

Civilian Complaint Review Board

2022
Policy Brief



POLICING AND THE CIVILIAN COMPLAINT REVIEW BOARD

INTRODUCTION

The beginnings of policing in the United States of America is rooted in the subjugation of Black, Indigenous and people of color (BIPOC) (see Appendix A). From the inception of slave patrols in the late 1600s and the 19th and 20th century enforcement of Jim Crow laws to modern day stop and frisk and no-knock warrants, controlling communities of Color has been foundational to law enforcement policies for centuries. While there has been much progress made over the years, the inherent inequity foundational to the system of policing has persisted despite the shifting focus to public safety initiatives like intentional investments in violence prevention and reduction strategies, the hiring of more officers of color, and other alternatives to arrests. This is evidenced in the data (see Appendix B) which shows the number of use of force incidents and the historically disproportionate impact on BIPOC in Newark, New Jersey.

A significant step towards resolving this root problem can be found through leveraging the very community that has been seen as the problem, and instead seeing community members as assets in solving the real challenges in public safety, specifically through the implementation of a Civilian Complaint Review Board with power to subpoena witnesses and evidence.

This policy brief will outline what a Civilian Complaint Review Board is, examine the policy approaches that can be taken and lay out recommendations for how to move forward with engaging in legislative initiatives that address the implementation and goals of CCRBs locally and on a state level. Through thorough investigation, analysis, and resource appraisal, this brief will recommend that CCRBs should focus on providing accountability, investigating patterns of abuse and proposing policy changes that will limit negative interactions between police officers and community members.

WHAT IS A CIVILIAN COMPLAINT REVIEW BOARD?

Civilian Complaint Review Boards are oversight mechanisms that allow victims of police misconduct to raise complaints and seek remedy. These boards consist of community members, rather than police officers, as a means to provide a system of external checks and balances to police department internal affairs units. If implemented effectively, they have the ability to provide valuable feedback and accountability for local law enforcement. The conversation around CCRB legislation has often been about finding and stopping “bad cops,” but is insufficient to address systems of inequity that allow police violence and corruption to continue in Black and Brown communities. While finding individual officers participating in misconduct is vital to ending police brutality, CCRBs should also focus on creating and enacting legislation that aims to end systemic inequities that allow misconduct to continue.

On March 17, 2016, the Newark Municipal Council passed an ordinance that authorizes the Civilian Complaint Review Board (CCRB) to conduct its own investigations of civilian complaints of police misconduct, as well as review the Newark Police Division’s Internal Affairs Unit’s investigations of police misconduct, and make discipline recommendations to the City Public Safety Director. The goals of this board include providing transparency for community members, soliciting input on policies and practices, conducting thorough investigations, and addressing concerns raised by members of the community.

RECOMMENDATIONS

WHAT TYPES OF CCRBS EXIST?

Over the years, various methods of accountability have been tested, leading to a variety of models listed below and explored by the [Center for American Progress](#):

- **Investigator-focused models** enlist non-police civilian investigators to look into complaints against officers. These agencies tend to have individuals with specialized training.
- **Review-focused models** oversee internal affairs investigations and make recommendations about operations to police. These review boards tend to be staffed by volunteers and community members – an approach that can make the board seem more responsive to the community.
- **Auditing models** fall in between the first two models and focus attention on broad patterns of officer misconduct rather than individual incidents.

There is some debate on which system is the best, but this brief argues that an auditing model provides the best option for systemic change. CCRBs that aim to only hold individual officers accountable or rely on internal affairs investigations do nothing to address the systemic culture that has historically target communities of Color. Internal affair units do not have the power or tools to propose alternative policies that would limit the amount of negative policing experiences that happen. CCRBs of any type need to be able to review policies and procedures while having the power to subpoena, so they have greater impact on the overall system of policing while also holding police officers accountable.

WHAT NEEDS TO HAPPEN NEXT...

Under the leadership of Mayor Ras J. Baraka, the City of Newark created a [Civilian Complaint Review Board](#) which investigates police misconduct and reviews police policies that might lead to abuse and submit regular reports to the public. The Fraternal Order of Police (FOP) sued, however to invalidate the ordinance saying it was in violation of the New Jersey Attorney General guidelines. Ultimately, the case went to the Supreme Court of New Jersey, which ruled in favor of the FOP and stated that the only way for the CCRB to get subpoena power is through a change in state legislation.

There is currently pending legislation ([A1515](#) and [S2295](#)) in the State Assembly and Senate that would allow the CCRBs to move forward with subpoena power and other necessary capabilities, but opposition from law enforcement unions has stalled progress. Advocates across the state, such as ACLU-NJ, People's Organization For Progress and Newark Communities for Accountable Policing, are working hard to get these bills passed and support from community members is needed.

In order to change things we must act now:

1. Check the [American Civil Liberties Union of NJ \(ACLU\) website](#) for updates.
2. Sign up to get updates from [Newark Communities for Accountable Policing](#).
3. Reach out to your [legislators](#) and let them know why A1515 and S2295 needs to pass.
4. Share this brief with your neighbors and family (Be sure to tag [MBKN](#) on social media!).

IN CONCLUSION....

In conclusion, in order for CCRBs to be effective tools of change in the way community members engage with police, **we must enable them with:**

- The power to investigate police policies and practices to identify systemic problems
- Protections for the due process and appeal rights of police officers
- The power to subpoena police documents and testimony for investigations
- The ability to run investigations concurrently with internal affairs investigations.

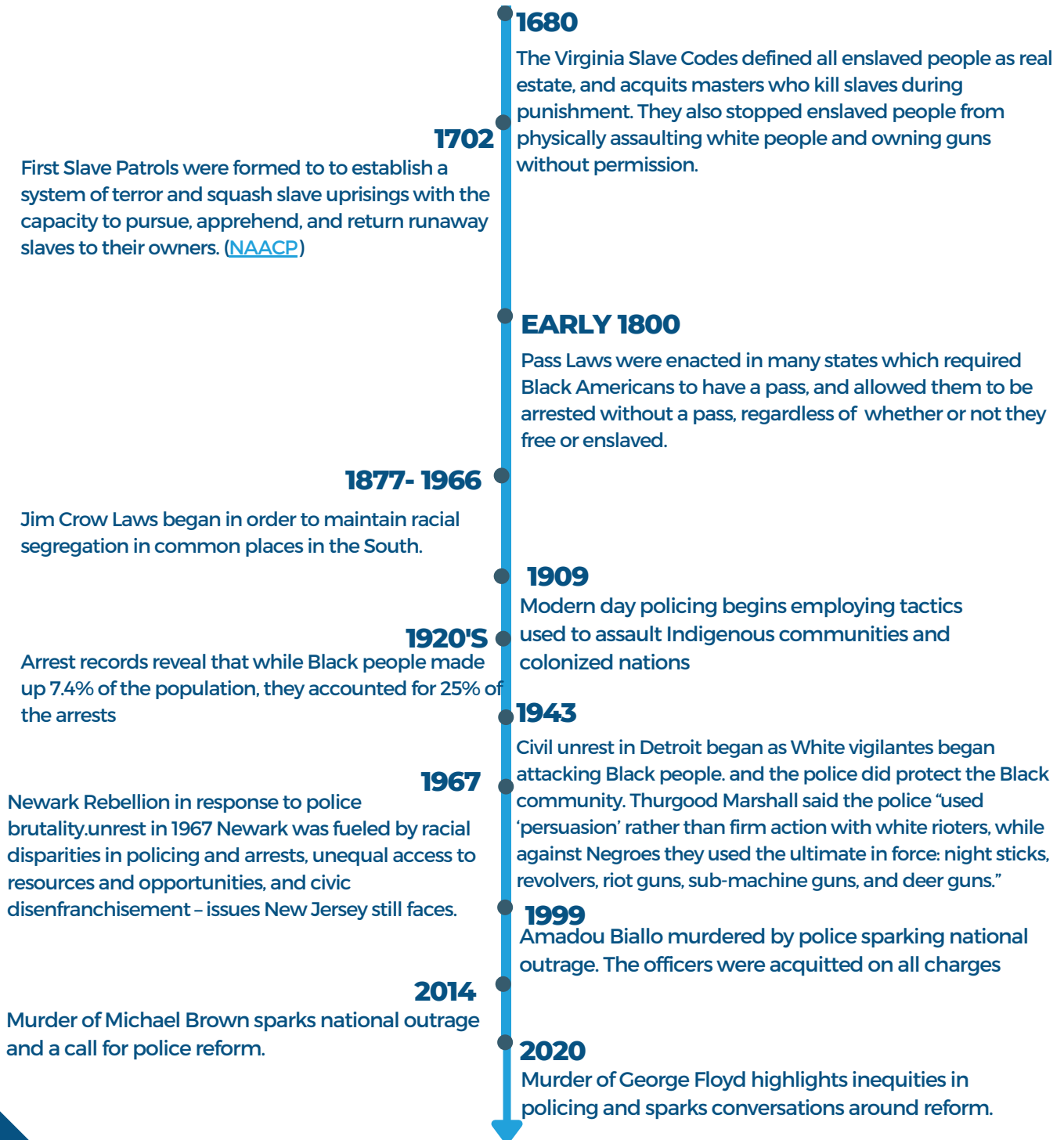
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APPENDIX A

A BRIEF HISTORY OF **POLICING IN AMERICA**

OVER 300 YEARS OF CONTROLLING BLACK BODIES



APPENDIX B

How many officers are using force in Newark?

**This data was collected in the Force report for New Jersey from the years of 2013-2016.*

2,568

incidents of force

This number accounts for the total number of force reports filed by policers after incidents as required by law. This number does not reflect unreported incidents and singular events where multiple officers used force.

73.5%

of the subjects of force were identified as Black. This data was collected from the reports created by officers. A few reports left the race category blank so this data may be incomplete.

28.6

incidents of force per 1000 arrests

Based on population data collected a Black person is 133% more likely to have force used on them in Newark.

730

officers

named in a force complaint in the 5 years the study was conducted.

133%

203%

Based on arrest data collected a Black person is 203% more likely to have force used on them in Newark.

What happened during the pandemic?

From October 2020 to December 2021

**This data was collected in the updated [Force](#) report for New Jersey.*

- There were **1,220** force reports filed by NPD officers.
- **42.9% of NPD officers** report using force in this timeframe.
- Of the reports filed, **75% of the subjects** of force were **identified as Black**.
- Of those that identified as Black 75.8% were arrested.
- Of the reports filed **.02% of the subjects** of force **identified as White**.