



Who's Policing the Police?:

A Comparison of the Civilian Agencies
that Perform Oversight of Police in
Texas' Five Largest Cities



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Executive Summary

This report analyzes the civilian agencies that perform oversight of police in Texas' five largest cities: Houston, Dallas, San Antonio, Austin and Fort Worth. These five cities' oversight agencies have different mandates, responsibilities and investigative powers, as well as different relationships to the general public and disclosure requirements. Our research demonstrates that compared to Houston, the other major Texas cities have more-extensive oversight agencies.

For Houston, this report comes at a period when the city is considering changes to its existing civilian oversight institutions. Since 2011, volunteer civilians serving on Houston's Independent Police Oversight Board (IPOB) have reviewed investigations of serious police use-of-force incidents. In September 2020, Houston Mayor Sylvester Turner's Task Force for Police Reform (hereafter "Task Force") recommended policing reforms for Houston. Kinder Institute for Urban Research Director William Fulton served on the Task Force, and Kinder Institute staff members provided research assistance to him in his Task Force work. That research effort was the genesis of this report.

When the Task Force was conducting its review in the summer of 2020, some members of the Houston City Council, as well as other prominent Houstonians, pointedly criticized the IPOB's structure and effectiveness. Council members have suggested that the board is an opaque and ineffective entity that is "window dressing" and not meaningful oversight of police.¹ One of the Task Force's major recommendations included overhauling the IPOB, and the details of that reform will be mentioned in this report.

Our intent is for this report to prove useful for policy design in Houston. Therefore, we focused on other large Texas cities that must perform civilian oversight under the auspices of Texas state law, particularly Local Government Code Chapter 143 (hereafter "LGC 143"), which places obstacles to civilian oversight of the police.

However, the experience we describe may help other Texas cities looking to create oversight organizations.

Civilian oversight systems typically fall into one of three categories:

First, **review** oversight agencies (as in Houston and San Antonio) are usually composed of civilian volunteers who review the police department's use-of-force incident investigations..

Second, **investigative** agencies take a more proactive approach to investigating police use-of-force incidents; they can start and conduct their own investigations into police malfeasance.

Third, **auditor/monitor** organizations represent the third (and newest) type of oversight agencies. Whereas investigative and review organizations tend to be concerned with individual complaints or use-of-force incidents, auditor/monitor organizations conduct intensive, in-depth research into departmental practices, with the ultimate aim of making policy recommendations. Austin, Dallas, and Fort Worth all partially use this approach.

Finally, many cities take a **hybrid** approach toward civilian oversight. Most cities' oversight organizations do a mixture of auditing, investigating and/or reviewing of police work. Austin's agencies do monitoring/auditing and review work, while Dallas' do some of all three.

To analyze each city's civilian oversight practice, the Kinder Institute used the National Association for Citizen Oversight of Law Enforcement's (NACOLE) best practices as a framework. NACOLE is the leading national organization representing practitioners of civilian oversight of police. Drawing on the extensive scholarly literature on civilian oversight, NACOLE developed a list of 13 principles² for effective civilian oversight. Using these principles as a framework, we examined each city's oversight board to see how well they aligned (or diverged) from best practices.

While we hope that this guide helps policymakers across Texas, we must emphasize that each city has local policing concerns. Police departments in Texas — and indeed across the United States — are extremely local institutions. Approximately 18,000 police forces exist in the U.S., including almost 2,800 law enforcement agencies in Texas, which collectively employ roughly 79,000 peace officers.³ The five police departments in this report all have different issues; they also have different issues compared to those in Texas's rural cities, college towns or border metropolises. Their civilian oversight agencies should, accordingly, have some different functions.

Agency comparison at a glance

	Houston	Dallas	San Antonio	Austin	Fort Worth
OVERSIGHT AGENCY OVERVIEW					
Agency name	Independent Police Oversight Board	Office of Community Police Oversight, plus a civilian board	Complaint and Administrative Review Board	Office of Police Oversight, plus a civilian board	Office of the Police Oversight Monitor
Date of founding	2011	2019	2016	2018	2020
Agency type	Review	Hybrid (Monitor, with investigator and review functions)	Review	Hybrid (Monitor, with review function)	Hybrid (Monitor, with investigator and review functions)
Organization structure	Civilian board appointed by mayor	Full-time staff, with civilian board appointed by council and mayor	Civilian board appointed by council	Full-time staff, with civilian board appointed by city manager	Full-time staff
Major activities	Review completed complaint investigations	Perform data analysis on police procedures; conduct investigations as directed by board; identify trends and patterns and make policy recommendations; receive complaints and monitor complaint investigations; monitor officer-involved shooting investigations on scene	Review completed complaint investigations	Perform data analysis on police procedures; identify trends and patterns to make policy recommendations; receive complaints and monitor complaint investigations; monitor officer-involved shooting investigations on scene	Perform data analysis on police procedures; identify trends and patterns and make policy recommendations; receive complaints and monitor complaint investigations; conduct use-of-force reviews to identify trends

	Houston	Dallas	San Antonio	Austin	Fort Worth
NACOLE EVALUATION					
Independent from police	Yes	Yes	No	Yes	Yes
To whom do they report?	Mayor	City manager	Police chief	City manager	City manager
Data access	Poor. Can only review data in reports.	Good. Has independent access to a lot of police information.	Poor. Can only review data in reports.	Fair. Can access data but must rely on APD to locate the evidentiary data.	Good. Has independent access to a lot of police information.
Police staff access	Poor	Has subpoena power but rarely used.	Poor. Can request access but officers can deny it.	Cannot require officers to testify but has working relationships with other APD units.	Serves on important FWPD boards, has working relationships with different police units.
Public outreach practices	None	Extensive public meetings and outreach	None	Extensive public meetings and outreach, plus the office shares extensive information on monitor activities and reports.	Extensive public meetings and outreach
Staff numbers (approx.)	0	5	0	15, soon to increase to 20	3
Budget (approx.)	0	\$545,000	0	\$3.4 million	\$690,000
Transparency and reporting practices	Poor. Agendas and rulings secret.	Good. Board meetings public, activities available on website.	Poor. Agendas and rulings secret, but complainants learn results.	Very good. Board meetings public, extensively shares work on the website.	Good. Website contains information, but the office is too new to have extensive work to share.
Legal status	More tenuous: Created by executive order	Secure: Created by ordinance	More tenuous: Created by collective bargaining agreement with SAPD's union	Mostly secure: Office created by ordinance, board comes from meet and confer agreement with APD's union.	Secure: Created by ordinance
Policy analysis and recommendations	None. While technically the IPOB has the ability to give guidance, per the executive order that created it, it does not appear to do so.	Yes. Monitor conducts analysis and makes recommendations, and board issues policy recommendations.	None	Yes. Monitor conducts analysis and makes recommendations, and board issues policy recommendations.	Yes. Monitor conducts analysis and makes recommendations.

Findings and Recommendations

Civilian oversight is evolving right now across the United States, and as this report shows, it is evolving especially quickly in Texas. Three of the five organizations we researched were less than 2 years old. Perhaps because of this, each of these organizations can present specific lessons for Houston and other Texas cities currently revising their civilian oversight practices.

The agencies in Fort Worth, Dallas and Austin more closely align with the principles for effective civilian oversight. In San Antonio and Houston, civilian oversight agencies suffer from a lack of data access, a lack of independence, uncertain legal status and a complete lack of transparency and public reporting.

Regarding NACOLE best practices, most of the Texas agencies score well by one metric: independence from police. Texas oversight agencies differ in the extent to which they have access to police data and staff, such as complaint data, body camera footage, incident reports, and other key internal police; Dallas and Austin oversight agencies have largely independent access to police data, while the other cities do not. In addition, state law places restrictions on Texas agencies' ability to acquire police personnel information.

As shown in the appendix, city leaders attempting to form a new oversight organization face many challenges: city council members may have objections to the oversight board's recommendations, and activists may have demands that are at odds with the agency's responsibilities. Police unions may put up significant roadblocks to forming a new agency. Dallas, for example, faced significant protests against its board, and Austin needed to do extensive negotiations with its police union in order to finalize the terms of its oversight groups.

Nevertheless, we make five findings below that can help guide Houston and other Texas cities as they consider establishing or revamping their citizen oversight process. In addition, NACOLE provides many excellent resources on starting a new oversight organization. Houston leaders would do well to study not only NACOLE's resources⁴, but also the formation of the agencies in this report (which is partially detailed in the appendix).

1. Civilian oversight agencies need powers and staffing.

Oversight work requires time and money, and extensive research suggests that an ineffective and opaque civilian oversight system may be *worse* than no oversight system at all. If starting or reforming an oversight system, that system should be funded and supported. If an oversight agency is tasked with investigating or auditing complaints, it needs to employ effective investigators (i.e., people with legal knowledge, police expertise and research skills). If a civilian board must gather facts about a use-of-force complaint, it should have time to conduct meaningful review (something that the Houston IPOB currently lacks, according to the recent Task Force findings). If it is auditing policy, the office needs effective researchers and auditors who can help identify what specific police policies or practices lead to unjust outcomes. Austin currently

has approximately 15 staff members with plans to increase to 20 in the immediate future. By contrast, most agencies in the state's big cities have fewer than five employees to oversee forces of thousands of officers. Houston's IPOB has no staff or resources.

2. State law, particularly LGC 143, may also create barriers to citizen oversight.

State law — Local Government Code Ch. 143, specifically — sets many of the parameters that govern how municipalities may review officers' personnel files, consider past disciplinary infractions, discipline officers in a timely fashion or do many other activities that serve civilian oversight best practices. For example, LGC 143:

- Places a 180-day limit on an officer receiving disciplinary suspensions (including for use of force), dated from the day the department becomes aware of the act (see, for example, Local Government Code § 143.117.d).⁵
- Gives officers great leeway in preventing the release of their personnel file (see Local Government Code § 143.1214).⁶
- Allows officers to identify their complainants, which is a disincentive for civilians to file complaints against officers because the civilians may fear retaliation (see Local Government Code § 143.123.f),⁷ a point of particular concern in a state with a large undocumented immigrant population.
- Mandates removal of a disciplinary action against an officer's record if that action is expunged by a hearing examiner, which is a controversial practice.⁸

These rules can be superseded by a collective bargaining agreement or meet and confer agreement (Local Government Code § 143.303 and 143.307.c). These rules represent extra bargaining chips that police unions can bring to the table in a collective bargaining agreement when they are negotiating for other items, such as compensation and benefits.

LGC 143 also has some provisions that only apply to cities with more than 1.5 million people, i.e., only the city of Houston (see Local Government Code Subchapter G).⁹ We suggest that state and city officials confer to discuss LGC 143's barriers to effective oversight, as outlined by NACOLE's principles, and encourage more uniform and evidence-based policy design.

3. Civilian oversight policy is usually written into the collective bargaining agreements.

For the reasons described above, Texas cities don't only write oversight policy through their own ordinances and charter provisions. Because of LGC 143, they also effectively write it through the collective bargaining process with their local police unions. In addition to setting the terms of employment (like salary and benefits), police union collective bargaining agreements (called a "meet and confer" agreement in Houston) often set the power and scope of oversight. San Antonio's oversight board arises directly from the police's collective bargaining agreement, while Austin's oversight board activities are largely outlined in their agreement with the police union.

Additionally, the union contracts often restrict the ability of agencies to hear testimony from police officers, restrict agencies' access to officers' personnel and disciplinary files, allow older disciplinary infractions to be expunged and/or limit the agency's or chief's ability to discipline offending officers, among many other clauses. Transparency can also be harmed by these agreements. For example, San Antonio's collective bargaining agreement limits the ability of oversight board agendas and rulings to be public. Implementing oversight best practices requires changing key clauses to union contracts. Given that Houston's meet and confer with the HPD that was ratified in 2018 ends at the end of 2020, city leaders should pay particular attention to the barriers to effective oversight within that agreement at this specific juncture in time.¹⁰

4. Oversight agencies need a strong legal basis and board members need training.

Agencies that derive from executive orders or collective bargaining agreement terms (like Houston's and San Antonio's) are inherently more tenuous than those written into an ordinance or charter. Creating an organization with an ordinance or charter amendment helps guarantee that the agency has a funding stream and ensures that city officials support the organization through staffing, funding and other legal protections.

Training of civilian board members is necessary because many civilians have strong opinions about police yet possess little knowledge about the ins and outs of patrol police work, which can be rather dull.¹¹ Some cities mandate a strict training regimen for civilian board members (including ride-alongs and classes led by local police).



Photo by Coast Guard News/flickr

Cities looking to revamp their agencies should note that NACOLE issues principles for selecting and training staff people and board members (as outlined in a recent report¹²), such as a basic familiarity with state laws and the history of the local police and their challenges. Some scholars suggest that a board should not be city-appointed; rather, board members and monitors should be appointed by community groups representing non-white communities most likely to face police malfeasance.¹³ Board members should be willing to publicly criticize the police department if needed. Boards may risk irrelevance if their members, without critical investigation, consistently agree (or disagree) with police perspectives.¹⁴

5. Civilian oversight is a part of a larger police accountability project.

Civilian oversight is only part of any overall effort to improve police accountability. Improving accountability also requires policymakers to improve lines of communication between the police and residents, and police departments making their data more publicly available (and not only crime data, but institutional and complaint data

as well). Dallas and Austin attempt to partially do this by having different oversight institutions — both a monitor's office and a board that attempts to guide criminal justice policy and review other police practices. Cities should try to ensure that these different parts of the accountability puzzle fit together and provide information to each other. This can happen when a city has both a board and a monitor, as each agency can make sure the other fulfills its mandate. Accountability also requires that oversight agencies publicize their work, something they cannot easily do because of LGC 143 and clauses in collective bargaining agreements.

Introduction

This report analyzes the civilian agencies that perform civilian oversight of police in Texas’ five largest cities: Houston, Dallas, San Antonio, Austin and Fort Worth. These five cities’ oversight agencies have different mandates, responsibilities and investigative powers, as well as different relationships to the general public, different mandates and different disclosure requirements. Our research demonstrates that, compared to Houston, the other major Texas cities mostly have more-extensive oversight agencies.

For Houston, this report comes at a period when the existing civilian oversight institution is being reviewed by the city for possible changes. Since 2011, volunteer civilians serving on Houston’s Independent Police Oversight Board (IPOB) have reviewed investigations of serious police use-of-force incidents. In September 2020, Houston Mayor Sylvester Turner’s Task Force for Police Reform (hereafter “Task Force”) recommended policing reforms for Houston. Kinder Institute for Urban Research Director William Fulton served on the Task Force, and Kinder Institute staff members assisted him in his Task Force work by providing research assistance. That research effort was the genesis of this report.

While the Task Force was conducting its review in the summer of 2020, some members of the Houston City Council as well as other prominent Houstonians pointedly criticized the IPOB’s structure and effectiveness. Councilmembers have suggested that the board is an opaque and ineffective entity that is “window dressing”¹⁵ and not meaningful oversight of police. One of the Task Force’s major recommendations included overhauling the IPOB, and the details of that reform will be mentioned in this report’s appendix.

Our intent is for this guide to prove useful for policy design in Houston. Therefore, we focused on other large Texas cities that must perform civilian oversight under the auspices of Texas state law, particularly Local

Government Code Chapter 143 (hereafter “LGC 143”), which places obstacles to civilian oversight of the police. However, the experience we describe may help other Texas cities looking to create oversight organizations.

To analyze each city’s civilian oversight practice, the Kinder Institute used the National Association for Citizen Oversight of Law Enforcement’s (NACOLE) best practices as a framework. NACOLE is the leading national organization representing practitioners of civilian oversight of police. Drawing on the extensive scholarly literature on civilian oversight, NACOLE developed a list of 13 principles¹⁶ for effective civilian oversight. Using these principles as a framework, we examined each city’s oversight board to see how well they aligned (or diverged) from best practices.

While we did not apply a quantitative NACOLE score to each agency, we did conclude that the agencies in Fort Worth, Dallas and Austin more closely align with the principles for good and effective civilian oversight. In San Antonio and Houston, civilian oversight agencies suffer from a lack of data access, a lack of independence from police, uncertain legal status and a complete lack of transparency and public reporting.

While we hope that this guide helps policymakers across Texas, we must emphasize that each city has local policing concerns. Police departments in Texas — and indeed

across the United States — are hyper-local institutions. Approximately 18,000 police forces exist in the U.S., including almost 2,800 law enforcement agencies in Texas, which collectively employ roughly 79,000 peace officers (as of writing).¹⁷ Texas' large cities in this report all have their own crime and policing challenges, which also differ from Texas' rural cities, college towns or transnational border metropolises. Their civilian oversight agencies should, accordingly, have some different functions.

Citizen Oversight of Police: An Overview

Civilian oversight of police¹⁸ is part of this larger police accountability project.¹⁹ According to experts on the field, police should be publicly accountable at the agency- and officer-level. Agencies are expected to fight crime and disorder while providing public services, while officers are expected to be fair and just while they execute the department's goals.²⁰ Accountability has both an internal and external dimension. Internally, officers are accountable to performance goals, their supervisors and other agency demands. Externally, officers must be accountable to public expectations of fairness, justice and equity.

The civilian oversight agencies analyzed in this report are part of that external accountability project (with the exception of San Antonio, whose civilian oversight agency is technically within the police department). This report, however, will focus primarily on civilian oversight agencies' practices, and less on how they fit with other aspects of the accountability puzzle.

While most police rarely use violence in their daily work—only 2% of police-civilian contacts lead to use of force or even a threat²¹—police use-of-force is at the heart of most civilian oversight agencies.²² Police have a unique relationship to the law and violence. Often, police interactions with citizens represent a crucial juncture where the state's capacity for violence intersects with the everyday structural inequalities of the United States.²³ Simply put, poorer and non-white civilians are more likely to be the targets of police violence, which is often one of the reasons why citizens seek more oversight of police.²⁴ Thus, use-of-force assumes special attention in the world of civilian oversight.

But oversight can center on more than use-of-force. Nonviolent police encounters, such as traffic stops, can also be unjust and unfair. So can promotion and hiring practices or emergency response times. Oversight agencies also can, for example, review promotions, review weapons acquisition,²⁵ do "big data" analysis with collected bodycam footage,²⁶ or actively help write and

enforce the policies that govern the police department's everyday operations.²⁷ In this research, we found that the more-thorough oversight agencies in Texas do, in fact, engage in more than use-of-force review.

The five largest Texas cities all have external civilian oversight institutions and they differ extensively in their composition, powers and operation. Each agency has a different legal basis, different abilities to conduct independent investigations and different staffing capacities. Austin employs approximately 15 people (soon to be 20) in its Office of Police Oversight, many of whom have advanced degrees. Austin also supports a volunteer Community Police Review Commission that reviews officer use-of-force cases. Dallas and Fort Worth employ much less staff than Austin, but still have a diversely trained staff. San Antonio and Houston employ no civilian oversight professionals. San Antonio has a board of 14 people — 7 officers and 7 civilians — within its police's Internal Affairs division that reviews use-of-force cases. Many other large Texas cities may not do civilian oversight. For example, we originally intended to include El Paso in this report, but it has no civilian oversight agency.

History of civilian oversight of police

The earliest major push for institutionalizing civilian oversight came during the 1930s, after notable federal commissions advocated for the practice. The major cities of the mid-Atlantic region formed the first major civilian oversight agencies in the mid-20th century: Washington, D.C., in 1948, New York City in 1953 and Philadelphia in 1958. Police interests quickly pushed back against these oversight agencies.²⁸ Within two decades, all had dissolved or changed substantially due to lack of funding and public support.

The next major push emerged from the 1960s unrest in Detroit, Los Angeles/Watts and other cities that frequently arose directly from police abuse against Black civilians. The federal Kerner Commission in 1968 recommended that cities institute oversight agencies, and many did. In the 1970s and onwards, the newer civilian oversight agencies tended to have more investigative powers, greater budgets, more ability to discipline officers and a constant funding stream thanks to agencies being enshrined through city charter amendments or ordinances. Some civilians took oversight matters into their own hands: Black Power organizations across the U.S. started "copwatch" programs in which members would actively follow police officers in order to witness their interactions with civilians.

Another push came in the 1990s, when the 1992 Los Angeles Riots and broken windows/"zero tolerance" po-

licing caused people to demand more civilian oversight. A 1994 federal policy within the Violent Crime Control and Law Enforcement Act gave the federal government more power to investigate local police departments, largely through federal consent decrees, which placed local police departments that had a demonstrable record of violence under federal oversight.

Following Michael Brown's death in Ferguson, Missouri, in 2014, protests under the broad "Black Lives Matter" movement have increasingly pushed for policing reforms, including oversight, leading cities to institute new organizations. Also, the Justice Department under the Obama administration oversaw many consent decrees in places like New Orleans, Cleveland, Chicago and Ferguson, helping to institutionalize improved oversight agencies in some of those places. While this expansion has effectively ceased during the Trump presidency,²⁹ existing consent decrees and broader protests have expanded civilian oversight: experts estimate around 150 exist in the United States today.³⁰ Famous examples exist in San Jose, New Orleans, Denver and San Francisco, yet even smaller cities like Urbana, Illinois, have civilian review boards or professional police monitors.

Civilian oversight has an ambivalent history. The agencies sit at the center of a struggle among different municipal interests: activists, police union leadership, local politicians, the police chief, advocacy organizations, rank-and-file officers and so forth. Often, the public will rally around creating an oversight agency after a controversial use-of-force case. City leaders will then create an agency, and decades later the public will protest again after a major incident increases demand for new police accountability practices. This has been the case within Houston, as the IPOB replaced an older civilian oversight board in 2011.

Sometimes an agency will start with a broad mandate but not have the staffing capacity to support it (as happened in the 1950s in New York City), or the union's collective bargaining agreement will kneecap the agency's ability to gather evidence from officers. Sometimes a review board's members, if they are sympathetic to police and their unions, will weaken the board's oversight capacities (a critique levied at the IPOB by some citizens, including a former IPOB member).³¹

Types of oversight agencies

Scholars place oversight organizations into different categories, which can help us frame the work of the different organizations in Texas. While few use the same language to describe the types of oversight agencies, we adopt the typology used by De Angelis et alia in their report for

NACOLE,³² and identify three types of agencies, along with one broad hybrid model. Scholars deductively devised these categories to help categorize the broad diversity of agencies that already existed, so there is no perfect "ideal type" of the three categories. No two agencies are the same.

First, **review** oversight agencies (as in Houston and San Antonio) are usually composed of civilian volunteers who review police use-of-force incidents. They often review completed internal affairs investigations and help direct civilian complaints toward the proper investigative authorities within the police department. Of all types of oversight agencies, review organizations tend to be the weakest because they do not have their own investigative or monitoring/auditing powers. The IPOB in Houston is a purely "review" organization, as it has very limited powers to conduct its own investigations, instead being handed completed internal affairs investigations without the ability to independently collect further evidence on the event.

Investigative agencies take a more proactive approach to investigating police use of force. Like review organizations, they largely concern themselves with police use-of-force cases. Unlike review organizations, they can initiate and conduct their own investigations into police malfeasance. They may operate like an "internal affairs" unit within a police department, with the key difference being that they are external to the police department. The investigative model tends to be more resource-intensive than review boards. While unpaid volunteers serve on review boards, investigative agencies often employ highly trained lawyers or advanced-degree holders who come at a salary premium. Effective investigative agencies' cost requirements present a hurdle to cash-strapped cities that try to form them (especially now, as COVID-19-induced budget shortages challenge city coffers). Additionally, since they take a more active role investigating individual officers, investigative agencies face significant pushback from police rank and file and their unions.

Auditor/monitor organizations represent the third (and newest) type of oversight agency. Austin, Dallas and Fort Worth's agencies all have monitors. Whereas investigative and review organizations tend to be concerned with individual complaints or use-of-force incidents, auditor/monitor organizations conduct intensive, in-depth research into departmental practices, with the ultimate aim of making policy recommendations. Auditors tend to examine larger patterns across all complaints over time, rather than gathering facts about individual complaints against officers. They will also audit training programs, hiring policies and other relevant operational practices.

Because their work is more policy-focused, auditors tend to face less pushback from police unions than investigators. Yet because their work is usually slower and more technocratic than the other agency types', the public may remain skeptical of an auditor's effectiveness. Perhaps because of this, some auditors still do basic critical incident review work (such as auditors in Austin and Dallas, who will show up on the scene of police shootings).

Therefore, many cities (including Austin and Dallas) take a **hybrid** approach toward civilian oversight. Most cities' oversight organizations do a mixture of auditing, investigating and/or reviewing police work. Austin's agencies do audit and review work, while Dallas' do some of all three.

What makes an oversight agency effective?

The most important question to ask about citizen oversight is: Do oversight agencies work? Do they help support fairer, more just and more effective police practices?

The answer is yes — if they have the right combination of powers and transparency.

Agencies that are transparent in their daily work and can successfully discipline offending officers can help bring about greater trust of the police department, fewer racial disparities in violence and fewer assaults against police.³³

Interestingly, research suggests that the complete *lack* of an oversight agency is better for a city (measured in fewer officer deaths and higher officer legitimacy) than if they have an agency that lacks effective legal and investigative powers.³⁴

NACOLE has published a list³⁵ of 13 guiding principles for effective civilian oversight agencies that provide a good starting point for analyzing citizen oversight efforts. These principles are:

1. Independence
2. Clearly defined and adequate jurisdiction and authority
3. Unfettered access to records and facilities
4. Access to law-enforcement executives and internal affairs staff
5. Full cooperation with that staff
6. Sustained stakeholder support
7. Adequate funding and resources
8. Public reporting and transparency
9. Policy and pattern analysis
10. Community outreach
11. Community involvement

12. Confidentiality, anonymity and protection from retaliation

13. Procedural justice and legitimacy

Recent research and other evidence reinforce the value of many of these criteria.

For example, access to law enforcement staff and protection from retaliation is vital. Evidence suggests that police comply more aggressively when their unions and supervisors, and not their oversight agencies, issue directives.³⁶ This suggests that “police monitoring police” may be more effective than “civilians monitoring police.”³⁷ Yet a tremendous problem is the police “code of silence” that discourages officers from reporting on their abusive peers.³⁸ Rank-and-file officers, the vast majority of whom are law-abiding, notice their abusive peers' problematic behaviors long before the general public does. Therefore, oversight agencies should try to devise ways to involve the police rank and file in their daily work and help protect them from retaliation,³⁹ which has (through anonymous complaints from officers) happened in Austin.⁴⁰

One argument put forward by police unions and some police scholars is that if the police fear reprisal from citizen complaints, they will “de-police” and pull back on their crime-fighting efforts, which will lead to an increase in crime. Manhattan Institute scholar Heather Mac Donald dubbed this the “Ferguson effect.”⁴¹ Yet studies suggest there is no extensive, significant link between de-policing and increased homicides.⁴² Even studies that found homicide increases linked to de-policing in a few specific cities after 2014 did not find evidence of a systemic, nationwide increase in crime.⁴³ Post-Ferguson demoralization among rank-and-file officers also seems less intense than the Ferguson effect's proponents may assume, based on national time-series survey data.⁴⁴ Assaults against police officers also did not increase nationwide.⁴⁵

While evidence does not wholeheartedly support the “Ferguson effect,” research does suggest that officers will exert less effort (as measured by arrests) after scandals.⁴⁶ This has important implications for oversight because oversight agencies often start after scandals. People may perceive that the police reduce their overall effort because of the oversight agency, when in reality, the de-policing is more significantly associated with the police scandal combined with the public's subsequent loss of trust, and not the civilian oversight agency *per se*.

This insight leads to an important point: forming the civilian oversight agency *before the scandal happens* may help ensure greater police buy-in to the agency.

Methods

For this report, we analyzed the oversight agencies and institutions in the five largest Texas cities: Houston, Dallas, San Antonio, Austin and Fort Worth. Rather than evaluating the impact of these organizations, we opted to analyze how well their oversight agencies comply with NACOLE’s 13 guiding principles, which are cited above.

We chose this approach largely because NACOLE is considered the major national organization for civilian oversight of policing, and therefore its principles represent a vetted, researched national standard. We opted for this NACOLE-based approach, rather than evaluate each agency’s success (based on metrics such as officer use-of-force complaints), largely because Texas’ oversight agencies are very new. Houston’s 9-year-old IPOB is the oldest organization, and it may soon be replaced. Most agencies have been around for less than two years. Because of their novelty, it is difficult to responsibly evaluate the “success” of these oversight organizations.

To gather data on each organization, we consulted their websites, enabling ordinances and other legal documents pertaining to their incorporation and organization. Additionally, we conducted interviews with staff from each organization,⁴⁷ which in three of five cases was the agency’s head. We created a standardized interview schedule to ensure a like comparison of each city’s oversight agency. To verify our findings, we circulated a draft of the report to each agency in order to verify that our final findings confirmed with the on-the-ground reality in their city.

In the remainder of this report, we translate the work of the five cities’ civilian oversight agencies into the following categories, which are based on NACOLE’s 13 principles, with added context when necessary. Note: NACOLE’s list of 13 principles contains some variables

that we cannot easily operationalize. For example, the public’s perception of police legitimacy is difficult to measure outside of performing a survey of each city’s population. “Community involvement” can likewise be difficult to measure. We include reflections on those difficult-to-measure categories (gleaned from interviews and news stories) within the appendix, yet use the variables below in our narrative:

- Degree of independence from police
- To whom do they report?
- Data access
- Police staff access
- Public outreach practices
- Staffing
- Budget
- Transparency and reporting practices
- Legal powers and status
- Policy analysis and recommendations

Our findings are summarized below, and detailed histories and narratives of each agency are contained in the appendix.

Agency comparison at a glance

	Houston	Dallas	San Antonio	Austin	Fort Worth
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Agency type	Review	Hybrid (Monitor, with investigator and review functions)	Review	Hybrid (Monitor, with review function)	Hybrid (Monitor, with investigator and review functions)
Organization structure	Civilian board appointed by mayor	Full-time staff, with civilian board appointed by council and mayor	Civilian board appointed by council	Full-time staff, with civilian board appointed by city manager	Full-time staff
Major activities	Review completed complaint investigations	Perform data analysis on police procedures; conduct investigations as directed by board; identify trends and patterns and make policy recommendations; receive complaints and monitor complaint investigations; monitor officer-involved shooting investigations on scene	Review completed complaint investigations	Perform data analysis on police procedures; identify trends and patterns to make policy recommendations; receive complaints and monitor complaint investigations; monitor officer-involved shooting investigations on scene	Perform data analysis on police procedures; identify trends and patterns and make policy recommendations; receive complaints and monitor complaint investigations; conduct use-of-force reviews to identify trends
NACOLE EVALUATION					
Independent from police	Yes	Yes	No	Yes	Yes
To whom do they report?	Mayor	City manager	Police chief	City manager	City manager
Data access	Poor. Can only review data in reports.	Good. Has independent access to a lot of police information.	Poor. Can only review data in reports.	Fair. Can access data but must rely on APD to locate the evidentiary data.	Good. Has independent access to a lot of police information.
Police staff access	Poor	Has subpoena power but rarely used.	Poor. Can request access but officers can deny it.	Cannot require officers to testify but has working relationships with other APD units.	Serves on important FWPB boards, has working relationships with different police units.
Public outreach practices	None	Extensive public meetings and outreach	None	Extensive public meetings and outreach, plus the office shares extensive information on monitor activities and reports.	Extensive public meetings and outreach

	Houston	Dallas	San Antonio	Austin	Fort Worth
Staff numbers (approx.)	0	5	0	15, soon to increase to 20	3
Budget (approx.)	0	\$545,000	0	\$3.4 million	\$690,000
Transparency and reporting practices	Poor. Agendas and rulings secret.	Good. Board meetings public, activities available on website.	Poor. Agendas and rulings secret, but complainants learn results.	Very good. Board meetings public, extensively shares work on the website.	Good. Website contains information, but the office is too new to have extensive work to share.
Legal status	More tenuous: Created by executive order	Secure: Created by ordinance	More tenuous: Created by collective bargaining agreement with SAPD's union	Mostly secure: Office created by ordinance, board comes from meet and confer agreement with APD's union.	Secure: Created by ordinance
Policy analysis and recommendations	None. While technically the IPOB has the ability to give guidance, per the executive order that created it, it does not appear to do so.	Yes. Monitor conducts analysis and makes recommendations, and board issues policy recommendations.	None	Yes. Monitor conducts analysis and makes recommendations, and board issues policy recommendations.	Yes. Monitor conducts analysis and makes recommendations.



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Findings

The agencies in Fort Worth, Dallas and Austin more closely align with the principles for effective civilian oversight. In San Antonio and Houston, civilian oversight agencies suffer from a lack of data access, a lack of independence, uncertain legal status and a complete lack of transparency and public reporting.

Dallas and Austin have the most similar types of oversight institutions. Both of those cities employ a full-time police monitor with staff (with Austin's staffing capacity being larger, as their budget is growing at the same time that the APD's funding is being cut).⁴⁸ They also feature appointed boards of slightly different configurations. The boards review critical incidents and offer policy recommendations.

Four of the five cities have some kind of appointed civilian board. Fort Worth is the only one of the five with no board as of writing, though leadership is exploring the topic.. Civilian boards remain popular because they appear to put everyday people in positions of power over police. However, civilians have jobs and families and thus cannot easily devote the time to the details that is necessary for effective monitor and/or investigative work. In Dallas and Austin, boards operate alongside the full-time monitor's office, providing policy recommendations and guidance while doing review work, and in Dallas' case, guiding the monitor's investigations. Boards in San Antonio and Houston operate with no full-time staff being devoted to their operation, though the Houston Task Force final report recommends adding staff to IPOB.

Each city has a different way to appoint its board leadership and sets different term limits. The city council as a whole picks the board members in some cases (e.g., San Antonio). In Dallas, city council members and the mayor each get one pick. Some cities (Austin, San Antonio) require an application. In Houston, the only strong-mayor city among the five, the mayor chooses the board members, who must be approved by the city council. Houston's

board members serve for long periods, a point of contention raised within the Task Force's final report, which recommended staggered term limits and regular audits for IPOB members.

Regarding NACOLE best practices, most of the Texas agencies score well by one metric: independence from police. All agencies except San Antonio are independent of police and are seated elsewhere in the city government under the auspices of the mayor or city manager. The CARB, San Antonio's appointed board of seven police officers and seven civilians, actually sits within the internal affairs department of the SAPD. The board reviews complaint investigations after they are completed. Each "half" of the board — the citizens and the police — issue recommendations to sustain or overrule the findings of internal affairs' investigations.

Following another NACOLE recommendation, Texas oversight agencies differ in the extent to which they have access to police staff and data, such as complaint data, body camera footage, incident reports and other key internal police data. Monitors in Dallas and Fort Worth have largely independent access to police data, including their own logins. While Austin's staff theoretically has the capacity to do more high-level research, they need to put in requests to the APD for much relevant data. Houston's and San Antonio's agencies, meanwhile, have the least independent data access: they use incident reports provided by their police forces. Mayor Turner's Task Force noted the logistical difficulties that IPOB members face when doing review work and encouraged longer review periods in ad-

dition to IPOB members having more access to important data (like autopsy data after a fatal police shooting).

All agencies face other hurdles to data access. As we address in the next and final section, LGC 143 places restrictions on Texas police oversight agencies' ability to acquire police personnel information. The same law also places a strict 180-day limit on most police use-of-force investigations: disciplinary rulings must occur within 180 days of the incident becoming known, meaning review agencies (which all contain volunteer civilians who have their own work and life demands) are pressed to rely on investigations conducted in a short time span.

Regarding transparency and public reporting, it is difficult to provide extensive evaluations because so many agencies are so new. Because of that and the pandemic's impact on operations, some agencies simply have not had time to do extensive research. With that noted, Austin's police monitor appears to be the standout model for public reporting. Its website contains links to its reports and follow-ups about complaints against APD officers. All documents appear online, so, for example, Austinites can easily read the office's research on racial disparities in Austin traffic stops.⁴⁹ Fort Worth and Dallas offices, like Austin, also do extensive public outreach at community meetings.

Regarding transparency, the boards in both Houston and San Antonio have very poor practices. All meeting agendas and findings for these boards are confidential. Civilian board members must abide by very strict confidentiality requirements: they largely cannot talk about the work they do or the cases they hear. While the executive order creating Houston's IPOB says the board must do public outreach, it does not appear to do so (according to recent Task Force findings).

Indeed, the mere existence of the Houston and San Antonio boards is not widely known. For example, when protesters recently petitioned the San Antonio City Council to create a civilian oversight agency, the council agreed the city needed such an organization. Apparently, neither the protestors nor the council members knew that San Antonio's oversight board has operated in its current form since 2016.⁵⁰

In Houston and San Antonio, boards also lag by the NACOLE standard of performing policy analysis. The monitors and/or boards in the three other cities all provide policy guidance, which has proven moderately controversial in Dallas (see appendix). Monitors in Dallas, Austin and Fort Worth issue policy guidance following their research, while boards in Dallas and Austin deliberate policy

recommendations. This is not the case in San Antonio and Houston. While the executive order that created Houston's IPOB states that the board can issue policy guidance, according to the recent Task Force report, it has not.

Lastly, there is the important matter of *how* cities create these agencies and the legal authority under which they operate. As we mentioned in the history section of this report, agencies enshrined under ordinance or charter amendment have more permanent and stable legal status and funding. In Dallas, Austin and Fort Worth, ordinances grant the oversight agencies their authority and help ensure a steady appropriation stream. In Houston, a mayoral executive order created the IPOB. This provides less legal basis for ensuring funding for a (future, reformed) IPOB. In San Antonio, the collective bargaining agreement with the San Antonio Police Department dictates the entire makeup and workings of the oversight board. Once the agreement expires, San Antonio may or may not have any more civilian oversight. (Similarly, Austin's monitor office was a creature of the police union contract until 2018, when the city council passed an ordinance to help fund the office and make it permanent). In Austin, the meet and confer agreement with APD also dictates a lot of the power and operations of that city's volunteer board.

Recommendations

Right now, civilian oversight is evolving across the United States and, as this report shows, it is evolving especially quickly in Texas. Three of the five organizations we researched were less than 2 years old. Perhaps because of this, each of these organizations can present specific lessons for Houston and other Texas cities currently revising their civilian oversight practices.

As shown in the appendix, city leaders attempting to form a new oversight organization face many challenges: city council members may have objections to the oversight board's recommendations, activists may have demands that are at odds with the agency's responsibilities, and police unions may put up significant roadblocks to forming a new agency. Dallas, for example, faced significant protests against its board, while in Austin, extensive negotiations between the city and the police union were necessary to finalize the terms of its oversight groups.

Nevertheless, we make five findings below that can help guide Houston and other Texas cities as they consider establishing or revamping their citizen oversight process. In addition, NACOLE provides many excellent resources on starting a new oversight organization. Houston leaders would do well to study NACOLE's resources⁵¹ as well as the formation of the agencies in this report (which is partially detailed in the appendix).

1. Civilian oversight agencies need powers and staffing.

Oversight work requires time and money, and extensive research suggests that an ineffective and opaque civilian oversight system may be *worse* than no oversight system at all. If starting or reforming an oversight system, that system should be funded and supported. If an oversight agency is tasked with investigating or auditing complaints, it needs to employ effective investigators (i.e., people with

legal knowledge, police expertise and research skills). If a civilian board must gather facts about a use-of-force complaint, it should have time to conduct meaningful review (something that the Houston IPOB currently lacks, according to the recent Task Force findings). If it is auditing policy, the office needs effective researchers and auditors who can help identify what specific police policies or practices lead to unjust outcomes. Austin currently has approximately 15 staff members with plans to increase to 20 in the immediate future. By contrast, most agencies in the state's big cities have fewer than five employees to oversee forces of thousands of officers. Houston's IPOB has no staff or resources.

2. State law, particularly LGC 143, may also create barriers to citizen oversight.

State law — Local Government Code Ch. 143, specifically — sets many of the parameters that govern how municipalities may review officers' personnel files, consider past disciplinary infractions, discipline officers in a timely fashion or do many other activities that serve civilian oversight best practices. For example, LGC 143:

- Places a 180-day limit on an officer receiving disciplinary suspensions (including for use of force), dated from the day the department becomes aware of the act (see for example Local Government Code § 143.117.d).⁵²
- Gives officers great leeway in preventing the release of their personnel file (see Local Government Code § 143.1214).⁵³



Photo by Office of Public Affairs/flickr

- Allows officers to identify their complainants, which is a disincentive for civilians to file complaints against officers because the civilians may fear retaliation (see Local Government Code § 143.123.f),⁵⁴ a point of particular concern in a state with a large undocumented immigrant population.
- Mandates removal of a disciplinary action against an officer's record if that action is expunged by a hearing examiner, which is a controversial practice.⁵⁵

These rules can be superseded by a collective bargaining agreement or meet and confer agreement (Local Government Code § 143.303 and 143.307.c). These rules represent extra bargaining chips that police unions can bring to the table in a collective bargaining agreement when they are negotiating for other items such as compensation and benefits.

LGC 143 also has some provisions that only apply to cities with more than 1.5 million people, i.e., only the city of Houston (see Local Government Code Subchapter G).⁵⁶ We suggest that state and city officials confer to discuss LGC 143's barriers to effective oversight, as outlined by NACOLE's principles, and encourage more uniform and evidence-based policy design.

3. Civilian oversight policy is usually written into the collective bargaining agreements.

For the reasons described above, Texas cities don't only write oversight policy through their own ordinances and charter provisions. Because of LGC 143, they also effectively write it through the collective bargaining process with their local police unions. In addition to setting the terms of employment (like salary and benefits), police union collective bargaining agreements (called a "meet and confer" agreement in Houston) often set the power and scope of oversight. San Antonio's oversight board arises directly from the police's collective bargaining agreement, while Austin's oversight board activities are largely outlined in their agreement with the police union.

Additionally, the union contracts often restrict the ability of agencies to hear testimony from police officers, restrict agencies' access to officers' personnel and disciplinary files, allow older disciplinary infractions to be expunged and/or limit the agency's or chief's ability to discipline offending officers, among many other clauses. Transparency can also be harmed by these agreements. For example, San Antonio's collective bargaining agreement limits the ability of oversight board agendas and

rulings to be public. Implementing oversight best practices requires changing key clauses to union contracts. Given that the City of Houston's meet and confer with HPD, which was ratified in 2018, ends at the end of 2020, city leaders should pay particular attention to the barriers to effective oversight within that agreement at this specific juncture in time.⁵⁷

4. Oversight agencies need a strong legal basis and board members need training.

Agencies that derive from executive orders or collective bargaining agreement terms (like Houston's and San Antonio's) are inherently more tenuous than those written into an ordinance or charter. Creating an organization with an ordinance or charter amendment helps guarantee that the agency has a funding stream and ensures that city officials support the organization through staffing, funding and other legal protections.

Another point of concern is how oversight personnel are selected.

In Texas and elsewhere, civilian oversight staff have specific training in law and policing. Lead monitors in Austin, Fort Worth and Dallas are all lawyers who have worked in oversight leadership in other major U.S. cities. Each head monitor faced an extensive vetting process when hired. Many were interviewed by both city and civic leaders, along with the police.

As for volunteer oversight board members, each of the cities in this report has different term limits and training requirements for board members. Full-time oversight staff must spend significant time training volunteer board members, according to at least two of our informants. Training is necessary because many civilians have strong opinions about police yet possess little knowledge about the ins and outs of patrol police work, which can be rather dull.⁵⁸ Some cities mandate a strict training regimen for civilian board members (including ride-alongs and classes led by local police).

Cities looking to revamp their agencies should note that NACOLE issues guidelines for selecting and training staff and board members (as outlined in a recent report⁵⁹), which include a basic familiarity with state laws and the history of the local police department and their challenges. Some scholars suggest that a board should not be appointed by the city; rather, board members and monitors should be appointed by community groups representing non-white communities most likely to face police malfeasance.⁶⁰ Board members should be people

willing to publicly criticize the police department if needed. Boards may risk irrelevance if their members, without critical investigation, consistently agree (or disagree) with police perspectives.⁶¹

Mayor Turner's Task Force final report suggests changes to IPOB, including how the board is composed (e.g., allowing convicted felons and green card holders onto the board), its size, and the frequency of audits of board activities. This report would also suggest assuring that the investigators or monitors hired come to Houston with extensive experience and training, like those in the other large Texas cities. As the fourth largest city in the U.S., Houston should possess the resources to acquire the needed oversight professionals.

5. Civilian oversight is a part of a larger police accountability project.

Civilian oversight is only part of any overall effort to improve police accountability. Improving accountability also requires policymakers to improve lines of communication between the police and residents, and police departments making their data more publicly available (and not only crime data, but institutional and complaint data as well). Dallas and Austin attempt to partially do this by having different oversight institutions — both a monitor's office and a board that attempts to guide criminal justice policy and review police practices. Cities should try to ensure that these different parts of the accountability puzzle fit together and provide information to each other. This can happen when a city has both a board and a monitor, as each agency can make sure the other fulfills its mandate. Accountability also requires that oversight agencies publicize their work, something they cannot easily do because of LGC 143 and clauses in collective bargaining agreements.

Conclusion

Oversight does not necessarily preclude a lack of faith in the police. As research shows, better oversight institutions lead to increased civilian trust in the police and lower rates of assaults against officers. Effective civilian oversight would see the police not only as subjects of oversight but co-participants, as rank-and-file officers have insider knowledge of their department's challenges. No two oversight institutions are the same, and we hope cities exploring the reformation of their oversight agencies, or the formation of new ones, consider local concerns and the political environment of their own city and ways to involve both citizens *and* officers in civilian oversight.

Appendix

Houston: Independent Police Oversight Board

- Date of founding
 - 2011
- Organization type
 - Review
- Organization structure and main activities
 - 20-member appointed board, with one appointed chair, reviews completed Internal Affairs Division (IAD) investigations into serious use-of-force incidents.
- Independent from police?
 - Institutionally, yes; practically no. While not formally within the police department, IPOB members must rely entirely on police for information about use-of-force cases. Their information is entirely dependent on the police.
- Staffing and budget
 - Null. There is no staff or budget. All board members are volunteers.
- Responsibilities
 - Review completed use-of-force investigations.
 - Per the executive order that created the IPOB, it has a broader mandate to monitor community concerns, review officer evaluation policies, recommend officer training practices and involve itself in officer recruitment. However, the recent Task Force report claims that the IPOB does not effectively perform these duties.
- Data access
 - Negligible: all investigatory data come from police and must be requested.

- Police staff access
 - Negligible: IAD staff present use-of-force investigation narratives. The IPOB may make recommendations to the police chief, but lacks access to officers.
- Public outreach practices
 - Null. While mandated in their executive order, per interviews and recent news stories, the IPOB does not appear to engage in meaningful public outreach.
- Transparency
 - Nonexistent. The IPOB's agendas are private and members are under strict instructions not to talk about their cases.
- Legal powers
 - Created by an executive order.
 - The IPOB cannot subpoena officers or other people involved in a use-of-force incident.

As of writing in Fall 2020, it seems that the IPOB may soon no longer exist in its current form. Mayor Sylvester Turner's Task Force on Policing Reform issued its final report on Sept. 30, 2020. One of the core recommendations of the Task Force was a significant overhaul of the IPOB. The Task Force echoed the recent complaints of certain Houston City Council members who said they have "no confidence in the current format" of the IPOB. As weighed against NACOLE's 13 standards, the IPOB appears to cover a shockingly small number of them. We chose to describe the IPOB's current format in this report in order to highlight the reasons for these shortcomings. We will conclude by briefly describing the Task Force's recommendations for the improved IPOB.

The IPOB's history is associated with a series of use-of-force scandals in Houston's recent history. The police murder in 1977 of Jose Campos Torres, a Vietnam veteran,

led to the creation of the Internal Affairs Division in HPD, a unit within the police department that would investigate officer malfeasance. Two more police killings in 1989, of Ida Lee Delaney and Byron Gillium, led to former Houston Mayor Kathy Whitmire creating a non-police review agency, the Citizens Review Committee. In 2011, then-Mayor Annise Parker replaced this committee with the current IPOB after surveillance cameras captured footage of roughly a dozen HPD officers beating a teenager. The (potential) future reform of the IPOB is different in that it will arise mostly in reaction to George Floyd's killing in Minneapolis and not a use-of-force incident within Houston.

Per the standards above, the IPOB is a “review” agency. It is “staffed” entirely by volunteer civilians and has no dedicated paid employees. Board members only have two weeks to consult most incident files prior to a meeting and must consult these files in person, an onerous demand for someone with a family working a 9-to-5 job. The IPOB does not conduct its own investigations; rather, it reviews completed IAD investigations into serious instances of police use of force. The IPOB consists of 20 members plus one chair. The mayor appoints, and the city council approves, each IPOB member. Within the IPOB are four five-member panels with one member serving as panel chair.

When they meet, the incident case file is brought to the IPOB meeting area, which is closed and private. The panel deliberates and may or may not suggest that further investigation is needed. When considering their ruling, the IPOB members may only consider the IAD-produced case file on the incident. They cannot consult the officers' personnel files in order to gather more information about the incident and its context. According to the recent Task Force report, however, the use-of-force victim's criminal record usually is included in the IAD report, and an IAD officer is not always readily available to answer questions.

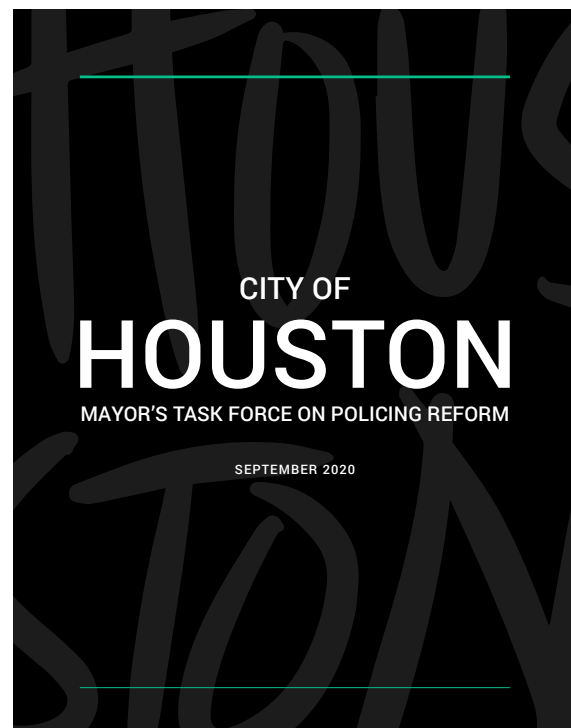
The IPOB's public transparency practices are very poor, per the NACOLE standards. One question is how the agency helps with public accountability if the public is totally closed off from its deliberations and agendas. Civilians who may have submitted complaints do not even know the results of IPOB rulings, and IPOB members must not talk about their deliberations. Even the board's meeting times or contact information aren't readily available on the website, only instructions about where to submit a complaint affidavit (a form which is only available in English).

Per the mayoral executive order that created the IPOB in 2011, the IPOB must also engage in public outreach and

evaluating hiring practices, along with taking some role in policy guidance. According to the Task Force and recent statements by former IPOB members, it does not fulfill these duties. Rather, the board solely reviews use-of-force incidents and appears to do little else.

Many of the IPOB's confidentiality requirements — such as its inability to hear officers and officers being allowed to neglect to give statements to the IPOB — are dictated by the meet and confer agreement between the city and the Houston Police Officers' Union.

The Task Force's recommendations⁶² for the IPOB center on expanding it to a hybrid review and investigative model, replete with full-time staff and independent counsel. The new agency would take a more proactive approach to investigating police use-of-force complaints. Unlike Dallas, Austin or Fort Worth, the (proposed) reformed IPOB would not have an active auditor/monitor component. Instead, it would be an “investigative” office; that is, it would focus mostly on use-of-force investigations. Other recommendations include expanding the IPOB's public outreach efforts, improving transparency, increasing evidence-gathering capabilities and lengthening the time frame for potential disciplinary action (beyond the current 180-day rule). These changes would require a new executive order and/or ordinance, reforms to the meet and confer agreement, and changes to LGC 143 at the state level. The Task Force report is only intended to be a guiding policy document and does not outline specific implementation details.



Austin: Office of Police Oversight (OPO)

- Date of founding
 - 2002, though current form formed through ordinance in 2018.
- Organization type
 - Hybrid (monitor and review)
- Organization structure and main activities
 - Full-time police monitor reports to the city manager, monitors IA investigations and performs policy analysis while making recommendations.
 - Additionally, an appointed civilian board (the Community Police Review Commission) both oversees the office's work and reviews critical incidents.
- Independent from police?
 - Yes, the office operates under the authority of the city manager.
- Staffing and budget
 - Staff is currently 15: four full-time, permanent staff members and 11 temporary staff people. City intends to expand staff to 20 full-time, permanent employees. Employees include lawyers, a complaint specialist and a communications/community engagement staff person.
 - Budget increased to \$3.4 million for the most recent fiscal year.
- Responsibilities
 - The OPO receives and reviews civilian complaints, monitors investigations and has a mediation program.
 - The office issues policy guidance to the city manager and writes reports about police policies and procedures.
 - The office conducts regular public engagement to educate the public and solicit information.
 - The board reviews critical incidents, as defined in the most recent APD meet and confer agreement.
 - OPO staff respond to officer-involved shootings, appearing on-site in order to monitor the investigation.
- Data access
 - While the office has access to complaint data, it must ask the APD for other data, including body-worn and dashboard camera footage.

- Police staff access
 - Partial. Internal affairs staff will give regular briefings to the board, but they must request access beyond this.
- Public outreach practices
 - The OPO employs full-time staff to lead public engagement efforts, which include leading public meetings, writing newsletters and conducting surveys of both officers and the public, among other efforts.
 - The OPO website — the most detailed of all of those we observed — keeps a detailed record of its reports and complaint reviews.
- Transparency
 - The office issues regular newsletters about their work and publishes reports about their monitored complaints.
- Legal powers
 - The office is created by ordinance, while the board's activities are set by the collective bargaining agreement.
 - It cannot subpoena officers.
 - It cannot press charges or implement discipline, only recommend such actions to the chief.

The Office of Police Oversight (OPO) has existed in its current form since 2018 but its history dates back to 2002, and it represents the largest civilian oversight agency (as measured in staffing) in this report. The current agency's previous iteration — the Office of Police Monitor — worked with an appointed Citizen Review Panel. As in Houston, Austin's oversight agency sprang from protests that followed an infamous police use-of-force incident known as the "Cedar Avenue Incident" in 1995, in which police clashed with guests at a party in East Austin.

Many of the specifics of the current oversight office — e.g., its commission's makeup, how much access the office has to accused officers — arose from contract negotiations between city leadership and the Austin police union in 2017 and 2018. In December 2017, the meet and confer between the APD and the city expired, resulting in the disbanding of the Citizen Review Panel, which was enshrined within that agreement. Incidentally, this provided the city with an opportunity to reform its oversight practices, and in 2018, a task force issued recommendations that eventually helped lead to the current office's mandate, which the council cemented through an ordinance. This history illustrates an important point: given that LGC 143 allows local police union agreements to supersede some terms of

the law, the collective bargaining/meet and confer process is very important in determining the power of an oversight agency. The process can dictate the agency's access to officers and other police data.

Civilian oversight in Austin follows a hybrid model, as the auditor/monitor's office conducts audits and a board reviews critical incidents (as defined in the meet and confer). The OPO's office staffs the Community Police Review Commission, a brand-new volunteer board that both reviews critical use-of-force cases and also issues policy guidance to the city. Volunteers apply to serve on the 10-member commission and are formally appointed by the city manager to serve. As of October 2020, the commission has met only once, so assessments of the commission remain difficult at the moment. The OPO staff and the commission appear to have a relationship similar to that of the planning office and the planning commission in many U.S. cities: that is, the office's staff does the daily work, while the appointed volunteer commission theoretically assures civilians have a voice in the daily work of the agency. While the OPO is under the authority of the city manager, this volunteer commission plays a significant role in guiding the office's work.

As measured in staffing, the OPO is the largest civilian oversight agency among the largest five Texas cities. The OPO has a staff of 15 at the time of writing, including lawyers and public outreach staff, with intent to grow to 20. The city council recently increased the office's capacity, as the oversight agency's budget has nearly tripled over the past few years to around \$3.4 million in the most recent fiscal year. (For comparison, after recent cuts, the Austin police's budget is roughly \$434 million.)

Given its large staff, Austin's OPO has more capacity to execute its broad mandate to review and monitor police procedures while simultaneously staffing a civilian commission and doing extensive public outreach activities. Such feats can be difficult for an office of two people. Notably, while Austin's OPO is not the only hybrid agency among the state's largest cities, its large staff size would likely entail that it is able to do a lot more than other cities' agencies.

To improve transparency, the office conducts public outreach through extensive meetings and through sharing the results of its work via its website. The office's website keeps a detailed record of its reports and research findings⁶³ while also providing follow-up on its major use-of-force incident reviews.⁶⁴ All documents appear online, so, for example, Austinites can easily read the office's research

on racial disparities in Austin traffic stops.⁶⁵ These research projects include suggestions on improving officer etiquette during public contacts, along with aggregating and publicly sharing use-of-force data.

Like the other agencies in Texas, the OPO does not have the power to discipline officers itself. That power remains solely the purview of the police chief or an officer's supervisor. (Some prominent oversight scholars and support, including Samuel Walker, still believe that disciplinary authority should largely rest with the chief).⁶⁶ The chief may hear the OPO's recommendations but retains the ultimate power to discipline. Also, despite its large staffing capacity, the OPO does not have ready independent access to police data (such as discipline history or bodycam footage). Most data still must come through the police officers themselves, and the office needs to petition individual units within the APD to receive the data. Likewise, they cannot subpoena officers when gathering evidence for a use-of-force case.

The OPO has a public and anonymous complaint submission form on its website. While anonymous complaints cannot provide follow-up to the accuser, OPO staff have noted that sometimes APD officers file anonymous complaints about their co-workers. Only Fort Worth also has an anonymous complaint system. As Austin's case illustrates, anonymous complaints would allow a platform for rank-and-file officers to share important evidence about abuse and corruption they notice.

Dallas: Office of Community Police Oversight (OCPO)

- Date of founding
 - 2019, though Dallas has had varying forms of civilian oversight since around 1980.
- Organization type
 - Hybrid (review, investigative and auditor/monitor)
- Organization structure and main activities
 - Not dissimilar to Austin: A full-time police monitor office reports to the city manager and manages monitor and oversight activities, while an appointed civilian board (the Community Police Oversight Board) reviews critical incidents, provides guidance to the monitor's office and gives policy recommendations.

- Independent from police?
 - Yes, the office operates under the authority of the city manager and was created via ordinance.
- Staffing and budget
 - Staff of five includes director/monitor, investigator, complaint intake specialist and mediation manager.
 - Most recent budget is roughly \$550,000 for FY2020-21
- Responsibilities
 - The OCPO receives and reviews civilian complaints, can conduct investigations into them at the request of the board and has a mediation program. It also conducts audits of the DPD complaint intake system.
 - The office can issue policy guidance to city leadership (including the city manager, police chief and city council), and draft reports about improving police policies and procedures.
 - The office conducts regular public engagement in order to educate the public and solicit information.
 - The board largely provides guidance, makes policy recommendations and recommends investigations to the office staff.
 - OCPO staff respond to officer-involved shootings, appearing on-site in order to monitor the investigation.
- Data access
 - The OCPO monitor has access to police data about external complaints and their own independent login to access it. This includes body camera footage and arrest records.
- Police staff access
 - The OCPO has access to IAD staff and regularly communicates with the chief. The office cannot subpoena Dallas police officers but it may take statements from them before cases.
- Public outreach practices
 - The OCPO advises the 15-member board.
 - Additionally, it conducts public meetings and makes extensive appearances before civic groups.
 - The office maintains a website that includes complaint procedures.
- Transparency
 - The board has public agendas and public meetings at which people can speak.

- The results of the OCPO's work are shared at meetings.

- Legal powers
 - The office and board were created via ordinance.
 - It cannot subpoena officers, and conducts administrative review of officer behavior. The office does have more subpoena power than most other Texas oversight agencies, but can only subpoena civilians involved in critical incident cases (and not officers or any city staff).

One theme emerges across all staff oversight agencies in Texas' major cities: these offices (at least in their current form) are new. Dallas is no exception. The Office of Community Police Oversight (OCPO) dates back to 2019, though civilian oversight in some form has existed for close to 40 years within Dallas. The current system replaced the Civilian Review Board, an organization whose work was strikingly similar to the IPOB's in Houston: that is, Dallas' old board was an appointed civilian volunteer board that reviewed completed DPD critical incident investigations as they were presented to them. Calls to reform oversight in Dallas snowballed in 2017 following a string of very high-profile incidents, including both the 2018 DPD killing of Botham Jean and the ambush murder of five Dallas area police officers in July 2016.

Like Austin, the oversight institutions in Dallas consist of both a board and an office. The OCPO is the staff that supports the Community Police Oversight Board. Like the older board, the current one is made up of 15 members that meet monthly. Dallas' 14 city council members and the mayor each appoint one member, with the mayor's appointee serving as chair.

The transition to these new oversight institutions has come with controversies in Dallas, which evidences how forming a new agency can be a difficult process. The board's first meeting, in October 2019, featured a commotion: activists who showed up to the meeting did not feel like they had a sufficient chance to speak. The then-Dallas police chief, who resigned in September 2020, was present at the meeting and later took criticism for how she handled the protest. Additionally, in October 2020, the Dallas City Council debated whether the board should have the ability to issue nonbinding policy guidance.⁶⁷ One council member expressed concern over the board forming its own subcommittees with non-appointed civilians, fearing that (in her words) the appointees would be paid, out-of-town people. Following this meeting, the council's public safety committee agreed to review the board and the

OCPO's procedures. These incidents make clear that even "independent" oversight agencies still operate under the guidance and influence of local politics.

Dallas' oversight model follows a hybrid approach, as the OCPO and the board do a mixture of review, investigation and auditing work. As the office reports to the city manager, it is formally independent of the police. The OCPO's staff of five (at the time of writing) is responsible for overseeing the work of approximately 3,000 DPD officers. Regarding use-of-force complaints, within Dallas' system, the complaint must go to the DPD first. While the office can receive external complaints, they have the authority to forward that complaint on to police investigation or (like in Austin) mediation. If a person is unsatisfied with the outcome, they may then go to the board/OCPO, which has the authority to spearhead investigations and issue recommendations for discipline.

Besides individual incident review, the office employs monitors who can review police data and may include policy recommendations. Additionally, the board can vote on policy recommendations, and recently received criticism from some elected officials when they recommended that the city drop low-level marijuana charges.

Dallas' civilian oversight agencies have comparatively good data access. The monitor's office has an independent login to police data systems and can, for example, retrieve body camera footage relatively easily. It also notably has subpoena power, though that power is heavily circumscribed. The board cannot subpoena officers or any city employee, but it can subpoena civilians who may be privy to the case at hand. As of writing, the board has yet to subpoena anyone.

OCPO staff responds to all officer-involved shootings. OCPO staff people appear on the scene when an officer shoots a civilian in order to monitor the investigation.

The OCPO, as in Austin and Fort Worth, also conducts many public outreach activities, appearing at many public meetings and taking an active role in all board meetings. Unlike in Houston and San Antonio, the board allows public comment and agendas and meetings are public. At meetings, OCPO staff will typically share results of ongoing work, while also deliberating key use-of-force cases and complaints in which the OCPO has conducted independent investigations

Fort Worth: Office of Police Oversight Monitor (OPOM)

- Date of founding
 - 2020
- Organization type
 - Auditor/monitor, with an investigator role for major incidents
- Organization structure and main activities
 - Full-time police monitor reports to city manager and manages monitoring/investigative/auditing/policy analysis staff
- Independent from police?
 - Yes, the office operates under the authority of the city manager and was created via ordinance.
- Staffing and budget
 - Staff of three (currently) includes monitors and administrative staff. Future hiring is pending.
- Responsibilities
 - The OPOM is primarily a monitor/auditor organization, conducting reviews and analyses of police policies, procedures, training and recruitment.
 - It receives civilian complaints and forwards them to FYPD Internal Affairs, and will confer with FYPD to monitor the investigation and track the investigation for the civilian complainant.
 - The office performs extensive public outreach at public meetings for neighborhood groups, civic groups and other local interest groups.
- Data access
 - The OPOM monitor has access to much police data and its own independent login.
- Police staff access
 - The OPOM collaborates regularly with the chief and the police executive team, as well as training, internal affairs and use-of-force staff.
- Public outreach practices
 - The staff performs extensive public outreach, though, because the office is so new (formed less than a year ago), it has mostly occurred online.
 - Unlike every other city in Texas, it has no civilian review board at this time. Police Oversight Director/Monitor plans to provide recommendations to city leaders regarding a civilian review board that would be apt for Fort Worth.

- Like Austin and Dallas, the office has an active social media presence.
- **Transparency**
 - OPOM publishes regular reports on its audit and review findings.
 - The office's activities include community outreach and media, and it also provides follow-ups to its reviews of investigations with the parties involved.
- **Legal powers**
 - The office was created by ordinance.
 - It cannot subpoena officers. It conducts administrative review of police practices.

Like Dallas and San Antonio, Fort Worth's current civilian oversight institution is very young. As of writing, the organization is not yet a year old. Like Austin and Dallas, the organization partially emerged following a controversial police incident: the death of Atatiana Jefferson in 2019 helped push the city government to expedite the office's creation. Yet, unlike Austin or Dallas, Fort Worth's Office of the Police Oversight monitor (OPOM) is the first established civilian oversight agency within the city, which effectively started oversight from scratch, pushed by recent task force reports (such as the Fort Worth Task Force on Race and Culture) and local activists.

The OPOM is primarily an auditor/monitor agency, with a minimal investigatory role for specific critical incidents. Like Dallas, it has a small staff consisting of a director, a deputy monitor and an administrator, with intent to hire more policy analysts and other staff. This small staff monitors and audits a police force of roughly 1,700 officers. Fort Worth is the only city within this study that does not have an appointed civilian board as part of its oversight agency.

The agency remains independent from police and reports to the city manager. Like Dallas and Austin, this agency was created by an ordinance. According to the lead monitor, Kim Neal, the office has a relatively collegial relationship with the police and police leadership has largely followed the office's recommendations. Scholars of oversight cite that auditor agencies tend to have less acrimonious relationships with police rank and file, since their work usually entails high-level research into police data and usually does not focus on the activities of individual officers.⁶⁸

The office also involves itself in use-of-force policy and oversight. OPOM representatives sit on the FWPD's Use of Force Review Board and Critical Incident Review Board. Additionally, the office receives complaints and commendations through its website and allows anon-

ymous complaints. If the office receives a complaint, it acknowledges its receipt to the civilian who sent it, and forwards the complaint to the FWPD. The office monitors the investigation as the FWPD conducts it. Once completed, the office can review the results and offer recommendations (to the police) about the investigation, and will forward its results to the civilian who filed it. Unlike Austin and Dallas, the office has no mediation program as of writing but is developing one.

Credentialed OPOM staff can independently access more police data, meaning that Fort Worth has comparatively good access to police data. Like most other cities in this study, the office does not have subpoena power.

While Fort Worth has no board, the monitor's office attempts to meet regularly with community leaders (primarily online, given the COVID-19 outbreak) and issues reports on its work. Public relations and outreach work remain central, though the office does not (as of writing) have an employee dedicated to public outreach. Additionally, the office is attempting to share the results of its use-of-force complaints with the complainants, though with key information about officer identity redacted (per the terms of LGC 143).

San Antonio: Complaint and Administrative Review Board (CARB)

- **Date of founding**
 - The current board was formed by the 2016 collective bargaining agreement with the SAPD.
- **Organization type**
 - Review
- **Organization structure and main activities**
 - Seven police officers and seven appointed civilians review IAD investigations.
- **Independent from police?**
 - No, the organization is housed within the police department.
- **Staffing and budget**
 - No, all volunteers. It is unclear if the officers on the CARB are paid for their time.
- **Responsibilities**
 - The CARB reviews completed IAD investigations about complaints against police. Each board (the officers and the civilians) issues recommendations to the chief about the soundness of the complaint investigation.

- Data access
 - It appears to be very poor, as CARB rulings are largely dictated by the data that IAD provides.
- Police staff access
 - The CARB can ask questions of the officers, but officers have the right to refuse. The board also may ask questions of IAD investigators.
- Public outreach practices
 - None. The members of the San Antonio City Council do not appear to know the board exists.⁶⁹
- Transparency
 - None. Findings and rulings are confidential: only the complainant and officer learn results.
- Legal powers
 - The collective bargaining agreement sets the terms of the CARB. There is no ordinance or executive order.
 - The board cannot subpoena officers. It can recommend further investigation but cannot press charges.

San Antonio's oversight agency, the Complaint and Administrative Review Board (CARB), is an outlier among its peers. The 2016 collective bargaining agreement between the SAPD and the city contains the terms of the current CARB: how people are appointed, who serves and the very strict confidentiality measures under which they operate.

The city council appoints a total of 14 civilians to San Antonio's board, with only seven serving on the board on a rotating basis. Potential board members must apply to be on the CARB, and applications are vetted by the city manager before presenting them to the city council. Additionally, the police department and the police union have the opportunity to evaluate and make nonbinding recommendations on board applicants.

The CARB is both a civilian and police oversight board. In addition to the seven civilian appointees serving at any given time, there are seven police officers (of varying ranks and positions) who serve on the CARB. Unlike the other boards within the state's major cities, the CARB is technically a unit within the internal affairs department of the SAPD. They are not independent of the police department.

The board hears cases presented to it by internal affairs staff, and meets every two weeks. The CARB may request civilians or police involved in the cases to testify, but it is a nonbinding request — not a subpoena — and thus, people can refuse to testify. CARB typically hears completed

IAD investigations. Meetings are confidential and closed, and CARB members may not talk to the press about their work. However, civilian complainants do learn the results of their investigation. According to San Antonio staff, the CARB reviews an average of 127 cases per year (over the past five years). The CARB has no independent investigative capacity, a point stipulated in the collective bargaining agreement. Each half of the CARB issues its own recommendations to the police chief about the disciplinary measures for each case. The chief then decides whether to follow the CARB's recommendations.

San Antonio's institution is unique among the major Texas cities for a few reasons. First, the CARB is the only agency that is not independent of the police department. Secondly, it is the least transparent: its mandate includes no public outreach function. Third, it is the only organization that is purely a creation of a collective bargaining agreement (see Article 29, Section 3, subsection C of the SAPD's CBA). Theoretically, the unit would cease to exist if the CBA expired without a new agreement. Therefore, it is perhaps the most tenuous of all of the oversight agencies.

Endnotes

- 1 Jasper Scherer and St. John Barned-Smith, "Critics Say Houston Needs More Robust Civilian Police Oversight Board," *Houston Chronicle*, June 13, 2020.
- 2 National Association for Civilian Oversight of Law Enforcement, "Thirteen Principles for Effective Oversight," June 1, 2020. Available here: https://www.lwm-info.org/DocumentCenter/View/4219/13-NACOLE-Thirteen-Principles_PrePublication_Summary
- 3 See Texas Commission on Law Enforcement, "Current Statistics," accessed Nov. 3, 2020: <https://www.tcole.texas.gov/content/current-statistics>. Note that some of the 2,781 TCOLE agencies may be jailers or prison systems, it is unclear from that data source. Regardless, Texas has thousands of law enforcement agencies.
- 4 Consult some at this link, particularly the 2016 "Guidebook for the Implementation for New or Revitalized Police Oversight": https://www.nacole.org/reports_publications
- 5 See page 86: <https://statutes.capitol.texas.gov/Docs/LG/pdf/LG.143.pdf>
- 6 *Ibid.*, page 90
- 7 *Ibid.*, pages 95-96
- 8 Stephen Rushin, "Police Disciplinary Appeals," *University of Pennsylvania Law Review*, 167(3) (2018), 545-610.
- 9 See *supra* note 5, page 60
- 10 If the year ends without a new contract, then an "evergreen" clause will continue the contract's current terms. See St. John Barned-Smith, "No Houston Police Contract Talks Planned, Dimming Reform Possibilities, Advocates Say," *Houston Chronicle*, Sept. 17, 2020.
- 11 Scott W. Phillips, "Police Discretion and Boredom: What Officers Do When There Is Nothing to Do," *Journal of Contemporary Ethnography*, 45(5) (2016), 580-601.
- 12 See NACOLE Guidebook for the Implementation of New or Revitalized Police Oversight: https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1597686953/Guidebook_for_the_Implementation_of_New_or_Revitalized_Police_Oversight_2016_FINAL.pdf?1597686953
- 13 Udi Ofer, "Getting It Right: Building Effective Civilian Review Boards to Oversee Police," *Seton Hall Law Review*, 46(4) (2016), 1033-1062.
- 14 For an example, see St. John Barned-Smith, "Longtime Member of Houston Police Oversight Board Resigns, Saying Group Provides Little Scrutiny," *Houston Chronicle*, Aug. 17, 2020.
- 15 Jasper Scherer and St. John Barned-Smith, "Critics Say Houston Needs More Robust Civilian Police Oversight Board," *Houston Chronicle*, June 13, 2020.
- 16 National Association for Civilian Oversight of Law Enforcement, "Thirteen Principles for Effective Oversight," June 1, 2020. Available here: https://www.lwm-info.org/DocumentCenter/View/4219/13-NACOLE-Thirteen-Principles_PrePublication_Summary
- 17 See Texas Commission on Law Enforcement *supra* note 3
- 18 We opt to use "civilian oversight" rather than "police oversight" since civilians are the subject, not the object, of oversight. Civilians are doing the work. In practice, both terms are used interchangeably to refer to the broad practices of external, independent civilians monitoring the police. For example, Austin's civilian oversight agency is called the "Office of Police Oversight".
- 19 Samuel Walker and Carol Archbold, *The New World of Police Accountability*, 2018, SAGE Publications, Los Angeles, CA.
- 20 Samuel Walker, "Police Accountability: Current Issues and Research Needs," National Institute of Justice, 2006.
- 21 Elizabeth Davis, Anthony Whyde, and Lynn Langton, "Contacts Between the Police and the Public, 2015," U.S. Department of Justice Bureau of Justice Statistics Special Report, 2018.
- 22 See Walker & Archbold, *supra* note 19
- 23 See Jeffrey T. Martin, "Police Culture: What It Is, What It Does, and What We Should Do With It," in *The Anthropology of Police*, 2018, Routledge, London, United Kingdom, 34-53.
- 24 See Davis et al., *supra* note 21
- 25 Kara Dansky, "Local Democratic Oversight of Police Militarization," *Harvard Law & Policy Review*, 10(1), (2016), 59-76.
- 26 Mary D. Fan, "Body Cameras, Big Data, and Police Accountability," *Law & Social Inquiry*, 43(4) (2018), 1236-1256.
- 27 Frank V. Ferdik, Jeff Rojek, & Geoffrey P. Alpert, "Citizen Oversight in the United States and Canada: An Overview," *Police Practice and Research*, 14(2) (2013), 104-116.
- 28 Richard J. Terrill, "Police Accountability in Philadelphia: Retrospects and Prospects," *American Journal of Police*, 7(2) (1988), 79-100. Also consult Ferdik et al. *supra* note 27 and Joseph De Angelis, Richard Rosenthal, & Brian Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence." National Association for Civilian Oversight of Law Enforcement, 2016.
- 29 Stephen Rushin, "Federal Enforcement of Police Reform," *Fordham Law Review*, 82(6) (2014), 3189-3248.
- 30 See De Angelis et alia *supra* note 28.
- 31 St. John Barned-Smith, "Longtime Member of Houston Police Oversight Board Resigns, Saying Group Provides Little Scrutiny," *Houston Chronicle*, Aug. 17, 2020.
- 32 See De Angelis et alia *supra* note 28. See also Walker *supra* note 20.

- 33 See Mir Usman Ali & Sean Nicholson-Crotty, “Examining the Accountability-Performance Link: The Case of Citizen Oversight of Police,” *Public Performance & Management Review*, (2020) and Mir Usman Ali & Maureen Pirog, “Social Accountability and Institutional Change: The Case of Citizen Oversight of Police,” *Public Administration Review*, 79(3) (2019), 411-426.
- 34 Ibid.
- 35 Based largely upon De Angelis et al. supra note 28, see also National Association for Civilian Oversight of Law Enforcement supra note 2.
- 36 Bocar A. Ba & Roman Rivera, “The Effect of Police Oversight on Crime and Allegations of Misconduct: Evidence from Chicago,” Social Science Research Network Scholarly Paper ID 3317952, 2019.
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- 38 See Craig B. Futterman, Chaclyn Hunt, & Jamie Kalven, “Youth/ police Encounters on Chicago’s South Side: Acknowledging the Realities,” Social Science Research Network Scholarly Paper ID 2754761. Social Science Research Network, 2016. _____
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- 40 “Police Complaints and the Politics of Public Safety Budgets,” Blog post, *Grits for Breakfast*, September 12, 2020, available at <https://gritsforbreakfast.blogspot.com/2020/09/police-complaints-and-politics-of.html>
- 41 Heather Mac Donald, “Ferguson Effect Is Real and Hurts Minorities,” *Wall Street Journal*, Aug. 2, 2016.
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- 46 Ba & Rivera supra note 36.
- 47 We were unable to conduct an in-depth interview with San Antonio staff. City representatives did provide helpful information over email, but San Antonio information comes mainly from secondary sources.
- 48 See Audrey McGlinchy, “Austin Cuts and Reinvests 5 Percent of Police Budget, Promises More Changes Over the Next Year,” *KUT*, Aug. 13, 2020. <https://www.kut.org/post/austin-cuts-and-reinvests-5-percent-police-budget-promises-more-changes-over-next-year>
- 49 See references from the Office of Police Oversight website: <https://alpha.austin.gov/police-oversight/additional-analysis-of-apd-racial-profiling-data-reasons-for-2018-motor-vehicle-stops/>
- 50 Frederick Williams, “Commentary: A Citizens Review Board for Policing Already Exists,” *San Antonio Express-News*, July 8, 2020.
- 51 See NACOLE supra note 4
- 52 See statute supra note 5, page 86
- 53 Ibid., page 90
- 54 Ibid., pages 95-96
- 55 See Rushin supra note 8
- 56 See supra note 5, page 60.
- 57 See Barned-Smith supra note 10
- 58 See Phillips supra note 11
- 59 See NACOLE guidebook supra note 12
- 60 See Ofer supra note 13
- 61 See Barned-Smith supra note 14
- 62 Report is available here: <https://www.houstontx.gov/boards/policing-reform-report.pdf>
- 63 See here: <https://alpha.austin.gov/police-oversight/office-of-police-oversight-official-reports/#page=1>
- 64 See here: <https://alpha.austin.gov/en/police-oversight/official-complaint-and-discipline-documents/#page=1>
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- 66 For an excellent interview with Dr. Walker, consult the Daily Critical Issues Report of July 27, 2020, from the Police Executive Research Forum: <https://www.policeforum.org/criticalissuesjuly27>
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