

**NEW  
ERA  
OF  
PUBLIC  
SAFETY**

AN ADVOCACY TOOLKIT FOR FAIR, SAFE,  
AND EFFECTIVE COMMUNITY POLICING



# ACCOUNTABILITY: OFFICER MISCONDUCT AND DISCIPLINE

## Accountability is central to fair policing.

Police officers are given extraordinary powers and enormous discretion — the authority to conduct surveillance, to use force, and to deprive individuals of their liberties when justified. But with this power comes the expectation that officers will exercise their authority appropriately, and that misconduct and inappropriate or deficient performance will be identified and addressed. Robust accountability builds public trust, which, in turn, strengthens communities.

# Key Challenges

## **Lack of transparency:**

In many jurisdictions, complaints against police officers are private, subject only to internal investigation, and discipline is within the sole control of the department's chief or commander.

## **Lack of trust:**

Lax accountability erodes trust and confidence in policing, weakens relationships between police departments and the communities they serve, and undermines legitimacy of law enforcement and the criminal justice system.

## **Lack of accountability:**

A lack of accountability for police officers related to the use of lethal or excessive force, racial and ethnic profiling, discriminatory policing practices, and sexual misconduct violates civil and human rights.

## **Lack of oversight:**

Not every police department has community oversight. Where it does exist, oversight bodies' authority and power vary. They can have access to information about internal police department investigations, independently investigate and prosecute complaints, impose or recommend discipline, address systemic issues, and set policing policy and priorities.

## **Unchecked power of police unions:**

Police unions have a great deal of power to provide protections to officers that limit accountability or discipline.

# Making Change

## **Establish clear policies and procedures.**

Departments and communities should work together to create clear policies and procedures for investigating officer misconduct. These policies should address how and by whom misconduct complaints are investigated, and they should specify that investigations must be based on the nature of the complaint and involve an independent prosecutor when necessary.

## **Review training programs.**

Department leaders should periodically review data to identify potential problems in policing practices and audit training programs to update curricula and improve effectiveness.

## **Require oversight.**

Oversight of police departments should include independent investigators, monitors, and community/civilian oversight boards with full investigatory, prosecutorial, and disciplinary powers, as well as the power to set or recommend changes to policing policy based on complaint patterns. Oversight bodies should represent all sectors of a community, including those disproportionately impacted by policing.

## **Make it easy to file complaints.**

Complaint forms should be available in multiple languages and in alternative and accessible formats, and in locations

outside of police department facilities, such as community centers, libraries, and other community spaces. Departments should also accept complaints by phone and online.

Departments should accept anonymous and third-party complaints and should not require cooperation or a signed affidavit from complainants to investigate a complaint. Complaints where the complainant has stopped cooperating in the investigation should be investigated, nonetheless.

## **Establish clear discipline policies.**

Departmental policies should delineate disciplinary actions by type and severity of violation. Departments should use nondisciplinary early intervention systems to track unlawful officer behavior and address officer needs or deficiencies.

## **Ensure effective and impartial investigations.**

Departments should swiftly, thoroughly, and fairly investigate complaints, using nonlaw enforcement personnel with investigatory authority when possible. Clear protocols should be established for determining who investigates and prosecutes officer misconduct, including officer-involved crimes and shootings.

## **Collect and publish data.**

Police departments should regularly publish information about complaints filed against police officers in alternative and accessible formats. This information should include the race, gender, age of complainant, location, and context of the complaint.

# How to Advocate for Change

## **Establish a community/civilian oversight board.**

Join or create a community/civilian oversight board that monitors police departments and holds them accountable. Expand the powers of existing oversight boards or create one if one does not exist. Depending on state law, this may require a change in a city charter or state law.

## **Establish strong community oversight of police collective bargaining processes.**

Oppose provisions in collective bargaining agreements with police unions that undermine or weaken accountability systems.

## **Demand an independent investigator.**

An independent investigator is an individual or agency outside of the department that is authorized to oversee or participate in the investigations of individual officers. Communities should advocate for independent investigators to strengthen accountability and transparency.

## **Require an independent monitor/auditor.**

Demand independent monitors or auditors review your local police department's overall performance across uses of force, stops, misconduct investigations, and discipline.

## **Demand publication of data.**

Demand that your local department and community/civilian oversight board publish data publicly online and in alternative and accessible formats.

# Talking Points

## **Police accountability mechanisms ensure public safety.**

Public safety depends on effective, transparent, and timely investigation of complaints against police officers, and swift and effective discipline.

## **Accountability improves police-community relations.**

Department legitimacy is improved when departments hold officers accountable and address community concerns. This, in turn, improves police-community relations and cooperation.

## **Police departments are accountable to the communities they serve.**

Community members should be active participants in holding their police departments accountable for undermining public safety.

# Overcoming Opposition

## **The Opposition:**

“Community oversight lowers morale and impedes officers from fighting crime by forcing them to waste time responding to baseless complaints and investigations by unqualified investigators. Police departments are best qualified to investigate misconduct internally.”

## **Overcoming the Opposition:**

“Community oversight provides a necessary check on departments and increases public confidence in the integrity of investigations and disciplinary proceedings. Review boards lend credibility to police departments, thereby strengthening community trust.”





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