

Comments from CPRB/GLC with Responses from CHSR

For the report, Study of the Citizens' Police Review Board in Albany, NY: Evaluation and Benchmarks for the CPRB

RB

SUGGESTION: “by the additional features of professional investigation monitors, access to subpoena power, access to legal counsel, and mediation services (expected to be implemented soon after this report is published).” In the parenthetical, I would say “(the last of these is expected to be implemented soon after this report...)”

- Response: resolved by Brad

SUGGESTION: Table 1: I think ALL of the entries for “Cons” under this table should be softened a little. By way of example, here is the first category Cons: “Perception of bias; filing a complaint more difficult for citizens; lack of communication outside department; conflict of interest between desire to clean up department or to avoid scandal” I would redraft as follows: “Potential perception of bias; filing a complaint may be perceived as more difficult for citizens; potential for a lack of communication outside of the department; potential conflict of interest between desire to clean up department or to avoid scandal.”

- Response: resolved by Brad

LB

SUGGESTION: Page 1: What does "Lit" Review mean? Does that mean, review of related literature on the subject?

- Response: I will change it to “literature.”

SUGGESTION: Page 9: Figure 1 has a typo in its title; should be from 2001 to 2014, not 2004.

- Response: I will fix the dates.

SUGGESTION: All pages with multicolor graphs translate poorly into black & white. Perhaps a different form of shading might be substituted (dots, dashes, cross-hatchings, etc.). Even if the study is intended to be in color, most photocopied copies will end up being black & white.

- Response: I will have our formatter make graphs more “black and white friendly,” using patterns and shading.

COMMENT: Substantively, I appreciate the valuable benchmarking and tracking suggestions, importance of outreach and public participation, as well as the history and comparisons of the different CPRB models. And of course, there's some distressing information such as the extremely low level of survey feedback combined with the negative grades given by those limited Respondents.

COMMENT/SUGGESTION: As to the survey, I like the idea of a prompt follow-up survey, and I think that it might be useful to include with the initial Complaint form a statement that the Complainants will be sent a survey at the conclusion of the process asking them for their opinions regarding the complaint process. Perhaps we should ask them to notify us of any change of address so that the survey will be more likely to reach them.

QUESTION: On page 10, Figure 4, as well as mentioned in other parts of the paper, the explosion of unprofessional conduct around 2008 and 2009 is startling. I am interested in the cause. Was it attributable to one or a few officers and, if so, what steps were taken to address that problem? If it was addressed by the force, their remedial action appears to have been effective and perhaps is a good model to follow in the future. Or was the high incidence of reported unprofessional conduct incorrect or skewed in some manner.

- Response: This is an interesting question. It looks like this spike of unprofessional conduct complaints corresponds so an increase in "not sustained" and "unfounded findings" during those years, while "ineffective policy/training" remained steady. From this, it doesn't seem like there was a large change in policy/remedial action (which would likely correspond to an increase in ineffective policy/training findings). It is hard to tell what happened during this period from the data alone.

COMMENT: I particularly thought there was important value in the Policy Impact benchmarks referred to on Page 13.

COMMENT: Hopefully, the mediation process will be effective and the number of cases handled by the CPRB's standard procedures will decrease. But, I suppose if we're doing our outreach work effectively, the number of non-mediation complaints could rise or stay the same.

- Response: It is likely that mediation will be appropriate for a number of complaints, which would reduce the number of cases going through the standard procedures. In addition, in the literature complainants going through mediation processes typically are more satisfied than those going through traditional procedures, so it will likely boost complainant satisfaction as well.

ML

COMMENT: Generally speaking, the report is good, especially at: 1. giving a whole picture of the citizen review work (history and current situation) so that readers are more clear about what CPRB is doing and will do in the future; 2. Identifying the limits of obtaining complainant's Responses, and proposing an ongoing satisfaction survey to improve CPRB's work; 3. Conducting stakeholders' interviews to figure out recommendations to improve CPRB's work. In addition, the report is well organized and easy to follow.

COMMENT: Figure 5 does not match with the context.

- Response: Context is correct, category names on graph are incorrect, I will correct the category names.

COMMENT: Figure 3 is confusing.

- Response: Figure 3 is a breakdown of the "unprofessional conduct" and "call handling" categories in figure 2 to provide more detail. I changed title to: Subcategories of "Unprofessional Conduct" and "Call Handling" from 2001-2014, to clarify.

COMMENT: On page 9, key stakeholders interviewed includes representatives of Albany PD, but does not include representatives of complainants.

- Response: Methods of data collection were decided in advance with input from the GLC. Complainants were reached via survey option (which also allowed us to pre-test the survey). Interviewees included representatives from the board, monitors, community members, and police representatives (list pg. 21). In future studies, it would be beneficial to consider conducting interviews with complainants.

COMMENT: Table 1 would be more informative if it includes cities which adopted each category of review model.

- Response: This would be interesting. However, it would be challenging to identify unless one completed an extensive review of each board, e.g. many boards do not necessarily identify what type they are, many incorporate aspects of the different types, and boards are constantly changing.

COMMENT: On page 5, the "Ease of Filing a Complaint" part would be more inclusive if it analyzes the possibility of using website complaint.

- Response: I think this is referring to the "Ease of Filing a Complaint" section on pg.3. I added to the text, "for instance some boards allow for complaints by telephone or e-mail (e.g. NYC)". I can't speak to if complainants find online/phone filing easier. However, for NYC in 2014, about 93% of complaints were filed by telephone (includes telephone and voicemail) or electronically, which would suggest they prefer these options.

COMMENT: On page 5, I think the rate of "Sustained" Findings is a factor showing the quality of complaints, while the report treats it as a measure of review board. It can be a measure of the review board only if at least most complaints are effective and in complainant's favor, but this presumption was not proved by evidence.

- Response: I think this is referring to a section on pg. 3 --this section is reporting on measures that boards typically consider for evaluation (as reported in the literature). "Rates of Sustained Findings" describes several possible reasons for changes in sustained findings. The section is saying that using sustained rates alone as a measure of board effectiveness is not a best practice (suggestion is to always consider sustained rates in context). Higher quality complaints (those with more/clear evidence), would likely lead to a higher percentage of findings in favor of both the police and the complainants (and fewer not sustained and no findings).

COMMENT: On page 3, is "Lit Review and History Section" "Literature Review ..."?

- Response: I changed "lit" to "literature."

COMMENT: Reporting date is missing.

- Response: Added data collection period (April and May 2015) for stakeholder interviews--pg. 7.

COMMENT: The title of “the Albany Citizens’ Police Review Board” is possible to lead readers misread the “CPRB” as “ACPRB”.

- Response: changed to "Study of the Citizens' Police Review Board in Albany, NY," to reduce confusion.

VB

COMMENT: There is a comment on page 5 about a potential conflict of interest due to the CPRB sharing legal counsel with the APD. I think this may be misleading to those who don't understand how conflicts are dealt with in the legal field. The main point is that Pat Jordan took this on and maintains a very impartial stance between CPRB and the APD and does not allow a conflict of interest to arise in the first place.

- Response: Text states, "However, it should be noted that the CPRB has never sought to use subpoena power through the common council, and its legal counsel is shared with the City of Albany, which could potentially create a conflict of interest." This is not indicating that a conflict of interest is occurring, but rather it is possible since the legal counsel for the board is the same as that for the city (even with the best intentions one could be implicitly biased in some situations and not even realize it).

COMMENT: I think a better description of how close we are to rolling out the new mediation program would be beneficial. I'm sure it is due to the fact that this report was started a while ago, but much more information could now be included to show how much work really has been done.

- Response: I think this is appropriate for future documents, but this report documents the state of the board during the data collection process (Spring 2015).

COMMENT: Kind of 2 parts here; they compare us to Model 2, and in Model 2, it states that they have no power to compel policy change which is untrue. As a piggy back to that, I actually feel as though we align more with Model 3.

- Response: I agree that the board suggests policy changes, however I don't believe the board is able to force the police to make policy changes (It seems like Albany Police takes the policy suggestions seriously and follows through with them). Model 3 describes boards that do not address individual complaints but rather conduct audits (typically on randomly selected cases) and make recommendations on policy as a whole. We felt at the time of data collection that with the evidence and the definitions of the models that the Albany CPRB fit best with model 2 (given the fact the board reviews individual complaints, and the police complete the investigations). It is important to keep in mind that no board fits exactly with the models, and some boards may reflect different aspect of different models (a sentence similar to this was also added to the text). Also, with the board constantly changing, what model fits best can be more fluid and may be slightly different since we collected data in the spring of 2015.

COMMENT: Under the Mediation section it says stakeholders know little about it which I don't believe is true anymore.

- Response: This is possible, but the report reflects the information obtained in the spring of 2015. By adding the dates of stakeholder interviews, it will more clearly show that this report is reflecting the state of the board in spring 2015.

COMMENT: Under the Monitors section, it discusses that monitors and board members do a lot of duplicate review work, it is stated as a negative but it seems to me that this is usually the case and not quite a bad thing. The monitors do close investigations and the board would only have access to the same or similar items that the monitors have access to.

- Response: The intention wasn't to make this sound negative, rather it was an observation from the stakeholder interviews. I will change the wording from "There is duplication of review work between monitors and board members." To "there may be some duplication of review work between monitors and board members," to make this sound less harsh. This isn't necessarily a negative thing, rather that the board members and monitors reported duplication of work. More investigation/consideration would be necessary to determine if the work is actually duplicated (review of work), if duplication is necessary, and/or if the process should/could be streamlined to reduce duplication.

COMMENT: Typo on p. 8 under "General Issues and Concerns", 3rd bullet, 1st sentence missing "to" between "due" and "a lack of"

- Response: I will add "to."

KM

COMMENT: Established practices in evaluating citizen review boards are described on p.2-3. I wonder if there are additional measures that could be considered. Two specific examples I am interested in are below: (a) Are there any models that include some assessment of the level of agreement between some independent evaluators/ non-board members and the board findings in a sample of cases. In other words, is there some way to assess what % of the time some non-board stakeholders would conclude the complaint in the same way as the board? (b) Are there other ways of measuring the thoroughness of the board investigation and review (e.g., did the board member identify the specific SOP that is relevant to the case? Did the monitor attend OPS's interview of the complainant?, etc.)

- *Response:* 1a. Unfortunately, assessments/evaluations of boards are slim. When they do exist, they typically focus on themes like satisfaction and perceived fairness, and often occur in Response to misconduct or the implementations of changes (e.g. adding mediation). I don't recall any addressing this relationship. Also, since over 2/3rds of case time is spent with OPS, increasing efficiency of the board can only improve the case times so much.

1b. Monitors reported that they are not always notified of OPS interviews until after they occur, and in some cases, interviews are not conducted with the complainant or witnesses (by time the investigation begins, some complainants/witnesses cannot be reached), therefore looking at monitor attendance could indicate either that the monitor didn't attend, the monitor wasn't notified, or the interviews didn't occur. Other possibilities would be to track the percentage of

cases where the complainant is interviewed, the percentage of cases where witness are identified and interviewed (monitors noted that witness info was often incomplete/witnesses unavailable).

COMMENT: The disparity between the stakeholder interviews and the complainant survey Responses on the fairness of the board is quite stark. Why were no complainants interviewed as stakeholders? Could we use follow-ups with these respondents to get a sense of how the process can be improved?

- *Response:* The complainants definitely have a different perspective on the board. Compared to the literature, the low satisfaction/fairness ratings of complainants was not unexpected. In fact, in the literature, complainants that go through a review process (regardless of the outcome) typically have lower satisfaction than those who decide to drop their complaint altogether (and not go through review processes). The research also finds that complainants are much more satisfied with mediation, so once the CPRB gets mediation into practice, this should help with satisfaction.

Data collection methods were chosen in advance with input from the GLC. We collected data from complainants through a survey, that way we are able to give all complainants an opportunity to respond (those with cases resolved b/n 2012-2015). In addition, we were also able to test the survey, so that the CPRB has an option to use it in the future. We had also hoped to have the survey responses as a baseline measure, although the response rate was too low to use for this purpose. We were able to obtain interesting information from complainants not only through their response on the scaled items, but also in the open ended Responses (I will include these as an attachment in this e-mail). For instance, there is still a lot of confusion around the role of the board and the review process, where complainants think that board completes the investigations (not OPS). This is just my opinion, but I also get a sense that many cases brought to the board are he/said she said cases that lack evidence. These cases lead to a non-sustained finding. Although this means that neither the police nor the complainant "wins," I got a sense that complainants view this finding as in favor of the officers (could possibly be improved with a name change or additional explanation of the findings).

Because the survey was anonymous, it would not be possible to follow-up with the respondents who completed the survey. I think in the future, calls with complainants would be useful. They would be most effective when conducted very soon after the complaint was completed (when contact information is likely still accurate and complainants remember complaint well). Complainant feedback should be collected on an ongoing basis, whether it be by phone or survey.

COMMENT: The final recommendations on p.14 were really helpful. Could there be more consideration of the process of selecting and training of monitors? I also agree with the assessment of the high workload for board members. Are there models of boards that better address this issue? Are there untapped resources the board could use to reduce their time commitments (maybe at the GLC or city council resources)? For example, do any boards have a research assistant available to board members? Or are there boards that have shorter and more frequent meeting where fewer board members attend, for example? Is there a more efficient way to organize sub-committee membership?

- *Response:* During data collection, I didn't come across concerns with the selection of monitors, however, training may be needed to ensure their products/procedures are more standardized.

To address high workload-- in some cases board members are paid for their services. Also in the report, we did offer the suggestion to have a larger board, so that caseload for individual members is reduced. However, this may be a challenge, since at the time of the report the board was not filled to capacity.

I am unsure about untapped resources, such as available RAs, the GLC may have some more insight on this topic. Questions regarding the adjustment of board processes to increase efficiency are all excellent questions that unfortunately are not answered in the literature.

Answering these questions, would likely require additional data gathering (interviews or surveys) from other boards, to understand and compare their processes. This would be an interesting topic for further investigation.

COMMENT: Can the organizational roles be added to the appendix on stakeholders who were interviewed?

- *Response:* Of course, I will add them so people can better see the perspectives that were reached.