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TELEMASP BULLETIN

TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

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Citizen Complaints

Mary Sarver

According to Seneviratne (2004), "complaints are unresolved problems where redress is needed, and effective mechanisms for dealing with them are an essential aspect of the accountability of that service" (p. 330). Citizen complaints ensure that police officers are held accountable for their actions, and, hopefully, work to correct their behavior in the future. Complaints offer citizens an opportunity to become involved and voice their concerns about the services they receive from the police (de Guzman & Frank, 2004; Lersch & Mieczkowski, 2000; Worrall, 2002). They provide police agencies with both a way to identify and control those officers who cause problems as well as a way to measure officer performance and productivity (Lersch, 1998; Lersch & Mieczkowski, 2000; McCluskey & Terrill, 2005; Terrill & McCluskey, 2002).

Police misconduct has become a public concern across the nation in recent years, and research shows that citizen complaints have been increasing (Greene, 1999; Lersch, 1998; Lersch & Mieczkowski, 2000; Worrall, 2002). The Civilian Complainant Review Board in New York City reported that between 1992 and 1996 there was an increase in annual citizen complaints of more than 60% and that 53% of citizen complaints in 1996 were filed by African Americans (Greene, 1999). The Bureau of Justice Statistics also reported that "large state and local law enforcement agencies—those with 100 or more sworn officers—received more than 26,000 citizen complaints about officer use of force during 2002" and that "this total figure resulted in overall rates of 33 complaints per agency and 6.6 complaints per 100 full-time sworn officers" (Hickman, 2006, p. 1).

Police policies, practices and procedures for handling citizen complaints are important because they help the police maintain citizens' trust and build partnerships with communities (Hickman, Piquero, & Greene, 2000; Johnson, 2004; Seneviratne, 2004). Like the citizen complaints themselves, policies hold the police accountable for their actions, prevent and reduce future incidents of police misconduct and abuse of citizens and control police power and behaviors (Cao, Deng, & Barton, 2000; Greene, 1999; de Guzman & Frank, 2004; McCluskey & Terrill, 2005; Prenzler & Renken, 2001; Seneviratne, 2004).

This *Bulletin* reports the results of a *TELEMASP* survey regarding both citizen complaint frequency and agency policy. Forty-seven agencies responded to the survey.

Types and Outcomes of Citizen Complaints

There are a number of reasons why citizens file complaints against police officers. The most common found throughout the literature appear to be complaints relating to patrol incidents, physical and verbal abuse, excessive use of force, demeanor, performance, and improper conduct (Cao, Deng, & Barton, 2000; Greene, 1999; Hickman, Piquero, & Greene, 2000; Lersch, 1998; Lersch & Mieczkowski, 2000; McCluskey & Terrill, 2005; Terrill & McCluskey, 2002; Walker, Archbold, & Herbst, 2002; Worrall, 2002). A more recent complaint, racial profiling, has also emerged (Buerger, 2002).

Complaints, however, are defined differently among agencies. Cao, Deng, & Barton (2000), for example, indicated

Sam Houston State University
A Member of The Texas State University System

Bill Blackwood Law Enforcement Management Institute of Texas

that excessive use of force is “any allegation by a citizen regarding unnecessary and unwarranted physical force by sworn officers” (p. 357). Outcomes may also vary among agencies. Hickman (2006) states that there are four main dispositions resulting from citizen complaints: not sustained, unfounded, exonerated, and sustained.

There are policies, practices and procedures that police agencies can implement to handle citizen complaints against police officers. A review of the literature revealed that there are three common procedures utilized by police agencies: mediation, internal review and external review (Bartels & Silverman, 2005; de Guzman & Frank, 2004; Lersch & Mieczkowski, 2000; Prenzler & Ronken, 2001; Walker, Archbold, & Herbst, 2002; Worrall, 2002).

Previous Research

For the purpose of this *Bulletin*, citizen complaints against police officers are divided into four categories: officer characteristic prediction, officer behavior prediction, citizen perceptions, and the effectiveness of procedures utilized to handle citizen complaints (Bartels & Silverman, 2005; Brandl, Strohshine, & Frank, 2001; Cao, Deng, & Barton, 2000; Davis, Mateu-Gelabert, & Miller, 2005; de Guzman & Frank, 2004; Hickman, Piquero, & Greene, 2000; Johnson, 2004; Lersch, 1998; Lersch & Mieczkowski, 2000; McCluskey & Terrill, 2005; Terrill & McCluskey, 2002).

The prediction of officer characteristics and use of excessive force is demonstrated in a study conducted by Brandl, Strohshine, & Frank (2001). The authors found that only two background characteristics, age and gender, played a role in whether or not an officer would receive a citizen complaint. Older officers were less likely to receive complaints about force than younger officers, and male officers were more likely than female officers to receive these complaints. In addition, women were less likely to use physical force than their male counterparts when conducting arrests, and officers who made more arrests were more likely to receive excessive force citizen complaints.

According to Cao, Deng, and Barton (2000), “the organizational behavior of police departments can shape officer behavior by reducing the rate of citizen complaints regarding police use of excessive physical force” (p. 369). McCluskey and Terrill (2005) further found that those officers who used higher levels of force had a larger number of verbal discourtesy citizen complaints.

Terrill and McCluskey (2002) concluded that officers who received a higher number of physical force and discourtesy citizen complaints were more likely to engage in these behaviors than were officers with fewer complaints. Also, officers with higher numbers of citizen complaints were

more likely to engage in proactive stopping and interrogation behaviors. Finally, Lersch and Mieczkowski (2000) found that officers who had received at least one complaint from a citizen were more likely to have also received at least one claim against them regarding internal misconduct. This relationship was even stronger for those officers who were known to create problems.

To “determine citizen preferences in police officer demeanor, actions and specific verbal behaviors during traffic stops” (p. 490), Johnson (2004) administered a questionnaire to college students and found that (1) they preferred officers to state their name and department; (2) they be given an opportunity to explain the infraction and the officer expresses empathy; and (3) the officer’s behavior is extremely important when a citizen has been stopped.

Cao, Deng, and Barton (2000) found that civilian review boards are not effective, and they are actually related to a larger number of citizen complaints. Further, Davis, Mateu-Gelabert, and Miller (2005) conducted a study to determine why citizen complaints declined in the 42nd and 44th precincts of New York City’s South Bronx and found that out of three explanations, only the policy implemented by the precinct managers known as CPR, “Courtesy, Professionalism, and Respect,” was responsible for leading to a decline in citizen complaints.

Bartels and Silverman (2005) researched why citizens who filed complaints chose whether or not to participate in a mediation program offered by the New York City Civilian Complaint Review Board. They found that of those citizens who chose to participate in the mediation program did so because they would have an opportunity to confront the officer face to face. On the other hand, some who declined to participate in the program stated that they preferred a more formal way of acknowledging that the officer had engaged in misconduct.

Methods

A nine-question *TELEMASP* survey was mailed to Texas law enforcement agencies to determine (1) the total number of citizen complaints received in 2006 by officers’ gender, age and rank, (2) the number of citizen complaints associated with specific behaviors, (3) the number of citizen complaints that were not sustained, unfounded, exonerated, sustained, or pending disposition in specific activities, (4) the total number of internal complaints, (5) the handling of internal complaints versus external complaints, and (6) processes utilized to manage citizen complaints. Of the 47 participating agencies, eight agencies reported that there were no data available, 33 agencies reported all complaints received, and six reported only formal complaints filed. For the purposes of this *Bulletin*, only data for the 33 agen-

cies that reported all complaints are included in the figures and tables. However, data from the six agencies reporting only formal complaints are summarized on page 6.

Results

Each agency representative was asked to report the total number of logged citizen complaints for 2006, excluding internal complaints filed by fellow officers or police department employees. Utilizing these data and the number of sworn officers for each agency, the ratio of citizen complaints to sworn officers was possible to determine. As shown in Table 1, agencies having 99 or fewer sworn officers had a ratio of one complaint for every four officers. Agencies with a number of sworn officers ranging from 100 to 299 had a ratio of one complaint for every six officers, and agencies with 300 or more sworn officers had a ratio of one complaint for every eight officers. The ratio of formal complaints officially filed to all complaints received is illustrated by the Arlington Police Department that keeps track of both formal and informal complaints. For Arlington, the ratio for formal complaints was one for every 272 sworn officers, or approximately 1% of all complaints received. This obviously suggests that there is high attrition between simply “phoning in” a complaint and filing a sworn affidavit.

Results indicate that 8% of all officers experiencing citizen complaints were female, while 92% were male. Although the participating agencies did not break the number of sworn male and female officers into categories, the national average of sworn female officers is approximately 13% (ICPSR, 2003). Assuming the sample of Texas agencies surveyed has a similar ratio, the rate of complaints against female officers is well below that of males (see Figure 1).

As Table 2 depicts, agencies reported a total of 1,401 citizen complaints for officers based on four age ranges. The majority fell within 35-49 years (50%), while the age range of 21-25 comprised the least amount (6%). These results indicate that older officers receive a fair proportion of the complaints. In addition, as shown in Table 3, 88% of all

citizen complaints received for all agencies were reported for patrol officers.

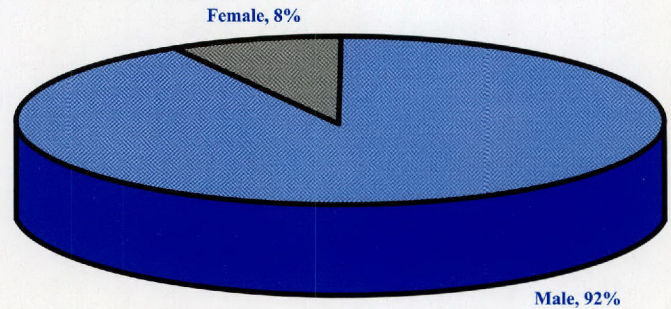


Figure 1. Citizen Complaints by Gender

**Table 2
Number of Citizen Complaints Received for Officers within Each Age Range**

Officer Age Range	Number	Percent
21-25	84	6.0
26-34	479	34.2
35-49	697	49.7
50+	141	10.1
Total	1,401	100

Agency representatives were asked to indicate how many officers fell within five separate “number of citizen complaints” ranging from zero to 16 or more in 2006. As shown in Table 4, out of a total of 7,000 officers, from all responding agencies, 83% had zero complaints, 15% had between one to five complaints and 2% represented 16 or more.

Citizen complaints associated with specific behaviors were also reported by each participating agency. As shown in Table 5, 32% of the complaints were included in the “other” category. They included: assault, unbecoming conduct,

**Table 1
Ratio of Citizen Complaints to Sworn Officer in 2006**

Range of Sworn Officers	Number of Responding Agencies	Total Number of Citizen Complaints	Total Number of Sworn Officers	Ratio of Complaints to Sworn Officers
<99	10	169	672	1:4
100-299	16	494	2,748	1:6
>300	7	1,416	11,204	1:8



Table 3
Number of Citizen Complaints Received for Officers within Each Rank

Officer Rank	Number	Percent
Patrol Officer	1,206	88.1
Sergeant	130	9.5
Lieutenant	16	1.2
Captain	4	0.3
Other	13	0.9
Total	1,369	100

Table 4
Number of Citizen Complaint Ranges to Total Number of Officers

Range of Complaints	Number of Officers	Percent
0	5,833	83.33
1-5	1,033	14.76
6-10	16	0.23
11-15	3	0.04
16+	115	1.64
Total	7,000	100

Table 5
Citizen Complaints Reported for Specific Behaviors

Behavior	Number	Percent
Verbal abuse (<i>rudeness</i>)	635	28.6
Use of force, generic	385	17.4
Abuse of authority (<i>but not use of force</i>)	164	7.4
Lack of service	101	4.5
Avoiding duties	95	4.3
Taser discharge	70	3.2
Racial profiling	50	2.3
Sexual harassment	9	0.4
Other	708	31.9
Total	2,217	100

violation of departmental policy, racial profiling, discharge of firearm, and improper procedure. Twenty-nine percent were associated with verbal abuse (rudeness), followed by 17% associated with use of force (generic), which parallels previous research findings.

Table 6 provides data for citizen complaints reported in the context of specific activities. Responding to calls for service (criminal) comprised 24% of the complaints, followed by traffic enforcement (20%), and responding to calls for service (non-criminal) (19%). The "other" category consisted of 16% of the complaints which included activities such as personal time, general conduct, personal conduct, and off-duty conduct.

When asked to indicate the number of citizen complaints in 2006 that were not sustained, unfounded, exonerated, sustained, or pending disposition, respondents indicated that 30% of all complaints received had not been sustained, 27% were unfounded and 16% had been sustained. In addition, 10% of the complaints fell into the "other" category, including justified, accidental, never formalized, no violation, duplicate information, supervisory interventions, and mediations (see Table 7).

A total of 2,264 internal complaints out of 33 agencies were filed by fellow officers or police department employees in 2005. Agencies were then asked to indicate if, and how, these complaints are handled differently from external complaints. As Figure 2 depicts, 94% of the agencies responded that internal complaints were handled no differently from external complaints. The remaining 6% reporting that internal complaints are handled differently included the following procedures: the complainant receives no formal notification of the findings, if discipline is administered (for example, complaint was sustained), and most complaints are policy and procedure violations that are assigned to the Internal Affairs Division (IAD).

The final survey question asked agencies to indicate the processes utilized when handling citizen complaints. As shown in Table 8, 47% of the agencies reported that processes fall into the "other" category, followed by 37% that utilize internal review boards. Other processes include: investigation by a supervisor, investigation by the IAD, chain of command review with final decision made by the chief, disposition made by the sheriff, civil service/arbitration, professional standards unit investigation, and citizen review committee.

Table 6
Citizen Complaints Reported in the Context of Specific Activities

Activities	Number	Percent
Responding to calls-for-service (<i>criminal</i>)	134	23.5
Traffic enforcement	116	20.3
Responding to calls-for-service (<i>non-criminal</i>)	110	19.3
Conducting investigations	42	7.3
Field interviews/interrogations (<i>not traffic enforcement</i>)	39	6.8
Traffic accidents	36	6.3
Other	94	16.5
Total	571	100

Table 7
Outcomes of Citizen Complaints

Outcome	Number	Percent
Not sustained	695	30.4
Unfounded	628	27.5
Sustained	362	15.8
Exonerated	330	14.4
Still pending disposition	38	1.7
Other	232	10.2
Total	2,285	100

Table 8
Processes Utilized to Handle Citizen Complaints

Process	Number of Agencies	Percent
Internal Review Boards	14	36.8
Mediation	4	10.5
External Review Boards	2	5.3
Other	18	47.4
Total	38	100

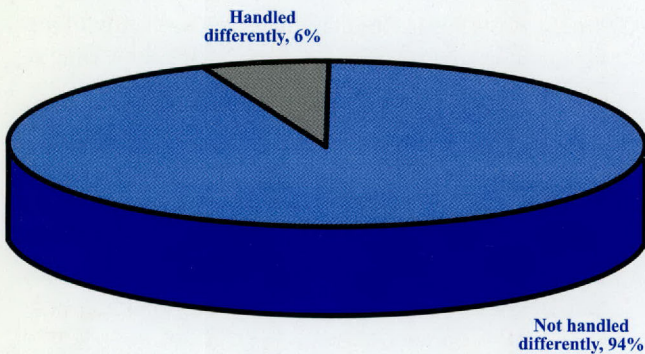


Figure 2. Internal Complaints Versus External Complaints

Conclusion

A noteworthy finding of this *TELEMASP* Bulletin is the number of citizen complaints increases for agencies with sworn officers of 99 or less. Interestingly, contrary to previous research findings, the majority of complaints received were against officers between the ages of 35 to 49. On the other hand, 83% of officers received no complaints in a typical year.

2006 Data for the Six Agencies Reporting Only Formal Complaints

- The ratio of formal citizen complaints to sworn officers was 1:47.
- Females made up 9% of all officers with formal citizen complaints, or approximately 4% less than the national average percentage of officers who are female.
- Fifty percent fell within the 35-49 age category, followed by 42% between 26-34, and 8% between 21-25.
- One hundred percent of the formal complaints involved patrol officers.
- Ninety-six percent of the officers received between 1-5 complaints, while 6% received between 6-10.
- The majority of complaints (32%) reported were associated with the use of force.
- The majority of complaints (36%) reported were in the context of responding to criminal calls-for-service and conducting investigations.
- Forty-five percent of complaints reported were exonerated.
- Internal complaints averaged nine per agency.
- All six agencies reported that internal complaints are handled no differently from external complaints.
- Fifty percent of the agencies reported that other processes are utilized to handle citizen complaints rather than mediation or internal and external review boards.

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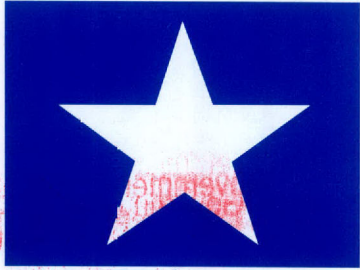
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This bulletin was authored by Mary Sarver, a doctoral candidate at Sam Houston State University. She has worked with the U.S. Marshal's Executive Development Training Program and is currently studying law enforcement leadership styles in Texas.

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