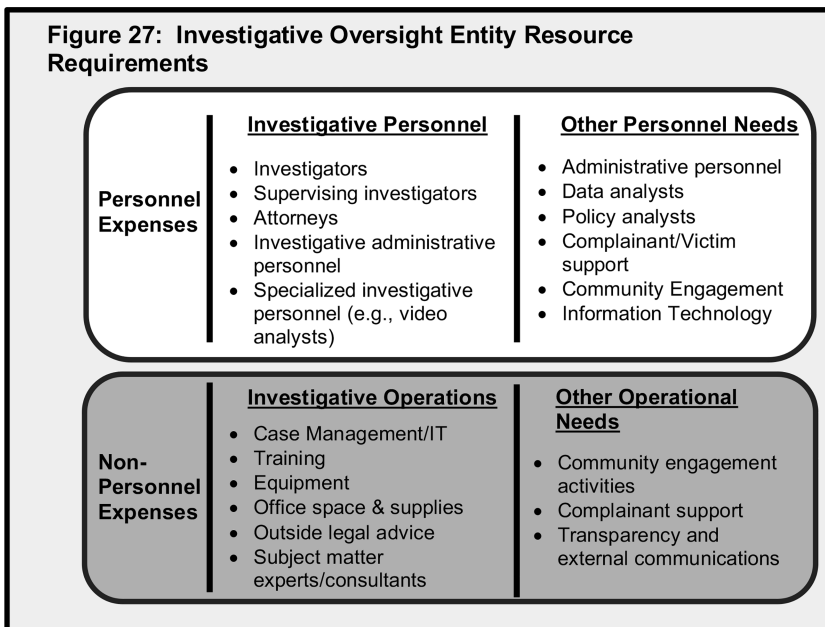
73. This comparison is based on an analysis of the difference between the high and low as a percentage of the average over the six-year time period of 2016-2020.

74. See, e.g., Philip V. McHarris & Thenjiwe McHarris, *No More Money for Police*, N.Y. TIMES (May 30, 2020), <https://www.nytimes.com/2020/05/30/opinion/george-floyd-police-funding.html> [<https://perma.cc/ZG5C-MFZU>].

difficult to obtain substantial budget increases from one year to the next. Doing so usually requires that the entity engage in a painstaking process to educate city officials on the value of oversight, while providing convincing rationale for how the incremental investment in oversight will benefit the city. This makes budget setting for newly created oversight entities a vexing endeavor. It is important to get an agency set up with sufficient resources at the outset. The budget appropriations challenge is exacerbated by a dearth of empirical evidence demonstrating the impact of civilian oversight on police conduct and police accountability specifically, and, more broadly, on public safety.

#### A. Agency Financial and Personnel Resource Needs

In recent years, it has become clear that investigative oversight entities require sufficient funding to support quality, timely investigations as well as other operational needs that contribute to effective oversight and yield community trust over the long run. As depicted in Figure 27, a successful entity must have the resources to recruit and retain sufficient staff and resources to fund other important non-personnel expenses.



The investigative staff must have the resources, training, and equipment necessary to conduct effective misconduct investigations. Quality investigative oversight also requires resources to support policy analysis, data analysis, transparency, complainant support, and

community engagement. For example, by ordinance, Albuquerque's Civilian Police Oversight Agency is required to develop, implement, and report on community outreach efforts.<sup>75</sup> Similarly, Cincinnati's Citizen Complaint Authority ("CCA") is required to develop and implement an information plan that educates citizens about its investigative process and outcomes.<sup>76</sup> Regarding data analysis, the Cincinnati Administrative Code also requires the CCA to track and maintain data on complaints.<sup>77</sup> By law, the CCA has a duty to "examine complaint patterns that might provide opportunities for the [Cincinnati Police Department] and community to reduce complaints." Fulfilling these statutorily required duties requires human and technical resources beyond those associated with the investigative process.

### *B. Hiring and Retaining Qualified Investigative Staff*

Recruiting to fill investigative oversight positions, particularly more senior positions, with qualified candidates usually requires a robust local and nationwide search. According to feedback from the entities surveyed, those operating in cities where the cost of living is higher (e.g., New York City) often face difficulty recruiting talent from less expensive locales. To address these hiring challenges, the oversight community should join forces and make a concerted effort to generate awareness about professional opportunities and work towards building a national talent pipeline. Each agency could contribute to this effort by including this goal in their community engagement work. NACOLE—the National Association for Civilian Oversight of Law Enforcement—is an important resource, providing a repository of job postings for member oversight entities. Many oversight practitioners also take advantage of their personal networks for recruiting talent.

One potential strategy for building a talent pipeline includes partnering with local colleges and universities to offer internships that provide an opportunity for students to learn about and participate in the work.

Regarding retention, based on feedback from the entities, many recognize the negative impact of stress and trauma on their employees and are exploring ways to promote employee wellness. Talent management

---

75. ALBUQUERQUE, N.M., MUN. CODE § 9-4-1-4(C)(1) (2014) (amended 2023).

76. CINCINNATI, OHIO, ADMIN. CODE art. XXVIII § 5 (2002).

77. *Id.* § 3-F (requiring the Citizen Complaint Authority and Cincinnati Police Department to create a shared database that tracks all citizen complaints and their dispositions that will "capture data sufficient for the CCA and the CPD to identify officers involved in repeat allegations, citizens making repeat allegations and circumstances giving rise to citizen complaints").

is also important to maintaining an effective and efficient investigative staff. It is also important that these entities ensure their best employees are recognized and able to envision a long-term career path with the agency based on the valuable experience they are obtaining from the work. In time, perhaps the entities who find success with these efforts will share their best practices.

### *C. Data Collection and Management*

This project exposed significant weaknesses and inconsistencies in the data collection and management practices of the oversight entities surveyed. Data management and transparency are increasingly important to the work of civilian oversight entities. Data analysis is essential to the quality and timeliness of individual investigations, provides the oversight entity with an understanding of its own functions and efficiency, and supplies insight into the performance of the police department being overseen.

As would be expected, there was a range in the level of sophistication related to data analysis among the entities surveyed. However, many of the entities surveyed did not track performance metrics that are essential to case management, such as average time to case closure and other measures of investigative productivity. There are several possible reasons for this. First and foremost is resources. Data management systems can be expensive and smaller agencies may not have sufficient resources to fund data management initiatives. Second, there is no “off the shelf” case management system available for civilian oversight investigative work. Thus, agencies have to spend time and resources either creating a proprietary system or adapting an existing system—which requires expertise an agency may not have. Nonetheless, given that oversight entities are increasingly pushing law enforcement entities to be more transparent and data savvy, the entities themselves should be doing more to enhance their own data management and transparency so they can be held accountable for their own work.

There is also a wide variation in the depth with which oversight entities report on their work. Most of the entities surveyed produce quarterly and/or annual reports with data on cases under investigation and case dispositions. However, there was very little uniformity among the entities in what data was presented and how it was presented. Moreover, some entities did not always present the same data in the same format from year to year. Entity leaders and data analysts should come together and develop a set of uniform metrics that all entities would publish to allow for easier aggregated data analysis. This would allow oversight entities to learn from and about each other and such

information could be a powerful source of information that might illuminate trends in policing and common forms of police misconduct. In particular, it would be very helpful to have a uniform method for categorizing complaint allegations, similar to the manner in which law enforcement agencies have a uniform method of reporting crime via the Uniform Crime Reporting system.

#### D. *Legal Resources*

Legal resources are essential, as it is important that the investigative process be guided and supported by either in-house attorneys or outside counsel as needed. Many of the larger oversight entities employ legal personnel and hire outside lawyers on an as needed basis. Entities with in-house counsel may also engage outside legal expertise to assist in cases with complex legal issues and to fulfill other legal needs, such as managing discovery requests and litigation.

In addition, oversight agencies are often confronted with complex external legal challenges, such as litigation by police unions seeking to limit the entity's powers. For example, Nashville's Community Oversight Board required the expertise of outside counsel to assist the agency in navigating a complete overhaul of the agency's structure, policies, and procedures in the wake of state legislation that preempted the voter referendum which created the agency.<sup>78</sup> In April 2023, the Tennessee Legislature enacted Senate Bill ("SB") 591, which created statewide limitations on the powers of civilian oversight of law enforcement.<sup>79</sup> While the citizens of Nashville had voted to create an oversight entity with independent investigative powers, SB 591 limited the power of oversight boards to allow only the referral of matters to law enforcement, the review of internal police investigations, and the issuance of advisory reports and recommendations.<sup>80</sup> With the advice of outside counsel, the agency scrambled to adjust its operations as the legislation went into effect roughly six weeks after the governor's signature.<sup>81</sup>

---

78. See Connor Daryani, *Community Oversight Board Gone by Month's End*, NASHVILLE BANNER (Oct. 3, 2023), <https://nashvillebanner.com/2023/10/03/community-oversight-board-gone-by-months-end/> [<https://perma.cc/RWA9-HGUW>].

79. S.B. 591, 113th Gen. Assemb., 2023 Sess. (Tenn. 2023); TENN. CODE ANN. § 38-8-312 (2023).

80. TENN. CODE ANN. § 38-8-312(a) (2023); see also Erin McCullough, *Governor Signs Community Oversight Board Overhaul Bill into Law*, WKRN (May 18, 2023, 10:24 AM), <https://www.wkrn.com/news/tennessee-politics/governor-signs-community-oversight-board-overhaul-bill-into-law/> [<https://perma.cc/29HR-UA92>].

81. See Daryani, *supra* note 78.

### *E. Transparency and External Communications*

Several agencies reported increased resource needs in order to meet community expectations for transparency. For example, Chicago's COPA recently sought and obtained additional funding to support an internal unit within the agency to manage the public disclosure of video evidence and reports related to critical incidents, as is required by the city's policy to release such material within sixty days.<sup>82</sup>

### *F. Case Management Challenges and Practices*

After staffing issues, the most frequently cited challenge to the expedient closure of police misconduct investigations was the lack of timely access to the relevant police department reports and evidentiary material (e.g., body-worn camera video footage). Only a handful of the entities surveyed have direct access to police department reports and video material. Those that do not have direct access must obtain the material via requests or by subpoena. In some cases, the oversight entity must make several requests to get all the relevant information or must engage in a time-consuming debate with the police agency over the requested material. Several entities reported that delays in receipt of the relevant investigative material detracts from the timely closure of cases. This often puts entities with hard deadlines for case closure in a bind because the police agency's delay in providing the relevant case material eats up a substantial portion of the time available to investigate and resolve a case.

Most civilian oversight practitioners agree that timely access to investigative material is essential to effective oversight. Some entities have pursued written agreements (e.g., memoranda of understanding) with their police agency partners to arrange for direct access.<sup>83</sup> Oversight entities should continue to push for direct access to department records. Every oversight entity, particularly those engaged in independent investigations of misconduct, should have direct access to police department records on both a front-end basis (meaning the ability to query records related to a specific case, complaint, or incident) and a back-end basis (meaning the ability to aggregate and analyze system-wide data to look for trends or patterns). Communities looking to create new oversight entities should make this an important priority

---

82. *Video Release Policy*, CITY OF CHI., [https://www.chicago.gov/city/en/depts/cpd/supp\\_info/video\\_release\\_policy.html](https://www.chicago.gov/city/en/depts/cpd/supp_info/video_release_policy.html) [<https://perma.cc/9XTN-2YJ2>].

83. For example, before it was redesigned in reaction to the change in Tennessee state law governing the scope of civilian oversight, the Nashville agency had negotiated an MOU with the police department governing the entity's access to investigative records.

and consider incorporating a legal foundation for such access in their ordinances and charters.

Most oversight entity administrators use an array of case management tools that range in complexity from something as simple as a spreadsheet to the more complex offerings of a bespoke case management system. Most leaders report that they have either constructed or procured through their case management system methods to extract the information they need to keep tabs on how well the entity is managing its caseload. The data they routinely review includes tracking cases opened and closed, as well as the number and age of pending cases. More sophisticated systems provide alerts to ensure managers are aware of upcoming important investigatory milestones or deadlines. Some also report tracking the productivity of individual investigators and/or groups of investigators. These practices are worthy of further study to identify best practices.

### G. *Legally Mandated Budget Floors*

As discussed *supra* in Part IV, some of the civilian oversight entities surveyed were created with a legally required minimum budget that is typically tied to the size of the police department based on either budget or staffing.<sup>84</sup> Among the most surprising takeaways from this analysis is that statutory resource minima, while intended to ensure that an entity has the resources that it needs to be effective, may be a double-edged sword. Based on observations of the entities surveyed for this analysis, these statutory minima may not have been set high enough from the outset or they seem to have lost relevance over time.

Most entities surveyed agreed that the frequently cited one percent benchmark—setting the investigative entity budget at one percent of that of the police department—is not necessarily adequate. Moreover, the entities surveyed report that city officials tend to treat these statutory limits as a cap on spending rather than the minimum required investment. Officials are reluctant to appropriate more than is legally required. For example, the 2016 ordinance established Chicago’s COPA with a budget floor based on the appropriation to the Chicago Police Department.<sup>85</sup> However, although the city agreed to set the floor at the one percent benchmark, the ordinance requires that COPA be funded with not less than one percent of a specified *portion* of the police department’s budget appropriation.<sup>86</sup> Thus, in actuality,

---

84. See *supra* notes 61 and 63.

85. See CHI., ILL., MUN. CODE § 2-78-105 (2016).

86. *Id.* (requiring that the COPA annual budget appropriation “shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police

as depicted *supra* in Figure 15, COPA's annual budget over the years studied reflected only approximately 0.75% of the CPD's total budget. At times, the city has been reluctant to provide funding above this level. During the 2017 budget cycle, the mayor balked when COPA requested additional funding to address the serious backlog of cases with which the entity had been saddled following the sundown of its predecessor agency.<sup>87</sup>

If, when designing a new entity or revamping an existing one, the community seeks to ensure adequate resources by establishing this kind of budgetary floor, city leaders and oversight practitioners should take care to ensure the metric they are creating will set a fundamentally sufficient minimum budget. This will require some due diligence to ensure the metric being established is an accurate reflection of the entity's core needs. Moreover, because, as discussed earlier in this section, city managers may be reluctant to exceed these thresholds, the statutory language should make clear that the benchmark is meant to be an absolute minimum and that the actual needs of the entity could exceed that minimum in any given year.

Entities tying the resource minimum to a level of staffing relative to that of the police department may be more effective at ensuring staff levels are sufficient to support investigative operations. However, such requirement does not necessarily address the entity's need for non-investigative personnel. City leaders, activists, and oversight administrators should be mindful of these challenges when establishing or seeking to revise these legally-established resource requirements.

As an alternative to establishing a specific metric that defines an agency's minimum budget, some municipalities include a general statement that sufficient funds should be appropriated for the agency to fulfill its mission.<sup>88</sup> For example, the ordinance behind Albuquerque's Civilian Police Oversight Agency ("CPOA") requires that "[a]dequate funding shall be provided to uphold the ability of the CPOA to carry

---

Department contained in the annual appropriation ordinance for that fiscal year").

87. Dan Hinkel, *Aldermen Say Funding for New Chicago Police Oversight Agency Too Low*, CHI. TRIBUNE (Nov. 1, 2017), <https://www.chicagotribune.com/2017/11/01/aldermen-say-funding-for-new-chicago-police-oversight-agency-too-low/> [https://perma.cc/RWA9-HGUW].

88. *See, e.g.*, COLUMBUS, OHIO, MUNICIPAL CODE § 215 (2020) ("Funding for the Civilian Police Review Board shall be appropriated on an annual basis in an amount sufficient to pay for the personnel services and other expenses necessary for the effective operations of the Board. Annual appropriations . . . shall not be reduced unless financial circumstances dictate an overall reduction to the City's budget . . ."); CINCINNATI, OHIO, ADMIN. CODE art. XXVIII § 6 (2002) ("The city council will allocate resources sufficient for the [Citizen Complaint Authority] and [Cincinnati Police Department] to accomplish the foregoing [duties and responsibilities].").



out its duties and support its staff and operating expenses.”<sup>89</sup> Although the general impact these statements have on budget setting from year to year is unclear, the CPOA’s budget declined from 2016 to 2020, as shown *supra* in Figure 14, calling into question the effectiveness of these statements at preserving entity resources.

#### CONCLUSION

Civilian oversight entities, particularly investigative agencies, play a critical role in the police accountability infrastructure within the jurisdictions they serve. As the practice of civil oversight has developed in complexity, the resource needs have become more readily apparent. The entities surveyed herein appear to make the most of the resources that have been afforded, yet frequently struggle to obtain the resources they need to fully manifest their given mission. City leaders, activists, and oversight professionals working to establish new or enhanced civilian oversight entities must be diligent in determining the resources necessary for the entity’s long-term success. For investigative agencies, this means thinking beyond the scope of investigative personnel to support other kinds of important operational activities that contribute to effective oversight. This includes supporting data and policy analysis, transparency and communications, complainant support, and community engagement. Hopefully, the comparative information provided in this Article about how entities are faring with the resources they have will be helpful to those seeking to build entities and systems that truly deliver the kind of impact each community demands.

In pursuing increased financial support in a world of limited municipal funding, oversight entity leaders must continuously work to maintain positive working relationships with city administrators, community leaders, and public officials who can influence budget-setting. Engaging with these individuals only while in the thick of the budget appropriation process may not be as productive. When developing communication plans and strategies, civilian oversight entities should include these political leaders among the core constituencies they seek to educate about the impact, quality, and effectiveness of their work and the scope of the resources necessary to achieve the entity’s mission.

Another important takeaway from this analysis is the need for greater uniformity among the oversight entities regarding how they track and report on their cases. This is likely to require a mechanism through which to achieve formal collaboration across the entities to

---

89. ALBUQUERQUE, N.M., MUN. CODE § 9-4-1-4(A)(2) (2014) (amended 2023).

gain alignment around a common set of metrics that can be used to measure and assess case management.

The question of how and why resources impact the effectiveness of civilian oversight is worthy of future exploration. Of course, this also requires devising a set of metrics by which to assess the effectiveness of civilian oversight, a goal that remains elusive. Yet, further inquiry into how investigative agencies expend their resources would be of great benefit to communities that are considering creating or enhancing oversight systems in their communities.

Lastly, one specific question that remains unanswered by this analysis is the extent to which the types of cases an oversight agency investigates impacts its caseload management. For example, when Chicago's COPA replaced its predecessor agency, the subject matter jurisdiction of the new agency was expanded to include complaints involving improper search and seizure allegations. Although there was data available that enabled the new agency to estimate how many additional complaints might be coming its way, there was little or no information available to estimate the resources these kinds of complaints would demand. Future inquiry into the time and funds spent on various kinds of complaint and incident investigations could illuminate budget setting for new and existing oversight entities.

**APPENDIX A: LIST OF CIVILIAN OVERSIGHT ENTITIES TARGETED FOR  
DATA COLLECTION**

<b>City</b>	<b>Agency Name</b>	<b>Year Opened</b>	<b>City Population (2020 U.S. Census)</b>	<b>Law Enforcement Agency FTE's 2020</b>
Albuquerque	Civilian Police Oversight Agency	2014	564,559	1,643
Atlanta	Citizen Review Board	2007	498,715	2,594
Chicago	Independent Police Review Authority Civilian Office of Police Accountability	2008 2017	2,746,388	14,709
Cincinnati	Citizen Complaint Authority	2003	309,317	1,243
Cleveland	Office of Professional Standards	2008	372,624	2,285
Detroit	Board of Police Commissioners - Office of the Chief Investigator	1974	639,111	NA
Long Beach	Citizen Police Complaint Commission	1990	466,742	1,252
Memphis	Civilian Law Enforcement Review Board	1994	633,104	2,866
Miami	Civilian Investigative Panel	2001	442,241	1,739
Minneapolis	Office of Police Conduct Review	1990	429,954	1,077
Nashville	Community Oversight Board	2019	689,447	1,966
New York	Civilian Complaint Review Board	1953	8,804,190	51,429
Oakland	Community Police Review Agency	2016	440,646	1,245
Pittsburgh	Civilian Police Oversight Agency	1996-97	302,971	1,062
San Francisco	Dept of Police Accountability	1982	873,965	3,126
Seattle	Office of Police Accountability	2002	737,015	2,164
Washington, D.C.	Office of Police Complaints	1999	689,545	4,754

APPENDIX B: HARD AND SOFT TIME LIMITS FOR MISCONDUCT  
INVESTIGATIONS

City	Agency	Hard Investigatory Time Limit	Soft Investigatory Time Limit
Albuquerque	Civilian Police Oversight Agency	NA	270 days <sup>90</sup>
Atlanta	Citizen Review Board	NA	NA <sup>91</sup>
Chicago	Civilian Office of Police Accountability	1825 days for excessive force <sup>92</sup>	180 days <sup>93</sup>
Cincinnati	Citizen Complaint Authority	NA <sup>94</sup>	90 days <sup>95</sup>
Cleveland	Civilian Police Review Board	NA	NA <sup>96</sup>
Detroit	Police Commission	60 days <sup>97</sup>	NA <sup>98</sup>
Long Beach	Citizen Police Complaint Commission	365 days <sup>99</sup>	90 days <sup>100</sup>

90. If the investigation exceeds a timeframe of nine months, the director must report the reasons to the Board. Per policy Article 1(J), investigators should complete investigation within ninety days. Thirty-day extensions may be approved by the Chief. ALBUQUERQUE, N.M., MUN. CODE § 9-4-1-6(C)(1).

91. ATLANTA, GA., MUN. ORD. § 2020-40-20-O-1445.

92. There is a five-year statute of limitations for excessive force allegations against police officers. 65 ILL. COMP. STAT. 5/10-1-18.1.

93. Notice required if investigation is not complete within six months. CHI., ILL., MUN. CODE § 2-78-135.

94. CINCINNATI, OHIO, CITY CHARTER Art. XXVIII.

95. Executive Director may extend the investigation upon consultation with the Board. *Id.* § 3-C.

96. CLEVELAND, OHIO, CITY CHARTER § 115 *et seq.*

97. The Chief Investigator must file a report of findings with the Board within sixty days. DETROIT, MICH., CITY CODE § 7-808.

98. DETROIT, MICH., CITY CODE OF ORDS.

99. No punitive action may be taken in the investigation of misconduct if not completed within one year of agency's discovery of the misconduct. CALIF. GOVT. CODE CHAP. 9.7, § 3304(d)(1).

100. "The Investigator should strive to complete any investigation within ninety days of assignment." *City of Long Beach, Citizen Police Complaint Commission: Policies and Procedures*, LONG BEACH CITY MANAGER, <https://www.longbeach.gov/citymanager/cpcc/supporting-information/#policies> [https://perma.cc/J8HF-3CFL].

City	Agency	Hard Investigatory Time Limit	Soft Investigatory Time Limit
Memphis	Civilian Law Enforcement Review Board	NA <sup>101</sup>	270 days <sup>102</sup>
Miami	Civilian Investigative Panel	180 days <sup>103</sup>	NA <sup>104</sup>
Minneapolis	Office of Police Conduct Review	NA <sup>105</sup>	NA <sup>106</sup>
Nashville	Community Oversight Board	NA <sup>107</sup>	60 days <sup>108</sup>
New York	Civilian Complaint Review Board	540 days <sup>109</sup>	NA <sup>110</sup>
Oakland	Community Police Review Agency	365 days <sup>111</sup>	180 days <sup>112</sup>

---

101. MEMPHIS, TENN., CITY ORD. 5620.

102. *Id.*

103. Investigation must be completed and presented to the CIP members within 180 days of investigation's commencement. State law: Disciplinary action may not be undertaken if the investigation of the allegation or complaint is not completed within 180 days after the date of notice of allegation or complaint. MIAMI, FLA., MUN. CODE § 11.5-31(3)(b); FLA. STAT. § 112.532(6)(a).

104. MIAMI, FLA., MUN. CODE § 11.5-31(3)(b).

105. MINNEAPOLIS, MINN., CODE OF ORDS. § 172.30(c); MINN. STAT. § 626.89 Peace Office Discipline Act.

106. MINNEAPOLIS, MINN., CODE OF ORDS. § 172.30(c).

107. *Rules of the Nashville Community Oversight Board*, NASHVILLE. (2021), <https://www.nashville.gov/sites/default/files/2021-09/COB-Rules.pdf?ct=1632400592> [<https://perma.cc/8737-J64Q>].

108. All intake investigations which have not been stayed or referred for mediation will be completed within 60 days, unless time is extended by Director in writing for good cause. *Id.*

109. Members of the NYPD must be formally served with charges within eighteen months from the date of the incident (except for conduct that could be charged as a criminal offense). N.Y. CIV. SERV. LAW § 75 (McKinney).

110. NEW YORK CITY CHARTER § 440; *Rules of the Civilian Complaint Review Board*, NEW YORK CITY, [https://www.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/ccrb\\_rules.pdf](https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/ccrb_rules.pdf) [<https://perma.cc/S2UE-YZX4>].

111. No punitive action may be taken in the investigation if misconduct is not completed within one year of the agency's discovery of the misconduct.

OAKLAND, CAL., CITY CHARTER AMEND. 604(g)(12); CALIF. GOVT. CODE CHAP. 9.7, §3304(d)(1).

112. The agency shall make every reasonable effort to complete its investigations within 180 days. OAKLAND, CAL., CITY CHARTER AMEND. 604(f)(3).

City	Agency	Hard Investigatory Time Limit	Soft Investigatory Time Limit
Pittsburgh	Citizen Police Review Board	NA <sup>113</sup>	NA <sup>114</sup>
Pittsburgh	Independent Citizen Review Board (est. 2020)	NA <sup>115</sup>	270 days <sup>116</sup>
San Francisco	Department of Police Accountability	365 days <sup>117</sup>	180 days <sup>118</sup>
Seattle	Office of Police Accountability	180 days <sup>119</sup>	NA <sup>120</sup>
Washington	Office of Police Complaints (after 2016)	90 days <sup>121</sup>	NA
Washington	Office of Police Complaints (Sept. 2021–Apr. 2022)	180 days for excessive force or criminal conduct, 90 days for other allegations <sup>122</sup>	NA
Washington	Office of Police Complaints (after Apr. 2022)	90 days <sup>123</sup>	NA

---

113. PITTSBURGH, PA., CODE OF ORD. § 662.

114. *Id.*

115. PITTSBURGH, PA. ORD. No. 22 (Bill 2020-0447) § 229.

116. *Id.*

117. No punitive action may be taken in the investigation if the misconduct is not completed within one year of the agency's discovery of misconduct. S.F. CAL. CITY CHARTER § 4.136; CAL. GOV'T. CODE § 3304(D)(1).

118. DPA shall use its best efforts to conclude investigations within nine months of receipt. If not, DPA must inform police chief. S.F., CAL. CITY CHARTER § 4.136(d).

119. The time period in which investigations must be completed by OPA is 180 days. SEATTLE, WASH. ORD § 3.29.130(B).

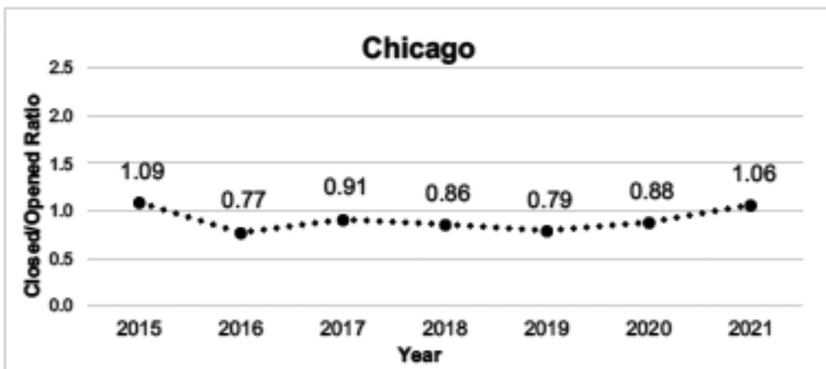
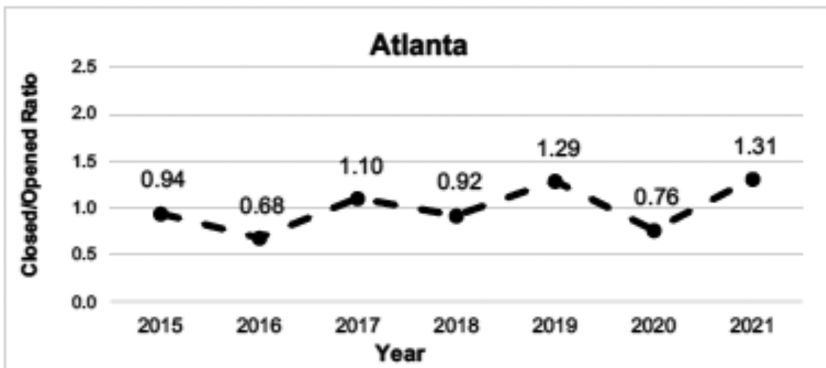
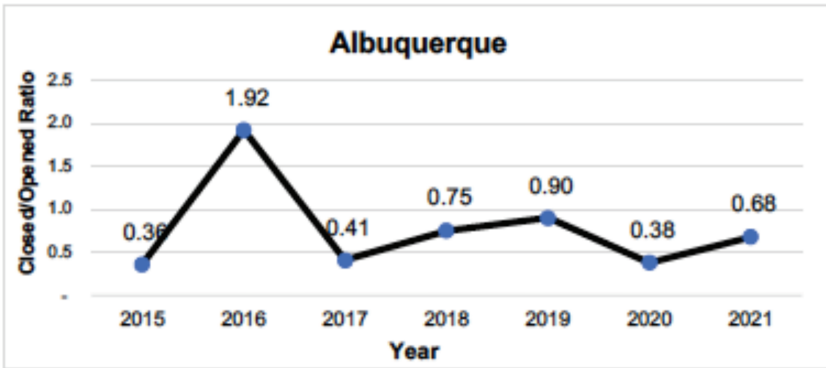
120. *Id.*

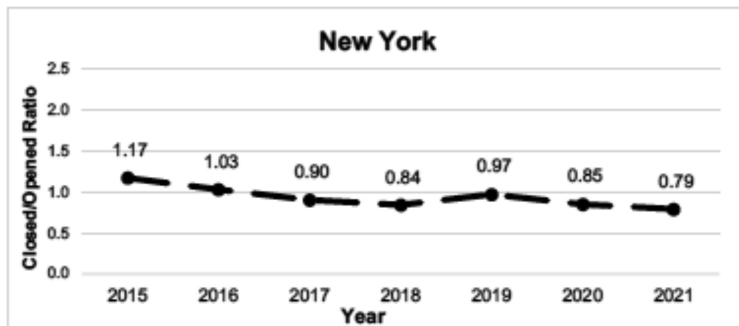
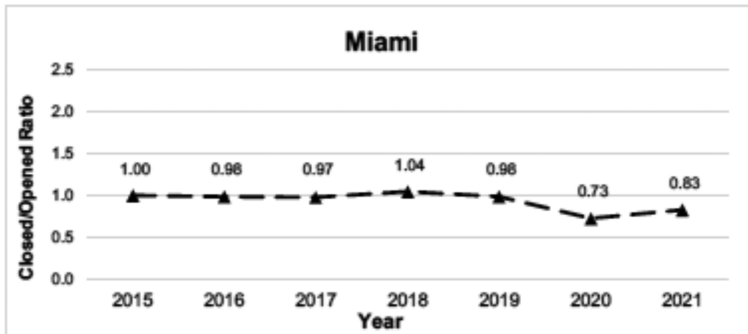
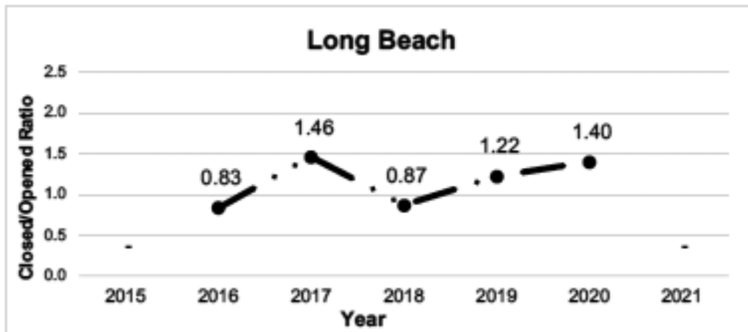
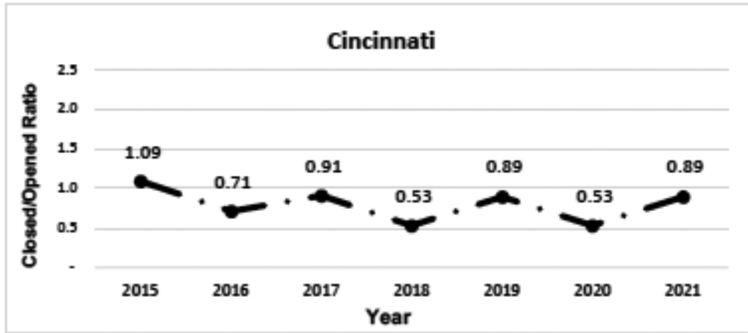
121. No corrective or adverse action shall be commenced more than ninety days after date of notice of act or occurrence. D.C. CODE § 5-1031.

122. If act or occurrence involves the serious use of force, no corrective or adverse action may be taken after 180 days. *Id.* (Promulgated per emergency legislation effective September 2021 that expired in April 2022).

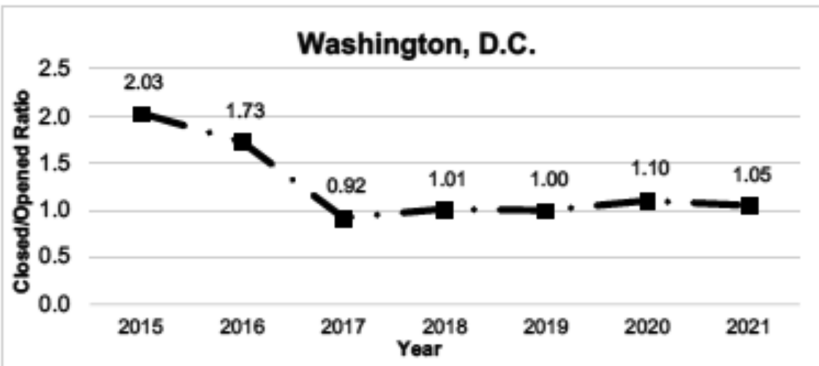
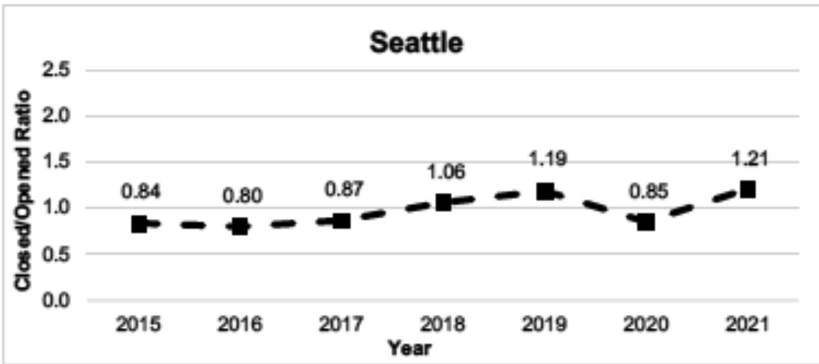
123. No corrective or adverse action shall be commenced more than ninety days after date of notice of act or occurrence. *Id.*

APPENDIX C: CLOSED/OPENED RATIO BY CITY BY YEAR









## APPENDIX D: LIST OF INVESTIGATIVE AGENCIES SURVEYED

<b>City</b>	<b>Entity</b>	<b>Legal Authority</b>	<b>Description of Investigatory Jurisdiction</b>
Albuquerque, NM	Civilian Police Oversight Agency	Albuquerque City Code § 9-4-1-4	The Civilian Police Oversight Agency is empowered to “investigate all civilian complaints relating to police conduct.”
Atlanta, GA	Citizen Review Board	Atlanta Municipal Code Appendix IV, § 12(c)	The Citizen Review Board has the “power to conduct investigations” and is specifically directed to investigate, review, and holding public hearings related to serious use of force and officer-involved death incidents
Chicago, IL	Civilian Office of Police Accountability	Chicago Municipal Code § 2-78-120	The Civilian Office of Police Accountability is empowered to investigate complaints alleging domestic violence, excessive force, coercion, verbal abuse, improper search and seizure, unlawful denial of access to counsel as well as officer-involved shootings, certain taser discharge incidents, deaths in custody, and motor vehicle accidents resulting in death of a citizen.
Cincinnati, OH	Citizen Complaint Authority	Cincinnati Municipal Code Article XXVIII § 1	The Cincinnati Citizen Complaint Authority is empowered to “investigate serious interventions by police officers, including but not limited to shots fired, deaths in custody and major uses of force.”

<b>City</b>	<b>Entity</b>	<b>Legal Authority</b>	<b>Description of Investigatory Jurisdiction</b>
Cleveland, OH	Civilian Police Review Board	Cleveland Municipal Code § 115-2	The Civilian Police Review Board is empowered to “receive, cause investigation of, and recommend resolution of” complaints against the Cleveland police force.
Long Beach, CA	Citizen Police Complaint Commission	Long Beach City Charter Article XIA § 1153	The Citizen Police Complaint Commission is empowered to “receive, and in its discretion to administer and investigate, through the Independent Investigator, allegations of police misconduct, with emphasis on excessive force, false arrest, and complaints with racial or sexual overtones.”
Memphis	Civilian Law Enforcement Review Board	Memphis Municipal Code § 2-52-4	The Civilian Law Enforcement Review Board is empowered to “receive, cause investigation of, and recommend resolution of complaints filed with it alleging misconduct by members of the Memphis Police Department and the Shelby County Sheriff’s Department.”
Nashville	Community Oversight Board	Nashville Municipal Code § 11.1302	The Community Oversight Board has “the power to investigate allegations that [Metropolitan Nashville Police Department] officers have committed misconduct against members of the public.”

## APPENDIX E: SUMMARY OF DATA COLLECTED BY AGENCY

<b>City</b>	<b>Invest. Opened</b>	<b>Invest. Closed</b>	<b>Total Complaints</b>	<b>Agency Budget</b>	<b>Agency Pers. Costs</b>	<b># of Investigators</b>
Albuquerque	2015-2021	2015-2021	2015-2021	2015-2021	2016-2021	2016-2021
Atlanta	2012-2021	2012-2021	2012-2021	2012-2021	2012-2021	2015-2020
Chicago	2015-2021	2015-2021	2015-2021	2015-2021	2015-2021	2015-2021
Cincinnati	2015-2021	2015-2021	2015-2021	2015-2021	2015-2021	2015-2020
Cleveland	NA	NA	2013-2021	2016-2021	2016-2021	2016-2020
Detroit	NA	NA	NA	NA	NA	NA
Long Beach	2016-2020	2016-2020	NA	2015-2021	NA	NA
Memphis	NA	NA	NA	2017-2021	2017-2021	NA
Miami	2014-2021	2014-2021	2014-2021	2015-2020	NA	2016-2021
Minneapolis	2015-2020	NA	2013-2021	2015-2021	NA	NA
Nashville	2019-2021	2019-2021	NA	2019-2021	2019-2021	NA
New York	2013-2021	2013-2021	2013-2021	2015-2021	2015-2021	2019, 2021
Oakland	NA	2011-2020	2019-2020	2018-2021	NA	NA
Pittsburgh	NA	NA	2017-2019	2015-2021	2015-2021	NA
San Francisco	2012-2022	2012-2022	2012-2021	2012-2021	2018-2021	NA
Seattle	2015-2021	2015-2021	2013-2021	2015-2021	NA	2015-2020
Washington	2015-2021	2015-2021	2013-2021	2015-2021	2015-2021	2015-2021

<b>City</b>	<b>Agency Budget FTEs</b>	<b>Agency Actual FTEs</b>	<b>PD Budget</b>	<b>PD Budgeted FTEs</b>	<b>PD Actual FTEs</b>	<b>PD Sworn FTEs</b>
Albuquerque	2016-2021	2016-2021	2015-2021	2015-2021	2016-2021	NA
Atlanta	2012-2021	2015-2020	2012-2021	2012-2021	2016-2021	2016-2021
Chicago	2015-2021	2015-2021	2015-2021	2015-2021	2015-2021	2015-2021
Cincinnati	2015-2021	2015-2020	2015-2021	2015-2021	2015-2021	2015-2021
Cleveland	2016-2021	2016-2020	2013-2021	2013-2021	2013-2020	2016-2021
Detroit	NA	NA	NA	NA	NA	NA
Long Beach	2015-2021	NA	2015-2021	2015-2021	NA	NA
Memphis	2017-2021	NA	2015-2021	2015-2021	NA	NA
Miami	2016-2021	2016-2021	2015-2021	2015-2021	2016-2020	NA
Minneapolis	2015-2021	2015-2021	2015-2021	2015-2021	2016-2021	2016-2021
Nashville	2018-2021	2019-2020	2015-2021	2015-2021	NA	NA
New York	2015-2021	2019, 2021	2015-2021	2015-2021	NA	NA
Oakland	2018-2021	NA	2015-2021	2015-2021	NA	NA
Pittsburgh	2015-2021	NA	2015-2021	2015-2021	NA	NA
San Francisco	2012-2021	NA	2015-2021	2015-2021	2015-2019	2015-2019
Seattle	2015-2021	2015-2020	2015-2021	2015-2021	NA	NA
Washington	2015-2021	2015-2021	2015-2021	2015-2021	2015-2020	2015-2019

APPENDIX F: NUMBER OF INVESTIGATIONS CLOSED PER AGENCY  
BUDGETED FTE

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Albuquerque</b>	41.4	13.8	26.1	27.4	14.0	12.4
<b>Atlanta</b>	6.3	6.8	5.9	7.0	4.4	7.0
<b>Chicago</b>	10.1	7.3	7.2	10.9	10.1	7.8
<b>Cincinnati</b>	6.7	9.8	6.8	12.7	6.7	12.8
<b>New York</b>	27.8	24.4	23.2	28.5	17.2	12.7
<b>San Francisco</b>	14.0	15.7	13.1	13.0	16.0	15.9
<b>Seattle</b>	19.3	21.8	23.9	14.6	13.9	9.9
<b>Washington</b>	20.2	18.2	21.0	19.6	21.4	15.3