

NACOLE Case Studies on Civilian Oversight

Citizens' Police Complaint Office

Indianapolis, Indiana
Review-Focused Model

by Michael Vitoroulis



COPS
Community Oriented Policing Services
U.S. Department of Justice



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Program Context

The Citizen's Police Complaint Office (CPCO) and the 11-member Citizens Police Complaint Board (CPCB), collectively referred to as the CPCO/CPCB, form the review-focused civilian oversight model for the City of Indianapolis, Indiana. The CPCO and CPCB were created primarily to review misconduct investigations conducted by the Professional Standards Division (PSD) of the Indianapolis Metropolitan Police Department (IMPD), a force of 1,640 sworn officers in a city of 400 square miles with a population of 852,866. By ordinance, the CPCO and CPCB are authorized to receive and investigate civilian complaints of alleged misconduct and procedural violations against sworn IMPD officers, review completed PSD investigations into civilian complaints, and recommend the disposition of complaint allegations to the chief of police. The CPCO also provides a robust civilian complaint dataset to the OpenIndy data portal, which allows the public to access and visualize various data relating to IMPD complaints, use of force, officer involved shootings, and city/officer demographics.

History of Citizen's Police Complaint Office / Citizens Police Complaint Board

The creation of the CPCO/CPCB was prompted by community outrage following the 1987 death of teenager Michael Taylor while in custody¹ of the then Indianapolis Police Department (IPD).² In 1989, the Indianapolis City-County Council passed an ordinance creating a civilian complaint board. The board was initially to be composed of nine members: six mayoral appointees chosen from the religious community, school system, legal profession, Greater Indianapolis Progress Committee, and either the Indianapolis Urban League or the National Association for the Advancement of Colored People and three members selected by the IPD.³ To the dismay of many activists, a last-minute amendment led by City-County Council Republicans ultimately resulted in a nine-member board with the mayor, council, and police department each appointing three members.⁴ The CPCO/CPCB, authorized to investigate and review civilian complaints, were created under the city's Department of Public Safety (DPS).⁵

The CPCO/CPCB were considered ineffective by the community as a result of both insufficient statutory authority and a lack of investigative staff.⁶ Investigations in which the board disagreed with the police department's findings, for example, were not required to be reopened or reinvestigated.⁷ Similarly, a 180-day limitation on hearings meant that complainants could lose their opportunity to request a hearing if an investigation was delayed through no fault of their own.⁸ The CPCO/CPCB were weakened further in 1990, when they were stripped of their authority to hold hearings on cases related to fatal shootings involving IPD officers.⁹

1. Steve Hammer, "Chance for Real Police Review Lost," *The Indianapolis Recorder*, October 28, 1989.

2. On January 1, 2007, the Indianapolis Police Department (IPD) and law enforcement division of the Marion County Sheriff's Office were consolidated into a single law enforcement agency now known as the Indianapolis Metropolitan Police Department (IMPD).

3. Hammer, "Chance for Real Police Review Lost," (see note 1).

4. Hammer, "Chance for Real Police Review Lost," (see note 1).

5. Allyson Collins and Cynthia Brown, *Shielded from Justice: Police Brutality and Accountability in the United States* (New York: Human Rights Watch, 1998), 193.

6. Collins and Brown, *Shielded from Justice*, 193 (see note 5).

7. Collins and Brown, *Shielded from Justice*, 196 (see note 5).

8. Collins and Brown, *Shielded from Justice*, 196 (see note 5).

9. Bridgette A. Lacy, "Council Action Cited for Decrease in Complaints against City Police," *The Indianapolis Star*, June 6, 1991.

Following the 1996 Meridian Street Brawl, a fight between off-duty IPD officers and civilians in downtown Indianapolis, a task force was commissioned to review the civilian complaint process.¹⁰ The task force proposed eliminating the three IPD-appointed voting seats from the board and prohibiting police officers from serving on the CPCB.¹¹ The proposal spurred a debate between council members, the Public Safety Committee, and the Indianapolis Fraternal Order of Police (FOP) over whether law enforcement personnel should be permitted to serve on or vote on cases reviewed by the board.¹² A compromise was reached in 1998 resulting in several amendments to the ordinance establishing the CPCO/CPCB. The board's composition was revised to 11 voting seats, four of which are to be appointed by the mayor and five by the City-County Council.¹³ In addition, two nonvoting seats for law enforcement officers—one appointed by the mayor and the other by the council—were added to the board.¹⁴ The amount of time given for complainants to submit a complaint, as well as the amount of time for the board to issue a final decision on a case, were also reduced.¹⁵

In 2016, in an effort to “eliminate an unneeded layer of bureaucracy” and reduce public spending,¹⁶ the Indianapolis City-County Council approved a proposal put forth by Mayor Joe Hogsett to eliminate Indianapolis’ Department of Public Safety—the entity under which the CPCO/CPCB were originally created. The elimination of the DPS re-established the CPCO as part of the mayor’s office and the CPCB as an independent entity with appointments made by the Mayor’s Office, City-County Council, and FOP.¹⁷

10. Robert N. Bell, “Boyd Wants Full Council to Hear Plan for Complaint Board,” *The Indianapolis Star*, January 12, 1998.

11. Bell, “Boyd Wants Full Council to Hear Plan” (see note 10).

12. Kevin O’Neal, “Panel OKs Revision of Police Complaint Board,” *The Indianapolis Star*, January 15, 1998.

13. Robert N. Bell and Celeste Williams, “Citizen Complaint Board Revised,” *The Indianapolis Star*, January 27, 1998.

14. Bell and Williams, “Citizen Complaint Board Revised” (see note 13).

15. O’Neal, “Panel OKs Revision of Police Complaint Board (see note 12).

16. Brian Eason, “Council OKs Hogsett Plan to Dismantle Public Safety Department,” *The Indianapolis Star*, April 11, 2016, <https://www.indystar.com/story/news/politics/2016/04/11/council-considers-plan-dismantle-public-safety-department/82898068/>.

17. “Proposal No. 112, 2016,” Minutes of the City-County Council and Special Service District Councils of Indianapolis, Marion County, Indiana, February 29, 2016, 28, <https://citybase-cms-prod.s3.amazonaws.com/dd700f25510348bcb13bc4598182cae6.pdf>.

Organizational Structure

The CPCO is primarily responsible for receiving complaints and performing the administrative tasks of the CPCB. By ordinance, the primary duty of the CPCB is to “meet as often as necessary to consider all complaints which it deems appropriate to process and review.”¹⁸

CPCB composition, appointment, and terms

The CPCB consists of nine voting members and three nonvoting members: two ex-officio police advisory members and one ex-officio rank-and-file consulting member.¹⁹ Law enforcement officers are prohibited from serving on the board in a voting capacity.²⁰

All voting members must be residents of the consolidated city²¹ of Indianapolis.²² All CPCB members serve at the pleasure of their appointing entities.²³

Per ordinance, voting members can be selected from a list of nominees submitted by the IMPD’s six district task forces convened by the deputy chief of each district.²⁴ All IMPD district task forces must be represented in the board’s voting composition, and no single district may nominate more than three members nor be represented by more than three members.²⁵

The City-County Council appoints six of the nine voting members and the mayor appoints three.²⁶ No more than four of the six members appointed by the City-County Council may be of the same political party.²⁷ All voting members serve three-year terms or until their successors

18. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-804.

19. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a).

20. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(1).

21. The city of Indianapolis and Marion County have been merged into one unified jurisdiction. Within this jurisdiction there are several towns which have retained a limited level of autonomy but still are considered to be part of the consolidated city of Indianapolis.

22. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(1).

23. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(b).

24. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(b).

25. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(b).

26. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(2); Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(3).

27. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(2).

are appointed and confirmed but for no longer than 60 days beyond the expiration of their term.²⁸ Voting members may be reappointed to another three-year term but may not serve more than two consecutive terms.²⁹ If for any reason a voting appointee is unable to complete their term, the original appointing body appoints a new individual to complete the remaining duration of the term.³⁰

The mayor and the City-County Council each appoint one nonvoting, ex-officio police officer; these board members serve two-year terms.³¹ The ex-officio members must have served in either the IPD, the IMPD, the county police force of the Marion County Sheriff, or some combination thereof for more than seven years.³² They must also have strong community relations experience, be of the rank of sergeant or below (preferably a patrol officer), and have participated in ethics training.³³ The ex-officio appointees may not serve more than two consecutive two-year terms on the board.³⁴

One ex-officio, nonvoting rank-and-file consulting member is appointed by the FOP for a one-year term.³⁵

CPCB attendance and training requirements

All voting board members must receive 20 hours of training in police procedures within six months of their appointment.³⁶ They must also participate in an additional 20 hours of training and accompany an on-duty IMPD officer for at least 16 hours, with a minimum of four hours per occasion, on an annual basis.³⁷ A voting member's failure to meet these training requirements shall result in that member's replacement by his or her appointing entity.³⁸

28. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(4).

29. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(4).

30. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(4).

31. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(5).

32. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(5)(a).

33. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(5)(b)-(d).

34. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(a)(5)(e).

35. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-802(6).

36. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-803(d).

37. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-803(d).

38. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-803(d).

All voting and nonvoting ex-officio members must attend a minimum of 75 percent of the CPCB’s meetings.³⁹ Not meeting this attendance standard within 60 days of a written notice shall result in the replacement of the board member.⁴⁰

CPCO staffing

The CPCO has three staff members—an executive director (ED) and two other staff members who assist in complaint intake, administrative functions, and customer service. Legal representation for the CPCO/CPCB is provided by the city-county corporation counsel.

Executive director

The CPCO ED is a full-time position appointed by the mayor, subject to approval by City-County Council.⁴¹ The ED is supervised and evaluated by the mayor or the mayor’s designee in consultation with the CPCB.⁴²

As prescribed by ordinance, the ED’s official duties are to manage the CPCO office and staff,⁴³ “enhance[ing] communications and good will between the police and citizenry,”⁴⁴ communicating and relaying concerns and recommendations on matters of conduct and recurring issues that are processed by the CPCO to the IMPD chief⁴⁵ and making staff and budget recommendations for the CPCO in consultation with the CPCB and the mayor or mayor’s designee.⁴⁶

The ED is also required to maintain attendance and training records for CPCB members and forward a quarterly report of the aforementioned information to each member’s appointing body and chief of IMPD.⁴⁷

39. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-803(c)

40. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-803(c).

41. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(a).

42. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(a).

43. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(a)(1).

44. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(a)(2).

45. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(c).

46. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(d).

47. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(e).

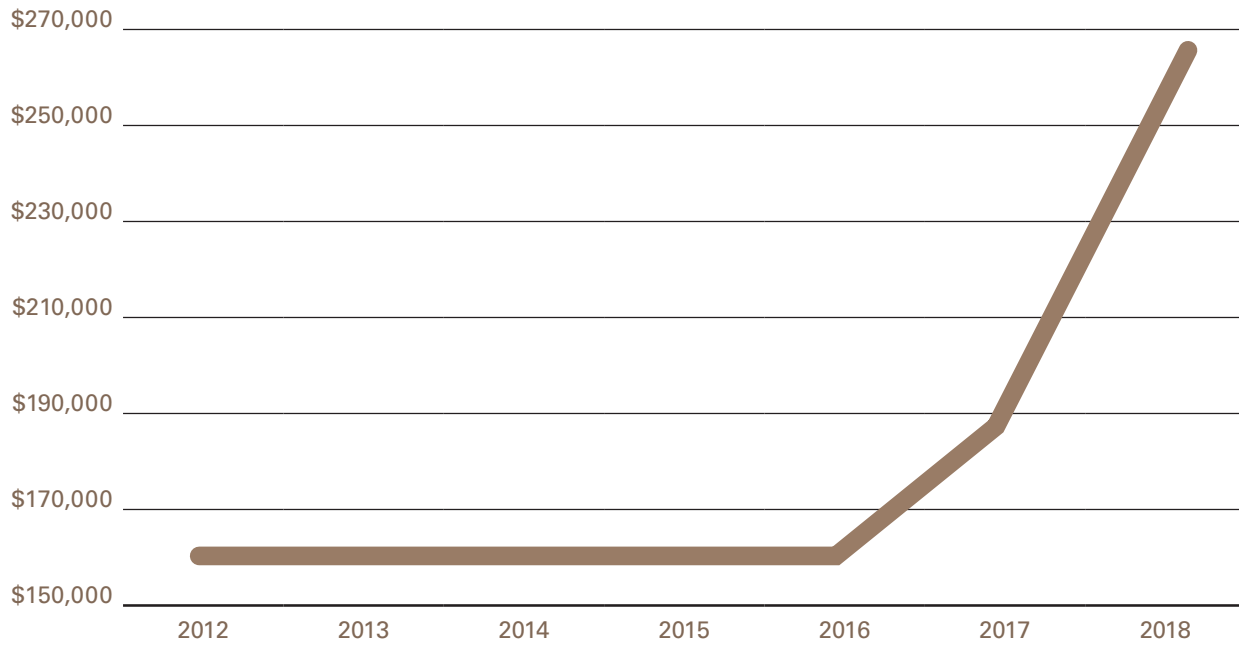
Staff

As previously mentioned, the CPCO has two additional staff who assist in complaint intake, customer service, and general administration. The ED is authorized to hire or contract investigators and legal counsel, if the city corporation counsel is not available, to aid with the investigation of complaints filed with or processed by the office.⁴⁸ Given the relatively small size of the CPCO/CPCB's annual budget (see next section), this historically has not been done.

Budget

The CPCO has historically had a small but relatively stable annual budget, as presented in figure 1.

Figure 1. Citizen's Police Complaint Office/Citizens Police Complaint Board annual budget, 2012–2018



Source: City of Indianapolis and Marion County Office of Finance & Management

48. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(b).

Scope of Authority

Receiving civilian complaints

The CPCO/CPCB are authorized to receive civilian complaints “alleging that the officer used profane and abusive language or intentionally destroyed real or personal property, exceeded his/her authority as a police officer, used unauthorized force, or acted in violation of the department’s rules and regulations or orders.”⁴⁹

Complaints alleging IMPD misconduct are divided into “formal” and “informal” complaints. Formal complaints must be filed in person within 60 days of the action giving rise to the complaint and be signed under penalty of perjury.⁵⁰ Informal complaints may be submitted beyond the 60-day filing period upon showing good and sufficient cause and by majority vote of the CPCB.⁵¹ Both formal and informal complaints will be investigated by IMPD’s Professional Standards Division (PSD), but informal complaints will be reviewed by the CPCO ED with the same due diligence of the board members, and the ED may return a case to the PSD with a request for a revised finding.

Investigating civilian complaints and reviewing IMPD PSD investigations

The CPCO/CPCB may initiate an independent investigation into a civilian complaint it receives after tabling the investigation for 60 days to allow the IMPD to complete its own investigation.⁵² The CPCO may initiate a concurrent independent investigation into a complaint before the end of the investigation by the department by a three-fourths vote of the CPCB.⁵³

More commonly, the CPCB may review IMPD investigations into civilian complaints and issue its own set of findings based on the facts gathered throughout the department’s investigation.⁵⁴

49. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-801(a).

50. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-801(a); 2009 *Annual Report* (Indianapolis: Indianapolis Metropolitan Police Department, 2010), 22.

51. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-801(a).

52. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(a).

53. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(a).

54. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(b).

Issuing findings on civilian complaint investigations

If the CPCB does not agree with the action taken by the chief or with the results of the investigation conducted by the department, the board may, upon majority vote, direct the ED to hold a mediation between the ED and the IMPD chief to attempt to resolve the complaint;⁵⁵ or the board may, by majority vote, elect to conduct an informal administrative hearing to develop recommended findings and dispositions for completed civilian complaint investigations, which are forwarded to the IMPD police chief for his or her consideration.⁵⁶ For the purposes of an investigation or hearing, the CPCB has the power to subpoena witnesses and documents except those documents relating to ongoing criminal investigations.⁵⁷

Access to information

The CPCO/CPCB enabling ordinance does not explicitly specify what departmental records are to be made accessible to the board and office other than any disciplinary action taken against an officer because of his or her involvement in the incident which gave rise to the complaint.⁵⁸ The CPCO/CPCB receives completed investigations pursuant to its review authority, and IMPD officers are required to cooperate with the board when an investigation is being conducted.⁵⁹

In practice, the CPCO has read/write access to IMPD's Internal Affairs Pro (IAPro) records and enters complaints directly into the shared case management system after intake for communicating the complaint to the department. The CPCO also has access to IMPD's computer-aided dispatch and records management systems, which are used during the initial review of a complaint and included with the case if it is forwarded to IMPD's PSD.

55. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(f).

56. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(b).

57. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-807.

58. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(g).

59. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-808(c).

Policy recommendations

The CPCO/CPCB does not have an explicit mandate to issue recommendations concerning IMPD policies and procedures; however, the ED of the CPCO may “make recommendations to the chief concerning matters of conduct and recurring issues that are processed by the [CPCO].”⁶⁰

Public reporting

The CPCO ED shall provide “periodic reports for publication in the [IMPD’s] annual report.”⁶¹

60. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(c).

61. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-805(c).

Procedures

Complaint intake

Formal complaints can only be submitted to the CPCO/CPCB in person at the CPCO office in downtown Indianapolis or by completing the formal complaint paperwork in front of a notary public before submitting to the CPCO via U.S. Mail. An in-person interview is required to formalize a complaint initially submitted by phone.⁶² Informal complaints can be submitted online through the City of Indianapolis website, via email, by telephone, or by fax. All formal complaints must be submitted within 60 days of the incident giving rise to the complaint.⁶³

The CPCO is required to immediately send a copy of the complaint to the IMPD,⁶⁴ which is done by entering it into the IAPro database. The CPCO is required to table its investigation into the complaint for 60 days to let the department complete its own investigation.⁶⁵ In practice, this does not happen because the CPCO does not have any investigative staff. If the CPCO did have investigative staff, the CPCB could, by three-fourths vote of the entire complaint board, direct the office to initiate a simultaneous investigation.⁶⁶ If needed, the CPCO can request investigative assistance from the City's Office of Corporation Counsel to aid in the investigation of complaints or contract with investigators and legal counsel if city corporation counsel is not available.

Investigating civilian complaints and reviewing IMPD PSD investigations

The primary function of the CPCO/CPCB is to review civilian complaint investigations completed by the IMPD's PSD. The PSD typically assigns complaints alleging minor misconduct to district-level investigators and retains more serious allegations, complex cases, or cases with multiple officers for investigation by the PSD's Internal Affairs division.

62. "File a Complaint on an IMPD Officer," Indy.gov, accessed August 5, 2020, <https://my.indy.gov/activity/file-impd-complaint>.

63. "File a Complaint on an IMPD Officer (see note 62).

64. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(a).

65. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(a).

66. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(a).

Once an investigation is completed, the PSD submits its findings and the chief's actions, if any, to the CPCO, which then schedules a public meeting for the CPCB's review of the case.

Public meetings and complaint adjudication

The CPCO informs complainants of the date, time, and location of the public meeting during which their complaint and subsequent investigation will be reviewed. By ordinance, the CPCB may then do one of the following:⁶⁷

- Endorse the PSD's findings, the chief's actions regarding the complaint, or both and notify the chief in writing
- Order the CPCO ED to investigate the complaint
- Conduct an informal administrative hearing on the complaint
- Order the ED to informally mediate the complaint with the chief

If the CPCB votes to hold an administrative hearing, it must provide all parties and witnesses at least 15 days advance notice of the hearing date.⁶⁸ All testimony at the hearing is made under oath and under penalty of perjury.⁶⁹

Following the hearing, the CPCB shall issue a recommended disposition for each allegation in the complaint within 60 days.⁷⁰ Dispositions include not sustained, sustained, exonerated, or withdrawn. The CPCB's findings must then be communicated to the IMPD chief in writing within 10 days of the issuance of dispositions for the complaint.⁷¹

After receiving the board's dispositions, the chief has 30 days to either accept or reject the board's findings.⁷² If the chief disagrees with the CPCB's findings, the board may, by majority vote, request a mediation session between the CPCO ED and chief regarding the complaint.

67. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(b).

68. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(c).

69. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(c).

70. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(d).

71. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(e).

72. Revised Code of the Consolidated City and County of Indianapolis/Marion § 202-806(f).

Community outreach and transparency

The CPCO and IMPD have been among the first civilian oversight and law enforcement agencies to participate in the White House Police Data Initiative.⁷³ In 2015, the City of Indianapolis partnered with the White House and Code for America to publicize police open data to improve public safety as a response to the *Final Report of the President’s Task Force on 21st Century Policing*.⁷⁴ The CPCO has been heavily integrated into this process and releases various datasets on complaints, IMPD use of force, and officer involved shootings on an accessible, easy-to-use online dashboard with graphic visualizations.

The data portal, originally housed under the “Project Comport” title, is now published on the City’s new shared open data portal at data.indy.gov.⁷⁵ Civilian complaint data that may be accessed on the portal includes the following:

- Complaints by month
- Complaints by allegation
- Complaints by allegation type
- Findings of complaints
- Complaints by district or branch
- Marion County & IMPD demographics
- Race of complainants and officers
- Complaints by officer

The following use of force and officer-involved shooting (OIS) datasets are also publicized:

- Types of force used by IMPD
- Use of force incidents by district or branch
- Marion County & IMPD demographics

73. “Indianapolis Leads on Opening Police Data with Launch of Comport,” Code for America, accessed August 5, 2020, <https://www.codeforamerica.org/featured-stories/indianapolis-leads-on-opening-police-data-with-launch-of-comport>.

74. President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P311>.

75. “IMPD Complaints,” OpenIndy, last modified March 9, 2018, <http://data.indy.gov/datasets/impd-complaints>.

- Racial breakdown in use of force
- Officer involved shootings by district
- Officer involved shootings by officer weapon used
- Officer involved shootings by officer and resident race

In addition, the executive director and members of CPCB attend community meetings to inform the community of the CPCO/CPCB's work. The office also maintains a Twitter account,⁷⁶ where it posts about outreach events and appearances, the complaints process, and local public safety matters.

76. Indianapolis CPCO/CPCB Twitter page, username @IndyCPCO, accessed June 7, 2021, <https://twitter.com/IndyCPCO>.

The wave of high-profile incidents in 2020 between police and community members prompted widespread calls for greater community oversight of law enforcement agencies. **Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices**, a white paper by the National Association for Civilian Oversight of Law Enforcement, outlines the history of civilian oversight including reference to this case study of the Indianapolis Police Department and eight others.



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