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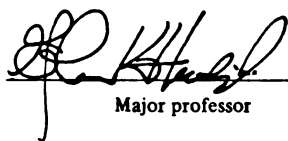
**Police Complaints Procedures in the USA and in England and Wales:  
Historical and Contemporary Issues**

presented by

**Paul West**

has been accepted towards fulfillment  
of the requirements for

**Master of Science** degree in **Criminal Justice**

  
Major professor

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**POLICE COMPLAINTS PROCEDURES IN THE USA  
AND IN ENGLAND AND WALES:  
HISTORICAL AND CONTEMPORARY ISSUES**

by

**Paul West**

**A THESIS**

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

**MASTER OF SCIENCE**

School of Criminal Justice

1987



## **ABSTRACT**

# **POLICE COMPLAINTS PROCEDURES IN THE USA AND IN ENGLAND AND WALES: HISTORICAL AND CONTEMPORARY ISSUES**

by

**Paul West**

The major purpose of this study was to identify and describe those systems presently being utilized to investigate citizen complaints against the police, both in the USA and in England and Wales, and to chronicle the major historical events in their development.

Data collection involved three distinct components: an extensive review of both American and British literature, a number of interviews with police and other agencies involved in complaints investigation in North America, and a mail survey circulated to the 132 US general member departments of the Police Executive Research Forum.

An overall response rate of 75.8% was obtained with the survey instrument. Univariate, bivariate and, to a lesser extent, multivariate techniques were used in the analysis phase of the study. Numerous complaints system variations were identified, many of which were considered to have policy implications for police departments when undertaking reviews of their citizen complaint procedures.

**Dedicated to my wife, Kate,  
and to our daughter, Caroline.**

## **ACKNOWLEDGEMENTS**

**This study of police complaints procedures would not have been possible without the cooperation, assistance and guidance offered by a great many people, and by police departments and other agencies.**

**Overall however, had the opportunity to study and travel in the USA not been presented, such a study could never even have been contemplated. I am therefore especially indebted to the Commonwealth Fund of New York for awarding me a 1986 Harkness Fellowship, and to the Chief Constable of Durham Constabulary, England, Eldred J. Boothby, Esq. Q.P.M. and the members of Durham Police Authority for enthusiastically supporting my Fellowship application and arranging for me to be released from operational police duties for sixteen months to study in Michigan.**

**My choice of Michigan State University School of Criminal Justice was in no small part influenced by the advice offered by Ian Watt, the recently retired Dean of Academic Studies at the Police Staff College, Bramshill, Hampshire, to whom I express my appreciation.**

**I am particularly grateful to the members of my thesis committee for their assistance and guidance in the preparation of this document. My chairman, John Hudzik, offered insightful criticism of the early drafts, provided many good ideas which were incorporated into the study, and perhaps even more importantly, allowed me to use up a great deal of his valuable time and was always available as a source of encouragement when needed. I thank him very much. The remaining members of my committee, Tim Bynum and David Carter, also made considerable contributions. They both worked with me on the project from the start, and I am especially grateful to them for the assistance they offered in the design stages of the survey instrument. Throughout, both Tim and David offered advice and thoughtful comments concerning the way in which the study was developing, and it is to them that I owe a great deal of gratitude for the**

strategic contacts which they made and doors which they ensured were opened to me.

The early development of the study was largely built around a number interviews undertaken in various regions of North America in late 1986 and early 1987. Site visits were made both to police departments and to formally constituted external civilian agencies with responsibilities for investigating complaints against the police. Without exception, every agency visited was exceptionally helpful and forthcoming in providing useful information concerning what is, after all, an extremely controversial area of police operations. I can only hope that, if roles had been reversed and an American police officer had been studying police complaints procedures in England and Wales, he or she would have been treated with the same degree and openness and offered the same generous and unreserved help as I was. I particularly wish to place on record my thanks to the following individuals: Sergeant Ron Clevenger and Sergeant Lynn Reed, Lansing Police Department, MI, Captain Wayne Novinger, Concord Police Department, CA, Captain Tom Johnson and Inspector Sherrie Aldinger, Berkeley Police Department, CA, Captain Phil Coleman and Lieutenant Mike Sims, Oakland Police Department, CA, Sergeant Suzanne Whalley, Hayward Police Department, CA, Frank Schober and Daniel Silva, Director and Senior Investigator respectively of the San Francisco Office of Citizen Complaints, CA, Assistant Chief Richard Joyce and Sergeant Jim Hayes, Pittsburgh Department of Public Safety, PA, Lucy Edwards, Executive Director of the Washington D.C. Civilian Complaint Review Board, Sergeant Bill Johnson and Sergeant Paul Storey, Alexandria Police Department, VA, Lieutenant Paul Sidell and Sergeant John Lavelle, Cleveland Police Department, OH, and Ted Singleton, Senior Investigator of the Office of the Public Complaints Commissioner, Toronto, Ontario.

If the early stages of this study depended heavily upon personal interviews, the latter stages were entirely dependent upon data derived from a mailed survey. Without this particular component, the research could not possibly have made a significant contribution to the body of knowledge concerning police complaints procedures. In this respect, during the second half of my study I was greatly honored and privileged to be able to work alongside the Police Executive Research Forum (PERF). For this opportunity, I am indebted to the Executive Director of

PERF, Darrel Stephens, for his constant support and encouragement. I sincerely trust that his confidence in my work, and its potential benefits to PERF, was not misplaced. I am also appreciative of the assistance offered by another PERF member, Chief Joe Koziol of the Portsmouth Police Department, Virginia. Not only did Joe help in the early stages of designing and refining the survey instrument, but he also provided both moral and vocal support when I presented the preliminary findings of the study at the 1987 International Association of Chiefs of Police Conference in Toronto.

Having singled out two members of PERF for a special mention, it is highly appropriate that I take this opportunity to record my sincere thanks to its general members for taking such an interest in the study that I was able to record a final response rate of 75.8% to the survey component. Such an unusually high rate of survey returns, particularly in light of the length of the questionnaire, can only reflect well upon PERF's stated aim to exchange new ideas and promote police-based research.

On a more personal level, thanks are due to several people without whose support my work would never have been completed, and indeed may never even have started. To my wife Kate who, not content with coming to America with a ten-month old daughter to care for, decided that the opportunity to study was too good a chance to miss, and consequently also enrolled in the Criminal Justice Master's Degree program at MSU. Her efforts and achievements over the last sixteen months, particularly in the light of her limited criminal justice background, put all of my work quite rightly in the shade. Also to our parents who suffered the temporary loss of a granddaughter graciously, and were constant sources of support both by telephone and letter throughout our stay in Michigan. And to Dennis Banas who, in his position as Assistant to the Director of the School of Criminal Justice, in the early days used his inestimable powers of persuasion to convince us that we had made a wise decision by both enrolling in the Master's program, and subsequently was consistently available when needed to direct our coursework and organize the seemingly impossible with consummate ease and grace.

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important to us than John's academic assistance, was his and Anne's unlimited help in sorting out the many and varied problems of our temporary stay, and in easing our acclimatization in Michigan. Literally from the moment of our arrival in Lansing, they have always been available to lend us whatever help and support we have needed. We are greatly indebted to them and hope that an opportunity will present itself so that we may be able to repay some of their kindness in the future.

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## **CHAPTER I**

### **THE PROBLEM**

#### **Introduction**

The aim of this study is to present an in-depth examination of the various systems currently operating in both the United States of America and in England and Wales for investigating citizen complaints against the police.

In the context of the study, the term 'complaint' refers only to allegations made by citizens regarding the conduct of sworn police officers. It does not refer to disciplinary investigations initiated by officers' supervisors, nor to complaints made by citizens regarding the conduct of civilian personnel employed by police agencies, nor to complaints made by citizens regarding departmental policies in general.

The subject of investigating complaints against the police has a lengthy and controversial history on both sides of the Atlantic. Whilst the credibility of complaints procedures is only one of many factors which tend to determine the extent of public confidence in and respect for the police, the frequency with which such procedures are the subject of heated public debate and intense media interest tends to imply that many people view them as playing a critical role in police-community relations. It may be argued that one thing which is guaranteed to erode public confidence in the police even more than a media revelation that certain individual officers have been breaking those very laws which they have been charged with the duty of upholding, is the fact that police internal investigation procedures have been unable to identify those officers responsible for blatant acts of misconduct. Unfortunately, such disclosures have all too frequently made headline news in the past, particularly in some of the larger police departments in



the United States and England and Wales.

Public expectations of individual police officer conduct are extremely high. Nevertheless, it must be conceded that, despite all of their training, expertise, experience and aspirations to professional status, police officers are basically civilians in uniform. As such, they are subject to the same strains, problems and temptations which, from time to time, afflict everyone else. Additionally, although Herculean tasks are often expected of them, and even though some may attempt to deny it, police officers suffer from human failings and are not omnipotent.

Given the extremely stressful, yet frequently individualized work environment of the majority of officers, it is thus unavoidable that instances of police misconduct will occur and will give rise to citizen complaints. It is unfortunately also the case that police officers' work situations provide adequate fertile ground in which malicious complainants can plant their unwelcome seeds.

Taking account of the foregoing discussion, the fact that numerous citizen complaints alleging various forms of misconduct on the part of police officers are filed every year with most departments should not be an unexpected one. Indeed, what would be unusual would be a reasonably sized police agency which did not generate any complaints. This unlikely situation could only be accounted for in one of two ways: either because the police department was a perfect model of what a good community-conscious agency should be, its activities being fully congruent with community expectations, or because the department was out of control and a law unto itself, resulting in those citizen complaints which were filed not even being officially recorded, far less formally investigated. In either case and for differing reasons, the activities of such an agency could be the subject of an entire research study in its own right. Not surprisingly few, if any sizeable complaint-free police departments exist in either the United States or in England and Wales.

If it is largely unavoidable that complaints against the police will continue to be made, the focus of attention should be directed away from the complaints themselves and towards those procedures which are in place to ensure that citizen complaints are properly investigated. One fundamental question must then ask exactly what the major objectives of such procedures are.

It seems likely that the principal goals of any system for investigating complaints against the police should be threefold: to ensure that complaints are thoroughly and impartially investigated and disposed of, to reassure the public that improper police behavior will not escape undetected, and to act as an effective deterrent to further instances of police misconduct.

Within the highly fragmented locally accountable criminal justice system in the USA, it is only to be expected that numerous variations upon the theme of complaints investigations have developed during recent years. On the one hand, these may range from effectively closed systems in which investigations are carried out entirely internally with no external involvement and very little dissemination of information to the public, to open systems in which local government 'by sunshine' ensures a degree of external civilian involvement in investigations and results in the publication of reports specifically intended to fully inform the community of as many details of the activities of complaints investigation units as personnel legislation will allow. On the other hand, they may vary from highly centralized systems in which autocratic police chiefs retain the sole responsibility for all aspects of decision-making concerning citizen complaints, to largely decentralized structures within which personnel review boards, both internal and external, generate the involvement of a wide range of individuals in the disciplinary decision-making process.

In contrast to the situation in the United States, in England and Wales although local accountability of the 43 police forces currently in existence is ensured through the involvement of local police authorities, responsible for ensuring the efficient and effective operation of forces, in budgetary and large-scale policy matters, major policing practices as laid down both in statutory legislation and Home Office guidelines are generally consistent throughout both countries. This is particularly true in the area of complaints against the police, where individual force policies over the past two decades have been required to conform with, in turn, the Police Act 1964, the Police Act 1976, and the Police and Criminal Evidence Act 1984.

The opportunity afforded to a police officer from England, who's only direct experience was of policing in a context in which policies and procedures are largely standardized from one force to another, to undertake an examination and assessment of the many and various systems

for investigating complaints against the police which exist within the USA was one feature of this study which made it so fascinating and challenging. At the same time, it is hoped that the opportunity led to the development of a practical, worthwhile, and truly unique piece of police-related research.

### **Purpose and Framework of the Study**

The major purpose of this study is to identify and describe the various systems presently being utilized to investigate complaints against the police, both in the United States of America and in England and Wales, and to chronicle the major historical events in their development.

Second, the study seeks to identify the major arguments which have traditionally been used by both opponents and proponents of the concept of external civilian review of alleged police misconduct and, in a limited fashion, to assess present day police officers' opinions concerning the various arguments.

Building upon these overall objectives, a third purpose is to develop a functional typology for complaints investigations which, through structural variations upon its basic design is capable of describing all those current alternative systems found to exist.

Finally, using the complaints investigation functional typology as a basis, the study seeks to develop an extensive data base through which to identify those features of police organizations and their environments which influence citizen complaint policies and procedures.

Overall, it is intended that the study be viewed as adopting a predominately practical approach to the examination of a difficult police management issue, the problem of developing credible systems for investigating citizen complaints against the police which utilize policies and procedures that are equally acceptable to officers, complainants and members of the general public alike.

The research is undertaken from the seemingly pessimistic, but nevertheless pragmatic stance that instances of police misconduct, or at the very least allegations of police misconduct, which result in citizen complaints against the police are phenomena which, other than in a perfect world, can never be entirely avoided. This being the case, the study makes no attempt to answer

the vital question of how complaints against the police can be, if not totally eradicated, at least substantially reduced in number. This particular question opens up an entire field of study in its own right. Personnel procedures, selection and recruitment policies, liaison with community consultative groups, and training practices all may be managed to a police department's benefit in this area, but these important topics are not within the terms of reference of the present study.

The emphasis of the research is thus not placed upon how police departments can reduce the number of citizen complaints filed, but rather, given their present rate of incidence, upon how best to ensure that complaints are investigated in a fair and impartial manner to the greatest possible satisfaction of all parties involved.

### **Research Questions**

This study is largely exploratory in nature, with little, if any similar empirical research upon which to rely. Although it is not based upon formal hypotheses, the work is guided by a set of research questions derived primarily from its previously stated purpose and framework. As the work was developing, these research questions served to shape the literature review and to identify those variables for which measures were designed and data were collected later in the study. The research questions, which themselves underwent further elaboration in what became an iterative design process, along with a brief summary of the rationale underlying them, are listed below:

- 1) What variations in systems for investigating complaints against the police currently exist within the United States of America and England and Wales?**

This question is fundamental to the entire research endeavor upon which the present study is based. As mentioned previously, the fragmented criminal justice system in the USA, together with the close local accountability of police agencies, ensures that significant differences exist between a wide range of departmental policies and procedures. To a great extent, this is particularly true in the area of investigating complaints against the police. Whilst the complaints system in England and Wales at any one time is consistent throughout both countries, recent

fundamental changes in procedures, including the creation of a new independent civilian Police Complaints Authority with responsibility for supervising and directing investigations and for reviewing disciplinary decisions, have brought the subject of police complaints to the forefront of public and media attention. If systems and procedures can vary substantially yet remain potent and effective, any study which attempts to draw the various systems together, thus allowing their respective strengths and weaknesses to be assessed, is potentially of value to senior police administrators.

**2) What are some of the underlying reasons which have given rise to changes and variations in systems used for investigating complaints against the police within the USA and England and Wales?**

Whilst the various complaints systems which presently operate are undoubtedly of primary importance and interest to police administrators, it is vitally important that any changes which are contemplated in current procedures are planned with adequate consideration having been given to some of the major events and problems which, in the past, have either given rise to or accompanied system changes.

**3) What are some of the major arguments which have been used by interest groups concerning the investigation of complaints against the police within the USA and England and Wales?**

Traditionally, on both sides of the Atlantic some of the most heated discussions on the subject of investigating complaints against the police have centered around the subject of civilian involvement in the process. In the United States, civilian review boards seemed to reach their peak during the permissive society of the 1960s and then fade away almost as quickly as they had been introduced. Nevertheless, some of the more recent attempts to involve civilians in police disciplinary processes, intended to inject visible elements of independence and impartiality into existing systems, have achieved longer lasting successes. Summarizing some of the major arguments repeatedly used by those with differing opinions on the subject of external review of alleged police misconduct can assist in understanding the motivation behind many of the proposals made either for change or for retention of the status quo.

- 4) Can an empirically-derived functional typology be developed to provide a generalized framework against which structurally differing police complaints procedures can systematically be compared?**

Although a wide range of complaints procedures exist, certain features are common to most. Conversely, aspects of complaints policies exist which are considered crucial by those administrators familiar with their use, and yet which are frequently absent from complaints procedures employed elsewhere. In this context, a valuable tool to assist in examining, comparing and contrasting police complaints systems would be a functional typology containing all of the necessary stages to allow its use in describing any particular system as merely representing one structural alternative on a common functional basis. Gathering data on complaints procedures directly from those members of police agencies who are fully conversant with the necessary administrative steps involved in correctly handling citizen complaints is potentially the most likely means of eliciting the appropriate information required to develop and design such a typology.

- 5) Within the USA, is there a relationship between police complaints procedures and any of the following:**

- a) agency size, level and geographical location?**
- b) general economic conditions in police jurisdictions?**
- c) general crime characteristics in police jurisdictions?**

Complaints against the police are not made in a vacuum. Whether they result from actual police misconduct, perceived police misconduct, or the malicious intentions of complainants, all complaints are grounded in either reason or motive. Whilst the present study is not directly concerned with identifying the causal processes which give rise to police complaints, it does aim to seek out and identify associations between complaints procedures and other factors. Adopting a conflict view of society, it seems likely that both real and perceived problems existing within a community may create hostile attitudes towards the police, since to many people they represent the most visible symbols of authority and an oppressive society. Hostile attitudes within the community, if exacerbated by seemingly impersonal and unconcerned police departments, may generate citizen complaints. Thus, if it is to be expected that certain socioeconomic and

demographic features of police agency jurisdictions, examples of which are itemized in the above two research questions, will be associated with the filing of citizen complaints against the police, it is also reasonable to infer that the same factors may exhibit relationships with the systems and procedures utilized in complaints investigation.

If certain socioeconomic and demographic features of police jurisdictions are indeed associated with complaints procedures, it is to be expected that those characteristics of the community which impinge directly upon police operations will exhibit even more marked relationships with systems utilized for investigating citizen complaints. In particular, an assessment of crime rates and crime types can provide both an indication of the occupational challenge being faced by a particular police agency, and a measure of the extent to which its manpower resources are being stretched. Both of these factors may impact upon the quality of service provided by the agency, and thus upon citizen complaints and the procedures utilized to investigate them.

**6) Within the USA, is there a relationship between police complaints procedures and any of the following:**

- a) the number of complaints filed?**
- b) the seriousness of complaints filed?**
- c) the proportion of complaints sustained?**

Finally, the most obvious features of a police agency to which it would be expected complaints systems and procedures to be related are the citizen complaints themselves. It is eminently reasonable to infer that police complaints investigation procedures have developed at appropriate levels both for the numbers and seriousness of citizen complaints typically filed with individual departments. Additionally, the proportion of complaints sustained, although at best an unreliable indicator of professional misconduct within a police agency, might be expected to exhibit an association with the investigative procedures preferred.

## **Overview of the Study**

A review of the literature, divided into three major sections, comprises the subject matter of the next three chapters. Chapters II and III are concerned with the major historical developments in the area of investigating complaints against the police which have occurred in the United States of America and in England and Wales respectively. Chapter II chronicles US complaints system changes from the early days of Internal Affairs Units and civilian review to the present day, whilst Chapter III presents a similar overview of developments in England and Wales and concludes with a detailed description of the activities and responsibilities of the new and independent Police Complaints Authority. England and Wales are singled out from the other two countries in the United Kingdom, Scotland and Northern Ireland, since the latter two have different historical and legal traditions which make their inclusion with England and Wales inappropriate when police-related matters are under consideration.

The first two sections of Chapter IV constitute a review and summary of past experiences concerning police complaints procedures in the United States and in England and Wales and identify several possible sources of new developments. The major historical point of similarity between developments in complaints investigation has been the traditional use of the same set of arguments by proponents and opponents of the concept of external civilian review of alleged police misconduct on both sides of the Atlantic. The third section of Chapter IV therefore comprises a summary of these arguments and their underlying rationale.

The design of the study is fully described in Chapter V, which includes a brief description of the survey instrument and those measures it was designed to generate for analysis. Chapter VI includes a detailed consideration of the stages involved in developing a functional typology for complaints investigation, an endeavor which was central to the entire study. The typology, which once developed provided the basis for the data collection in the final phase of the study, is presented in pictorial form at the end of the chapter. Analysis and discussion of the data constitute the subject matter of Chapter VII. Univariate, bivariate and multivariate analyses are considered in turn. In the final chapter, a summary, conclusions and policy implications are presented in the context of the original six research questions.



## **CHAPTER II**

### **THE UNITED STATES' EXPERIENCE**

#### **Introduction**

The power and authority which society has invested in the police ensures that officers' actions are subjected to close scrutiny by, amongst other groups, the media, lawyers, civil rights organizations and the public in general. Procedures which ensure that citizens who are not satisfied by the standard of service provided by individual officers, or by the police as an organization, are entitled to have their complaints investigated exist throughout the USA, although details of the procedures vary from department to department.

Occasionally, well-publicized flagrant abuses of power or authority by officers who appear to have escaped without punishment cast doubt upon the integrity of complaints investigation procedures.

In such an environment, senior police managers are faced with the problem of developing and implementing a procedure for investigating citizen complaints against officers of their department. A process which is thorough and impartial, and yet which is equally acceptable to the officers themselves, to members of the public, and to local political leaders and pressure groups.

#### **External versus Internal Review - The Background**

Ever since the first Internal Affairs Units (IAUs) were established in the USA during the 1940s, the subject of investigation of complaints against the police has been a major topic of public debate. The controversy has not, however, been concerned with any suggestions that investigating citizen complaints of police malpractice is an unnecessary and wasteful utilization of

scarce public resources. On the contrary, all interest groups and writers who have addressed themselves to the issue have, without exception, agreed that citizen complaints against individual officers should be fully investigated. The factor which has created the debate is the form which this review of an officer's actions should take. In broad terms, the debate has centered around whether the investigation of alleged malpractice by officers should be investigated internally within the police department or externally by some other body independent of the police.

It has been argued that, whatever the investigative procedure utilized are, public confidence, vital to an effective police department, can be fostered by a well-publicized and well-organized complaints investigation system (Beral and Sisk, 1964: 500). The opposite situation occurs when an investigative unit, out of concern for the reputation of the police department, employs reprehensible tactics to discourage citizens from filing complaints against officers. In the early 1960s, cases were documented in which IAUs threatened complainants with criminal libel in New York City, demanded that they take a polygraph test in Cleveland, and charged them with various public order offences in Philadelphia, Washington, D.C., and Los Angeles. In other words, the investigative units behaved as if the complainants rather than the officers were on trial, (Niederhoffer, 1967: 284). Attitudes and actions such as these can naturally only do harm to police-community relations. However, without any quantitative data being available which relates police-community relations to methods utilized for investigating citizen complaints against the police, writers have only been able to express their opinions on the nature of the relationship between the two factors. Whilst it is logical to argue that a good investigative system will give rise to good police-community relations (Beral and Sisk, 1964: 516), the negative argument that a less than good investigative system will give rise to less than good police-community relations is more reasonable, pragmatic and realistic.

Most police departments, aware of constant community tensions, do everything which is within their power to prevent a worsening of police-community relations. A serious consideration of the ways in which their complaints investigation procedures are viewed by the general public is therefore a crucial step in this process.

One important point which is all too frequently overlooked is that, even allowing for the aggressive tactics described above which are sometimes utilized by recipients of complaints, the volume of reported complaints in most jurisdictions is not great considering the number of police involved (Barton, 1970: 450; Cray, 1972: 255-257). It might reasonably be inferred therefore that poor police-community relations arising from citizen complaints against the police is not so much associated with the number of complaints made as it is with the way in which they are investigated.

It is perhaps surprising to discover that, in the wake of the collapse of the New York City Civilian Complaint Review Board (CCRB) in 1966, after only four months' operation, The President's Commission on Law Enforcement and Administration of Justice took the apparently naive view that:

"The Police Review Board should never have been the central issue; Police Review Boards are only symptomatic of a much more serious matter, ie:- the loss of confidence by the public in some police forces. It is the loss of confidence which is the central issue in the controversy."  
(Field Survey V 1967: 296-297).

The President's Commission did not, however totally adopt an ostrich stance on the effect of perceived shortcomings in police departments' LAUs on public confidence in the police, since it recommended, albeit reluctantly, that in those communities where it was obvious that even revised and improved internal review procedures would not restore public confidence, measures to establish some form of external review should be taken.

The development, during the late 1950s and the 1960s, of a number of external review mechanisms to monitor citizen complaints against the police, either in addition to or as replacements for existing internal review mechanisms, whatever else it achieved, certainly led to a polarization of opinions on the issue by the end of the 1960s. These opinions and their related arguments have, despite the passage of time, remained largely unchanged to the present day, and have been catalogued by a number of writers (Beral and Sisk, 1964; Cray 1972; Terrill 1982; Walker 1983). The arguments themselves are well worthy of consideration and analysis, and are presented in Chapter IV of the present study. At this stage, however, it is both useful and

informative to discuss the early attempts at complaints investigation in the USA, followed by the major events which gave rise to the polarization of views.

### **Investigation of Complaints in the Early 1960s**

The first major attempt to identify the various methods utilized to investigate citizen complaints against the police in the USA was undertaken by Beral and Sisk in a classic article published in the Harvard Law Review in 1964. At the time of writing, complaints against the police were only administered by civilian groups in two cities: Philadelphia, since 1958, and Rochester, N.Y., since 1963. Consequently, most of Beral and Sisk's discussion focused upon the differences in the organization of internal mechanisms for complaints investigation within some 200 of the larger police departments in the USA.

Three basic types of investigative mechanisms were found to exist - local supervisor investigation, local supervisor investigation supplemented by a specific unit within the police department (for example, Internal Affairs), and investigation exclusively by a specific unit within the police department.

The advantage of local supervisor investigation was that it was believed to heighten the awareness of supervisors of the specific actions of officers under their command which tended to generate friction and cause citizens to complain; the disadvantage was that it was felt that many supervisors could have a great interest in covering up violations, both to shield their friends and favored officers and to conceal their own shortcomings.

In police departments with an Internal Affairs Unit (IAU), invariably it was found that all complaints made against officers of the departments were initially forwarded to the IAU for central recording. Officers of the IAU then generally had broad discretion in deciding whether to investigate the allegation themselves, which they would normally do in potentially serious or complex cases, or whether to refer the complaint to the accused officer's immediate supervisor for investigation. In the latter case, the supervisor's completed investigation report would be returned to the IAU for examination. As an added deterrent to biased investigation, in some departments IA officers would reinvestigate at random some of the cases which had initially been

referred to officers' supervisors. Two advantages of this two-tiered mechanism over the simple local investigation were the degree of independence and impartiality which the IAU provided, together with its apparatus which could handle large scale investigations beyond either the capability or the time and resources of officers' immediate supervisors.

Beral and Sisk's survey reported that in 1964 less than 5% of the police departments in their sample relied exclusively upon a special unit - Internal Affairs - to investigate citizens complaints. Arguments against IAUs were mainly based on practical problems of limited resources. Departments argued that they found it difficult to justify the creation of a separate unit which would effectively remove a number of officers from 'real policing'. Arguments in favor of IAUs stressed the potential of a separate unit to gain investigative experience, develop more objectivity and convey to the community the impression that police departments gave serious attention to the processing of citizen complaints.

### **Civilian Review in its Infancy**

The concept of civilian review of complaints against the police in the USA dates from the 1950s and was initially prompted by a belief in certain quarters that the existing means for seeking redress against police misconduct were ineffective (Goldstein, 1977: 157). It is popularly assumed to include the participation of individuals representing a cross section of the community, and to be established and operated externally to the police department (Walker, 1983: 237). In practice, the first attempts at civilian review varied in type, ranging from civilian-dominated boards sitting externally to the police department to committees and offices established within the police department but including citizen representation. The earliest Civilian Review Boards (CRBs) also operated with varying degrees of success.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice compared four CRBs which had been operating prior to that time. It concluded that they had generally been seen to be toothless bodies, having little power and only advisory capacities. The advice which they had been entitled to give had, however varied. In Philadelphia (established in 1958) and Rochester, New Jersey (established in 1963), the boards' advice could

include specific recommendations for disciplinary action to be taken against officers who had been found guilty of malpractice. One result of this was that both boards were regularly involved in litigation and injunctions initiated by police officers' associations. In New York City (established in 1966) and Washington, D.C. (established in 1948), however, the boards' powers were severely limited and they were not empowered to give views on the merits of cases. Effectively their only jurisdiction was in making recommendations regarding whether a hearing should be held or not. Indeed, Washington D.C.'s early attempt at civilian review can only very loosely be described as such, since it was very heavily criticized for its inactivity and it seems clear that the vast majority of the public, and perhaps even of the members of the police department, were unaware of its existence (Task Force, 1967: 200-202; U.S. Commission on Civil Rights, 1981: 125). Other early efforts to establish CRBs in York, Pennsylvania and in Minneapolis, Minnesota, both in 1960, never left the drawing board.

Of the above early attempts at civilian review, two boards, those in Philadelphia and New York City, provoked most interest at the time and most literature since, and it is informative to consider their respective histories in some detail.

### **The Philadelphia Police Advisory Board (PAB)**

The Philadelphia Police Advisory Board (PAB) was formed in 1958 directly as a result of the election of a new reforming mayor. The Board members, initially five but subsequently increased to eight, were all members of the public appointed by the mayor, and they usually included at least one sociologist, criminologist or other person with a legal background. The only salaried staff member was the executive secretary, who was responsible, amongst other things, for receiving complaints and interviewing complainants. The first executive secretary was an attorney, succeeded in 1963 by a black minister.

The Board did not have its own investigative staff. Consequently, its only alternative courses of action during the investigation process were either for the executive secretary to attempt to resolve the matter informally, a course of action which was undertaken quite regularly (Beral and Sisk, 1964: 514), or to refer the investigation to the Philadelphia police commissioner

who would then direct his community relations division to look into the matter.

Following an investigation undertaken by the community relations division of the police department, the completed police report would be studied by a legal sub-committee of the Board who would decide whether a hearing was warranted. If it was concluded that a hearing was appropriate, then generally the complainant and the accused officer would both be represented by counsel, and the hearing would be adversary in nature. Nevertheless, efforts were made to ensure that the hearings were as informal as possible, and to this end the rules of evidence were relaxed. The decision of the Board was based on a majority vote, but normally no formal opinion would be written regarding the decision. Following hearings in which the case was found proved against the officer, the Board would send its recommendation of disciplinary sanction to both the police commissioner and the mayor. The police commissioner would normally follow the Board's recommendations, but if there was any disagreement, the mayor would informally arbitrate the decision. Effectively, then, the mayor had the final say on the disciplinary recommendation (Hudson, 1971: 530-532; Brown, 1983: 149-150).

Writing in 1964, six years into the Board's life, Beral and Sisk (1964: 515) argued that the most serious obstacle to its attempts to win citizens' confidence in its independence and impartiality had been its necessary reliance, due mainly to budgetary restrictions, upon the police to investigate the complaints themselves. Another problem was the disappointingly low number of complaints being lodged with the Board, given that one of the major reasons for its establishment had been the belief that many potential complaints were not being made because of fear of police reprisals and distrust in the previous purely internal investigation procedure. Additionally, many people considered that the Board's recommendations for disciplinary sanctions were even more lenient than those which the police themselves would have initiated. Overall, however, perhaps the most fundamental weakness of the Philadelphia Advisory Board was that it existed entirely at the discretion of the mayor.

During the PAB's nine year existence, 20% of complaints were handled through the informal process by the executive secretary and approximately the same proportion resulted in a Board hearing. Of the cases heard by the Board, approximately one third resulted in a finding of

guilt and a disciplinary recommendation. The number of complaints made to the PAB averaged something in the region of 100 per year, a disproportionate number of which were filed by members of minority groups (Task Force, 1967: 200).

During its stormy lifetime it was subjected to a number of lawsuits by police officers' associations including the Fraternal Order of Police (FOP). One of these, concerned with a departmental regulation compelling personnel to submit to polygraph tests during internal investigations being carried out on behalf of the PAB, stopped the Board's activities and brought about certain procedural changes following the temporary stoppage. A second injunction effectively suspended the Board's activities indefinitely until a new mayor was elected. The new mayor's opposition to any form of civilian review of the police brought about the Board's sudden and largely unlamented demise (Hudson, 1971: 525-527; Halpern, 1974: 562-565; Brown, 1983: 150).

### **The New York City Civilian Complaint Review Board (CCRB)**

Allegations of officer misconduct in the New York City Police Department (NYCPD) during the 1950s reached such a peak that, at one point, the Justice Department threatened to conduct its own investigation of the department if the situation did not improve. Against this background, in the early 1960s as the civil rights movement gained momentum the issue of police misconduct became even more explosive (Walker, 1983: 237). Sensing popular dissatisfaction with the situation, a new reforming mayor introduced civilian review as an issue in his election campaign, and subsequently founded the New York Civilian Complaint Review Board (CCRB) in the summer of 1966. The new CCRB was effectively a transformation of a previously existing internal police review board and consequently, as a concession to police opponents of the new board, the mayor decided that its membership should not be entirely civilian. In the event, the Board was made up of seven members: four civilians appointed by the mayor and three police officials appointed by the police commissioner. Civilians were thus in a majority on the new CCRB. The Board also had a strong ethnic minority representation, two blacks and one Puerto Rican being included in the original four civilian appointees. All four civilians were



full-time salaried staff and, although they, like their counterparts in Philadelphia, had to rely upon police officers to carry out investigations on their behalf, the arrangement was unusual in the sense that the investigating officers had no other duties and worked exclusively for the Board. In effect then, rather than representing true civilian review of the complaints investigation procedure, establishment of the New York City CCRB simply resulted in jurisdiction over complaints being shifted within the police department, although civilians were now involved in the process (Brown, 1983: 151).

Conciliation, undertaken by the Board's assistant director, was attempted whenever possible, usually in situations where an officer was clearly guilty of either mistaken action or neglect, but where the damage to the complainant had been minimal. Where this conciliation process was inappropriate, an investigation would be commenced, following the conclusion of which the Board would meet to study the report and decide whether or not to hold a hearing. Hearings, similar to the arrangement in Philadelphia, were usually adversary in nature, involving counsel for both parties, but again the rules of evidence were relaxed. The hearing board always consisted of an odd number of members of the CCRB with the civilian members in the majority. Decisions were based upon a majority vote but, unlike Philadelphia, if the case was found proved against the officer, the CCRB was not empowered to recommend a specific disciplinary action. Discipline was retained as being the sole responsibility of the police commissioner, in consultation with the mayor when appropriate. Hearings of cases had to be held within twenty days of the receipt by the CCRB of the completed investigation report (Hudson, 1971: 529-530).

For reasons which will be discussed later, New York City's CCRB experienced a highly publicized and stormy short life of only four months, but in that time it received over four hundred complaints, twice as many as the police department's internal complaint review board had previously been averaging in a whole year. Nearly half of the complaints involved allegations of unnecessary force (Cray, 1972: 319). Of the 146 complaints which were fully disposed of by the Board prior to its abolition, 11 were outside of the Board's jurisdiction and were referred elsewhere, 21 were conciliated, 109 were found to be unsubstantiated after investigation, and in one case the officer concerned received a reprimand. In only four instances

were charges against the officer recommended by the Board (Task Force, 1967: 201).

As had already been the case with the Philadelphia PAB, the New York City CCRB faced constant opposition from the police. The unofficial, but extremely powerful Fraternal Order of Police (FOP) was enraged by the idea of a civilian majority on the Board and saw the activities of the CCRB not as a constructive attempt to improve community relations, but as unwarranted interference in police affairs. Their efforts and their anti-CCRB publicity, initially taking the form of a 500,000 signature petition and a police picket of City Hall, eventually resulted in the issue of the CCRB being put to the ballot in a referendum of the city population in November, 1966. The result of the referendum was a three to one vote against the Board, which was immediately abolished, after only four months of operation, and was replaced by a police-dominated review board which, with slight changes made since, continues to exist today (Cray, 1972: 319; Hudson, 1971: 524-525; Walker, 1983: 239).

The success or otherwise of Philadelphia's PAB and New York City's CCRB is difficult to evaluate, particularly in the case of New York given the Board's such limited lifetime. Nevertheless, as mentioned earlier, if they achieved nothing else, these two boards served to polarize opinions on the issue of investigation of complaints against the police towards the end of the 1960s.

### **Polarized Opinions Begin to Emerge**

Those who opposed the generally existing internal review mechanisms were drawn mainly from civil rights and civil liberties organizations, who cited evidence of a general loss of confidence among large sections of the population in the effectiveness of internal departmental procedures for reviewing police misconduct to support their arguments for a more balanced and genuinely accountable system. Those who supported the status quo were drawn mainly from police associations of both high and low ranks, and conservative groups who occasionally hinted that their opponents were in part a manifestation of a Communist Conspiracy (Hudson, 1971: 517; Cray, 1972: 321). Despite having accepted the evidence of past failings of internal review mechanisms, these groups saw the way ahead towards redressing the balance in

investigations to be reliant upon improved existing internal procedures together with more professional personnel systems.

(Describing internal review as the status quo in the mid-1960s is not strictly accurate since, in 1967, the President's Commission on Law Enforcement and the Administration of Justice reported that, of those departments which dealt with civilian complaints against the police, half had no special unit to carry out this function.)

Because of the polarizing effect which the emerging arguments were tending to have on opinions, a number of writers in the late 1960s and the early 1970s began searching for some middle ground in the debate. The result was that they settled upon the concept of a police ombudsman.

### **Proposals for a Police Ombudsman**

The ombudsman proposal was perhaps first put forward by the President's Commission on Law Enforcement and Administration of Justice which reported in 1967, but was initially ignored because the entrenched polar opinions which had developed were generally concerned with CRBs and avoided the issue of an ombudsman altogether.

The ombudsman proposals were originally based upon the Scandinavian system, in which the ombudsman is an executive officer of the highest prestige and integrity whose powers are limited to investigating and criticizing public agencies in direct response to complaints from private citizens. The ideal police ombudsman was therefore seen as being an individual who would rely upon moral authority to enforce recommendations, and who would only resort to publishing such recommendations upon determining that, following an investigation, the chief executive of the police agency involved would not voluntarily adopt the course of action which had been suggested. Certain writers urged that consideration be given to the creation of an ombudsman to investigate complaints against all agencies of government, and not just against police departments (Sharpley, 1969: 16). Others put forward proposals for an organizational ombudsman - as far as the police were concerned, merely the CRB wolf in sheep's clothing - but these proposals were not so well received. An organizational ombudsman would, it was argued,

lack most of the advantages of the office of ombudsman whilst retaining most of the disadvantages of the CRB. Disunity in a board comprising members of various interest groups would be counterproductive to the requirement of impartiality in the office of ombudsman. Furthermore, a group would be unable to apply moral authority in enforcing their recommendations with an agency chief in the same way as a single executive official of high integrity potentially could (Sharpley, 1969: 16).

The police ombudsman based upon the Scandinavian model would be an advocate of the people; he would have no authority to award damages, only authority to bring about reforms. Any financial compensation sought would have to be obtained through the courts. The ombudsman would need to be an official above politics, widely respected and impartial, and only concerned with satisfying valid complaints through the power to effect reforms. The distinction was made between an ombudsman who would rely on legal authority and the CRBs which in the past had depended upon public pressure (Cray, 1972: 327).

In the highly politically charged public sector in the USA a degree of thought was given to the problem of how such an ombudsman would achieve independence from political control. Selection by the legislature, preferably not by a partisan vote but on the basis of an all-party consensus was proposed as one possibility. At city and municipal level a number of other alternatives were suggested, each having its own unique and unusual features. One such suggestion involved the appointment being made by the mayor and the council for a term overlapping that of the mayor; another involved the appointment being made from a list provided by a respected group of informed citizens, such as the heads of local universities or colleges (Barton, 1970: 468).

The 1970s therefore arrived with a number of variations on the theme of external review of complaints investigation having been proposed and indeed implemented with varying degrees of success. The major problem was not to invent new ideas or proposals, but how to persuade those people whose lives would potentially be affected most by the proposals, the police themselves, that the new ideas were worthy of consideration.

## **Police Unions and Staff Associations and External Review**

Traditionally, opposition to CRBs and indeed any form of external review has been one of the major rallying points of police unions and associations in their efforts to organize their members. Their vigorous campaigns in the courts, in the political arena and through public relations campaigns have forewarned citizen groups, police administrators and politicians who have favored external review that, if proposed, the issue would be strongly contested (Halpern, 1974: 569; Lynch and Diamond, 1983: 1164).

Their major arguments have been based upon the beliefs that police officers possess unique skills, training and experience which makes it impossible for civilians to make sound decisions regarding police behavior. Such beliefs can contribute towards maintaining high morale amongst officers, which is in itself often seen as a fundamental indicator of an effective police organization. Line officers thus assert that review boards staffed by laymen will severely threaten morale and that, in consequence, officers may feel restrained from taking necessary and justifiable actions in their duties when dealing with members of the public (Hudson, 1971: 521). Civilian review would thus undermine officers' professionalism.

The unions' arguments based upon their belief in police professionalism have not, however, been unique to representative bodies of the lower ranks. Police senior administrators, through the vehicle of the International Association of Chiefs of Police (IACP), have long argued that one of the major features of the professional status which they desire for their organizations is the autonomy of chief officers in disciplinary matters. Consequently, they have sought the types of purely internal control mechanisms already exercised by the medical and legal professions (Halpern, 1974: 570; Walker, 1983: 242-243). As in any profession, they argue, discipline of deviant members comes properly and most effectively from fellow members of the profession. The argument that adequate public accountability is already provided by locally elected officials, the courts, prosecutors, the FBI and the Justice Department has also been popular (Leonard and More, 1971: 92).

In this context of concerted police opposition throughout all ranks towards the notion of external review, looking back upon the demise of the New York City CCRB and the Philadelphia

PAB, a number of comparisons can be made. Both the CCRB and the PAB were products of liberal reform politics, each being established at times of public concern over the use of excessive force and the alleged denials of civil rights by police officers. In Philadelphia, the creation of the Board was one of a number of reforms introduced to improve the efficiency and accountability of local government following more than sixty years of one-party (Republican) rule. In New York City, on the other hand, civilian review was introduced as a political issue in the 1965 mayoral campaign, largely in an attempt to capture the black vote, since external review represented a promise of an opportunity to redress long-standing grievances against the police (Hudson, 1971: 527-528; Bouza, 1985: 253).

Just as similar considerations led to the establishment of the two boards, similar political decisions brought about their defeats. The opposition in both cities was a well-mobilized interest group orchestrated by the police officers' associations (Bouza, 1985: 253-254). It is certainly true to say that, at least in the case of New York City and Philadelphia in the 1960s, supporters of civilian review were never as single-minded in their dedication to maintaining it as the police were to defeating it (Hudson, 1971: 528).

The early experiences of these two cities bring into focus the major problem facing any administration making any attempt at introducing some form of external review of the police, that of establishing a review mechanism which will be acceptable both to the community and to the police officers involved. On the one hand, officers feel that they are betrayed when their actions are being scrutinized by outsiders, and on the other hand, citizens feel that police solidarity effectively prevents any satisfactory form of redress. In jurisdictions within which police-community relations have been damaged to the extent that little confidence and credibility is enjoyed by the existing complaints investigation procedure, any delays in introducing new procedures which aim to satisfy both parties can only serve to magnify the problem and lead to an increased polarization of views.

### **Internal Affairs Units During the 1970s**

The increasing controversy surrounding investigation of citizen complaints against the police in the USA continued to grow during the 1970s, the flames periodically being fanned by examples of police excesses apparently going unpunished, and it spawned a number of further variations on the theme of civilian review. However, those police departments which continued to strongly resist the idea of being subjected to any form of external review, the vast majority of departments in fact, were still preoccupied with increasing their professionalism, and were looking for ways to improve their internal review mechanisms, either by modifying the roles of existing IAUs or through creating new Units in departments which did not already have them (Wilson and McLaren, 1977: 212).

One such attempt at increased professionalism was made in 1974 by the new Police Chief of Tampa Police Department, Florida, and consideration of the influences involved in the establishment of a new IAU in that department helps to give an indication of the prevailing views on internal review procedures at that time.

#### **Establishing and Staffing an IAU in the Mid-1970s**

Prior to 1974, internal investigations within the Tampa Police Department, Florida, had, at best, been disorganized and inconsistent due both to the lack of an IAU and the absence of written policies and procedures setting down investigative guidelines. Having decided that the creation of an IAU was essential, the new Police Chief undertook a survey of other departments of similar size in an effort to acquire information which would help him to create a Unit with two clear goals. First, he required a Unit which would be well organized and scrupulously fair and impartial in its investigations; second, he wanted the Unit to have the trust and respect both of the community and the members of the police department (Territo and Smith, 1976: 66).

From the research carried out with other departments, the following factors emerged, all four of which were generally considered in police circles to be essential features in the selection process for staffing an IAU:

- 1) All personnel serving in an IAU must be volunteers; the nature and sensitivity of the work involved was generally considered to make it both unwise and unfair to assign someone to Internal Affairs duties who was not happy with the idea.
- 2) Personnel must have demonstrated in their previous police performance that they possess a high degree of investigative skills.
- 3) Personnel must have excellent reputations amongst their peers and supervisors with regard to integrity and overall police performance; specifically, they must not themselves have been found guilty of serious official misconduct in the past.
- 4) Personnel must have a knowledge and understanding of the various ethnic minorities in the local community since, for a number of complex social, political and economic reasons, past experience has shown that many citizen complaints will be initiated by members of these groups (Territo and Smith, 1976: 68).

In the case of the new Tampa IAU, in addition to complying with the four generally agreed essential criteria listed above, three further specific decisions were made which helped to shape the Unit. These are also worthy of consideration:

- a) Investigators would serve in the Unit for a maximum period of two years so as to minimize the possibility of alienation of officers within the Unit from the rest of their colleagues, and also so as to foster acceptance and respect for the IAU through greater employee participation in it.
- b) A polygraph would be utilized in complaint cases when, following a complete investigation, a final decision was not possible because, due to the lack of independent witnesses to the event which had provoked the complaint, it could not be established which party was being untruthful. Refusal to submit to the polygraph test on the part of the officer could lead to dismissal in a serious case, although there was no such serious potential consequence for a complainant who might refuse to submit to the test.
- c) In 1973 the National Advisory Commission on Criminal Justice Standards and Goals had recommended (p. 479) that police departments should publish statistics, although not complete details, of internal discipline case disposition on a regular basis, in order to dispel allegations of disciplinary secrecy voiced in certain elements of the community. Tampa chose to act upon this recommendation by distributing a monthly summary of activities of the IAU both to the community and within the police department (Territo and Smith, 1976: 68).

The mid-1970s thus saw the emergent race of the new IAUs. They were staffed by individuals who were involved in the work out of choice and who were committed to the ideal of



police professionalism. Investigators would be of unchallenged integrity with unblemished past records and would undergo training in community and race relations. Typically, they would be experienced detectives who would complete two years of service within the Units prior to being transferred back to operational duties. IAUs normally worked directly to the chiefs of the department, and consequently, being offered a transfer into Internal Affairs was seen as an indication of approval of an officer by the Chief himself. His IAU staffed by such individuals, the Chief had nothing to fear from publicizing the disposition of cases by the Unit, since he was satisfied that, if challenged, he could point to the undisputed abilities, qualities and integrity of his IAU staff in order to dispel any allegations of unprofessionalism and dubious practices. It was argued that IAUs staffed and organized along these lines were effective mechanisms of accountability as long as they had the full support of their chief officers with regard to recommendations for disciplinary action and public statements of commitment to thoroughly investigate allegedly deviant behavior by officers. Conversely, the effectiveness of IAUs would be undermined in those cases where, despite misconduct by the officer having been proven, the chief officers chose not to impose disciplinary sanctions (Goldstein, 1976: 40-41).

The first major attempt at an international study of police complaints procedures was undertaken in 1978, following which the writer concluded that, at least in the USA, the majority of police departments still processed complaints entirely internally (Russell, 1978). Whilst no indication was given of the proportion of American police departments which contained specialized IAUs or similar units exclusively used for complaints investigation, four principal variants of the internal system were identified:

- 1) investigation at local level in which the matter is disposed of entirely by the local commander.
- 2) investigation at local level subject to external supervision and scrutiny by a senior officer at headquarters.
- 3) investigation of minor complaints at local level, supplemented by specialist department investigation of serious matters.
- 4) investigation exclusively by a specialist department (Russell, 1978: 40).

It is interesting to note that these four sub-systems are very similar, if not identical to the categories of internal review which had been identified over a decade earlier (Beral and Sisk, 1964). The indication is that, although efforts had been made over the intervening years to professionalize the staffing of IAUs, as far as the procedures themselves were concerned very little had changed.

If the staffing but not the procedures of internal review mechanisms had changed during the 1970s, then what changes were apparent in the field of external review?

### **External Review During the 1970s**

Whilst the number of new external boards which were established during the 1970s was still minimal in comparison with the number of police departments in the USA, nevertheless some significant successes were achieved. Several of these newly created bodies have been well documented and are to be described below, but it is interesting to note at this point that their establishment was not generally greeted with the outcry and furore which had been typical in the 1960s. This is not, however, to be taken as an indication of reduced police opposition. In reality, their relatively smooth inceptions were more attributable to the fact that the various boards were not such political footballs as their predecessors had been in the 1960s. Additionally, in general they were much more carefully and considerately introduced following in some cases extremely lengthy negotiations with police associations and unions. In effect, the boards of the 1970s were carefully legitimized prior to their creation rather than hastily thrust upon hostile and resistant police departments. That they have generally continued to function to the present day is in some measure due to the personalities and police chiefs involved, but, more importantly, is largely due to the preparatory groundwork which was undertaken prior to their establishment.

A brief description of the functions and roles of the most well-known external review bodies created during the 1970s (and two during the early 1980s) follows. The agencies are listed chronologically with respect to their dates of establishment.

### **Kansas City's Office of Civilian Complaints (OCC)**

Kansas City's Office of Civilian Complaints (OCC), established in 1970 and staffed by five civilians, operates from an office which is physically separate from the police headquarters. It acts as a central clearinghouse for all citizens' complaints, whether made directly to the OCC or to the police department. Following initial receipt of the complaint, the Director of the OCC may either choose to attempt to conciliate the matter which, if carried out successfully, leads to the case being closed, or he may decide to forward the case to the police department's IAU for investigation. Completed investigation reports are returned from the police department to the OCC for review and analysis, and at this stage the OCC Director is empowered, if he is not satisfied with the quality of the investigation, to require that additional work be done by the police investigators. Having made a determination on the case, the OCC staff and Director then forward their recommendation to the Police Chief. This recommendation merely constitutes a suggested disposition of the case; authority for selecting and imposing disciplinary sanctions has remained with the Police Chief, who normally involves his police supervisory staff in the process of identifying an appropriate sanction in cases where the complaint has been found to be sustained. In practice, the OCC Director is very rarely dissatisfied with the quality of the police investigation, and similarly the Police Chief rarely disagrees with the OCC recommendation (Perez, 1978: 319-314; US Commission on Civil Rights, 1981: 125; Walker, 1983: 239; Kerstetter, 1985: 165-166).

One additional point worthy of note with respect to the Kansas City OCC is that, whilst the appointment of a former police officer as OCC Director undoubtedly helped to allay police fears about the new agency, this decision can have had little success in convincing the public of the Office's independence (Walker, 1983: 233).

### **San Jose's Ombudsman**

An Ombudsman's office was created in San Jose in 1971, partly in response to community pressure for some form of external review of the police following a series of allegations of serious malpractice. In common with the Scandinavian model, the San Jose

Ombudsman's responsibilities are not merely restricted to reviewing the police department, since the office reviews complaints regarding all municipal government agencies. Complaints against the police may either be filed with the police department's own IAU or with the Ombudsman. In the former case, the Ombudsman does not carry out a full investigation but is empowered to monitor the internal police enquiry; in the latter case a copy of the complaint is forwarded to the IAU by the Ombudsman and both agencies carry out parallel investigations, the results of which in practice are invariably the same. Only limited use has been made of the traditional ombudsman capacity to mediate complaints (Kerstetter, 1985: 166-167).

Research has shown that, despite its independence from the police department, the San Jose Ombudsman has not been able to overcome community skepticism regarding the impartiality of the office. The most likely cause of this is that the office of ombudsman, having limited tradition in the USA, is generally regarded as constituting yet another branch of municipal government, and consequently is seen as an institution which should rightly be viewed with a fair degree of suspicion (Perez, 1978: 383).

#### **Berkeley's Police Review Commission (PRC)**

During the 1960s, the campus of the University of California at Berkeley became established as a popular meeting center for demonstrations concerning a wide range of issues. Riots resulting from the disintegration of demonstrations were regular occurrences, usually accompanied by serious injuries sustained by a number of demonstrators at the hands of the police. The situation proved to be a fertile environment for proposals of civilian review of the police, which were initially voted on and defeated in 1971 by the Berkeley electorate, but, with subsequent amendments, were passed by a second vote in 1973.

Created in 1973, the Berkeley Police Review Commission (PRC) both investigates and holds hearings on citizen complaints against the police. It is a nine-member commission, each member of the Berkeley City Council appointing one commissioner. Commissioners serve for two year terms and are part-time and unsalaried, but the PRC does employ two of its own full-time salaried investigators, and therefore does not need to rely upon the police department for

the investigative process. The Berkeley Police Department has, however, retained its own Internal Affairs Bureau (IAB) so that citizens have the option to pursue redress of their grievance using either avenue (Kerstetter, 1985: 161). In practice, citizens generally seem to favor notifying the IAB rather than the PRC when making complaints. (During 1985 and 1986 a total of approximately 100 complaints were filed with the PRC whilst the number filed with Internal Affairs in the same period was nearer 250.) Both agencies notify each other regarding complaints which have been filed with them, but whilst the IAB will investigate all complaints regardless of where they were filed, the PRC only investigates those complaints initially filed with them. If, however, a complainant is not satisfied with the disposition of a complaint filed with and investigated by the IAB, they can appeal the case to the PRC for further investigation.

Generally, because of operational advantages and free accessibility to officers and personnel information, which the PRC does not enjoy, the IAB tends to complete its investigations first. Indeed, on occasions difficulties experienced by the PRC investigators results in Berkeley's 120-day limit on complaints investigations passing without a satisfactory resolution having been arrived at by the PRC.

Whatever the outcome of its investigation and hearing, Commission findings are only advisory for the benefit of the city manager, the Chief of Police and the city council. If there is a discrepancy between the PRC finding and the IAB finding then the city manager will assess the two investigations and will then mediate with the Chief of Police with regard to recommended discipline. In practice, such discrepancies are rare events (Terrill, 1982: 404).

### **Detroit's Board of Police Commissioners**

In 1974 the city of Detroit established a Board of Police Commissioners (BPC), the five members of which are mayoral appointees, to oversee a range of policies and procedures of the police department, included amongst which was the investigation of citizen complaints. To handle complaints of police misconduct the Board created the Office of the Chief Investigator (OCI). The twelve civilians who staff the OCI perform legal, investigative and clerical duties on behalf of the Board.

The Board of Police Commissioners handle three types of citizen complaint: original complaints, reviews and appeals. All original complaints, wherever they are filed, are forwarded to the executive secretary of the BPC, and those which cannot be resolved informally are subsequently referred to the OCI. The OCI staff will then either refer the case for investigation to the supervisory staff of the police officer concerned, to the police department's Professional Standards Section (the equivalent of an IAU), or they will investigate it themselves. In the case of investigations which are referred to the police department, which in practice constitute the majority, the OCI has a monitoring role in the procedure. Complaint reviews are carried out by the OCI in cases where the complainant believes that either some error or omission has affected the outcome of the case. Complaint appeals are administered by the OCI in cases where it is established that there are sufficient grounds to warrant a complete reinvestigation.

Upon completion of all three investigative processes, the Director of the OCI decides upon case disposition and forwards, where appropriate, a recommendation on disciplinary action via the Board of Police Commissioners to the Chief of Police. The Board has the additional authority to review and either set aside or affirm disciplinary sanctions imposed by the Chief (US Commission on Civil Rights, 1981: 125-126; Terrill, 1982: 404-405; Walker, 1983: 239-240).

Whilst it may appear that the Detroit Board of Police Commissioners is an extremely powerful body, it has been pointed out that, in practice, the peculiarities of Detroit's present political system ensure that its power is strictly limited. On one hand, the formal disciplinary process in Detroit is governed by the collective bargaining contract established between the city and the police union. Imposition of discipline can only follow a separate fact-finding process, outlined in the collective bargaining agreement, which guarantees due process for the individual officer (Walker, 1983: 240). On the other hand, the Board works well in Detroit because its recommendations are invariably in step with the views of both the present mayor and the present Police Chief. The city charter which established the Board allows the mayor to remove a commissioner at any time for any reason, and it might therefore be argued that members of the Board are consequently restricted from making decisions of any importance with which the mayor disagrees (Pomeroy, 1985: 186).

### **Chicago's Office of Professional Standards (OPS)**

The extent of police brutality and abuse of authority in Chicago had been a major issue throughout the 1960s, but the community outcry, fuelled by numerous reports in the Chicago newspapers of blatant officer misconduct, only really became audible to the politicians in the early 1970s. In response to these external pressures, the Superintendent of the Chicago Police Department created the Office of Professional Standards (OPS) in the summer of 1974. The OPS was established as a civilian body, principally intended to investigate allegations of brutality and excessive force made against officers of the police department, although it also acts as a recipient and registrar of complaints. Less serious complaints continue to be investigated by the police department's own Internal Affairs Division.

The idea of introducing civilians into the complaints process not merely to oversee the procedures but to actually carry out the investigations was a unique feature of the OPS when it was first established, but it was not without problems. If police officers were not to be involved in investigations of serious allegations of police misconduct, the question was from where competent and experienced investigative staff could be obtained. In the event, the Superintendent chose to staff the OPS with 30 civilian investigators and 4 supervisors the majority of whom were former military personnel or investigators with other government departments. The staff was multi-racial and included both male and female investigators. The three senior administrative officers, one black, one white and one hispanic, were all experienced and established lawyers (Letman, 1980: 16).

The OPS was established not as an external body, but internally within the police department. Its staff was, and still is, answerable to the Superintendent, the idea being to avoid allegations of loss of authority by the Superintendent in disciplinary matters. This administrative arrangement, not surprisingly perhaps, brought allegations from various sources of a lack of real independence from the police department and accusations of a whitewash, criticisms which have continued to be levelled at the OPS to the present time. Although civilians are employed as investigators in the OPS, they have no input into the disciplinary process once an investigation has been completed. The responsibility for hearing complaints and recommending appropriate

disciplinary actions to the Superintendent is that of an internal police Complaint Review Panel, which is generally composed of a lieutenant, a sergeant, and an officer of the same rank as the accused.

Chicago's OPS has continued to operate for over a decade, but not without a number of problems, chief among which has been the tendency of civilian investigators to side with the police to such an extent that accused officers have preferred to be interviewed by OPS investigators than by members of the department's Internal Affairs Division. Policies, including using different hiring and training procedures have been introduced in an effort to correct this bias in recent years, but nevertheless the Office has struggled to establish its identity, being generally viewed as neither a civilian nor a true police organization (Letman, 1980; Letman, 1981; Terrill, 1982; Brown, 1983; Kerstetter, 1985: 165).

#### **The Dade County (Florida) Independent Review Panel (IRP)**

This office, fashioned after the ombudsman concept, was created in early 1980 following a serious credibility crisis during which even the usually supportive members of the Dade County community were doubting the ability of their Department of Public Safety (DPS) to police itself. Since its inception, the IRP has placed considerable emphasis upon its informal authority and has used its conciliatory and mediatory powers widely and with a good deal of success (Kerstetter, 1985: 170). It has jurisdiction to receive and investigate complaints against any county employee or agency, but it tends to act mainly as a 'watchdog' body in that it defers its own investigation into complaints until after the subject agency's own internal enquiry has been completed. Where investigations are concerned, therefore, although it retains authority to conduct fact-finding investigations when appropriate, the IRP is primarily concerned with reviewing completed internal investigations and judging their propriety.

The difficulty of establishing an ombudsman-like panel which is generally perceived as being truly independent has been addressed in the way in which members of the IRP are selected and appointed. The full-time salaried Executive Director is appointed by the Chief Judge of the county, and, of the other six part-time unsalaried panel members, five are nominated by



community organizations for appointment by the board of county commissioners and the sixth is appointed by the county manager. The Executive Director has no designated individual or group to whom he is accountable, rather his post implicitly assumes his accountability to all relevant interest groups and particularly to the electorate of Dade County (Pomeroy, 1985: 185).

Criticisms of the IRP have centered around the undue delay in investigations caused by the operational arrangement described above and, as in Detroit, allegations that its successful functioning depends too heavily upon the present personalities involved as Executive Director of the IRP and Director of the DPS. The suggestions are that future personnel changes in these executive ranks could threaten the continued effective operations of the IRP (Kerstetter, 1985: 172-173).

#### **Portland's Police Internal Investigations Audit Committee (PIIAC)**

The issue of civilian review of complaints against the police was raised in Portland, Oregon, in 1981 following two specific incidents of police malpractice which outraged the community and received widespread publicity. In response to public discontent, the Portland city council appointed a thirteen member civilian task force to analyze the police department's internal investigation procedures. In its subsequent report, the Task Force concluded that the existing police Internal Investigation Division (IID) was biased in favor of police officers over civilians and consequently that it was not held in very high regard by the Portland community. Task Force recommendations included the establishment of some form of citizen committee to oversee complaints investigation.

Despite opposition from the mayor, the city council provisionally created an eight member civilian sub-committee of the city council, the Police Internal Investigations Audit Committee (PIIAC), pending the outcome of police union efforts to put the issue to a referendum of the Portland community.

Between May and November of 1982, events in Portland were very similar to those during the build up to the 1966 New York City CCRB referendum, but with two significant differences. First, contrary to the New York experience, the mayor of Portland was opposed to civilian

review, and second, the police union, despite massive and costly local publicity, lost the vote and the referendum result narrowly approved the creation of the PIIAC, which subsequently commenced its operation in December, 1982.

The PIIAC has three specific functions: monitoring police internal investigations of complaints to ensure that they are conducted in a correct manner, making public the results of their findings in the form of reports, and providing an avenue of appeal for citizens who are dissatisfied with the outcome of their complaints which have been investigated by the police. The PIIAC is therefore not a complaint review mechanism intended to replace the police department's own internal procedures, rather the emphasis of its responsibilities is upon the review of procedures as distinct from the resolution of individual complaints.

This monitoring of procedures rather than individual cases makes the PIIAC unique. It works on two levels, on the individual level in the form of appeals made to it by citizens and on the aggregate level in the form of routine auditing of complaint files. Members of the committee consider their contribution towards improving police-community relations to be the process of identifying to the police those areas of their internal review procedures which obstruct the detection of misconduct and thus implicitly reward officer deviance (Jolin and Gibbons, 1984).

### **Varieties of External and Internal Review Procedures**

The development of agencies and systems such as those described above during the past decade and a half has recently led Kerstetter (1985: 160-161) to reiterate the three models of external review of complaints investigation which he first proposed in 1970: civilian review, civilian input and civilian monitor. According to Kerstetter, civilian review, the strongest mechanism, places the authority to investigate, adjudicate, and recommend punishment to the police chief, within the external agency. Civilian input, not such a strong mechanism, places authority only for complaints reception and investigation in the external agency, whilst adjudication and discipline functions are discharged internally within the police department. Finally, in the weakest system, civilian monitor, the investigation, adjudication and discipline functions are all discharged internally within the police department, but the procedures are subject

to some form of external review regarding their adequacy and impartiality. Within this three-model structure, civilian review would describe the existing arrangements in Berkeley and Detroit, civilian monitor would describe the systems in Kansas City and Chicago, and civilian input those in San Jose, Dade County and Portland.

In many ways this three-tiered structure is comparable with the three broad types of police department internal investigation systems identified by Beral and Sisk in 1964 and discussed earlier. Under this scheme, within police departments the review mechanism can first be considered to describe those systems within which investigations are carried out exclusively by an IAU. Second, the input mechanism can be considered to describe the situation whereby the responsibility for undertaking investigations is jointly shared by an IAU and the accused officer's supervisory officers. Third, the monitor mechanism can be identified with those systems in which supervisors are given full responsibility and discretion in complaints investigation, although their completed investigation reports are subject to review afterwards by an individual or office at headquarters.

Kerstetter's model, however only relates to jurisdictions in which external review is present in some form, whilst Beral and Sisk's work described those police departments without external review. An attempt to describe the global situation involving both external and internal review mechanisms was made by Russell (1978) who again utilized a three-tier model.

Under this model, three types of investigative mechanism were discerned: exclusively internal, internal with external review of certain cases, and bilateral. Exclusively internal mechanisms described those jurisdictions, which were still the vast majority, in which citizen complaints were entirely administered by the police with no external scrutiny. New York and San Francisco were described as cities in which all complaints were partially administered by the police with formal external scrutiny of criminal and some non-criminal complaints. Finally, Berkeley, Chicago and Detroit were identified as having bilateral administration of complaints by both the police and a formally constituted external organization (Russell, 1978: 37).

### **Recent Developments**

There have been a number of significant developments in the area of complaints investigation in the USA during the 1980s which may have future wide-ranging implications for communities and police departments searching for improvements in their existing procedures. Specifically, two new agencies which take a particular interest in the investigation of complaints against the police, CALEA (Commission on Accreditation for Law Enforcement Agencies) and IACOLE (International Association for Civilian Oversight of Law Enforcement) have been formed, whilst a third agency, PERF (Police Executive Research Forum) has become increasingly involved in researching the area and identifying future implications for police departments. To conclude this analysis of the American experience concerning police complaints systems, a brief description of each of these organizations in turn is therefore appropriate.

#### **Commission on Accreditation for Law Enforcement Agencies (CALEA)**

Following joint initiatives taken by the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Sheriffs Association, and the National Association of Black Law Enforcement Executives, CALEA was founded in 1979. Its objective is to administer an accreditation program by which law enforcement agencies at local, county and state levels can voluntarily demonstrate their compliance with exacting professional criteria. CALEA's overall purpose is, through the accreditation program, to improve the delivery of law enforcement services. Accreditation is carried out by measuring the performance of law enforcement agencies against a set of 944 standards of evaluation which have been drawn up. On-site assessments of agency compliance with these criteria are undertaken by assessors, generally police officers, who have been recruited, selected and trained by the Commission.

A number of CALEA standards relate to the area of complaints against the police and disciplinary procedures, although since the accreditation process can only be undertaken by law enforcement agencies, internal rather than external review procedures tend to be emphasized. Standards are continuously being revised, updated and amended, however and consequently it

can be anticipated that future moves towards greater external review of complaints investigation will be reflected in new standards being set by CALEA with respect to the inter-agency relations between police departments and external review boards.

After a lengthy period of research and planning, CALEA only commenced accepting applications for accreditation at the beginning of 1984. In the Fall of 1986 it reported that 29 agencies had successfully achieved the distinction of completing the accreditation process but that, rather more significantly, a further 501 agencies from across the USA had signalled their intention of undertaking assessment within the next two years. At present, the largest accredited agency is the Illinois State Police with 3390 full-time personnel; the smallest agency is the Indian Hill, Ohio, Police Department with 21.

Indications are that police executives, ever searching for evidence of the professional status of their agencies, see being awarded the distinction of accreditation by CALEA as becoming a benchmark of efficiency and effectiveness in the future. (Commission Update, Fall 1986: 5).

### **International Association for Civilian Oversight of Law Enforcement (IACOLE)**

The formation of an association for individuals actively involved in civilian review of police agencies, rather than merely for people who are interested in the concept, is a relatively new venture. IACOLE was formed in 1985 and membership is open to persons who are not sworn law enforcement officers and who work for or constitute agencies established by legislative authority to investigate and/or review complaints against the police.

Membership of IACOLE includes officers from each of the external review bodies currently operating in the USA which were described earlier in this literature review, together with representatives of a number of other US civilian oversight agencies. In addition, however, it is interesting to note that the international flavor of the Association intimated by its title is a reality and not merely a hope. Registrants at IACOLE's second annual conference held in December, 1986 included members of the Association from Australia, Canada, England, Ireland, Northern Ireland and Nigeria as well as from the USA.

Whilst IACOLE is still in its early days of existence, it appears to have a healthy and thriving membership. The implication would appear to be that this organization appears to have the capacity to do for external review agencies in terms of increased professionalism what CALEA is presently attempting to achieve in the area of internal review procedures.

### **Police Executive Research Forum (PERF)**

Founded in 1975 following a series of informal discussions among ten police chiefs who were particularly interested in exchanging new ideas and encouraging innovation in the management of law enforcement agencies, the Police Executive Research Forum (PERF) has always been associated with efforts to promote research and development in policing (Duffy, 1983: 14). The Forum's founders placed a great deal of emphasis upon academic learning, professionalism, and the opportunity for police chiefs to discuss mutual concerns with colleagues sharing similar crime and police problems. Consequently, general membership of PERF is limited to college-educated leaders of police departments which have at least 200 members or are the main police agencies for jurisdictions of at least 100,000 people. The present general membership is in excess of one hundred, those members having responsibility for the delivery of police services to over 25% of the population of the USA.

PERF's specific interest in complaints investigation began in 1981 when it identified both real and perceived grievances about citizen complaint investigations as being an early warning signal regarding deteriorating police-community relations. A Forum policy committee was formed which initially reviewed and analyzed the prevailing complaints procedures amongst PERF's member departments (which numbered 60 at that time), and then, utilizing the information obtained from the review, produced a model policy statement on handling citizen complaints. The intention was that the model policy could be used by law enforcement agencies across the USA and, in addition, could be used to establish standards for the development of new procedures (Duffy, 1983: 12).

The model policy statement covers an agency's mission, specific mechanisms to prevent misconduct, a code of conduct, penalties and the disciplinary process. It emphasizes the

prevention of misconduct as being the primary means of reducing and controlling it and describes a number of mechanisms which can be utilized to achieve the goal of prevention. These include improved selection and recruitment procedures, training in police ethics, increased training of supervisors, and creating community outreach. With regard to the complaints system itself, the policy statement stresses that it must be accessible to all persons who wish to file a complaint, must function consistently, and must collect and analyse misconduct complaints on a monthly basis. Additionally, it argues for a 120 day limit on the disposition of all types of complaint (PERF, 1983).

The emphasis of the model policy is thus upon creating increased police professionalism in a number of areas, and it is not simply addressed towards those areas directly concerned with the operation of IAUs. Recently, however PERF has itself questioned whether indeed police departments, no matter how professional their policies and procedures, can effectively defend themselves against accusations of cover-ups without meaningful external reviews of police internal investigations of complaints. A Task Force which it has established for 1987 will be researching the question of how police departments can better handle (solicit, investigate, and resolve) complaints against the police, and whether there is a role for external review of police conduct. Its findings could potentially have widespread implications for the investigation of complaints against the police in the USA for the remainder of the 1980s and perhaps even further.

## **CHAPTER III**

### **THE BRITISH EXPERIENCE**

#### **Introduction**

Concern over the police complaints procedure is not a new phenomenon in England and Wales. Repeated calls for a fully independent investigative procedure have become almost annual events since the late 1950s, and have come from a wide range of unrelated sources. The Police Federation (the representative organization of line officers and junior management), The National Council for Civil Liberties, Lord Scarman in his report on the 1981 Brixton Disorders, and both Conservative and Labour lawyers have all indicated their beliefs that nothing short of full independence of complaints investigation from the police themselves would satisfy widespread public concern (Russell, 1978: 34; Warren and Tredinnick, 1982: 18). Lord Scarman stated the problem perhaps more clearly and more succinctly than any other writer in asserting that,

"The evidence has convinced me that there is a widespread and dangerous lack of public confidence in the existing system for handling complaints against the police. By and large the people do not trust the police to investigate the police." (The Scarman Report, 1981: 62)

Nevertheless, despite significant moves made towards independence, particularly in the 1970s and the 1980s, the present system, which was established in April 1985, falls considerably short of that ideal, and has failed to silence the disquiet still voiced in many sections of the community.

It is interesting to note that the landmark dates in the development of the police complaints procedure in England and Wales have shown an increasing tendency to occur more frequently during recent years. Prior to 1964 no standardized approach to the handling of complaints



existed, although procedures ultimately linked to either prosecuting an officer for an offense or taking action against him under the existing discipline code had developed on an individual basis in all forces (Police Complaints Board, 1985: 4). The Police Act of 1964 was the first legislation to officially make requirements of chief officers of police to record and investigate citizen complaints made against police officers (Meek, 1985: 1; Liddy, 1986: 1). Subsequently, the Police Act of 1976 established the Police Complaints Board (PCB), the first formally constituted independent body to participate in any active way in the police complaints procedure. The widespread criticism which the PCB was subjected to at the time of its inception prompted certain writers to speculate that further developments towards independence would soon occur (Russell, 1978: 34).

Such predictions proved to be wholly accurate. The disorders in Brixton in April, 1981, and the resultant report produced by Lord Scarman and quoted from above added weight to the mounting pressure upon the Government to replace the PCB with a more powerful body. Ultimately, the 1984 Police and Criminal Evidence (PACE) Act established the Police Complaints Authority (PCA), which commenced operating on April 29th, 1985, and which remains the present day major independent element in the police complaints procedure. These significant events occurring in the years 1964, 1976, 1981 and 1984 have given rise to the belief in certain quarters that the PCA may itself soon be replaced by a fully independent system (Meek, 1985: 15; Stalker, 1987: 12). Indeed, the Labour Party manifesto for the 1987 British General Election perhaps gave an indication of potential future developments in the Party's pledge, if elected, to abolish the Police Complaints Authority and replace it with a Parliamentary Commissioner or Ombudsman for police complaints, with his or her own investigative staff (Labour Party, 1987: 14).

In the context of this historical background, the future of the police complaints system in England and Wales can be expected to be both controversial and uncertain. Whilst many people will undoubtedly argue for complete independence, others will continue to point to past failures of independent systems previously instituted elsewhere, largely within the USA, and sound appropriate notes of caution (Philips, 1984: 18; Police Complaints Board, 1985: 16).

### **Early Developments and the Police Act 1964**

Lord Scarman's own view that "any solution falling short of a system of independent investigation for all complaints" was unlikely to be successful in achieving public confidence in the complaints system (The Scarman Report, 1981: Para. 7.21) was certainly not the first statement of its kind.

As early as 1929, The Royal Commission on Police Powers considered a suggestion that the Director of Public Prosecutions (DPP) should be provided with his own independent investigative staff for handling complaints against the police involving allegations of criminal conduct. Whilst the Commission rejected the proposal, and the responsibility for investigating citizen complaints remained with individual chief officers within the context of the police discipline code, the very fact that such a suggestion had been raised indicated that, even in the 1920s, there was concern being expressed in some quarters that the police could not be trusted to investigate complaints internally in a fair and impartial manner (Lambert, 1986: 61).

The next Royal Commission on the Police sat between 1959 and 1962, part of their terms of reference requiring them to consider the relationship between the police and the public and the means of ensuring that complaints against the police were being effectively dealt with (Police Complaints Board, 1985: 3). In evidence presented to the Royal Commission by lawyers from both sides of the political spectrum, calls were made for an independent person or tribunal to be established to investigate complaints. Whilst three of the Commissioners recommended that a Commissioner of Rights be appointed to consider cases presented by complainants dissatisfied with the way in which their complaints had been handled internally, the majority of the Commission rejected the proposal, largely on the grounds that such an innovation would threaten the morale of the police (Warren and Tredinnick, 1982: 18; Lambert, 1986: 62). Since the Royal Commission sought to permit chief constables to remain independent and immune from outside influence and pressure on operational matters, the majority argument was that complaints concerning the operation and deployment of individual officers could only legitimately be answered by chief constables themselves (Police Complaints Board, 1985: 3).

Most of the recommendations of the Royal Commission were directly incorporated into the Police Act 1964 and the police discipline regulations made under it, and consequently they effectively became the first legislation in England and Wales to specifically address the problem of how citizen complaints against the police should be investigated. The recommendations had been made in an attempt to remove public anxiety, despite the fact that a survey conducted for the Royal Commission had led them to conclude that there was very little grounds for concern amongst members of the public about the way in which complaints were being investigated at that time.

In addition to introducing new procedures, Sections 49 and 50 of the Police Act 1964 had the advantage of standardizing the complaints system throughout England and Wales. The Act first required that all complaints against the police be recorded and investigated by the police, and that any complaint which suggested that an officer might be in breach of the disciplinary regulations should be investigated by an officer of the rank of Superintendent or above and from a different division of the force. Second, the Act provided the local police authorities and the Inspectorate of Constabulary with certain powers, and with the responsibility of keeping themselves informed as to the manner in which complaints were being dealt with. Third, the Act required that all cases except those in which the chief officer was satisfied that no criminal offense had been committed should be submitted to the Director of Public Prosecutions (DPP) following conclusion of their investigation, for the DPP to decide whether or not the officer should be prosecuted.

To the present day, these three legislative innovations still remain largely unchanged and central within the complaints investigation machinery in England and Wales. More recent system changes have tended to supplement rather than replace the provisions of the 1964 Act.

Whilst the introduction of the Police Act 1964 was a major step forward in relation to the investigation of complaints against the police, public disquiet about the lack of independence from the police of the new system was not dispelled (Warren and Tredinnick, 1982: 19; Meek, 1985: 1). During the late 1960s and early 1970s pressure grew for the introduction of a further independent element into the complaints procedure in addition to the DPP. An All-Party Motion

tabled, although never debated, in the House of Commons in 1969 led to the appointment of a Working Party on the complaints system. The Working Party reported to the Home Secretary in 1971 and their recommendations, which generally constituted cosmetic changes to the existing system, although adopted by the Home Secretary, were soon themselves subject to scrutiny by the 1972 Select Committee on Race Relations and Immigration (Russell, 1976: 10). The report of this Committee recommended the establishment of a lay element in the complaints procedure, possibly to consider appeals by dissatisfied complainants or police officers.

Parliamentary developments culminated in a Private Member's Bill being introduced into the House of Commons in 1973 by Mr Philip Whitehead MP, designed to establish local tribunals to review the handling of complaints. The Bill received such widespread all-party support that the government of the day agreed to establish yet another working group to examine the complaints system in exchange for the Bill being dropped (Russell, 1976: 11; Police Complaints Board, 1985: 4; Lambert, 1986: 62).

In March 1974, following a change in government, "The handling of complaints against the police: Report of the working group for England and Wales" was published, setting out the principles upon which members of the group believed that any system of external review should be based. Following consideration by the Home Secretary and numerous detailed consultations with police and local authority representatives, a new scheme emerged from the working group report and eventually became an integral part of the Police Act 1976. This Act amended and supplemented the 1964 procedures, most noticeably by establishing a new and independent body, the Police Complaints Board (PCB), which was given the responsibility of reviewing the manner in which chief officers were handling complaints investigations. Not surprisingly, chief constables were opposed to the creation of the PCB, fearful that external civilian involvement in the complaints procedure would undermine their authority (Bell, 1986: 283; Lambert, 1986: 63). In the circumstances, by the Board's own admission, in their early days the PCB were as concerned to show the police that they could undertake their task objectively as they were to reassure members of the public about the manner in which complaints were being dealt with by the police (Police Complaints Board, 1985: 5).

### **The Police Complaints Board (PCB) and its Critics**

With the benefit of hindsight it is clear that the Police Complaints Board (PCB) did little to satisfy the public demand for increased independence in the complaints procedure in England and Wales. The widespread criticism which greeted the commencement of its operations in June 1977 continued almost undiminished throughout the eight years of its existence to such an extent that it was sometimes referred to as "that totally discredited organization" (Bell, 1986: 283).

On a deeper level, however, the criticism was not so much directed at the PCB as a body or at its individual members, but rather at the legislation which, on the one hand had created it yet, on the other, had given it very limited powers. The object of the 1976 Act was to make the police more accountable for their actions by ensuring that allegations of improper behavior were thoroughly investigated, but the PCB was only given a specific role in relation to complaints alleging misconduct by individual officers. The more serious complaints, those alleging the commission of criminal offenses, continued to be referred to the Director of Public Prosecutions (DPP) for a decision on whether to prosecute following completion of the investigation. Thus, whilst the DPP remained the independent element in the system with regard to criminal allegations, the new PCB effectively assumed a similar role with regard to non-criminal cases (Warren and Tredinnick, 1982: 19; Liddy, 1986: 5).

One of the major criticisms of the Board's limited powers, and one which was repeatedly pointed out to the Home Secretary by the PCB itself in its annual reports, was that it had no involvement in the complaints procedure until after an investigation was completed. In particular, it had no say in what should be recorded as a Section 49 complaint and what should be considered as a complaint concerning general Force policy. If, in the view of the officer recording the complaint, it fell into the latter category, there was, for the purposes of the Act, no complaint, and the PCB would have no jurisdiction in the matter. Indeed, the Board would never even become aware of the allegation under these circumstances, even if it were subjected to a full internal investigation by the police. Additionally, having no involvement in the initial stages of a complaint meant that the Board never had referred to them those complaints which were either withdrawn or not proceeded with by complainants.

Whilst there was no direct evidence to suggest that the police were improperly pressurizing complainants not to pursue their complaints, the sizeable proportion of withdrawn complaints, over which the Board had no control, caused them to comment that "by dealing with complaints outside the system, the safeguard of independent adjudication is lost" (Police Complaints Board, 1982: Para. 24).

The complaints procedure under the Police Act 1976 in general terms was as follows. All complaints continued to be recorded and investigated by the police themselves since the PCB had no investigative powers. Following completion of the investigation, the Chief Officer was required to consider whether any criminal offense had been committed and, if there was any indication that this was the case, to forward the report of the investigation officer to the DPP for a decision on whether or not a charge should be preferred. If the DPP decided that there was insufficient evidence in a case to justify a court prosecution, then the officer was prevented from being disciplined by his Force by the so-called "double jeopardy" rule, intended to prevent him from being tried for the same offense twice (Warren and Tredinnick, 1982: 19; Meek, 1985: 2). Interestingly, this very aspect of the legislation was considered by a number of writers to be the major reason why the Police Federation, which represents junior rank police officers, unlike the Association of Chief Police Officers (ACPO), did not strongly oppose the establishment of the PCB and the enactment of the Police Act 1976 (Hewitt, 1982: 73; Lambert, 1986: 63).

In those cases in which chief officers were satisfied that no criminal offenses had been committed, before sending a report to the PCB, the Deputy Chief Constable would make observations on the case concerning whether he considered that disciplinary offenses had been committed and what his intentions were with regard to disciplinary proceedings. Upon receipt of the completed report, the Board would consider the Deputy Chief Constable's decision and proposal and decide whether or not they agreed with it. To this end, they were permitted to ask for further information and discuss the case with the Deputy Chief Constable if there was any conflict of opinion. Additionally, they were empowered to recommend that disciplinary charges be brought against an officer if they had not already been and, furthermore, if the Deputy Chief Constable continued to disagree they ultimately could direct that charges be brought and the case

heard before a tribunal consisting of two Board members and a chief police officer (Meek, 1985: 2; Bell, 1986: 283).

In practice, disagreement rarely occurred. Indeed, one of the major and lasting criticisms of the PCB was that its operation was merely a giant rubber-stamping exercise (Box, 1983: 101). The 1981 Annual Report of the PCB, for example, indicates that, out of 15,198 complaints referred to it, in only 138 cases were disciplinary charges preferred by the chief officer prior to notification of the Board. Of the remaining 15,080 cases, the PCB, after considering the evidence, recommended that charges be preferred in 26 cases, and directed that charges be brought in one. Indeed, this was the first time since the Board's creation that the option to direct charges had been exercised.

The Final Review Report of the PCB, published in 1985, presented statistics concerning the number of instances in which either charges had been recommended or directed, or further requests for information had been made during each year of the Board's existence. The numbers were much lower in the first two years of operation than in later years, reflecting a need to retain the co-operation of the police early on in order to pave the way for an effective working relationship (Police Complaints Board, 1985: 5). Overall, however, disagreements between chief officers and the Board were rare, a fact which prompted numerous differing interpretations.

Most vociferous amongst the critics of the Board were those who asserted that these statistics indicated that the PCB was powerless, discredited, not truly independent, and only of marginal influence (Hewitt, 1982: 77; Moores, 1982: 7). For the Board's part, they steadfastly maintained that it was only proper and to be expected that on only very few occasions they should be in conflict with chief officers either about the thoroughness of investigations or about the disciplinary decisions they arrived at. Anything more substantial by way of disagreement would indicate an unsatisfactory and unprofessional approach being taken to complaints investigation by chief officers and would indicate a cause for great concern (Pike, 1985: 167; Police Complaints Board, 1985: 6).

Criticism of the Police Complaints Board continued despite the Board's attempts to highlight the legislative restrictions upon its operations. Indeed, in 1983 these restrictions were

eventually held by the Divisional Court to be not so severe as had originally been believed, particularly with respect to those complaints alleging criminal offenses but declined for prosecution by the DPP. By then, however, the damage to the image of the Board and the complaints procedure in general had been irreparably damaged.

A Home Office circular issued soon after the enactment of the Police Act 1976 had informed chief officers of police that, in those cases which the DPP had decided contained insufficient evidence to justify a criminal charge being proceeded with against an accused officer, there should normally be no disciplinary charge either, if such a charge would have been based upon substantially the same evidence. This attempt to protect officers from the threat of "double jeopardy" in effect was interpreted by all concerned as being identical to an acquittal by a court, the result being that many officers suspected of the most serious misbehavior were escaping all jeopardy entirely (Hewitt, 1982: 74; Lambert, 1986: 66). In assault cases, for example, the prosecution rate recommended by the DPP's office peaked at around 2% in the early 1970s before falling away to approximately 1.5% a decade later. Furthermore, on average less than half of those prosecuted were convicted. The consequence of this was that in 99% of the assault cases referred to the DPP for decision by chief officers of police, the accused officers escaped any form of hearing or sanction (Box, 1983: 102).

The PCB considered themselves bound by the Home Office guidance, and although the Association of Chief Police Officers (ACPO), the National Council for Civil Liberties (NCCL), and the DPP himself were opposed to the rule, it remained in force until 1983 when the Divisional Court held that, since the PCB had been created as an independent body, it should be asserting its independence by not accepting as binding upon it the decision of anyone else, even the DPP (*R v Police Complaints Board ex parte Rhone & Madden* 1983 2QB 353). Although freed from the restrictions of the Home Office guidance, freedom came too late to restore the credibility and independent image of the PCB.

Accepting the shortcomings of the system under the Police Act 1976, the PCB itself was not reluctant to propose amendments to the procedures. In its first triennial report, published in 1980, the Board, acknowledging that complaints involving serious and unexplained injuries



sustained allegedly at the hands of the police caused great damage to police-community relations, recommended that these cases be handled by a specialist team of investigating officers. This team, it was suggested, could comprise police officers on secondment, but answerable to an experienced lawyer of high repute, preferably a former judge (Police Complaints Board, 1980: Para 69; Philips, 1984: 12). In the same report, however, the PCB rejected the concept of fully independent investigation of all complaints on the grounds that such a situation was neither practicable nor desirable.

This opinion was not widely shared outside the Board and consequently the Home Secretary established a working party, under the chairmanship of Lord Plowden, the then chairman of the PCB, to consider the various recommendations made by the Board in its triennial report of 1980. The fact that the membership of the twelve man Plowden Report working party was heavily weighted in favor of the police associations and also included the DPP made it fairly predictable that any proposals forthcoming would tend to oppose independent investigation and support the status quo (Hewitt, 1982: 76; Warren and Tredinnick, 1982: 20; Lambert, 1986: 69).

In the event, the Plowden Report, published in March 1981, not only rejected the concept of independent investigation, but also described the innovative PCB suggestion of the specialist team of seconded investigators for assault cases to be both impractical and unnecessary. The only significant recommendation resulting from the report was the suggestion that chief officers should make greater use of officers from other forces to investigate serious cases so as to generate increased and more publicly visible impartiality in investigations (The Plowden Report, 1981: Para 20).

It appeared that, for the present at least, in early 1981 the movement towards introducing an increased and independent element into the police complaints procedure in England and Wales had reached an impasse. Organizations such as the National Council for Civil Liberties and the Runnymede Trust, an educational charity established in 1968 to research immigration and race relations matters in the UK and the EEC (European Economic Community) were united in their demands for an independent investigative body for complaints investigation. These demands were based upon a number of arguments, not least that of principle that no body should be the

investigating agent for complaints made against it (Warren and Tredinnick, 1982: 22). On the other hand, all of the police associations, together with the DPP were resisting firmly any encroachment upon their responsibilities enumerated in the 1976 procedures. No one could have foreseen the watershed in British policing which was to occur in April 1981 in consequence of unprecedented civil disturbances first in Brixton, London, and then shortly afterwards in Toxteth, Liverpool and Moss-side, Manchester.

The 1981 inner-city riots once again thrust the police complaints procedure into the center of the political and public arena. Lord Scarman's report into the Brixton riots, a document produced in the remarkably short period of eight months, discussed the police complaints procedure at some length. His assertion that, for public confidence to be secured, the early introduction of a lay independent element into the investigation of complaints and the establishment of a conciliation process for minor complaints were vital (The Scarman Report, 1981: Para 7:28) legitimized and gave rise to a flood of suggestions from other sources concerning the type of independent investigative body which should be established. Such suggestions were encouraged by comments made in the House of Commons by the then Home Secretary who, in accepting Lord Scarman's criticisms, stated that the police complaints system was in need of substantial reform if it were to continue to command public confidence (Pike, 1985: 168).

Of great significance at this time was a major change in policy towards complaints investigation adopted in November 1981 by the Police Federation (the representative organization of line officers and junior management), and also by the Superintendents' Association (the representative organization of senior management), when they announced that they were both now in favor of one fully independent investigative body for complaints.

For a number of years, the fact that many senior officers of Superintendent rank and above were being required to spend an increasing proportion of their duty time investigating citizen complaints against the police, rather than carrying out their normal supervisory and operational duties, had caused considerable disquiet within the police service. This dissatisfaction, coupled with the potential police-community relations problems inherent in the police continuing to

investigate complaints internally, seemed to be the turning point as far as these two staff associations were concerned. Asserting that they had nothing to hide, the Federation were effectively inviting external scrutiny of the complaints procedure by any interested body or organization (Philips, 1984: 11). Whilst this change of policy and attitude was highly significant, not all observers were convinced that the Federation's motive was a genuine one. Cynics suggested that the Federation believed that the introduction of a fully independent investigative body at that time would prove unworkable and ineffective and would, in time, develop to be less successful than the existing system, thereby allowing the Federation the luxury of pointing out that their long-standing objections to external investigation of complaints had had a practical and not merely philosophical basis (Lambert, 1986: 72).

Nevertheless, since 1981, despite comments such as these, the Police Federation, unlike its counterparts elsewhere in the world, has continued to be publically in favor of a completely independent procedure for complaints investigation.

Building upon the Home Secretary's comments that substantial reform of the complaints procedure in England and Wales was needed, one of the more outspoken police committee chairmen, a county councillor from South Yorkshire, argued that anything less than complete civilianization of the system would be futile. Not only would a policy of civilianization release many senior police officers for operational duties, it would also promote a relationship of trust with the public. It was argued that, no matter how immaculate and thorough investigations were, the fact that police officers investigated police officers would always remain suspect when consideration was given to the minimal number of complaints substantiated (Moore, 1982: 6). The proposed new system was one in which a locally appointed Police Ombudsman or Complaints Committee, together with their own civilian investigative staff and working closely with the locally elected police committee, would have sole responsibility for complaints investigation. Jurisdiction concerning citizen complaints would be entirely removed from the police themselves, to the extent that they would not even be responsible for accepting or recording complaints.

An alternative proposal, based upon the concept of a Parliamentary Ombudsman, rather than a locally appointed official with similar powers, was put forward by an experienced Conservative Member of Parliament in a booklet published by the Conservative Political Centre in November, 1982. Whilst the suggested new procedure was not particularly unusual, being based upon the legislation inherent in the Parliamentary Commissioner Act, 1967, what was unique was that the argument for a wholly independent investigatory system for complaints against the police was being publically voiced by a member of the traditionally "law and order" ruling Conservative Party (Warren and Tredinnick, 1982: 24). This fact, perhaps more than any other, indicates just how widespread the movement for radical change in the police complaints procedure in England and Wales was in the early 1980s.

A slightly less sweeping change to the system was proposed in the same year by the then General Secretary of the National Council for Civil Liberties. Rather than abolish the Police Complaints Board, she proposed that the PCB should be retained but given an expanded role, specifically including the power to carry out investigations of serious complaints itself. To this end, it should employ its own team of investigators which, although including police officers on secondment, would also comprise solicitors, barristers, and others with appropriate investigative experience (Hewitt, 1982: 77). Given the legal expertise which such a team of investigators would possess, it would then be possible to dispense with the involvement of the DPP in the complaints procedure.

Following publication of the Scarman Report and the Belstead Report, the latter being a report produced by a further working party which had been established to review the implications of the Plowden Report prior to the occurrence of the civil disturbances which led to Lord Scarman's examination of policing practices, the official government approach to reform developed during 1982 in a three-tiered way. First, the most serious complaints were to be investigated by a senior police officer, normally from an outside force, under the supervision of an independent assessor. This assessor, responsible for ensuring that the investigation was carried out in an expeditious, thorough and impartial manner, would either be the PCB itself or a new body created specifically to fulfill that role. Second, less substantial complaints would

continue to be investigated in accordance with the existing Section 49 procedure as amended by the Police Act 1976, in which completed police investigation reports were forwarded to the PCB for independent review. One practical difference, however, would be that complaints involving minor criminal matters would no longer automatically be referred to the DPP. Third, a new informal procedure was to be introduced by means of which less serious complaints could be conciliated without the need to commence a full and formal investigation (Warren and Tredinnick, 1982: 20; Pike, 1985: 168; Lambert, 1986: 72).

The proposal for a new system of informally resolving complaints was one feature of the government's strategy for change which received all round support. Two of the major criticisms of existing procedures, which had been voiced by all participants in the police complaints debate, was first that the process of investigation was excessively formal and rigid and second that it was painfully slow.

Under the Police Act 1976, once an allegation had been recorded as a Section 49 complaint, if it was not subsequently withdrawn, it would automatically be subjected to a protracted investigation by a senior police officer, and ultimately be referred to the PCB, irrespective of its seriousness (Lambert, 1986: 67). It was argued and widely agreed that in a large majority of relatively minor cases, complainants were merely seeking an assurance that the accused officer's behavior would not be repeated and perhaps hoping for some form of official apology. Very few complainants in these cases either intended or wished to set into motion an unwieldy and time-consuming formal investigation. The very formality of the system may therefore itself have acted as a deterrent to complainants once they became aware of the investigative procedure. Additionally, it was believed that, since the police themselves had responsibility for initially recording complaints, numerous genuine complaints which senior police management would have wished to have been made aware of were never officially recorded since promises to complainants that accused officers would be "seen and spoken to" regarding their conduct normally satisfied all but the most vociferous complainants in relatively minor cases. The question of whether the officers ever were "seen and spoken to" remained in doubt. Whilst such unofficial systems may well have existed, they were neither as sinister nor as

insidious as some police critics made them out to be. Rather, they were the products of a system which bestowed upon the recording officer, who under the existing legislation was required to be an officer of the rank of Inspector or above, the responsibility of being the first link in an extensive investigative chain which culminated in London at the offices of the PCB, for cases which all too frequently were of a relatively trivial nature.

Closely aligned with the formality of the system was its slowness. On average, the letter from the PCB to the complainant notifying them of the outcome of the investigation of their case, arrived six months after the complaint was made. Not only was this unacceptable and unnecessary as far as complainants were concerned, except in the most serious of cases, it also meant that police officers were having to wait an average of six months to discover whether or not they would have to face disciplinary procedures (Warren and Tredinnick, 1982: 21).

Whilst the third tier in the government's proposed new strategy for complaints investigation was thus universally welcomed, the proposed first and second tiers in the new system did little to satisfy or silence the critics of internal investigations and the PCB. Although notes of caution concerning the potential for police non-cooperation to prevent the attempts of independent investigators to achieve results fairer to the complainants were sounded in some quarters (Box, 1983: 105), during the subsequent debate the pressure upon the government to introduce a more powerful independent element into any new complaints system forced them to concede at least some ground.

Following the General Election of June 1983 in which a Conservative government was returned for a second term of office, their final plans for the new police complaints procedures, which by this time had become almost an inevitability, were unveiled in the reformulated Police and Criminal Evidence (PACE) Bill which, in its original form, had been lost earlier in the year due to the dissolution of Parliament. This new system which, with one or two minor amendments, was enacted by the Police and Criminal Evidence (PACE) Act 1984 and came into operation on 29th April, 1985, involved the creation of a new Police Complaints Authority (PCA) rather than the previously proposed independent assessor. The new Authority would replace the existing PCB, which would be abolished, and would enjoy much wider powers than

had its predecessor, including the responsibility for closely supervising and controlling the police investigation of the more serious allegations of misconduct. In essence, creation of the PCA was therefore another major, although faltering and hesitant, step along the road towards fully independent investigation of complaints against the police in England and Wales.

### **The Police Complaints Authority**

To those critics calling for just such a totally independent system of investigating complaints against the police, the Police Complaints Authority was just the Police Complaints Board slightly rearranged. Indeed, it must be said that fuel was added to this particular fire by Parliament's insistence upon giving the new Authority such a similar title to the old Board which it was replacing. Quite what the reasoning behind their choice of name was is unclear, but it must be said that it was a misguided choice at best, and one which guaranteed the new PCA problems from the outset, in convincing anyone who was unaware of the details of its enabling legislation that it was in any way fundamentally different from the PCB which had caused so much controversy during the previous decade. Sir Anthony Buck, amongst many others, expressed concern about the title of the new organization during the Committee Stage of the PACE Bill, and it was widely agreed that, at the very least, "independence" should have been spelt out in its title (Bell, 1986: 284).

Such concerns have been proven well-founded. Many people still believe that the PCA, by reason of its title perhaps more than anything else, is part of the police service or at least a department of the Home Office. It is interesting to note that the PCA themselves apparently realized the problems which the legislature had caused for them in their title, since they soon began referring to themselves as the "independent Police Complaints Authority", and the word "independent" has appeared, albeit in a manner which gives the impression of it having been an afterthought, on the front cover of both its 1985 and its 1986 Annual Reports. In consequence, press reports of the PCA's activities following its creation in April 1985, when it was correctly referred to as the "Police Complaints Authority", have subsequently been amended to the "i(lower case)ndependent PCA" and, more recently to the "I(upper case)ndependent PCA"

(Bell, 1986: 284). It will be interesting to see just how long it takes the Authority to officially rename themselves and thereby correct what many observers consider to have been a glaring Parliamentary error.

The London Times of 29th April 1985 reported that a burst of criticism from the Police Federation had greeted the start of operations of the PCA. The official Federation stance was re-emphasized by a spokesman who was quoted as saying of the PCA that "It will not enhance public confidence in the system and will probably not improve police morale either. We remain firmly of the view that only a wholly independent system of investigation will satisfy all parties." The only other point worthy of note was that, despite the lengthy discussions and controversial period leading up to the creation of the PCA, the Times only saw fit to devote two inches of one column to its report concerning the Authority's inauguration. Perhaps that in itself was indicative of the widespread belief that, despite governmental assurances to the contrary, the PCA promised nothing new.

In the two years which have passed since then, the PCA has at least made some progress in asserting its independence and in convincing certain critics that it is indeed a different animal from the old PCB which it replaced. In part, this has been due to a well-orchestrated and subtle campaign conducted in the media, during which the Chairman of the PCA, Sir Cecil Clothier QC, formerly Parliamentary Commissioner for Administration and an individual of high public esteem and considerable experience, has rarely missed an opportunity to correct imprecise and inaccurate press and media reports concerning complaints investigations and the powers of the Authority. The Chairman has cleverly turned items of misinformation to the Authority's advantage on numerous occasions by clarifying the independent nature of the PCA and its role. In addition, the progress made by the Authority has also resulted from several well-publicized investigations in which it has publically disagreed with disciplinary decisions made by chief officers of police.

### **Overview of the New Procedures**

In simple terms, the police complaints procedure in England and Wales under the PACE Act 1984 has developed into a four-tier structure, perhaps the two most crucial innovations being



the establishment of the concept of supervision and direction of investigations by the PCA and the introduction of the process of informal resolution.

First, the most serious complaints, involving death or allegations of serious injury are mandatory for the PCA to supervise. Second, the PCA has discretion in whether or not to supervise other less serious cases. Such complaints may be referred to the Authority by chief officers of police because they believe it to be in the public interest for the investigations to involve an independent element. Alternatively, the legislation empowers the Authority to direct chief officers to submit to them any complaint which does not fall into the mandatory category, but which the Authority, at their discretion, wish to supervise in the public interest. Third, those complaints which are not referred to the PCA for supervision, and which are not suitable for informal resolution, are investigated internally, much as they were previously. Fourth, relatively minor complaints may be handled by a process of informal resolution without recourse to a full and formal investigation.

Under the new legislation, therefore, the police have retained their investigative involvement in the complaints procedure. The independent involvement of the PCA in the process can not accurately be described as being investigative in nature. Rather, the PCA exercises a supervisory role, charged with the responsibility of ensuring that the police investigations are thorough and exhaustive, but overall that they are fair and impartial. The PCA effectively has two quite different functions - supervisory and disciplinary. Whilst its disciplinary function operates in a similar way as the PCB previously did, the supervisory function is an innovation.

### **Supervisory functions of the PCA**

One of the most striking differences between the police complaints procedure under the Police Act 1976 and the PACE Act 1984 is the involvement of an external agency at an early stage in the investigation of the more serious allegations. Mandatory cases must be referred to the PCA no later than the end of the day following the receipt of the complaint. This category includes any complaints relating to the death or serious injury of some other person, any assault

in which actual bodily harm is sustained, and additionally any allegation of corruption or of the commission of a serious arrestable (generally a criminal) offense. Supervision of the investigation by the PCA is mandatory in the case of death or serious injury and is at the discretion of the PCA in the other cases referred to it. The PCA must give its decision as to supervision within one week to the chief officer of police.

Discretionary referrals to the PCA are not governed by the same strict time limits but, in practice, as soon as a chief officer decides that a particular case, though not falling into the mandatory category, would be in the public interest to be considered for supervision by the PCA, then the case will be referred without delay. A similar system operates with respect to those cases which, although not mandatory, the Authority requires a chief officer to submit to them for any reason.

During the first eight months of their operation (until 31st December, 1985) 2,549 cases, an average of 72 per week, were referred to the PCA for determination of whether or not they should supervise the police investigation. The Authority decided to supervise the investigation in 611 (24%) of these referrals. In 273 of these cases supervision was mandatory, the allegations involving either death or serious injury, and in the remaining 338 cases it was the Authority's judgement that the circumstances required the investigation to be supervised in the public interest (PCA Annual Report, 1985: Paras 6.4 , 6.5). During 1986, the equivalent figures were 3,687 cases at an average of 71 per week, with 681 (18.5%) of these referrals being supervised by the PCA. Of the 681 case supervisions, 381 were mandatory and 300 were discretionary (PCA Annual Report, 1986: Paras 7.7, 7.8).

In order to be able to effectively supervise investigations, the PACE Act 1984 provided the PCA with four basic powers. First, the appointment of an Investigating Officer (IO) proposed by the chief officer is subject to ratification by the Authority. If the Authority does not approve the proposed IO then another must be nominated until one is agreed as acceptable. Second, the PCA can impose requirements relating to the conduct of an investigation. Third, it can require a chief officer to expend more resources upon a particular investigation if necessary, following consultation with the Deputy Chief Constable. Fourth, following the conclusion of a case the

Authority issues a statement concerning the manner of the investigation, and specifically whether or not it was carried out to the Authority's satisfaction. No decision on disciplinary or criminal action can be taken until such a statement has been issued (Meek, 1985: 12; PCA Annual Report, 1985: Para 3.2; Bell, 1986: 285; Lambert, 1986: 79).

In practice, the responsibility for supervising and directing an investigation is delegated to a specific Authority Member, who may then become involved as much or as little as necessary depending upon the circumstances. In a serious case of public concern, an exceptionally close liaison with the IO may be demanded, necessitating the presence of the supervisory Member at various stages of the investigation, and even during the interviewing of witnesses. In the majority of cases, telephone contact usually suffices, perhaps supplemented by letters and occasional meetings with the IO.

Whilst the initiative for undertaking the investigation remains with the Investigating Officer, at the outset the supervisory Member will discuss and agree with the IO in broad terms on the plan of the investigation and the general lines of enquiry. In complex cases the IO may be required to submit interim reports to the supervisory Member concerning the progress made in the investigation, as a result of which the Authority may wish for witnesses to be re-interviewed, other witnesses to be sought, or certain points to be clarified by the IO. Whilst the Authority has the formal power to require the IO to undertake an investigation in a particular way, in practice differences of opinion between the IO and the supervisory Member tend always to be resolved through consultation and discussion (PCA Annual Report, 1985: Paras. 3.5, 3.6).

For similar reasons, it is highly unlikely that the statement issued by the PCA following the conclusion of an investigation will ever show that the investigation has been unacceptable. Because of the opportunities which exist to resolve points of conflict, such a situation would indicate a fundamental breakdown in the system, more than likely involving a refusal of the police to meet some requirement of the supervising Member (Bell, 1986: 285).

### **Disciplinary Functions of the PCA**

Whilst the supervisory function of the PCA is a distinct departure from the more passive approach of reviewing completed investigations formerly carried out by the PCB, it remains true that those cases which are supervised by the PCA are only a small minority of the total number of cases of malpractice alleged against the police. That this minority of cases represents those incidents in which the most serious allegations have been made in part makes up for this fact. For example, during 1986, of 6,646 cases considered by the PCA, only 681 were supervised by the Authority. In other words, 5,965, or 89.7%, of all complaints which were formally investigated were investigated purely internally by the police. Of those 5,965 cases, 3,006 had first been referred to the PCA for determination of whether or not the police investigation should be supervised, and supervision had been declined, and the remaining 2959 cases had been dealt with in the investigative stage without reference to the Authority. (The PCA 1986 Annual Report makes the important distinction between cases and complaints. Since any one complainant usually makes more than one complaint arising out of any one incident, the number of complaints in general tends to be considerably more than the number of cases. In 1986, for example, the 6,646 cases considered by the PCA contained a total of 15,865 complaints, an average of 2.3 complaints per case - Para. 7.4.)

When the investigation into a complaint is completed, whether it has been supervised or not, the IO submits a report for consideration by his chief officer (normally the Deputy Chief Constable) who is then required to notify the PCA of his proposals regarding the outcome of the investigation and any possible disciplinary action to be taken against the accused officer. At this stage, the second major function of the PCA, its disciplinary function, is introduced into the complaints procedure. The Authority's prime function is to decide whether, based upon the completed report of the investigation, disciplinary charges should be brought against an officer if this is not already the chief officer's intention. Like its predecessor the PCB, the PCA is empowered to formally request further information from chief officers prior to reaching a decision on the disciplinary aspects of a particular case. Ultimately, the Authority can direct that charges be brought in a case in which agreement cannot be reached. In such a situation, a

disciplinary hearing will be carried out before a tribunal consisting of two Authority Members, who are not conversant with the details of the case in advance, and the relevant Chief Constable.

Whilst the Authority's disciplinary function has been characterized as following much the same procedure as that previously carried out by the PCB under the Police Act 1976 (Lambert, 1986: 79), the PCA themselves have identified what they consider to be two significant differences in their disciplinary role from that of their predecessors. First, as has been mentioned previously, earlier legislation provided no definition of what should be considered a complaint and consequently the PCB, which only became involved in the procedure at the final stage, had to accept the judgement of chief officers of police - effectively the judgement of those junior officers responsible for recording complaints - concerning what did or what did not constitute a complaint. The 1984 Act defined a complaint as one made by a member of the public, or on his behalf with his written consent, and consequently the legislation considerably clarified the matter.

In particular, the legislation now prevents the police from commencing a formal investigation in a case in which the complainant does not intend one to be carried out, for example when a writ has been issued against a chief officer claiming damages for a civil wrong perpetrated by one of his officers (PCA Annual Report, 1985: Paras. 4.3, 4.4; Bell, 1986: 287). Second, the 1984 Act changed the conditions under which a completed investigation report had to be sent to the Director of Public Prosecutions (DPP). Under previous legislation, every such report had to be sent to the DPP unless the Deputy Chief Constable was satisfied that no criminal offense had been alleged. The reasoning behind this, that a force should not be seen to be deciding upon whether or not to institute a criminal prosecution against one of its own members, and rather that such a decision should be made by an independent outside body, was sound. In reality, however, it meant that large amounts of time and effort were being expended in preparing case reports for the DPP concerning incidents of a fairly trivial nature which there was never any doubt the DPP would decline to prosecute. Under the 1984 Act, the chief officer has discretion in relation to minor matters, such as offenses of depositing litter or minor traffic incidents, in which a charge would not normally be preferred if the offense had been committed by a member of the public rather than by a police officer. The deciding factor in these cases is the nature of the

offense and not the quality or weight of the evidence (Meek, 1985: 8; Bell, 1986: 290). Whilst the intention of the legislators was to avoid involving the police in unnecessary work, the PCA were given the responsibility of ensuring that chief officers were not abusing their discretionary powers in these matters, and consequently they are empowered to direct chief officers to pass case papers to the DPP if they consider that the alleged offense is serious enough.

During the first eight months of the PCA's operation, in which Deputy Chief Constables preferred disciplinary charges in 73 complaints, the Authority agreed with chief officers' recommendations in another 7,029 complaints that disciplinary charges were not appropriate. In part, this was due to the trivial nature of a number of the complaints, but in a large percentage of cases it was due to an insufficiency of evidence to either prove or disprove the allegations concerned. In a further 106 complaints, following the police investigation and prior to making their decision, the Authority made formal requests for further information, resulting in them recommending 33 disciplinary charges arising from 24 cases in which Deputy Chief Constables had initially proposed to bring no disciplinary charge. Only one direction to a chief officer to prefer a charge had to be made. During the same time period, the PCA exercised its power to direct chief officers to refer cases to the DPP if they have not already done so on 41 occasions, these cases comprising 62 matters of complaint. During 1985, the average time taken by the Authority to process the disciplinary aspects of a case, from receipt of the case papers to completion of action, was 68 days (PCA Annual Report, 1985: Chapter 6).

By way of comparison, during 1986, whilst Deputy Chief Constables preferred disciplinary charges in 161 complaints, the PCA agreed with their recommendations not to charge in a further 14,265 complaints. The Authority made 635 requests for further information, recommended 56 charges arising out of 32 cases in conflict with Deputy Chief Constables' initial proposals, directed that 16 of these 56 charges be brought when their recommendation was not accepted by the chief officers concerned, and further directed that 22 cases, comprising 34 matters of complaint, be referred to the DPP. Over the entire year, the average time taken by the Authority to process the disciplinary aspects of a case was 56 days, although during the latter part of the year this had been reduced to 40 days (PCA Annual Report, 1986: Chapter 7).

### **Informal Resolution**

One major innovative aspect of the 1984 legislation over which the Police Complaints Authority has no direct influence is the concept of informal resolution. One of the major problems of the complaints procedure during the lifetime of the PCB, which the Board repeatedly referred to in its annual reports, was the unreasonable amount of police time and effort spent on investigating trivial complaints. In order to be seen to be fair to complainants, the police frequently carried out enquiries which were more exhaustive and time consuming than the complaints which gave rise to the investigations warranted (Philips, 1984: 12). Additionally, since the Police Act 1976 had required investigating officers to be of the rank of Superintendent or above, a very senior rank in England and Wales, the complaints procedure had become excessively formal and unwieldy as well as proving to be extremely expensive and inefficient. Although a system was in place whereby early reports could be submitted on minor matters of complaint, it had fallen into disuse largely because of police fears of allegations of "whitewash" enquiries (Meek, 1985: 6; Bell, 1986: 286).

The idea of informally resolving certain complaints without recourse to lengthy and formal investigations gathered speed after the publication of Lord Scarman's Report on the Brixton Disorders in 1981, and subsequently was provided for in the 1984 legislation. The PACE Act requires that the first action which a chief officer must take after a complaint is recorded is to consider whether it is possible for the allegation to be resolved informally. In doing so, he is assisted by certain guidelines. First, if the PCA has decided to supervise an investigation, then under no circumstances can the complaint be informally resolved. Second, the complaint must be such that, even if proved, no disciplinary or criminal charges would ensue. Third, the complainant must consent to the informal resolution procedure. Whilst there is no corresponding requirement for the accused officer to consent to informal resolution, no meeting between the complainant and the officer can take place without the officer's agreement (Meek, 1985: 7; Lambert, 1986: 80; Liddy, 1986: 10).

If a complaint is not informally resolved at the time it is made, then an officer of or above the rank of Chief Inspector (the rank below Superintendent) may be appointed to assist a chief

officer in the process of informal resolution. Indeed, the rank of the IO in all complaints investigations was reduced to Chief Inspector or above by the 1984 legislation. This innovation was a welcome development in police circles since it means that the workload of investigating complaints can now be spread over a greater number of senior officers than was the case previously, and in addition it provides Chief Inspectors with an insight into the complaints procedure which will be potentially useful to them upon their promotion.

If the informal resolution process is successful, the complaint is recorded as having been disposed of and is included in official police statistics, but it is not recorded in the subject officer's personal record. If, however, the informal procedure breaks down, there are safeguards built into the system which protect both the accused officer and the complainant. Specifically, the senior officer who attempted to resolve the complaint informally may not be appointed to carry out the subsequent full investigation, and all information relating to the failed informal resolution is considered privileged and cannot be divulged in any future enquiry or disciplinary proceedings. These safeguards are intended to encourage accused officers to partake in the informal procedure, since if they were to believe that anything they said could be used in any later formal enquiry, they would clearly be inhibited from discussing the matter and this would defeat the whole purpose of the exercise (Meek, 1985: 7).

As mentioned previously, the introduction of the process of informal resolution by the 1984 Act was probably the only aspect of the legislation which received widespread support from all parties. In practice, it satisfies many complainants who are merely seeking some form of acknowledgement or explanation. Similarly, it is advantageous to officers not to have lengthy formal enquiries hanging over their heads causing stress and concern, particularly when they concern relatively minor incidents. On the other hand, there is of course the possibility that some complaints which are now classified as informally resolved may either have been recorded as withdrawn under the 1976 legislation, or, if they are resolved at the time they are made at present, previously they may never have been recorded at all. The consequent effect may therefore be that official statistics may indicate an apparent increase in complaints in recent years when, in reality, such an increase may be attributable to the different recording practices in



existence pre and post 1985 (Bell, 1986: 287).

Unfortunately, because informal resolution is not subject to supervision by the PCA, but rather, together with a range of other matters relating to the efficiency of police forces, it is monitored by local police authorities and Her Majesty's Inspectors of Constabulary, no nationally collated statistics concerning informal resolution are available with which to analyze trends.

Nevertheless, examination of individual Chief Constable's Annual Reports for 1985 and 1986 indicate that, in a significant number of cases, opportunities are being taken to informally resolve complaints. In Durham Constabulary in the north of England, for example, during the last eight months of 1985, 326 complaints were received, of which 82, or 25%, were informally resolved. During 1986, the proportion of complaints resolved informally increased to almost 30% (Liddy, 1986:11).

### **Complaints and Discipline Departments in England and Wales**

Every one of the 43 police forces which presently exist in England and Wales has a specialist department, usually entitled the Complaints and Discipline Department or something similar, which is responsible for investigating citizen complaints against the police. Most of these departments were established during the late 1960s and early 1970s following the enactment of the Police Act 1964 and, as new legislation has been introduced and their investigative responsibilities have increased, most departments have undergone gradual increases in establishment during the intervening years.

Superintendents have traditionally been the designated investigating officers for complaints and, despite the 1984 PACE Act provision which reduces the IO's rank to Chief Inspector and above, they still remain so in the majority of forces. Consequently, Complaints and Discipline (C & D) departments tend to be staffed by high ranking officers. Most forces utilize Inspectors to assist IOs in collecting evidence, interviewing witnesses and preparing case files, and, since the introduction of the 1984 Act and its associated high volume of administrative duties, a number of forces have introduced Chief Inspectors into their departments in the role of Office Manager. Such a policy has resulted in the identification of one individual whose sole responsibility is the

processing of departmental administration, and the freeing of Superintendents from administrative duties to concentrate purely on complaints investigations. Clerical support for the Office Manager may be provided either by Sergeants or Constables or, in the majority of forces, by civilian clerks.

Because of the relatively small size of Complaints and Discipline departments in comparison to the number of cases requiring investigation, in most forces a sizeable proportion of complaints are allocated to operational Superintendents and Chief Superintendents for investigation, with the C & D departments generally handling the more complicated and potentially time consuming cases.

A survey carried out in 1984 by Sussex Police whose data, although collected prior to the enactment of the PACE Act, is the most recently available, indicated that, within the 42 provincial forces in England and Wales (ie:- excluding the London Metropolitan Police), on average 56% of citizen complaint cases were handled by C & D staff and 44% were investigated by other operational senior officers. Only four forces reported that all complaints were handled exclusively by C & D staff, whilst a further four reported that C & D investigated at least 90% of all complaints themselves. At the other end of the scale, six forces reported that less than 25% of complaints were investigated by C & D staff (Liddy, 1986: App. 9). Whilst the latter figure might appear somewhat surprising, it is worthy of note that C & D departments, as their name suggests, not only investigate citizen complaints but also are concerned with supervisor-initiated allegations of breaches of internal discipline. The large variation in the proportion of citizen complaints handled internally is therefore likely to be a function of the number of alleged breaches of internal discipline not arising from citizen complaints which certain departments are being required to investigate.

Submission of the annual costs of investigating citizen complaints against the police is required by the Home Office. Figures submitted by all 43 forces in 1984 indicated a total national cost in excess of £15.5 million for the financial year 1983/84, an increase of 12.9% upon the previous year, which, itself, had shown an increase of 16.9% upon the financial year 1981/82 (Liddy, 1986: App. 10). Whilst more recent figures are unavailable at present, if cost

increases have continued in the same manner, the estimated costs for the financial year 1986/87 would be of the order of £24 million. Given the increased resources which chief officers allocated to C & D departments following the enactment of the 1984 PACE Act, the true 1986/87 figure is more likely to be in the region of £30 million nationally.

### **Post Script - The "Holloway Road" Case**

The misplaced loyalty of a number of London Metropolitan police officers recently captured widespread public and media attention in the United Kingdom following the "Holloway Road" case, in which in August 1983 four youths were assaulted for no apparent reason by a number of uniformed police officers who had alighted from a personnel carrier (Crook, 1987: 1320; Stalker, 1987: 12). Two lengthy and detailed investigations indicated that three police carriers had been in the vicinity at the time, but failed to establish from which carrier the officers responsible for the assaults had come, because officers were unwilling to bear witness against their colleagues.

The PCA inherited the case from the PCB in 1985, and subsequently, in February 1986, they issued a statement saying that there was insufficient evidence to charge anyone with a criminal offense or to institute disciplinary proceedings. They further asked the Metropolitan Police to 'warn' all of the officers who might have been involved in the incident of their behavior. Although this warning was issued, the Metropolitan Police maintained that it did not constitute an official reprimand and that it would not affect individual officers' careers (Hilliard, 1987: 1426). After consulting the Commissioner of the Metropolitan Police, the PCA then decided to publicize the facts of the case, and a highly critical report of both the incident and the case outcome published in the magazine "Police Review" on February 7th 1986 led to the DPP offering criminal immunity to any officer who had witnessed the assaults but had not taken part in them (PCA Annual Report, 1986: Para 3.3; Hilliard, 1987: 1426). Following widespread publicity given to the offer of immunity and the circumstances of the case in the media, all of which was detrimental to the already battered image of the Metropolitan Police, several officers eventually offered information to the third investigation. As a result, four constables and one

sergeant were charged with conspiracy to pervert the course of justice, and additionally the constables were all charged with assault occasioning actual bodily harm.

The officers finally came to trial in July 1987, some four years after the incident. One of the constables was found not guilty of the assault charge but guilty of the conspiracy, and all of the others were found guilty as charged. The first constable was sentenced to eighteen months' imprisonment, the other constables to four years' imprisonment, and the sergeant to three years' imprisonment. The London Times of July 17th 1987 reported that, in passing sentence on the officers, the judge had said that their actions had done much to undermine the respect which right thinking citizens should and do have for the police. Opinions concerning what the future should hold for those officers who eventually decided to give evidence in the case have been mixed. Whilst some have argued that they should leave the service, describing them as being an embarrassment and to be totally untrustworthy and unreliable, others have indicated that it would be in the interests of the service for them to stay on, because it would prevent any chance of similar offers of immunity being taken seriously in the future if they were forced to resign.

What is clear, however, is that self-regulation in any organization, particularly one which aspires to professional status, is essential. Without it, there is a strict limit on what can be achieved whatever the system (Bell, 1986: 293). Or, as has been succinctly stated by a recently retired Deputy Chief Constable who himself was the subject of a widely publicized investigation supervised by the PCA (of which he was entirely exonerated),

"It is to be hoped that fair-minded policemen and women will realize that they do neither themselves nor the police service any favors by exercising misguided group loyalty to their less scrupulous colleagues."  
(Stalker, 1987: 12).

## **CHAPTER IV**

### **TRANSATLANTIC SIMILARITIES - A REVIEW**

#### **Introduction**

This chapter is organized in three main sections. The first two provide the reader with brief reviews and summaries of the previous two chapters of this study, in addition to identifying several implications for the future of police complaints procedures in the United States and in England and Wales respectively. The third section concentrates upon the major historical point of similarity to emerge from a study of developments on both sides of the Atlantic, the consistent use of the same sets of arguments by proponents and opponents of the concept of external civilian review of alleged police misconduct.

#### **Summary of the American Experience and Prospects for the Future**

The history of the investigation of complaints against the police in the USA is best characterized as a constant debate between two major interest groups with totally opposing opinions. On one side have been the proponents of external review, mainly comprising community groups, civil rights organizations and the media, who have argued that a system in which the police themselves carry out the investigations provides too many opportunities for cover-ups and for complainant intimidation. On the other side have been the adherents of internal review, mainly comprising the police themselves and conservative politicians, who have argued that it is not only unfair, but also irrational for the members of a profession to be subjected to scrutiny of their actions by amateurs who are incapable of appreciating the intricacies and difficulties of policework.

Both sides have had successes and failures. The 1960s saw predominately internal review of various types as being the optimum method for investigating complaints. The untimely and in some cases spectacular demise of a number of innovative civilian review boards seemed to ensure continued success for the advocates of internal affairs departments.

Development of the concept of police professionalism in the early 1970s added more weight to the arguments for a police monopoly on complaints investigation, but a series of incidents in which particularly flagrant abuses of power and authority by officers appeared to go unpunished ensured that the civilian review proponents would not give up the fight easily. In response to the problem of poor police-community relations in a number of cities, and following lengthy negotiations and careful planning, several variations on the theme of civilian participation in complaints investigation were implemented during the 1970s, and without exception they enjoyed a greater degree of success than their predecessors had during the 1960s.

The threat posed by agencies such as the Chicago Office of Professional Standards and the Berkeley Police Review Commission caused a greater degree of thought to be given to the issue of staffing Internal Affairs Units than had been the case previously. The picture emerged of police chiefs relying on the indisputable abilities and integrities of their IA staff to counter any outside allegations of unprofessionalism and dubious practices during complaints investigation.

Even this image failed to satisfy the opponents of internal review, however and the 1980s have been characterized by efforts on both sides to improve the quality of the services they provide to complainants with genuine grievances. Organizations such as the Police Executive Research Forum (PERF) and the Commission on Accreditation for Law Enforcement Agencies (CALEA) have established standards for the evaluation of internal review procedures. At the same time, the International Association for Civilian Oversight of Law Enforcement (IACOLE) has been created to facilitate individuals from agencies which have been established by legislative authority to review complaints against the police meeting together and discussing mutual concerns and problems.

Future trends and developments into the 1990s would appear to rest upon the success or otherwise of these three agencies as they each continue to search for procedures for investigating

citizen complaints against the police which are both thorough and impartial, and yet which are equally acceptable to the officers themselves, to members of the public, and to local political officials and pressure groups.

### **Summary of the British Experience and Prospects for the Future**

Although the Police Complaints Authority have probably asserted their independence and influenced complaints investigation and disciplinary decision making during the two short years of their existence to a much greater degree than did their predecessor, the Police Complaints Board, during their entire eight year stormy lifetime, the many critics of the PCA mitigate against its long term survival. Over the past two decades there appears to have been an unrelenting march towards a completely independent system for investigating citizen complaints against the police in England and Wales, and there is little evidence to suggest that the PCA is anything more than just one more step along that road.

Perhaps, in time, the strongest influence upon future developments may prove to be the police themselves. Having been on record since 1981 as being in favor of the creation of a fully independent investigative body for complaints in order that public confidence can be maintained in the system, the police staff associations, and in particular the Police Federation, have continued to voice their criticisms of the operations of the PCA. Suspicion concerning the motives of the Federation are widespread, both inside and outside the police service, and it must be considered unlikely that they would be any less critical of a fully independent body if one ever were to be created. Nevertheless, officially their position is that they would welcome such a move.

In calling for a fully independent complaints body with its own investigative staff, the Police Federation can count among its allies numerous organizations outside the police service. However, most of these organizations, including the National Council for Civil Liberties, continue to propose fully independent investigations based more upon principle than upon any real conviction that such a system would be any more effective than the present procedures operating under the PCA. They argue that no system, however elaborate, will satisfy public

perceptions that justice must both be done and be seen to be done, until investigation of complaints is taken out of the hands of the police themselves (Lambert, 1986: 82).

Proposals for regional ombudsmen with their own civilian investigative staff comprising experienced investigators perhaps drawn from the staff of government departments such as Customs and Excise, the Inland Revenue or the Post Office, will undoubtedly continue to be made. What such proposals will need to do in the future if they are to have any impact upon the legislature, is to explain, as they have all too frequently failed to do in the past, how some future independent investigation could break down the obstructive police solidarity which often frustrates even the most experienced police officers in their investigation of complaints against the police (Waddington, 1987). This statement is not necessarily an argument against the use of lay investigators, rather it is a cautionary note which has been expressed by many who are fearful that the future failure and collapse of a fully independent system would have serious and long lasting repercussions upon public confidence in the police.

Some critics of the present system for investigating complaints against the police in England and Wales argue that it is too heavily biased towards the traditional British approach of accusatorial justice (Waddington, 1987). Whilst the identification and prosecution of specific instances of misconduct perpetrated by individual officers is supervised by the PCA at present, the Authority has no responsibility for considering either policy matters or the actions of senior officers in command of situations, both of which may indirectly provoke complaints against individual officers. Conversely, the 1981 Scarman Report, which not only identified shortcomings in individual officers but also indicated wider failings in police command and policy, had an enormous impact upon the police service, particularly with respect to its training and community liaison programs. One novel suggestion has been that, using the Scarman enquiry as a model, a standing committee could be established to enquire into specific incidents or more general issues on a wider scale than is presently possible, and to report its findings to Parliament (Waddington, 1987).

In 1984, the Chairman of the Police Complaints Board stated that, in his opinion, the powers of the proposed new PCA, which had emerged through a process of trial and error and



prolonged discussion, came close to achieving the necessary yet intricate balance between gaining public confidence and police acceptance (Philips, 1984: 19). Some three years later, although generally well accepted by those senior police officers who are charged with investigating complaints, the PCA is still far from being appreciated by rank and file officers. Furthermore, in addition to the continuing and largely predictable voices from certain quarters calling for the removal of responsibility for complaints investigation from the police, respected police scholars and a recently retired Deputy Chief Constable have referred to the Authority as being "a crumbling irrelevance" and "almost universally unloved" (Stalker, 1987: 12; Waddington, 1987).

If public confidence and police acceptance are to be counted as two of the major objectives of the PCA, it therefore remains highly debatable to what extent the Authority have succeeded in achieving either during the first two years of their operation. The PCA now consider themselves sufficiently knowledgeable and experienced to begin to make proposals for the improvement of police and related practices. Whilst some relatively minor yet important amendments to police policies regarding the use of firearms, search warrants, and the clearer identification of police vehicles in a crisis have been introduced directly as a result of recommendations made by the Authority, some of their more recent proposals have been considerably more controversial and have received widespread media coverage and predictable police opposition.

Perhaps more than anything else, the extent to which any such proposals made by the PCA bring them into well-publicized conflict with the police will help both to reduce public skepticism about the utility of the Authority and to highlight their independent status. Certainly, if these two public relations problems facing the PCA are not overcome in the near future, the 1990s will see the British Government acceding to a widely predicted crescendo of support for a fully independent system for investigating complaints against the police in England and Wales, a move which will signal the demise of the Police Complaints Authority.

### **Shared Arguments**

The varying opinions and arguments concerning external review of alleged police misconduct which emerged during the late 1960s and the early 1970s, both in the United States of America and in England and Wales, have virtually remained unchanged ever since, and they constitute the major historical point of similarity in the experiences of the two nations. They have frequently been reiterated, both verbally and in writing, on both sides of the Atlantic during the last twenty years, and it is appropriate at this point that the major arguments should be considered in some detail. They are reproduced in this section as if they were being put forward by either proponents or opponents of civilian review of police actions, and should not in any way be construed as being representative of the views of the author of this study.

### **Arguments For External and Against Internal Review of Alleged Police Misconduct**

#### **1) External independent and impartial review of complaints is less likely to be biased than internal review.**

Certain reprehensible tactics occasionally utilized by police officers to dissuade complainants from pursuing their complaints, such as charging complainants with various public order offenses and demanding that they take polygraph tests (Niederhoffer, 1967: 284), coupled with complainants' fears of police reprisals (Russell, 1976: 5), constitute particularly flagrant examples of the worst kind of bias. However, equally damaging to the integrity of any internal review process is the natural, largely unavoidable, and frequently unrealized tendency of investigating police officers to side with their own. Such action is understandable given the strong group solidarity experienced within police ranks which has been well documented (Kerstetter, 1985: 175). However impartial the investigating officer might wish to be, his judgement may be affected by feelings of loyalty and protection (Russell, 1976: 7). Further threats to the process could be introduced because biased investigations may not only conceal officers' past misconduct, they may also implicitly encourage further abuses of authority (Beral and Sisk, 1964: 516; Box, 1983: 102).

Any closed system in which those who are complained against investigate whether there are genuine grounds for the complaint and subsequently conclude that there are not runs the risk of allegations of cover-up and whitewash (Robin, 1980: 85; Hewitt, 1982: 71; Walker, 1983: 237; Geller, 1984: 7; Lambert, 1986: 82). It is contrary to natural justice that anybody should be a judge in their own cause (Brown, 1987: 2). Even if there is no cover-up, distrust for an internal system still exists, and this can prove as effective in eroding citizen confidence in the mechanism as a real whitewash would be (Beral and Sisk, 1964: 516; Fyfe, 1985: 83).

It serious complaints were to be investigated by an external body and found to be groundless, publicizing this fact could assist the police department and could prevent insidious allegations (Barton, 1970: 463; Walker, 1983: 240). In practice, however at least in the early days of civilian review in the USA there is little evidence to indicate that if indeed there had previously been an element of bias in police departments' internal review mechanisms, this had affected the outcomes of investigations (Perez, 1978: 25). The Philadelphia Police Advisory Board, perhaps partly due to its efforts to become accepted by officers of the police department, generally tended to be lenient towards accused officers in ways which the IAU itself had never been (Beral and Sisk, 1964: 517); in New York City, officers' fears of appearing before the police department's own internal disciplinary mechanism were greater than when they had to attend hearings of the Civilian Complaint Review Board (Niederhoffer, 1967: 189).

**2) External interest in alleged police malpractice is natural and reasonable and can be utilized to the advantage of a police department through building increased public confidence.**

Due to the exceptional coercive powers of the police and the impact of these powers upon individual liberties, civilian interest in police activity should not be underestimated nor regarded as unreasonable (Beral and Sisk, 1964: 500; Lambert, 1986: 81). A citizen who is frustrated in obtaining redress through internal mechanisms may have his anger and hostility towards a police department compounded (Hudson, 1981: 518; Jolin and Gibbons, 1984: 320). Involving civilians in the procedures for complaints investigation would be one way of lessening the social

isolation of the police (Barton, 1970: 460). If, as police administrators tend to assert, the vast majority of complaints are either spurious or malicious, then opening up the complaints procedure for civilian oversight would help to build sympathy and support for the police in their duties (Walker, 1983: 240). Civilian participation in the process could be utilized to balance public interests whilst maintaining civil liberty (Pike, 1985: 169). Rejection of this concept tends to further isolate the police by effectively denying that they themselves are part of society (Packer, 1966: 242).

### **3) Internal Review goals and citizen expectations do not always correspond.**

Internal investigations are conducted not to provide redress for the complainant, but to enforce discipline within police departments. If investigation by police officers establishes the truth of the complaint, the department itself brings charges against the officer. Departmental goals do not necessarily correspond with those of complainants who are generally seeking some sort of satisfaction (Brown, 1983: 146). Police departments carrying out internal investigations are solely concerned with conduct which violates their own rules. There is thus a divergence of goals (Cray, 1972: 312). Furthermore, often a simple apology or an assurance that the complained of behavior will not be repeated would be sufficient to satisfy a complainant, but all too frequently such outcomes are not within the remit of departmental internal review mechanisms (Hudson, 1971: 518; Pike, 1985: 168; Lambert, 1986: 80; Brown, 1987: 38).

### **4) Internal Review depends heavily upon the integrity of senior police administrators.**

In the internal review process, the only protection which citizens have against either faults in the system or deliberate misuse of it by lower officials rests with the senior administrators, and frequently there is no protection against abuses by these commanders. The system thus relies totally upon the integrity of individual senior police officers (Hewitt, 1982: 72). There are no independent safeguards to ensure that all of the available evidence in a case has been obtained (Pike, 1985: 166). Conversely, an independent external body can operate as a check on the

performance of both high as well as low officials within the department (Beral and Sisk, 1964: 517).

### **Arguments for Internal and Against External Review of Alleged Police Misconduct**

#### **1) External Review decreases the morale of the police which can lead to reduced effectiveness and performance.**

The argument that civilian review will affect the morale of the police and thereby inhibit enforcement of the law is one of the most popular and frequently voiced arguments against external review (Barton, 1970: 460; Brown, 1987: 3) and essentially formed the basis for the campaign literature and publicity which resulted in the defeat of the New York City CCRB in the 1966 referendum (Cray, 1972: 320). It was utilized by J. Edgar Hoover in the FBI report to the President on the riots which occurred in nine cities during the summer of 1964, when it was asserted that

"Investigations revealed that where there is an outside civilian review board (Philadelphia and Rochester) the restraint of the police was so great that effective action against the rioters appeared to be impossible...In short, the police were so careful to avoid accusations of improper conduct that they were virtually paralysed."

The FBI report was printed in the New York Times on September 27th, 1964, and its argument was rebutted in the same paper the following day by officials of the Rochester and Philadelphia Boards. Justification for the rebuttal came in part from the Philadelphia PAB's fourth Annual Report which had been produced the previous year and which had shown Philadelphia to have the lowest crime rate per hundred thousand population of the five major cities in the USA, and the highest rate of arrests to crimes committed in those five cities (Beral and Sisk, 1964: 517). Further doubt was cast upon the validity of the 'morale' argument in 1967 by the President's Commission Field Survey which found hostility towards civilian review amongst the police in cities where civilian review boards were operating, but no noticeable loss of morale.

**2) External involvement in the disciplinary process interferes with the authority of the chief officer.**

Another major argument against external or civilian involvement in the disciplinary process is that it takes the power of discipline, which is the prerogative of management, away from the executive officers (Barton, 1970: 463; Lynch and Diamond, 1983: 1162; Fyfe, 1985: 78). This argument tends to overlook the fact that, almost invariably when civilian review has been instituted in the past the final decision on discipline has remained with the police chief (Beral and Sisk, 1964: 517), and that review boards' functions concerning disciplinary sanctions have generally been restricted, at most, to recommendations (Brown, 1983: 148; Terrill, 1982: 400).

The argument has traditionally been linked with the notion of police professionalism. From time to time, all ranks of police officers have argued that they, like other professional groups, are capable of disciplining their own members (Stowell, 1977: 64; Walker, 1983: 240; Fyfe, 1985: 79).

**3) Civilians are unqualified to judge police actions.**

One of the strongest statements of this particular point was made in 1977 by a police chief who wrote:

"How could a civilian sit in judgement on a police officer's actions any more than he could sit in judgement on a doctor's actions in an operating room?" (Stowell, 1977: 64)

Whilst this may be an extreme example of the argument, the premise upon which it is based, namely the inability of anyone other than a police officer to understand the complexities and difficulties inherent in police work, has widespread support (Barton, 1970: 462; Fyfe, 1985: 79; Lambert, 1986: 84). The argument would appear to overlook two pertinent observations. First, a civilian becomes a police officer after the briefest of training and second, police practices are already subject to public scrutiny by civilian members of trial juries. Jury panelists in general know even less about police procedures than civilian review board members potentially could, yet they daily judge the legality of police actions in the law courts (Cray, 1972: 323). Closely

allied with this 'amateurism' argument is the suggestion that civilians, unlike police officers, would lack sufficient expertise and experience both to carry out investigations (Brown, 1987: 2) and to enable them to identify those false and malicious complaints which are frequently made (Pike, 1985: 166).

**4) External review boards are likely to be biased against the police and will interfere politically in police operations.**

The earliest external review boards to be established were, in a variety of ways, responses to poor police-community relations, particularly with regard to ethnic minorities, and the membership of the boards, perhaps not surprisingly, tended to reflect this fact (Barton, 1970: 462). The police and their supporters were concerned that appointments to the boards would continue to be of a political nature, with posts being awarded to members of the most vocal civil liberties and civil rights groups (Cray, 1972: 325; Perez, 1978: 295). Whether this was the case or not, the disposition of cases by both the Philadelphia and New York Boards provided little, if any, evidence of vindictive bias against the police (Terrill, 1982: 401).

**5) Internal review mechanisms can investigate proactively whereas external mechanisms are exclusively reactive.**

Internal Affairs Units utilize police officers as investigators of complaints. These officers are invariably experienced detectives and, since they have free access to the internal administrative system of the police department they can operate proactively in seeking out police malpractice (Beral and Sisk, 1964: 516). Conversely, external review bodies, in order to maintain their legitimacy need to wait to receive complaints regarding misconduct before commencing investigations. It would be extremely difficult for an outside agency to engage in investigations without the prompting of a specific complaint and still maintain their independent and impartial image (Geller, 1984: 7). Furthermore, external review agencies tend only to concentrate upon abuses of powers by individual officers, whereas internal mechanisms can be used to focus on department-wide malpractice or corruption. The responsibility for solving

problems under the internal review system is therefore invested in those who are best able to cure them (Beral and Sisk, 1964: 516). Internal review can also be effective in modifying individual behavior by utilizing group solidarity and peer pressure to control unwanted conduct. Both of these pressures are more effective mechanisms than outsider disapproval (Geller, 1984: 7; Kerstetter, 1985: 164).

**6) Citizens not satisfied with internal review mechanisms already have sufficient alternative avenues to follow.**

The courts have regularly been argued to provide an effective means of seeking redress against police malpractice, and opponents of civilian review have voiced the opinion that introducing another agency into the area of complaints investigation would introduce the threat of double jeopardy to the officer concerned (Hudson, 1971: 521-522; Cray, 1972: 322). External review would therefore represent an unnecessary duplication of existing remedies for police misconduct (Lynch and Diamond, 1983: 1163). However, suggesting that citizens should turn to the courts for satisfaction implies that most citizens want to sue or prosecute the police. In practice, not only are many allegations inappropriate for formal courtroom proceedings, a substantial number of complainants are not interested in seeking that kind of redress (Terrill, 1982: 400).

**7) Civilian Review Boards have been shown to be both unworkable and ineffective.**

The lack of complaints they have been able to sustain has sometimes been cited as evidence of the ineffectiveness of civilian review boards (Hudson, 1971: 521). However, the evidence used in this way tends to equate findings of guilt with effectiveness which, as has already been indicated, is not necessarily the way complainants see the situation. As an alternative to judging complaints procedures by the proportion of complaints they are able to sustain, a successful conciliation process, frequently used by the early civilian review boards in both New York and Philadelphia, may equally be considered an indicator of effectiveness (Niederhoffer, 1967: 187).



A perhaps more persuasive version of the argument concerning the potential ineffectiveness of external review mechanisms identifies the constant struggles which the early CRBs had with police unions, and particularly the events leading up to the crushing defeat of the New York City CCRB, and concludes that, even if they are effective, civilian review boards may be unworkable in the face of concerted police opposition (Hudson, 1971: 528; Box, 1983: 105).

### **Chapter Summary**

During the past twenty five years, major developments have occurred in the field of investigation of complaints against the police both in the United States and in England and Wales. The United States' experience has been varied, with external civilian review of police misconduct being initially favored and subsequently discredited during the 1960s, only to re-emerge as a police-community relations issue in the late 1970s. In England and Wales however, developments have been gradual and have almost all signalled an eventual end to internal investigations and the ultimate creation of an independent civilian body responsible for investigating all complaints against the police. On both sides of the Atlantic, proponents and opponents of external civilian review of alleged police misconduct have tended to use and reiterate the same set of major arguments in support of their respective positions. Those in favor of external review have largely argued that any closed system in which those who are complained against investigate whether there are genuine grounds for complaint is, by definition, imperfect and that involving citizens in the complaints system not only injects an element of independence and impartiality into the procedures, but also can be an aid to police-community relations. Those opposed to the idea have generally based their opinions upon the concept of police professionalism and have argued that the best course of action for the future would be to continue to staff police internal investigation units with officers of unchallenged integrity and ability.

The result is that, at present, whilst the procedure for investigating complaints against the police is standardized throughout England and Wales and involves an independent Police Complaints Authority, in the United States numerous systems exist, all of which exhibit varying degrees of openness towards civilian participation and involvement.

## **CHAPTER V**

### **DESIGN OF THE STUDY**

#### **Introduction**

The major aims of this study are threefold: to catalogue the developments and innovations which have taken place in the field of investigation of complaints against the police in the United States of America and England and Wales, to identify and assess the current complaints procedures operating within the United States, and to seek to discover any relationships which exist between these procedures and a range of organizational and environmental departmental factors which might be expected to impact upon complaints investigations. The first of these aims has been addressed in the previous chapters.

The remainder of the study is probably best characterized as exploratory field research, with formal hypothesis testing being sacrificed in favor of a more descriptive approach being taken to the analysis of system variables. It is hoped that the research may yield test hypotheses which can then be examined in further work in this area.

Although formal hypotheses are not tested in the study, data collection and analysis were guided by that set of general research questions first presented and discussed in Chapter I. In particular, the major influence upon the data collection and analysis phases of the study was Research Question 4, which was concerned with the development and design of an empirically-driven functional typology for complaints investigation. Since they formed the foundation of the study as a whole, the research questions are repeated, although on this occasion without any background discussion, in the next section of this chapter.

In addition to the extensive literature review component, two other types of data collection methods were used during the study to obtain information with which to attempt to answer the research questions: a number of on-site interviews and a mail survey.

Following the restatement of the research questions, the interview phase of the study is discussed, because chronologically it preceded almost everything else and provided crucial input into the typology development and design phase. A brief mention of the typology, the development of which is covered in considerably more depth in Chapter VI, precedes a thorough discussion of the survey component of the study. Since this phase provided most of the empirical information and data to be examined in the analysis, considerable detail of the survey sample, survey measures and variables to be tested are presented in this section. A short discussion of the analytical methods to be used concludes the chapter.

### **Research Questions**

- 1) What variations in systems for investigating complaints against the police currently exist within the United States of America and England and Wales?**
- 2) What are some of the underlying reasons which have given rise to changes and variations in systems used for investigating complaints against the police within the USA and England and Wales?**
- 3) What are some of the major arguments which have been used by interest groups concerning the investigation of complaints against the police within the USA and England and Wales?**
- 4) Can an empirically-derived functional typology be developed to provide a generalized framework against which structurally differing police complaints procedures can systematically be compared?**
- 5) Within the USA, is there a relationship between police complaints procedures and any of the following:**
  - a) agency size, level and geographical location?**
  - b) general economic conditions in police jurisdictions?**
  - c) general crime characteristics in police jurisdictions?**

- 6) Within the USA, is there a relationship between police complaints procedures and any of the following:**
- a) the number of complaints filed?**
  - b) the seriousness of complaints filed?**
  - c) the proportion of complaints sustained?**

### **Interview Component**

The interview component of this study had two major objectives. One was to provide detailed qualitative information concerning those aspects of procedures for investigating complaints against the police specified in the research questions. It was hoped that this information concerning a limited number of police agencies, taken together with that obtained from the review of the literature would provide a basis for the development of a functional typology for the investigation of complaints against the police. The intention was for this typology to contain all of the necessary or possible systems functions, and within its basic design to allow numerous structural variations upon the same theme to be constructed.

Building upon this primary goal, a second objective of the interview component was to provide input into the survey portion of the study. Using the newly developed typology as a guide, interview information was used for the selection of relevant research issues, and for the design and refinement of survey questions and items.

To an extent, the interviews were exploratory in nature, and their focus evolved over time, with information from earlier interviews being used to refine later ones. Procedure manuals and departmental annual reports were routinely requested and provided during interviews and proved extremely useful, particularly in the identification of important factors for exploration by the survey instrument.

### **Interview Sample**

Eleven site visits and interviews (ten in the United States and one in Canada) were carried out during late 1986 and early 1987. Eight involved visits to police departments or departments of public safety, and three were undertaken at the offices of formally constituted external civilian

agencies with responsibilities for investigating complaints against the police. Several criteria, including financial and temporal considerations, were used to select the agencies comprise the interview sample. Purposive opportunity sampling would be one way of describing the sampling technique used, with agency sites being clustered within travel circles which permitted the maximum number of agency visits to be made while minimizing travel costs and time. However, in addition a major goal was to sample agencies with variation in both departmental size and complaints investigation procedures, in an endeavor to ensure that the resultant typology was of sufficient depth and suffered from no major omissions.

At the interview stage therefore, no attempt was made to achieve geographic representativeness and the interview sites cannot in any way be regarded as a random sample. All eleven agencies, whether internal or external, were concerned with investigating complaints against police officers employed in sizeable (in excess of 100 sworn full-time personnel) city or metropolitan police departments.

Of the eight police departments visited, according to the US Bureau of the Census Regions and Census Divisions (1980) one was in the South Atlantic states, one was in the Middle Atlantic states, two were in the East North Central states, and four were in the Pacific states, although all of the latter were in fact in California. Of the three external civilian agencies visited, one was in the South Atlantic states, one was in the Pacific states, and one was in the province of Ontario, Canada.

The specific agencies at which interviews were conducted are identified in Table 5.1, together with an indication of the variety in agency size of the eleven relevant police departments.

At each site visit there was invariably more than one interviewee. In every one of the eight police departments the major interviewee was the senior officer in charge of Internal Affairs, or the departmental equivalent unit. These officers consisted of one Assistant Chief, two Captains, two Lieutenants and three Sergeants. In the three external agencies the major interviewee was either the agency Director or his Chief Investigator.

Without exception, all interviewees were extremely forthcoming in providing useful information to assist in the development of the complaints typology. Indeed, the principal uses to

**Table 5.1 - General Characteristics of Relevant Police Departments at Interview Sample Sites  
(N = 11)**

	Number of sworn personnel	Population of jurisdiction (in 1000s)
<b>Police Departments</b>		
Alexandria, VA	220	110
Berkeley, CA	176	109
Cleveland, OH	1852	547
Concord, CA	134	109
Hayward, CA	146	105
Lansing, MI	248	129
Oakland, CA	635	371
Pittsburgh, PA	1255	402
<b>External Review Agencies</b>		
Office of the Public Complaints Commissioner, Toronto, Canada	5300	2137
Office of Citizen Complaints, San Francisco, CA	1900	751
Civilian Complaint Review Board, Washington, DC	3877	626

which interview data were put for this study were typology design and development, together with their use in assisting to interpret and analyze mail survey responses. No quantitative analysis of the interview information was attempted, nor were the data formally analyzed qualitatively.

The typology development itself is described in much greater detail in the next chapter of this study, which concludes with a presentation of the seven-stage functional model in pictorial form.

### **Survey Component**

The major aims of the survey component of the study were to identify the present variations in systems for investigating complaints against the police in a sizeable sample of US police agencies, and to explore the relationships between these procedures and a number of internal and external considerations. Data collection and analysis within the survey component were guided by the research questions presented earlier and driven by the functional typology.

Each of the seven stages of the fully developed typology gave rise to a distinct section of the survey instrument. In addition, five further sections were included. Sections A and B of the survey instrument were concerned with general departmental background information and an overview of the complaints system, whilst Section C sought to identify which departmental unit was responsible for investigating complaints and how this unit was typically staffed. Sections D to J were based directly upon the various typology stages. Following on from these, Section K of the instrument was used to collect data regarding complaints statistics, and finally Section L was designed to measure individual respondents' opinions concerning those typical arguments regularly used by both proponents and opponents of civilian review of alleged police misconduct which were detailed in the previous chapter of this study.

Within each of the twelve sections of the survey instrument, the research questions assisted in identifying those variables for which measures needed to be developed, and also the kinds of relationships anticipated between complaints systems and the internal and environmental departmental factors under consideration.

## **Survey Sample**

As is well known, the vast majority of the 17,000 or so police departments in the United States are very small, so that a large proportion of US police officers are employed within a relatively small number of large departments. Traditionally, Internal Affairs Units (IAUs) which, not surprisingly, developed to be the major focus of this study, have only been utilized within departments which are large enough to accrue sufficient citizen complaints to provide investigative work for at least one full time officer. In general terms, this has restricted IAUs to departments employing in excess of 100 sworn officers. Given that larger departments are therefore more likely to possess formal citizen complaints procedures, a survey population was sought which would meet the criterion of comprising predominately this size of agency.

At an early stage of the study, the writer discovered that the Police Executive Research Forum (PERF), an agency which has always been associated with efforts to promote innovation in policing and which, since 1981, has been specifically involved in matters relating to complaints investigation, were interested in his work. This resulted in a commitment from the Executive Director of PERF that the Forum, general membership of which is limited to college-educated leaders of police departments with at least 200 members or which are the main police agencies for jurisdictions of at least 100,000 people, would assist with the study.

As a result, the survey sample for this study comprised the 132 current US member departments of PERF. (Although general membership of the Forum is limited by the above criteria, subscribing membership is not. Consequently, the survey sample included a number of agencies which were considerably smaller in size than the minimum suggested by the above figures.)

The majority of agencies in the sample were city or metropolitan departments, the remainder comprising county departments and a very small number of special police departments. No state police agencies were represented. The smallest local police department included had 19 full time sworn officers, although over 75% of sample agencies employed in excess of 100 and 50% in excess of 250 sworn personnel. Even though the survey sample represents less than 1% of the total number of police agencies in the USA, its constituent agencies employ over 118,000



officers, approximately 25% of the nation's police personnel.

Surveys were mailed to the PERF members in June, 1987, with returns requested by July 13, 1987. Accompanying the survey was a memorandum from the Executive Director of the Police Executive Research Forum which briefly described the project, guaranteed the confidentiality of responses, and encouraged members to participate in the study.

A follow-up memorandum was sent in late July, 1987 to those PERF members who had not yet returned completed surveys. This memorandum reminded members that they had been sent the survey, informed them that many of their colleagues had already responded, and assured them that, although analysis was due to commence shortly, their completed surveys could still be used.

By the end of July when the follow-up memorandum was sent out, in excess of 80 completed surveys had been received, representing a response rate at that time of over 60%. By September 1, 1987, the date after which surveys received could not be included in the analysis because coding of the data had commenced, 101 completed surveys had been received, resulting in a final response rate of 75.8%. The analysis of the survey data is based upon these 101 returns. In the event, no responses were lost since none were received after the beginning of September.

The response rate was extremely encouraging, particularly since PERF members are individual officers rather than police agencies, and consequently, although a sizeable proportion of general members are police chiefs, in many cases returned completed surveys were largely dependent upon the goodwill and co-operation of non-member chiefs.

The number of sample police agencies and the survey response rates by agency level, geographical region, and size of organization (full-time sworn personnel) is shown in Table 5.2. The response rate can be seen to vary by agency level, size and region, but only rarely was it less than 50%.

The decision to include a small number of special police departments in the survey sample was taken because it was believed that they might adopt differing approaches to processing citizen complaints from those traditionally taken by city and county agencies, and might therefore

add qualitative if not quantitative depth to the analysis. Unfortunately, in the event the only special department to respond reported having no formal citizen complaint procedures, a result which did little to vindicate the original decision regarding their inclusion.

With respect to geographical regions, detailed consideration of response rates from those regions with relatively small numbers of PERF members reveals little. However, of the other regions it is interesting to note that the East North Central states (IL, IN, MI, OH, and WI) produced a response rate well below the average. Indeed, further examination of these states' responses reveal that the regional figure is depressed largely on account of the surprisingly low response rate of 33.3% from police agencies in Michigan. Previous surveys which have indicated their sponsor as being the School of Criminal Justice, Michigan State University, have reported response rates generally to be higher for regions more proximate to the source and lower for more distant ones. This was certainly not the case in this study, a fact which allows the writer the luxury of being able to refute any allegations of a mid-west bias in his results!

The response rate for larger agencies was somewhat higher than for smaller ones, indeed only 2 of the 42 largest agencies surveyed failed to return the questionnaire. In part, this is probably due to the presence in the larger agencies of specific units responsible for investigating complaints against the police, staffed by individuals ideally qualified to answer a detailed questionnaire on complaints procedures. Additionally, it may result from the differing degrees of importance and relevance which large and small agencies place upon a study of citizen complaint procedures.

Whilst the differential response rates by agency size clearly resulted in an over-representation of larger agencies in the returns, this was not considered to represent a major problem, since the purpose of the study was not to assess the extent of the existence of formal police complaints procedures within the USA, but rather to assess their variability. Similarly, the agency level and region response rates were not identified as introducing systematic bias into the returns, although it was decided to consider the single agency level response of 'special' as constituting missing data during the analysis phase of the study.

Table 5.2 - Description of Police Agency Survey Sample and Response Rates

Characteristics	N in sample	N of responses	Response rate (%)
<b>Agency Level</b>			
City	109	83	76.1
County	20	17	85.0
Special	3	1	33.3
<b>Geographical Region</b>			
New England	5	2	40.0
Middle Atlantic	6	5	83.3
South Atlantic	44	36	83.7
East North Central	21	11	52.3
East South Central	2	2	100
West North Central	15	12	80.0
West South Central	8	8	100
Mountain	10	8	80.0
Pacific	21	17	81.0
<b>Agency Size (full-time sworn)</b>			
1000 or more	22	21	95.5
500-999	20	19	95.0
100-499	57	42	73.7
Under 100	<u>33</u>	<u>19</u>	<u>57.8</u>
	132	101	76.5

## **Survey Measures**

The research questions identified several characteristics of police agencies and their environments for which measures had to be developed. In part, these characteristics were derived from the literature review, but in addition they were prompted by a consideration of possible structural variations upon the seven-stage functional typology for complaints investigations which had been developed following the interview component of the study.

The survey instrument, designed around the functional typology, was successively revised through several drafts and was pre-tested with the help of a number of experienced police officers who at the time were directly involved in the activities of Internal Affairs Units.

In its final form, the survey instrument contained 12 sections, comprised 78 questions in all and was 13 pages long. The survey questions were particularly designed to collect a considerable amount of information concerning the existing variations in departmental procedures for investigating complaints against the police. Almost all of the questions were intended for quantitative analysis and consequently these measures incorporated in their design a multiple-choice objective response type of format. In order to ensure that all possible variations had been catered for however, numerous questions included an 'other' response category and invited specific alternatives not catered for in the survey instrument to be written into the completed questionnaire by respondents. The survey instrument is reproduced in full as Appendix I.

For the bivariate analysis reported in this study, based upon the research questions, 29 primary variables were used. Some of these resulted from a single question in the survey instrument, others were created by combining several survey measures. Although causal inferences were not implied, for ease of reference the set of variables was sub-divided into two groups containing 15 'independent' and 14 'dependent' variables. Five of the independent variables were descriptive of departmental and individual respondents, six were descriptive of agency jurisdictions, and four were combined departmental and jurisdictional variables. Of the dependent variables, six were derived from departmental complaints statistics and the remainder were descriptive of those complaints procedures currently being utilized by respondent

departments. The 29 variables are presented and briefly described in turn in the following subsections of this chapter. A number of the variables were continuous and thus were in need of categorization for the bivariate stage of the analysis. Details of the ways in which these variables were categorized, and a discussion of the reasons why particular value levels were selected, are more appropriate for inclusion in the section of this study which presents the bivariate analysis results and consequently are omitted at this stage.

### **'Independent' (Environmental and General Agency) Variables**

**Department Size** - In the context of the questionnaire, the term 'complaint' was defined as only referring to complaints made by citizens regarding the conduct of sworn officers. It was emphasized that it did not refer to disciplinary investigations initiated by officers' supervisors, nor to complaints made by citizens regarding the conduct of civilian personnel employed by the department, nor to complaints made by citizens regarding departmental policies in general. This being the case, the departmental size survey measure used in the analysis was full-time sworn personnel, rather than any combined measure of sworn and civilian positions.

**Department Level** - Level of agency was simply classified as being either city, county, or special. As discussed earlier, no state level agencies were included in the survey sample. A 'special' agency generally was a small police department performing specialized duties concerning matters of physical security of buildings. As mentioned previously, information from the only special department to return a questionnaire was utilized in the univariate, but not in the bivariate stage of the analysis.

**Rank of Respondent** - Although one question in the survey asked for the name of the person completing the survey (in order to assist the researcher in contacting that individual at some future date if necessary), this question was optional. A previous question which sought the rank of the respondent was, however obligatory and was primarily intended for use in a bivariate examination of respondents' opinions concerning the frequently voiced arguments for and against

external civilian review of alleged police misconduct. Respondents were classified into seven types by rank for univariate analysis: civilian, line officer, sergeant, middle manager (Lieutenant), senior manager (Captain, Major, Inspector, etc.), Police Chief, and Director of Public Safety.

**Assignment of Respondent** - The same question sought the respondent's assignment, again in order to assist in the bivariate analysis of the opinions testing. Responses were coded in such a way as to reflect the level of involvement of individual respondents in investigating complaints against the police. Four alternative levels of involvement were identified: not involved, actively involved as an investigator, involved as a supervisor and administrator, and involved in the capacity of Police Chief or Director of Public Safety.

**Population of Jurisdiction** - Respondents were asked to supply approximate figures for both the residential population and the estimated daytime population of their service areas. Additionally, the size of the service area in square miles was requested, in order to allow for the creation of a population density variable if required. In the event, the residential population was the variable used in the bivariate analysis.

**Geographical Region** - Departments were classified into one of the nine geographical regions of the United States according to the US Bureau of the Census Regions and Census Divisions 1980: New England (CT, MA, ME, NH, RI, VT), Middle Atlantic (NJ, NY, PA), South Atlantic (DC, DE, FL, GA, MD, NC, SC, VA, WV), East North Central (IL, IN, MI, OH, WI), East South Central, (AL, KY, MS, TN), West North Central (IA, KA, MN, MO, NB, ND, SD), West South Central (AR, LA, OK, TX), Mountain (AZ, CO, ID, MT, NM, NV, UT, WY), or Pacific (AK, CA, HI, OR, WA).

**Percentage Unemployment** - In addition to the information forthcoming from the questionnaire returns, further economic and demographic data were gathered from the 1980 US census of population (Volume 1, Characteristics of the Population), and from the 1986 FBI Uniform Crime Reports. In identifying the appropriate data to collect, the estimated residential populations provided by respondents proved invaluable as guides.

For city agencies, the population figure stated in the questionnaire was compared with both the 1986 UCR figure (which derives from the US Bureau of the Census) and the 1980 census figure. If all three figures were consistent within reasonable limits (nominally set at plus or minus 10%) then the 1980 census economic and demographic data regarding the population of the city area was used. This generally proved to be the case. If, however the 1980 city population figure seemed inappropriate, the population stated in the questionnaire was first compared with the 1980 census urbanized area population figure (which was subsequently adopted on three or four occasions), and then with the 1980 census SMSA - Small Metropolitan Statistical Area - population figure (which was used once or twice) to identify the appropriate police jurisdiction (1980 US census of population, Volume 1, Table 56).

For county agencies, identifying economic and demographic characteristics of the jurisdictions did not prove to be so easy or convenient for two major reasons. First, population figures for county agencies are not reported in the Uniform Crime Reports. Second, US census population data for county areas routinely include the entire population of the county, complete with cities, rather than purely the rural population which predominately comprises the public served by county sheriffs' departments in the United States. In the majority of cases therefore, when population comparisons were made for county agencies the 1980 census county population was clearly an inappropriate measure to use in describing particular police jurisdictions. Consequently, for most county agencies, appropriate economic and demographic data proved impossible to collect.

In a small number of states however, consolidated county police departments are responsible for providing a service to the entire residential population of the area, regardless of whether individuals live in urban or rural parts of the county. Four or five such departments

were included in the sample, and examination of the 1980 census population figures allowed these jurisdictions and their appropriate economic and demographic census data to be identified and included in the analysis.

Having identified the appropriate police jurisdictions within the 1980 census data, the percentage unemployment variable was simply an indication of the percentage of the civilian labor force unemployed (1980 US census of population, Volume 1, Table 57).

**Percentage Poverty** - Similar to the way in which the unemployment data were collected, information was gathered concerning the percentage of families, living in appropriate police jurisdictions, who were assessed to have income below the poverty level. The relevant percentage figure was used as a measure of poverty within individual departmental jurisdictions (1980 US census of population, Volume 1, Table 57).

**Median Income** - The median income within a particular police jurisdiction was used as an indicator of wealth within the community. Since the data were derived from the 1980 census, they reflected 1979 median incomes (1980 US census of population, Volume 1, Table 57).

**Population/Officer Ratio** - A simple calculation involving dividing the appropriate estimated jurisdictional populations indicated in the survey responses by the number of full-time sworn personnel employed within the relevant police agencies gave rise to this particular variable.

**Percentage of Minority Officers** - One question in the survey provided a racial profile of departmental sworn personnel by seeking percentages of white, black, hispanic and other officers employed in respondent departments. The 'percentage of minority officers' variable was derived by simple addition of the individual minority percentages.



**Racial Diversity of Population** - Similar percentages for the civilian populations of the police jurisdictions were collected from the 1980 US census of the population (Volume 1, Table 59). Similar to above, the racial diversity of the population measure was developed by simply adding together the individual minority percentages.

**Departmental Racial Integration** - A measure of the racial integration of a particular department was created by manipulating the above two variables and then dividing the percentage of white officers employed by the department by the percentage of white residents in the jurisdiction. A figure of greater than 1 for this ratio thus indicates that minority officers are proportionately under-represented within departmental sworn personnel, whilst a figure of less than one correspondingly indicates that minorities are over-represented.

**Crime Rate per 100,000 Population** - This measure was computed utilizing the raw 1986 UCR figure excluding arson because, despite arson having been included in the list of index crimes since 1979, a considerable degree of inconsistency of reporting still exists. In reality, for the purposes of this study since arson, when reported, invariably represented only a minute proportion of total offenses, its exclusion from the crime figure affected the calculated crime rate very little, if at all.

For city agencies therefore, the crime rate was computed by dividing the raw 1986 UCR figure by the appropriate 1986 population figure also presented in the Uniform Crime Reports. For the county agencies, since no population figures were provided in the UCR data, apart from in those few jurisdictions for which 1980 census population figures were available, the crime rate variable could not be calculated.

**Percentage of Violent Crime** - The percentage of violent crime reported in all jurisdictions, whether city or county, was obtained by aggregating the number of reported murders and non-negligent manslaughters, forcible rapes, robberies and aggravated assaults in the 1986 UCRs, and then representing this combined figure as a proportion of the total number

of index offenses (including burglaries, larceny-thefts, and motor vehicle thefts) reported. The violent crime percentage variable could not be calculated for any of the police departments in one particular state due to a discrepancy in the manner in which rapes were reported to the FBI by that state's agencies.

### **'Dependent' (Complaints Statistics and System) Variables**

**Number of Complaints** - One question in the survey instrument asked respondents to indicate approximately how many complaints, defined in the same restricted terms as above, were filed by civilians against sworn members of the department per year. It was requested that the estimated figure be calculated by averaging out the number of civilian complaints filed during each of the last five years. Whilst a number of departments failed to provide estimates either because they were prevented from doing so by state law or simply because such data was not systematically collected, information was provided by sufficient respondents (89, representing 88% of returns) to ensure that analysis of the figures was worthwhile.

**Complaints Ratio** - The number of sworn full-time personnel employed by a particular department was divided by the estimated number of citizen complaints filed against the officers per year to provide a measure of the relative frequency of complaints. Calculated in this way, the complaints ratio thus gives an indication of, on average, how many officers are required to generate a citizen complaint. A ratio greater than one indicates that more officers are employed by the department than the average number of complaints filed per year. The higher the ratio therefore, the relatively scarcer complaints are.

**Percentage of Complaints Alleging Criminal Activity** - A further survey question asked for complaints filed to be sub-classified into three types by percentage, such that the total added up to 100%. Whilst it was appreciated that many agencies would not necessarily have statistics in a readily available format to answer this question easily, it was particularly encouraging to see the efforts made by a large number of agencies to provide useful data.

An allegation of the commission of a criminal offense by an officer was regarded as representing the most serious type of citizen complaint.

**Percentage of Complaints Alleging Excess Force, Incivility, or Harassment**

- This was a category of complaint intended to capture those complaints generally regarded to be less serious than those alleging criminal actions, yet serious enough to bring considerable discredit and adverse publicity upon police departments.

**Percentage of Other Complaints** - This category included the remainder of the complaints, comprising those less serious and generally procedure-related allegations of misconduct by officers.

**Total Percentage of Complaints Sustained** - Within each of the three categories of complaint, respondents were asked to indicate the percentage findings according to five major classifications: sustained, not sustained, unfounded, exonerated and policy review/policy failure. Whilst this information was of particular interest for the univariate phase of the analysis, for the bivariate phase a new variable was created which gave an overall indication of the percentage of all complaints sustained. Despite problems caused by missing data, it was still possible to calculate values for this variable for 60 of the survey respondents.

**Existence of a Formal External Review Mechanism** - The existence within departmental complaints procedures of formal external review mechanisms in addition to internal investigations was assessed in Section B of the survey instrument. For the purposes of univariate analysis, respondents were asked to indicate the type of responsibilities held by external review bodies, if they existed. In the bivariate phase however, this variable was reduced into a dichotomous form which simply reflected either the presence or absence of some type of formal external review of alleged police misconduct in departmental complaints procedures.

**Existence of an Internal Affairs Unit** - Responses to one particular question in the survey, taken together with the remainder of the completed questionnaire, allowed individual departments to be classified according to whether or not they possessed an Internal Affairs or comparable unit responsible for investigating citizen complaints. Although numerous different names were found to be used by departments to describe their complaints investigation units, by far the most popular was 'Internal Affairs'. For the sake of clarity and consistency therefore, the term Internal Affairs Unit (IAU) will be used throughout the remainder of this study to describe departmental citizen complaints units. According to this scheme, the IAU variable was therefore dichotomous.

**Typical Rank of Internal Affairs Investigator** - Respondents were requested to indicate the staffing of their departmental unit responsible for investigating complaints against the police by numbers, rank and position both for sworn and for civilian personnel. From this information, it was possible to identify the rank of a typical IA investigator: line officer, middle manager (Lieutenant), senior manager (Captain, Major, Inspector, etc.), or special rank. For the bivariate analysis, the 'special rank' response was included together with the 'line officer' response, since the two were equivalent in all but name.

**Openness to Accept Complaints** - This was a global variable, created by combining responses to a number of items in the survey instrument. Because of the individual measures which it incorporated, its calculation was necessarily complex, and therefore the scheme by which it was created is included in Appendix II. In its final form, this variable had a possible range of values from 1 to 10, but in the event its actual value range was only from 3 to 10. According to their scores within this range, departments were classified as being either reticent, average, or welcoming towards citizens wishing to make complaints.

**Proportion of Complaints Fully Investigated** - The complaints typology to be discussed in the next chapter identifies three distinct ways in which a complaint may be handled once it has been filed. First, it may be fully and formally investigated, second, it may be resolved informally without recourse to a full investigation, and third, for various reasons it may not be proceeded with at all. Two questions on the survey instrument were concerned with these alternatives to a full investigation, and the responses which they brought were used to create a combined variable intended to provide an indication of the proportion of complaints fully and formally investigated. Thus, departments which utilized neither alternative means of handling complaints were classified as fully investigating the largest proportion, those which utilized one means but not the other were classified as fully investigating an average proportion, and those which used both alternative means were classified as fully investigating the smallest proportion. According to this scheme therefore, a department with no official policy for utilizing informal resolutions, but which used guidelines according to which certain types of complaints (for example frivolous or repetitive complaints) need not be proceeded with, would be coded as falling within the 'average' category.

**Time Limit on Investigations** - Whilst a sizeable proportion of respondents indicated that there were no time limits in force concerning complaints investigations, many others indicated that there were. For univariate analysis, those responses which indicated the existence of time limits were coded into seven categories: 10 days or less, two weeks, 30 days, 40 days, 60 days, three months, or 120 days. For the bivariate analysis, the time limit variable was condensed into dichotomous form, simply reflecting the presence or absence of a time limit in departmental complaints procedures.

**Information provided to Complainants** - One question towards the end of the survey instrument was concerned with the amount of information which departments routinely provide for complainants. Five items were identified as representing types of information which a complainant might consider to be both relevant and useful: written acknowledgement of the

complaint, an approximate conclusion date of the investigation, the finding of the case, the disposition and disciplinary action taken against the subject officer (when appropriate), and the procedure for appeal if not satisfied with the outcome. No attempt was made to rank these items in order of importance however, and the combined variable was created by simply summing the number of affirmative responses provided to the five parts of the question, such that its value ranged from 0 (zero) to 5. According to their scores within this range, departments were either categorized as being 'incommunicative', 'average', or 'very informative' with regard to their dealings with complainants.

**Openness to Provide Public Information** - Another combined variable, intended to provide an indication of the openness of departmental citizen complaint procedures, was concerned with the public dissemination of information. It was created by combining the responses to two questions in the survey. The first question asked whether the department systematically made efforts to make the general public aware of the complaint process. The term 'systematic' was intended to imply rather more than simply notifying complainants of the procedures at the time they filed their complaints, and responses were coded accordingly. The second question asked whether statistics regarding complaints investigations were published. Again, this question was intended to refer to departmental initiatives, and consequently returns which indicated that statistics were available 'upon request' but were not routinely made public were coded as negative responses. In the combined measure, those departments which disseminated both types of information to the public were classified as 'open', those which disseminated only one type were classified as 'average', and those which did not publicize their complaints processes in either way were classified as 'closed'.

### Survey Analysis

Analysis of the 101 responses to the survey instrument was undertaken and is presented in three phases: univariate, bivariate and multivariate. In the first phase, univariate descriptive statistics are employed in the context of the twelve sections of the survey instrument and the seven stages of the complaints typology in order to allow an assessment to be made of the variety of systems for investigating complaints against the police presently operating throughout the USA. Where appropriate, for each survey measure frequency distributions and percentages, together with mean and median values, standard deviations and response ranges are presented. At appropriate points, summary statistics are also presented for those eight variables to be utilized in the bivariate analysis whose values had to be calculated and were not therefore directly available from the survey responses. Because of the large amount of data forthcoming from the questionnaire returns, presentation of the univariate analysis represents a large proportion of the discussion of the results.

In comparison, the second and third phases of the analysis, concerned with bivariate and multivariate relationships, are less exhaustive, detailed and ambitious. Nevertheless, a full range of bivariate relationships are explored. The majority of the variables involved in the bivariate analysis constitute either ordinal or interval level measures. Consequently, the zero-order relationships are primarily examined with the nonparametric Chi-square statistic, utilized to identify the existence of statistically significant relationships between data sorted into several cells, and Gamma, a measure which ranges between -1 and +1 and which provides an indication of the direction and strength of any bivariate relationship found to exist between continuous ordinal variables which have, for the sake of analysis, been sub-divided arbitrarily into categories.

Several multivariate analyses are also performed. This phase of the research is decidedly exploratory in nature since, to the writer's knowledge nothing similar has ever been attempted before in the field of investigation of complaints against the police. Nevertheless, it was performed in order to explore the relative importance of different factors in the development of complaints systems and to test the exploratory power of sets of variables.

### Summary

This study is intended to represent a relatively large scale assessment of current systems and procedures for the investigation of complaints against the police both in the United States of America and in England and Wales. The research is built around a number of fundamental research questions and is driven by the concept of a functional typology for complaints investigation.

Data collection for the study comprised three distinct components: a literature review, a number of interviews with police and other agencies involved in complaints investigation in North America, and a mail survey which was sent to the 132 US general member departments of the Police Executive Research Forum.

The literature review produced a great deal of background information concerning the historical developments in the area of complaints against the police on both sides of the Atlantic. It also included a detailed presentation of the current system operating in England and Wales under the supervision of the Police Complaints Authority.

The interview sample comprising eight police departments or departments of public safety and three formally constituted external civilian agencies with responsibilities for investigating complaints against the police was selected mainly so as to be representative of a wide variety of complaints systems. Building upon the literature review component, the interviews were used to clarify issues and to refine the mail survey instrument, but more important they formed the basis of the development and design of a seven stage functional typology for complaints investigation which is to be presented in the next chapter.

It was this typology which was at the heart of the twelve section survey instrument, with additional data being collected concerning opinions, complaints statistics, and certain social and demographic factors of the jurisdictions of respondent police departments. The survey sample included predominately larger police departments, 75% of the agencies surveyed employing in excess of 100 full-time sworn personnel. An overall response rate of 75.8% was achieved with the survey, a figure which in itself emphasizes the genuine commitment to police-related research shared by general members of the Police Executive Research Forum. Response rates by agency



level, size and geographical region were rarely less than 50%.

Although the 101 respondent departments constitute less than 1% of all police agencies in the USA, they employ almost 23% of US police personnel, and provide police service to almost 43 million citizens, a figure which represents almost 20% of the total population of the United States.

Guided by the research questions, twenty nine variables were drawn from the survey data. Twenty one of these were available directly from either the survey responses, the US census data for 1980, or the FBI Uniform Crime Reports for 1986. Of the other eight variables, half were created by simple computer calculations and the remainder were composite measures developed from the responses to several questions in the survey instrument.

Analysis of the survey data was performed using univariate, bivariate and multivariate statistical techniques. Whilst the univariate phase constituted most of the data analysis, the bivariate and multivariate treatments were considered vital features of the study since they represented the most in depth attempt to explore the relative importance of a number of different factors in the development of police complaints procedures ever undertaken.

## **CHAPTER VI**

### **COMPLAINTS TYPOLOGY DEVELOPMENT AND DESIGN**

#### **Introduction**

During the last twenty years, changes in the procedures for investigating complaints against the police in England and Wales have appeared to signify the eventual and inevitable introduction of a fully independent system, in which the responsibility for complaints investigation will be removed entirely from the police. Whilst such a system has not yet arrived, many people believe that it is only a matter of time before it does.

The fragmented criminal justice system in the USA, together with its vast number of police agencies, many of which are extremely small, makes direct comparison with the system in England and Wales difficult. Nevertheless, from a British police officer's perspective a study to determine whether the advances made towards independence of the police complaints procedure in England and Wales have been mirrored on this side of the Atlantic promised to be of value. At the outset, the intention was to visit numerous police departments in North America - including at least one in Canada - in order that an understanding of the various systems for investigating complaints against the police presently being operated could be developed. Through undertaking these visits, it was hoped that a functional typology for complaints investigation, which would provide a generalized framework against which structurally differing complaints procedures could systematically be compared, could be developed. The typology would then form the basis for the remainder of this study.

Eleven site visits were carried out during late 1986 and early 1987. Information obtained from these visits, taken together with the supplementary information gained from the literature

review led, as had been hoped, to the development of the functional typology. The intention in this chapter therefore is to describe the development of that typology through the presentation of some of the information obtained from several specific site visits. Since a number of aspects of the systems operating in many of the sites were found to be very similar, rather than merely reporting the results of every visit, a small number of unique procedures which were discovered during five of the visits are selectively presented and contrasted with one system which adopts a rather more traditional approach to complaints investigation.

The locations of the eleven on-site interviews were previously identified in Table 5.1. In this chapter, the six site visits to be discussed in detail are Lansing (Michigan), San Francisco (California), Pittsburgh (Pennsylvania), Washington D. C., Cleveland (Ohio), and Toronto (Ontario). Each of the last five sites enjoy systems which are unique in at least some respects, and these are the features of their procedures which will be described in most detail. Each visit in its own particular way helped to more clearly define the functional typology, and on account of this the interview sites are discussed chronologically in the order in which they were visited.

Whilst no direct references are made concerning the influence of the recently introduced new complaints procedures in England and Wales (described in detail in Chapter III) on the typology, indirectly they played a major role in its development. In particular, the need to include Informal Resolution and the two-branch 'Investigation' stage, the latter to allow for differing treatments of minor and serious allegations, were recognized from the outset.

### **Lansing's Internal Affairs Office**

The city of Lansing, Michigan, has what could be described as a fairly typical system for investigating complaints against the police in a mid-size US police department. It is a city with a residential population of 130,000 and a police department staffed by almost 250 sworn personnel and 100 civilians. On average, approximately 150 citizen complaints concerning officers' behavior are filed each year. Any employee of the department is authorized to receive and record citizen complaints, but whenever possible complainants are referred to either a sworn police supervisor or to Internal Affairs (IA). Complaints are sub-divided into two categories: official

and unofficial. The responsibility for deciding into which category a particular complaint falls is that of the recording officer. Unofficial complaints are normally anonymous complaints which do not allege a crime and which appear at the outset either to be invalid or impossible to follow up due to lack of specific information. All other complaints are recorded as official. Official complaints may either be resolved to the satisfaction of complainants at the time they are made or fully investigated. Informally resolved official complaints are recorded on a complaint form, together with the method used to resolve them, and are then forwarded to IA for filing; official complaints not suitable for informal resolution are recorded on a complaint form and forwarded to IA for allocation.

Investigations are allocated by Internal Affairs generally in accordance with a three-tiered structure. In short, the most serious cases, namely those involving allegations of criminal offenses, will be investigated both by a supervisory officer from the detective bureau and by an Internal Affairs (IA) sergeant, the criminal investigation being kept separate and distinct from the administrative investigation. Other serious or potentially complicated and time-consuming cases which nevertheless do not involve the commission of crimes, are investigated by IA alone, whilst minor complaints are investigated exclusively by subject officers' immediate supervisors. Recommendations for case findings are initially made by the investigators and are then subject to review by IA prior to ultimate confirmation by the Deputy Chief. In cases in which complaints have been found to be sustained, case papers are forwarded to subject officers' chains of command for recommendations for appropriate disciplinary sanctions to be made. Responsibility for final selection of disciplinary sanctions rests with the Deputy Chief. Following the case outcome, if not satisfied with the result, the subject officer has a right of appeal to the Police Chief.

The most striking feature of Lansing's system, and the one which perhaps is most typical of the system in many other US police departments of similar size, is the powerful central role of the Internal Affairs Office in complaints investigation. The IA Office in Lansing is staffed by two sergeants. Whilst not all complaints are directly investigated by IA staff, the Office has a supervisory responsibility for ensuring that all cases are thoroughly and impartially investigated.

In this role, they report direct to the Police Chief. All complaints are registered in IA prior to allocation for investigation, and those minor cases which are referred back to subject officers' immediate supervisors for investigation, and which in reality constitute the majority of complaints, are subject to review by IA staff prior to being forwarded for consideration by senior management. The IA sergeants are empowered to return a case file to a supervisor if they are not satisfied with the way in which the investigation has been carried out, or alternatively to direct the investigator to carry out certain other steps. Their supervisory role, however, is limited to consideration of investigations and their findings. Disciplinary recommendations are the preserve of subject officers' supervisory chains of command.

Another aspect of Lansing's Internal Affairs Office which is characteristic of IA generally throughout the United States is the relatively closed nature of their operation. Whilst the City Government has a Human Relations Department to which complaints concerning alleged maltreatment of minorities and females can be referred, the overwhelming majority of complaints against the police are handled exclusively internally by the police department. At the conclusion of an investigation the complainant is notified of the finding in the case, in other words whether or not the complaint was proven, but personnel records legislation prevents public disclosure of any disciplinary action taken. The police department uses no systematic method to make the citizens of Lansing aware of its citizen complaint procedures, neither does it disseminate any statistics relating to complaints investigation to the public. Perhaps partly in consequence of this, most complainants initially know very little about the system and need to have it fully explained to them. Nevertheless, Lansing's closed system of operation has not resulted in any documented instances of complainant dissatisfaction with the results of investigations, arguably indicating that there is no evidence to suggest a lack of citizen confidence in the system.

### **Typology Implications**

As far as development of the complaints typology was concerned, Lansing's system, representing as it does a fairly typical set of Internal Affairs operating procedures, was of assistance in the early stages of typology design. Particularly useful was the early inclusion in

the typology of a recording and classification stage which was capable of classifying citizen complaints into three types: those which were not proceeded with, those which were informally resolved, and those which were formally investigated. Additionally, it became clear that it was important for complaints involving allegations of criminal behavior to be considered separately in the typology from other alleged procedural violations, since the likelihood was that most police departments would investigate the two types of complaints differently.

### **San Francisco's Office of Citizen Complaints (OCC)**

The concept of civilian review of police misconduct was frequently discussed in San Francisco during the late 1970s and early 1980s, mainly due to the fact that the police department's own Internal Affairs Office very rarely found fault with accused officers, even when there was widespread belief of officers' guilt.

In addition, two particular incidents which occurred in late 1978, neither of which were initially directly associated with the police, sent shock waves throughout the entire city and caused a lengthy period of close examination of San Francisco's political structure. First, news of the mass suicide of more than 700 members of Rev. Jim Jones' Peoples Temple in Jonestown, Guyana, on 18 November devastated the city since Jones' religious cult had originated in the San Francisco area, and the vast majority of those to die were San Franciscans. Second, just over one week later, on 27 November, the Mayor of San Francisco, George Moscone, who was a champion of minority rights groups, and district supervisor Harvey Milk, the first avowed gay elected political official in the United States, were both fatally shot by former supervisor Dan White. Although the two events affected the city in different ways, initial shocked reaction to both was generally peaceful.

Several months later, however, on 21 May, 1979, following the conviction of White on two counts of second degree manslaughter, rather than murder, the large San Franciscan gay community was outraged. Thousands of people marched on City Hall, their protest turned to violence, and considerable damage was caused to the building. A few hours later, the police, who had been hopelessly caught in the middle of the whole affair, retaliated in the Castro district

of the city. One of the results of the ensuing violence was that the subject of external review of police behavior once more came to the forefront of public debate.

Problems for the police department culminated in 1981 when, following the success of the San Francisco 49ers in the Superbowl, two million people swamped the streets of San Francisco to celebrate. The celebrations eventually turned to riots in some sectors of the city, and the publicity given to the rioting left the San Francisco community in no doubt that their police department had not been entirely blameless. Despite this, however, the subsequent Internal Affairs investigation of the police department's handling of the riots found not one single complaint against officers regarding injuries caused to citizens to be sustained.

Press and media reports of these findings and the resultant public disquiet about the situation led to a proposal for a civilian Office of Citizen Complaint (OCC), to be responsible for investigating citizen complaints against the police, being put to the ballot in November, 1982 in a referendum of the San Francisco electorate. The proposal was passed by 61% of the voters, resulting in the creation of the OCC and the commencement of its operations in August, 1983.

The feature which, at the time, made the San Francisco OCC unique and which set it apart from all previous attempts at civilian review in the United States was that it was established in place of the police department's Internal Affairs rather than in addition to it. Inauguration of the new Office of Citizen Complaints coincided with the abolition of Internal Affairs, which was replaced by a Management Control Department. This department, however, has no jurisdiction regarding citizen complaints and is concerned solely with internal disciplinary matters, invariably initiated by supervisors within the police department.

The staff of the OCC comprises a Director, an Executive Officer, a Statistical Analyst and six line investigators. The Director is of equal status to the Police Chief, both individuals being answerable to a five-member City Police Commission, whose officers are appointed by the mayor. The emphasis during staff recruitment is upon hiring individuals with proven academic qualities rather than upon recruiting people merely because they are interested in the concept of civilian oversight of police activities. All staff are full-time salaried officers of the OCC. The present Director, a Harvard MPA graduate, was a career military man for twenty years,

completing his service as commanding general of the California National Guard; line investigators typically have either Law degrees or PhDs. None of the staff have previous experience in law enforcement.

One of the most frequently voiced oppositions to the creation of external review boards of police misconduct is based upon the argument of cost-effectiveness. Given existing internal review mechanisms, it is presumed to be much more costly to replace them with new agencies than simply to allow them to continue to function, albeit possibly ineffectively and inefficiently. In this context, it is interesting to note that, even with full-time salaried staff, the San Francisco OCC presently operates in real terms on only 60% of the budget which was previously earmarked for Internal Affairs within the police department.

Whilst it is still in its early stages of development, the OCC has already established a positive media image and a good reputation within the San Francisco community. The Director of the Office, in the same way as police chiefs have traditionally done, places great emphasis on the professionalism of his staff, their personal qualities and abilities. The hiring of a Statistical Analyst lends further support to this image. The data and information which he processes is made available to the senior management of the police department to assist them in a range of personnel matters.

Although the San Francisco Police Officers' Association is opposed to the OCC in every way, the Director of the OCC is convinced that the Office's fair, impartial and above all professional approach to complaints investigation will win them over eventually. The San Francisco Method, or SFM as the staff of the Office like to call it, for complaints investigation has a positive objective which differs from most of the usual Internal Affairs investigations. As such, it is based not solely on a punishment pattern, but rather on a management information function which seeks, through careful gathering of information on complaints by source, incident, watch, officer and unit to determine trends and patterns current both in individual officers and in units of the department. In simple terms, the Director of the OCC explains that the SFM does not seek ways to hang officers more effectively, rather it seeks ways to improve their behavior.



One of the many innovations which the OCC has introduced to assist its management information function is the application of case screening to all complaints which are filed. Once a complaint has been fully recorded on the appropriate forms, certain circumstances surrounding the making of the complaint are transferred to the Investigation Solvability Analysis Control and Evaluation Sheet. Aspects of the case such as the timeliness of making the complaint, the availability of witnesses, the credibility of the complainant, the existence of documentation to support any claimed injuries, the interest the complainant showed in pursuing the complaint further, whether the complainant was under the influence of alcohol at the time of the incident, and the overall seriousness of the complaint are addressed on the form. Responses to each of these questions are made on a numerical scale, certain questions scoring negative points, others scoring positive points. Following completion of the form, the points are totalled and this total is compared with a predetermined cut-off score. This process is termed a directed investigation. If the directed investigation indicates that there is sufficient evidence to proceed, in other words if the points total exceeds the cut-off score, then the case will be assigned to an OCC investigator for a detailed investigation. If the points total is insufficient to warrant a detailed investigation, then the case is closed with no further action and a copy of the complaint form is forwarded to the subject officer's commanding officer for information purposes only.

As is the case with many case screening systems, the cut-off score is not always a definitive test of whether or not a particular case merits full investigation. Certain complaints which score less than the cut-off score on the screening may still be assigned for detailed investigation at the discretion of the Director of the OCC if he considers that the particular circumstances surrounding the complaint indicate that such a course of action would be appropriate.

Following the filing of complaints with the OCC, a letter is sent to every complainant, whether their complaint is likely to be one which will be screened out or not. In it, the Director explains the problems involved in undertaking an investigation in which the investigator must assume that what the complainant has said is true, and that what the accused officer will say when interviewed will also be true. The letter concludes with a paragraph specifically addressed

to the complainant whose complaint will ultimately be screened out:

"If it turns out that we lack evidence to proceed with a further and more detailed investigation of your case...all is not lost. We will record the information of your complaint on a permanent record maintained by the department. If the officer continues the action you have complained of and if patterns of improper behavior are noted in his or her activity, corrective action will be taken by the San Francisco Police Department."  
(OCC Letter to Complainants, 1985).

In practice, following the application of case screening, detailed investigations are carried out in only about 15% of complaints. This fact has given rise to criticism of the OCC by the San Francisco Bar Association, who have argued that since, in their opinion, there is a lack of follow-up and serious investigation of anything but the most flagrant incidents to which there are eyewitnesses, citizens are beginning to realize that very little happens when they file a complaint.

The Director of the OCC disagrees with this viewpoint. He argues that the statistical analysis which is undertaken with respect to directed investigation reports is invaluable. Information obtained from this analysis allows the OCC to identify to both the police department and to the Police Commission those officers with complaint patterns which merit immediate official attention, those officers responsible for more than an average share of complaints, and also those exemplary officers with a high number of recorded citizen contacts but a low number of complaints. Indeed, the results of a study carried out during 1986 by the OCC Statistical Analyst contradicted the commonly held belief that the most active officers can be expected to incur the most complaints. Surprisingly, it was discovered that, in general, the busiest officers had the fewest complaints. Furthermore, 53% of officers were found to have no complaints alleged against them, whilst 4% (88 officers out of a police department of almost 2,000 sworn) were identified as being responsible for one third of the complaints.

Despite advances made in recent years towards greater individual accountability, problems of police malpractice in San Francisco have not abated. The San Francisco Police Department still receives more citizen complaints than any other department in California. In 1984, for example, whilst 2,300 citizen complaints were filed in San Francisco (approximately one per officer on average), only 700 were filed in Los Angeles, even though the Los Angeles Police Department is

more than three times as large.

A secondary mission of the OCC is therefore to recommend policy changes to the Police Chief and the Police Commission that will reduce the incidence of complaints. To this end, one of the alternative case findings which they have at their disposal is termed 'policy failure'. A 'policy failure' finding in a case means that the evidence proves that the officer's actions were justified by departmental policy or procedures, but that, in light of this, the OCC recommends a change in the relevant policy, procedure or regulation.

Under direction from the Police Commission, the OCC compiles and publishes monthly summaries and quarterly reports of complaints statistics, in addition to preparing and publishing quarterly recommendations concerning policies and practices of the police department. Furthermore, it produces an extremely well-designed and informative quarterly public newsletter, "The Professional", which is freely distributed both throughout the City and to any individual or agency who wishes to be placed on the OCC mailing list. Operating in a closed environment is not something of which the San Francisco OCC could justly be accused.

### **Typology Implications**

The contrast between the San Francisco Method (SFM) for investigating complaints against the police and the procedures utilized in the majority of major US cities is startling in many respects, none more so than the fact that all citizen complaints are investigated by civilians employed by an agency operating externally from the police department. Allegations of criminal activity, however, are naturally still the preserve of police investigators, a feature of the San Francisco system which underlines the importance for typology development of a structure in which citizen complaints alleging crimes can be considered separately from those alleging procedural irregularities.

Several other aspects of the San Francisco site visit were relevant considerations for the typology design. First, the use of case screening highlighted the question of whether all complaints should be deemed worthy of detailed and formal investigations. Second, the 'policy review' category was considered an important alternative case finding in a complaint

investigation, since it encompasses an admission of the possibility of general departmental failure in contrast with the traditional approach of always seeking to find fault with individual officers' actions. Third, since the OCC can find a case to be sustained but has no jurisdiction concerning disciplinary sanctions, the importance of including two separate typology stages for findings and dispositions of cases was emphasized. Finally, the positive media and public image of the OCC, achieved through its reports, newsletter, and its heavy reliance upon the collection, analysis and publication of statistics, indicated the need for a final stage to be included in the typology concerning the dissemination of information to the public. Such information may either concern case outcomes and dispositions or may simply indicate how a complaint may be filed and what constitutes inappropriate action by a police officer, but the potential value of openness in police complaints procedures was seen to be of relevance to typology development.

#### **Pittsburgh's Office of Professional Responsibility (OPR)**

One of the results of a major reorganization of the Department of Public Safety in Pittsburgh, Pennsylvania, which took place during 1986, was the transferral of the responsibility for ensuring that citizen complaints against the police are investigated from the Bureau of Police to a newly created Office of Professional Responsibility (OPR). The Pittsburgh OPR operates from within the Department of Public Safety, but is external to the Bureau of Police. It has Department wide jurisdiction and is responsible for conducting investigations into matters relating to employees in the Department of Public Safety, and also for reviewing all disciplinary action taken against Public Safety employees. The senior executive officer of the OPR, who is a civilian lawyer despite holding the rank of Assistant Chief, is responsible to the Deputy Director and ultimately the Director of Public Safety, in the same way as is the Chief of Police.

The seven member investigative staff of the OPR constitute one particularly interesting feature of its operation, since three of them are sworn police officers seconded to the OPR from the Bureau of Police and the other four are civilians. Because of the relative infancy of the Office, the police investigators presently on the staff were all previously members of the Internal

Affairs Office of the Bureau of Police, which was discontinued following the 1986 reorganization.

Four major types of police cases, all of which may originate from different sources, are handled by the OPR: citizen complaints investigated by the OPR, citizen complaints investigated by the Bureau of Police and reviewed by the OPR, Bureau complaints initiated by sworn officers which are reviewed and, if necessary, investigated by the OPR, and special investigations which are generally initiated by the OPR. Of these categories of cases, citizen complaints investigated by the OPR constitute more than half of the Office's police related workload.

Approximately 75% of all citizen complaints against Bureau of Police personnel are investigated by the OPR, including all complaints alleging physical abuse or undue force. Additionally, allegations of wrongful detention and verbal abuse will be investigated by the OPR if the circumstances suggest that other matters beyond the immediate facts of a case may be of concern. When a case is assigned to an OPR investigator, either police or civilian, the final report will normally be due within twenty days. Although no equivalent of the San Francisco Office of Citizen Complaints' case screening system is utilized by the Pittsburgh OPR, assigned cases are given a numerical priority value based upon both importance and investigative difficulty. These values range from one to five, with five being the most important and most difficult. For example, although a brutality case may be very important, the facts in a particular case may be fairly easy to prove, and consequently the value assigned may only be a three. Conversely, a theft case may be both important and also difficult to prove and therefore may be assigned a higher value. Instructions are given that cases should be pursued with an awareness of their value, but not at the expense of delaying the completion of other investigations.

Given his mixed civilian and police investigative staff, the present Assistant Chief of the OPR assigns cases more upon the basis of individual investigators' characters and personalities than upon the basis of their past histories. Furthermore, his prior belief that police officers do not enjoy a monopoly on investigative ability and competence has been confirmed through his experience in command of a mixed police and civilian staff. Since the Office's inception, no problems have been experienced by the civilian investigators in being accepted by their police

officer colleagues. Furthermore, in practice the OPR case conferences, in which all staff members are encouraged to actively participate, have helped to establish good working relationships among the various investigators.

Citizen complaints containing serious allegations are thus investigated by the OPR staff. On the other hand, allegations of less serious offenses, including rudeness or the use of foul language, are referred to the Chief of Police for assignment to a Zone Supervisor (usually either a Lieutenant or a Sergeant) for investigation and recommendation. Upon completion, these investigative reports are referred back to the OPR for review.

In each of the four types of case handled by the OPR, citizen complaint investigation, citizen complaint review, Bureau complaint, and special investigation, the initial recommendation for finding and disciplinary action (if necessary) is made by the investigator, whether he be a sworn officer or civilian member of the OPR staff or a member of the Bureau of Police. The recommendations are then reviewed by the Chief of Police prior to being forwarded to the Assistant Chief of the OPR for approval. Under the authority of the Deputy Director of Public Safety, the OPR will approve all disciplinary actions before discipline is imposed. Any adjustments to the Chief's recommendations are communicated to him prior to being implemented. The OPR is then responsible for implementing and monitoring the discipline and, in a citizen complaint case, for informing the complainant of the results of the investigation and the action taken.

Whilst ultimate confirmation of finding and disciplinary action is the responsibility of the Deputy Director of Public Safety, Pittsburgh's Civil Service Statute ensures that no police officer, other than one who has been convicted of a felony, may be discharged, reduced in rank, reduced in pay, or suspended for a period exceeding ten days unless the case has first been heard by a Trial Board. Additionally, an employee who is likely to be suspended for a period of ten days or less may also request a Trial Board hearing. Thus, whilst Trial Board decisions must be approved by the Mayor, it is quite conceivable that the recommendations of the Chief of Police, the Assistant Chief of the OPR, and even the Deputy Director of Public Safety may be disregarded once a case comes to a Trial Board hearing.

In practice, most officers under threat of a short suspension exercise their option to request a hearing, and consequently the majority of serious cases are heard by Trial Boards. This would not normally be a problem were it not for the somewhat bizarre manner in which the three members of the Board are appointed in a particular case. Indeed, the Trial Board regulations constitute one of the major problems currently threatening the effectiveness of Pittsburgh's OPR. This is not to suggest that the regulations are a new problem, however, since the Trial Board legislation was previously a constant thorn in the side of the Bureau of Police's Internal Affairs Office following the enactment of Pittsburgh's Civil Service Statute in 1951. Indeed, there is a widely held belief in Pittsburgh that the legislation, imposed upon a traditionally labour-oriented Democratic city by a Republican State legislature in the early 1950s, at the time was a retributive measure intended to punish the city's executive officers for their constant requests over the years for more employee-centered disciplinary procedures.

Section 7 of the Pittsburgh Civil Service Statute, concerning the composition of Trial Boards in police disciplinary proceedings, is certainly a unique piece of legislation which is difficult to believe if not directly quoted from:

"The persons composing said (Trial Board) shall be selected as follows: The director of the department of public safety shall in the presence of the employee charged and his brother officer or the attorney-at-law acting as his counsel, cause the names of at least fifty employees of the bureau of police who hold a position in the competitive class equal or superior in rank to the employee charged, to be written upon separate slips of paper of the same size, color and texture, and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided. Said fifty names so deposited shall be provided as follows: The director of the department of public safety shall supply twenty-five thereof and the employee charged shall supply twenty-five thereof. When said names shall have been so deposited in the box or receptacle, the same shall be thoroughly shaken by some disinterested person until the slips of paper have been thoroughly mixed, and thereupon such disinterested person shall draw therefrom singly and by law seven names, and the director of the department of public safety and the person charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left, and said three persons shall compose the (Trial Board)."

In other words, the names of 50 officers, half of which are provided by the OPS and half by the accused officer, are placed into a hat, shaken, and then seven are drawn out by some impartial observer. The OPS and the subject officer then reject two of the names each, leaving

only three. These three individuals then constitute the membership of the Trial Board. Given such a random system of selection, it seems reasonable to infer that, in all but the most clear cut of cases, the membership of the Trial Board, perhaps more than the facts of the case, will be influential in determining the eventual outcome of the hearing. Although the City Government of Pittsburgh are presently attempting to lobby for changes in the Trial Board legislation, since the necessary changes would have to be made at State level, they hold out very little hope that their efforts will be successful at least in the immediate future.

### **Typology Implications**

The site visit to Pittsburgh did not provide any information which necessitated new stages or additional functions to be included in the complaints typology, a fact which, in itself confirmed that the typology was developing in a systematic and logical manner. However, several of the unique features of the Pittsburgh system for investigating complaints against the police provided examples of some of the possible structural variations which could exist within the overall functional typology. In particular, the utilization of a combined police and civilian staff for investigating serious citizen complaints was a system feature which had not previously been encountered at first hand, as was the fact that the Chief of Police's disciplinary recommendation in any particular case was not final and was subject to review and possible alteration by an external agency. Finally, the Trial Board input into the disciplinary process underlined the importance of separating the 'finding' stage from the 'disposition' stage in the typology, and Pittsburgh's novel selection procedures provided yet another truly unique structural alternative for these two typology stages.

### **Washington D.C.'s Civilian Complaint Review Board (CCRB)**

No examination of systems for investigating complaints against the police in the USA would be complete without a visit to Washington D.C., the city in which dreams of civilian review of police practices, or nightmares depending upon one's perspective, first became reality through the creation of a Civilian Complaint Review Board (CCRB) in 1948. History appears to



indicate that this largely powerless body, which had no investigative capability of its own and consequently functioned as a review agency for completed internal police investigations, was universally unloved. The CCRB eventually disbanded in the mid-1960s, frustrated by its lack of influence, the outgoing members recommending to the Commissioners of the District of Columbia the creation of a truly independent board with its own investigative staff.

This recommendation was shelved by the Government of the District of Columbia for several years, but continuing community concern during the late 1970s that there be civilian review of alleged police misconduct led to a new Civilian Complaint Review Board (CCRB) being created by D.C. Law 3-158 of March 5, 1981. The current CCRB subsequently became operational in mid-1982 and, although it shares the same name as its predecessor, it was given greatly enlarged powers.

Under the 1981 legislation, the Board is authorized to hear and investigate citizen complaints concerning misconduct by officers of the Metropolitan Police Department and the Special Police employed by the D.C. Government, when such complaints allege police harassment, excessive use of force, or abusive language. In practice, the number of complaints made regarding the Special Police make up a very small percentage of the total number of complaints referred to the Board. No complaint may be filed with the Board more than six months after a complainant, using reasonable diligence, has become aware of the right to file a complaint.

In support of the CCRB's activities, its nine-member staff is responsible for receiving and investigating complaints and for preparing case papers for Board hearings. The Board's staff comprises an Executive Director, a senior investigator, four investigators, an attorney, a staff assistant and a clerk typist. All of the investigators are civilians and the CCRB's preference in appointing investigators is to select individuals with no prior police experience, in order to retain the Board's independent image.

The CCRB itself is made up of seven individuals. The Mayor and the D.C. Council together appoint five members, all of whom are civilians, and the Police Chief and the Fraternal Order of Police (FOP) each appoint one police officer member. The chairperson, who is one of

the Mayoral appointees, must be a lawyer. Board members are appointed to serve three-year terms. The Washington D.C. CCRB is thus one of the very few external police review agencies to include police officers among its membership.

With regard to this mixed membership, the chairperson of the Board, Goler T. Butcher, an attorney and professor at Howard Law School, points out that, in her experience, there has been no tendency for the police officer members to accept accused officers' versions of events offered in hearings in any irrational manner. Equally, there have been no Board members who have felt obliged to side with complainants all of the time. Interestingly, on almost all occasions the Board's findings following a hearing are arrived at unanimously. This fact appears to cast doubt upon two frequently voiced arguments against civilian review of complaints against the police: first, that external review is likely to be biased against the police, and second, that civilians are unqualified to judge the propriety of police actions.

A complaint may be filed with the CCRB in person, by letter, or by telephone, and may be accepted from an anonymous source as long as it contains sufficient factual information to warrant an investigation. From its inception in mid-1982 until the end of 1985, the Board had accepted 1,184 cases for consideration, an average of approximately one per day. These cases contained a total of 2,686 complaints, of which 37% alleged police harassment, 30% excessive force, 19% improper language, and 14% other misconduct.

Any complaint received which, following assessment, is deemed to be within the jurisdiction of the Board, and not to be frivolous, is assigned to an investigator for a full investigation. Frivolous complaints and those outside the jurisdiction of the CCRB are brought before the Board for summary dismissal. During 1985, 15% of the complaints lodged with the Board were dismissed in this way.

When an investigation is complete, the case is scheduled for a hearing. By statute hearings, which must be held for all complaints which have been investigated by the Board's staff, are open to the public. The complainant, civilian and police witnesses, and the subject police officer are subpoenaed to attend and investigative reports are served on the parties in advance of the hearing. Testimony is taken under oath, and both parties have the right to

representation, to call and examine witnesses, and to cross-examine adverse witnesses.

The Board, perhaps not surprisingly, has enjoyed a stormy relationship with the Metropolitan FOP. An official boycott of CCRB hearings was held during 1985, although the ultimate step of removing the FOP member from the Board was never taken. However, since once a subpoena has been served, hearings are held whether or not the subject officer is present, the FOP concluded that its actions were proving to be counterproductive and not in its members' interests, and the boycott was terminated in 1986.

In addition, financial problems for the FOP have not helped in its dealings with the Board. When the CCRB was created in 1982, the FOP considered it important that subject officers should be represented by an attorney in every hearing. At an average of approximately one hearing per week, this soon proved to be an extremely expensive business, and eventually FOP members decided to opt for representation by a non-attorney as a cost-saving exercise. In practice, the non-attorney representative who usually attends hearings in addition to the subject officer is a Metropolitan Police Detective.

During the two hearings which were held on the day of the site visit, neither complainant was represented, resulting in a somewhat one-sided cross-examination of witnesses taking place. Indeed, at times, with the officers' detective representative in full flow, it was difficult to reconcile the proceedings with the fact that it was the subject officer, and not the complainant, who was effectively on trial. Certainly, the consequence of the situation was that the officers' versions of events were presented in a much more professional manner than were those of the complainants.

The problem caused by unrepresented complainants being effectively at a disadvantage during hearings, and the question of whether or not complainants should be entitled to some form of legal aid to assist them in presenting their cases, are currently being considered by the Board.

Following a hearing, the CCRB will find complaints to be either sustained, not sustained, or dismissed, and will then issue a formal opinion, containing a summary of the testimony and setting out the finding, the vote and the recommendation of the Board. A copy of this finding is forwarded to the complainant, the subject officer and the Chief of Police. Decisions of the Board

are based upon a preponderance of the evidence standard. If it sustains a complaint, then by statute the CCRB is required to make a disciplinary recommendation to the Chief of Police. The Chief then has thirty days in which to either accept or reject the recommendation. If he rejects it, the case is referred to the Mayor who has a further thirty day period in which to uphold either the Board's recommendation or the Chief's proposal, or to order a compromise.

One recent case presented to the Washington D.C. Public Employees Review Board by the FOP resulted in a decision being issued to the effect that the CCRB Act took precedence over the contract which the FOP had negotiated with the Mayor. This decision thereby effectively ratified the Mayor's power to direct the Chief to adopt a recommendation of the CCRB, even if it is in conflict with the Chief's own proposal for discipline.

During 1985, the CCRB held 48 hearings. In 25 of the hearings (52%), the Board voted not to sustain any of the allegations in the case, in 6 (13%) they voted to dismiss all of the allegations, and in 17 (35%) they voted to sustain at least one allegation in the case.

One of the stated objectives of the Washington D.C. Civilian Complaint Review Board is to operate effectively toward the improvement of police-community relations in three specific ways. First, by providing a forum for the airing of legitimate grievances, second, by affording a mechanism for citizens to seek redress with respect to specific complaints against individual officers, and third, by enabling the public to become better acquainted with general police procedures. In the context of these major goals, Board members are realistic in accepting that a credible complaints investigation procedure is only one of many contributory factors towards achieving a police department which enjoys the full support and confidence of its community. They are convinced, however, that any changes made in the procedures for investigating complaints against the police which result in the system becoming both more accessible and less intimidating to members of the public with legitimate grievances, can only be beneficial, both for the community and for its police department. Their belief that the Washington D.C. CCRB provides just such accessibility for genuine complainants satisfies Board members that they are performing a worthwhile service on behalf of the citizens of the District of Columbia.

### **Typology Implications**

The site visit to Washington D.C. served to further emphasize the importance of the inclusion of several features in the complaints typology. First, the Board's system of summarily dismissing frivolous complaints was seen as presenting further evidence of the need to include a 'not proceeded with' category at an early stage of the typology. Second, the holding of Board hearings which are open to the public again raised the question of how open complaints procedures should be and highlighted the existence of the 'public information' typology stage. Finally, the fact that only particular types of complaints fall within the jurisdiction of the CCRB, whilst all others continue to be investigated internally by the relevant police department, underlined the need for the typology to be capable of processing different types of complaint in different ways.

The only difficulty which appeared to be developing was whether the 'investigation' stage of the typology should contain three separate branches, representing complaints concerning criminal behavior, other serious non-criminal matters, and minor incidents, or simply two branches representing criminal and non-criminal cases. Since it was believed likely that police departments would differ in their opinions as to where a dividing line should be drawn between serious and minor non-criminal allegations, the decision was made to include only two branches, representing criminal and non-criminal, or procedural allegations. In addition to its ease of definition, it was considered probable that the criminal/non-criminal distinction would be regularly used in practice by police departments in assigning complaint cases for investigation.

### **Investigation of Complaints Against the Police in Cleveland, Ohio**

Further support for the decision to include only two branches, criminal and procedural, in the 'investigation' stage of the complaints typology was provided by the site visit to the city of Cleveland, Ohio.

Following a public ballot held in November, 1984, during the last three years a civilian oversight agency staffed by Mayoral appointees, the Investigative Standards Section (ISS), has been evolving within the structure of the Cleveland Department of Public Safety. The Board's

jurisdiction and powers are yet to be fully established, however, and in consequence, at present the city continues to rely primarily upon the internal investigative procedures of the police department. These procedures in themselves are somewhat unique, since two distinct offices currently exist within the police department with responsibility for processing citizen complaints.

The Professional Conduct and Internal Review Unit (PCIR), established in 1976, is responsible for investigating incidents involving the use of deadly force and citizen complaints alleging the commission of crimes by sworn departmental personnel. In addition, the Complaint Investigation Unit (CIU), established one year prior to the PCIR, is responsible for investigating all excessive force allegations not involving the use of deadly force, and the remainder of citizen complaints not handled by the PCIR, which in practice constitute the vast majority. Whilst the PCIR reports direct to the Chief of Police, the lieutenant commander of the CIU reports to the Captain of the Bureau of Inspection. Staffing of the CIU was scaled down following the establishment of the PCIR such that sergeants now investigate most citizen complaints against the police in Cleveland, rather than lieutenants as was the case prior to 1976.

On average, approximately 300 complaints are handled by the CIU each year, of which in the region of 25% are investigated by the Unit, the remainder being forwarded to Bureau and District commanders for investigation. Over all, about 10% of CIU complaints tend to be sustained, the remainder being either withdrawn (approximately 30%), proven unfounded, or found to include insufficient evidence to support a decision either way. No figures are available for cases handled by the PCIR.

Perhaps one of the reasons for the relatively high proportion of withdrawn complaints is that the Cleveland system appears to be excessively formal and rigid, a feature which it shares with numerous other police jurisdictions throughout the United States. No effective procedures exist under which complaints can be informally resolved, and all complaints, regardless of how minor they may be, are subject to full investigation. Unlike many other police departments, however, the rigidity of the system in Cleveland does not create bureaucratic delay, since the time limit for complaints investigation by the CIU is ten working days.

The existence of two separate units specifically created to investigate complaints against the police and alleged officer malpractice within the same police department is certainly unusual. Fortunately for the department, the press in Cleveland have, thus far at least, managed to resist the temptation to publicize the situation in such a way as to make the community wonder whether police malpractice is endemic and out of control in their city.

Although the presence of the two units has been given relatively little media coverage, opponents of police internal review in Cleveland are well aware of the situation. In practice, however, the main target of their criticism has tended to be the CIU, which has been described as both unresponsive and unprofessional, whilst the PCIR has generally been agreed to operate effectively.

Apart from the dangers of attracting adverse publicity through the creation of a unit charged with the sole responsibility of investigating alleged criminal offenses committed by members of the police department, there are potential operational difficulties attached to the policy decision. First, officers within such a unit will almost inevitably acquire badly tarnished views of the remainder of the department, and may experience problems in readjusting to future operational duties. Second, a tense working relationship may possibly develop between the unit and those other officers who are responsible for investigating less serious complaints against the police. Whilst members of the unit responsible for criminal investigations may consider their colleagues who handle less serious incidents to be wasting their time on unimportant cases, those officers responsible for the latter type of cases may visualize the crime unit staff as being over-zealous headhunters.

With changes in procedures being a strong possibility in the near future, it will be interesting to see how the role and responsibilities of the proposed new civilian oversight agency in Cleveland develop, and what implications its establishment will have for both the PCIR and the CIU.

## **Typology Implications**

In addition to those site visits described in some detail above, interviews were carried out in five other police departments in the United States: Alexandria, VA, and Berkeley, Concord, Hayward and Oakland, CA. Whilst Berkeley and Oakland both have an element of external civilian involvement in their complaints procedures, Alexandria, Concord and Hayward operate traditional and exclusively internal systems.

Following all of the site visits in the US, which were concluded by the visit to Cleveland, and the review of the literature concerning complaints against the police, a complaints typology containing seven distinct functional stages had developed. The first stage, 'complaint reception', was followed by a three-branch 'recording and classification' stage, which, in turn, led to a two-branch 'investigation' stage. As discussed previously, the three alternative recording and classification branches were 'full investigation required', 'informally resolved', and 'not proceeded with'; the two alternative investigation branches were 'alleged criminal violation' and 'alleged administrative or procedural violation'. Stage four of the typology, 'finding', preceded the 'disposition' stage, and then an 'appeal' stage was followed by the final 'public information' stage.

Whilst information obtained from the site visits had directly supported the existence of every other stage and branch of the typology, the 'appeal' stage had largely been included intuitively as a result of due process considerations. The final site visit, which was undertaken outside the United States across the border in Canada, provided exactly the type of information which had been sought in support of the presence of an 'appeal' stage in the completed typology.

### **Metropolitan Toronto's Office of the Public Complaints Commissioner (OPCC)**

Since 1981, the members of the Metropolitan Toronto Police Force have been subject to a system for investigating citizen complaints which differs markedly from that operating elsewhere in Ontario and set out in the 1980 Police Act. The innovative system operated initially as a three year pilot scheme under the Metropolitan Police Force Complaints Project Act, 1981, and was subsequently extended and formalized under the Metropolitan Toronto Police Force Complaints



Act, 1984. The 1981 legislation created the Office of the Public Complaints Commissioner (OPCC), an agency independent of the police force and staffed and directed by civilians. Whilst the OPCC has its own investigative capabilities, the major responsibilities of the Commissioner are to monitor the police internal investigation of all civilian complaints and to review the decision of the police in specific cases at the request of dissatisfied complainants. In addition, the Commissioner has the power to recommend changes in any police policies and procedures which appear to give rise to citizen complaints. Following the review of a case, the Commissioner may, if he believes it to be in the public interest, order a hearing by a civilian Board of Inquiry. This Board, which constitutes probably the most unique aspect of the Toronto system, has the power to impose discipline up to and including dismissal directly upon the subject officer, even though their choice of discipline may differ from that recommended by the Chief of Police.

The statutory obligation upon the OPCC to reinvestigate and review findings in cases when complainants are dissatisfied with the dispositions issued by the Chief of Police was the feature of the Office's operations which directly supported the inclusion of an 'appeal' stage in the complaints typology. Furthermore, certain of the other procedures followed in Toronto gave added depth to the typology by providing new structural variations upon the existing functional base.

Citizen complaints against the Metropolitan Toronto Police Force became a matter of community concern during the 1970s. The critical focus was upon the closed nature of the complaint process itself. Concerns centered upon the lack of documentation in citizen complaints and the unavailability of information concerning investigations and disciplinary action both for complainants and for the general public. The community held a widespread belief that the police attitude toward citizen complaints was unnecessarily overprotective. Nevertheless, the Police Force was generally held in very high regard in Metropolitan Toronto, and consequently a balanced piece of legislation, sufficient to satisfy the critics of the existing system yet not so extreme as to remove the responsibility for complaints investigation entirely from the hands of the police, was sought. The result was the Metropolitan Police Force Complaints Project Act, 1981.

The major philosophy behind the Act was that the police should have the initial opportunity to investigate and resolve a complaint to the satisfaction of the complainant, and that, in doing so, they should act in an open manner. This philosophy was backed up by the powers of the newly created OPCC to reinvestigate and review cases under appropriate circumstances or upon request by the complainant. To the extent that police management is prepared to initiate and effect discipline itself without the intervention of the OPCC, the system serves to promote police-community relations. Conversely, to the extent that the involvement of the Commissioner is necessary, the system is seen to provide the necessary checks and balances in procedures which were previously considered to be closed and partial.

A member of the public wishing to make a complaint concerning any of the 5,300 sworn officers of the Metropolitan Toronto Police Force may file their complaint at any police station, at the Public Complaints Investigation Bureau (PCIB) of the police, or at the Office of the Public Complaints Commissioner. Increasingly, largely as a result of a continuing public education program instituted by the OPCC, an increasing number of complainants are becoming aware of its activities and are attending the Office for the purpose of filing their complaint. During 1985, 37% of complainants did so. The civilian Commissioner receives a copy of every complaint no matter where it is filed, as does the officer in charge of the PCIB, who holds the rank of Staff Inspector. All complaints are investigated initially by the PCIB, a police unit staffed with sergeants and staff sergeants, all of whom are experienced investigators.

The police officer from the Public Complaints Investigation Bureau assigned to a particular case may first attempt to informally resolve the complaint, but only if the complainant and the subject officer agree in writing to this course of action. The process contemplates some form of mediation leading to both parties reaching an accord and being content that the matter go no further. Approximately one third of all complaints are handled in this way. Informal resolutions are reviewed by the Commissioner who may, if he is of the opinion that a particular resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, require that the informal resolution be set aside and a full investigation of the incident be carried out. One indication of the professional manner in which the PCIB approach the process of informal

resolution is that, to date, this has never happened.

In cases where informal resolution is clearly not possible at the outset, the PCIB will commence a formal investigation, during which the Bureau is required to provide interim written reports concerning its progress every thirty days. Copies of these reports are sent to the complainant, the Chief of Police, the subject officer and the Public Complaints Commissioner. In exceptional circumstances, the Commissioner may decide to conduct his own investigation immediately upon receipt of a complaint, or alternatively he may commence an investigation at the request of the Chief of Police. The OPCC also has the power, at any time 30 days or more after a complaint has been filed, to carry out an investigation of any case it chooses, although this procedure is only very rarely followed.

At the end of a PCIB investigation, an extensive written report is forwarded to the complainant, the Chief of Police and the OPCC. The Chief of Police then reviews the report and is required to send a written decision on finding and disposition of the case to both the complainant and the OPCC. The Chief's disposition can take on various forms. He can decide that a criminal prosecution should take place, or that internal disciplinary action under the Police Act is more appropriate. Alternatively, he can decide to summarily discipline the officer, usually by way of a reprimand, or to refer the case to a civilian Board of Inquiry. He may also decide to take no further action.

Complainants who are not satisfied with the decision of the Chief of Police have the right to request the Public Complaints Commissioner to review their complaints further. This request occurs in approximately 15% of all cases handled by the OPCC and gives rise to the majority of their investigations. The Public Complaints Commissioner and his staff have broad powers to review and reinvestigate cases, but a decision about a particular complaint must be made on the basis of the available evidence. To this end, the OPCC can demand the production of documents, subpoena individuals for questioning, and apply to a Justice of the Peace for a search warrant. Usually, however, the internal investigation carried out by the PCIB will have been thorough and consequently there will not be a great deal of additional investigation for the OPCC to undertake.

At the end of the review process, if the Commissioner agrees with the decision of the Chief of Police, a review report is written and sent to the complainant, the subject officer and the Chief of Police. Alternatively, and rather more uniquely, if he is in disagreement with the Chief of Police, the Commissioner may order a case to be publically heard before a civilian Board of Inquiry if he feels that such a course of action would be in the public interest. Whether the Commissioner agrees or disagrees with the Chief, he may make recommendations concerning police policies and procedures aimed at preventing the problem encountered by the complainant from recurring. Such recommendations must be responded to in writing within 90 days by the Board of Police Commissioners. Once the review process is completed and the Commissioner has issued his decision, he has no further powers or involvement in a particular case.

A Board of Inquiry may be convened in one of three ways. As outlined above, either the Public Complaints Commissioner or the Chief of Police may consider a Board hearing to be in the public interest. Alternatively, a subject officer may use the Board as a source of appeal following an adverse finding in a Police Act disciplinary proceeding. If the hearing is to consider either an appeal by a subject officer, or a case of serious alleged misconduct referred by the Commissioner or the Chief of Police, the Board must comprise three members and be chaired by a lawyer. Conversely, if the hearing is to consider an allegation of minor misconduct the Board comprises only one person, always a lawyer. Given the circumstances under which a case would normally reach the Board of Inquiry stage, a three-person panel is the most usual Board structure.

In total, twenty four individuals, divided into three groups of eight, are available for selection as Board members, one member being chosen from each group of eight in order to complete a three-person panel. One of the groups is appointed on the joint recommendation of the Metropolitan Toronto Police Association (the line officers' union) and the Metropolitan Board of Commissioners of Police, Toronto's civilian police governing body. Another group is appointed on the recommendation of the Metropolitan Toronto Municipal Council. The third group, which comprises the lawyers who chair Board hearings, is recommended for appointment jointly by the Attorney General and the Solicitor General for Ontario. Members of this group

must be members of the Law Society of Upper Canada.

Since the standard of proof at Board of Inquiry hearings is the criminal standard of beyond reasonable doubt, although administrative rules of evidence and the rules of natural justice apply, great attempts are made to follow, as closely as possible, the criminal rules of evidence. To this end, the complainant may choose to be represented by his or her own lawyer, the Ministry of the Attorney General will provide counsel to present the case to the Board, and all hearings are open to the public.

One of the reasons for the high standard of proof, which was negotiated prior to the passage of the OPCC's enabling legislation, is that the civilian Board of Inquiry has the power to impose discipline directly upon the subject officer, up to and including dismissal. It is this feature of the legislation which is particularly unusual and which, perhaps not surprisingly, has created most friction between the police officers' union, the Metropolitan Toronto Police Association (MTPA), and both the OPCC and the Board of Inquiry. The MTPA in fact played a major role in creating the legislation which gave rise to the OPCC, and, in doing so, offered significant compromises on behalf of its membership. However, since a Board of Inquiry ordered a police officer to resign in 1985 following a finding of guilt in a relatively minor case of assault, the Association has launched an attack upon the Board of Inquiry concept, and indeed upon the entire legislation. The Association's challenge to the existing system, which has been presented both in the courts and through a concerted campaign in the media, is at present unresolved.

It is interesting to note, however, that the case which provoked the wrath of the MTPA was referred to a Board of Inquiry by the Chief of Police rather than by the Public Complaint Commissioner. Furthermore, it involved an officer with a previously bad disciplinary record which included, amongst other things, a conviction for a serious assault upon a civilian whilst on duty, for which the officer had been sentenced to thirty days in a correctional facility. Quite how he managed to avoid dismissal on that occasion remains unclear!

### **Summary and Presentation of Typology**

The final site visit to Toronto having provided support for the inclusion of an 'appeal' stage in the functional typology for investigating complaints against the police, the seven stage typology was now fully developed. The basic structure of the typology had been arrived at through an extensive review of United States literature on the subject of complaints against the police and several site visits to US police departments, such as Lansing, Michigan, which operate basically traditional internal and closed citizen complaints procedures. Further depth had subsequently been added to the typology as a result of information obtained during a number of site visits to other North American cities, chosen for certain unique features of their systems for investigating complaints against the police.

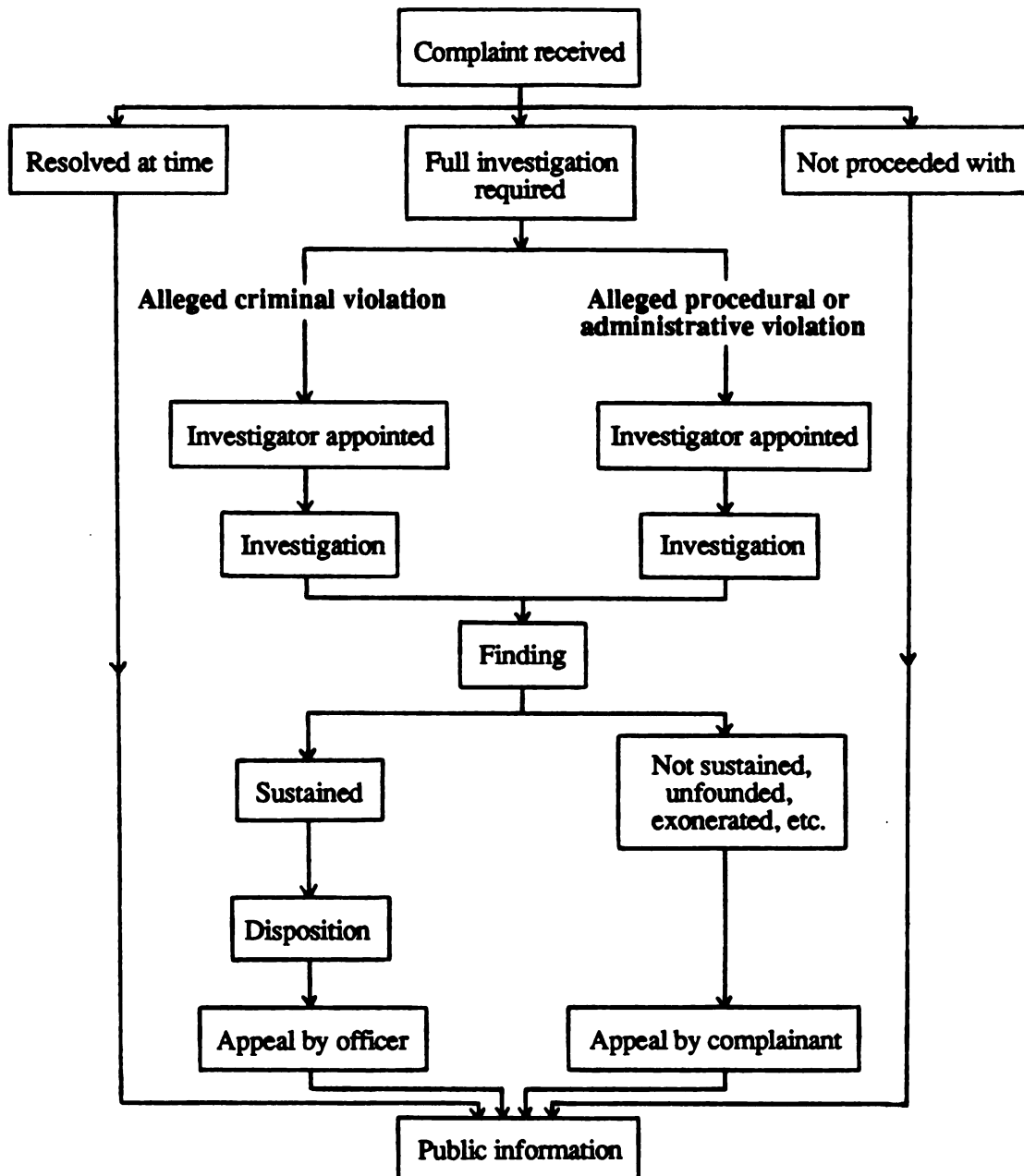
The civilian Office of Citizen Complaint in San Francisco, in addition to providing an insight into a solvability factor-based case screening system used to classify complaints, emphasized the need for the complaints typology to be capable of handling criminal and non-criminal cases in different ways. This requirement was further underlined by the discovery that the police department in Cleveland, Ohio, contains two different units, each with a particular responsibility for complaints investigation.

The Pittsburgh Office of Professional Responsibility, staffed jointly by police officers and civilians and commanded by a civilian lawyer, and currently struggling to exert its influence in the city despite the existence of bizarre Trial Board legislation offered several structural variations on the theme of investigation of complaints against the police not previously encountered.

The traditional uneasy coexistence of police departments in North America with civilian review boards was typified by the problems currently being experienced by the Washington D.C. Civilian Complaint Review Board and the Office of the Public Complaints Commissioner in Toronto. Visits to these two cities nevertheless provided crucial information concerning both the need for the 'finding' stage of the typology to be distinct from the 'disposition' stage, and the necessity for the completed typology to include an 'appeal' stage.

Finally, the enthusiasm of the three agencies in San Francisco, Washington D.C., and Toronto to promote a positive public and media image through their reliance upon public newsletters, statistical analysis and regular reports underlined the need for the inclusion of a 'public information' stage.

The end result of the information gained from the various site visits was the fully developed functional typology for investigating complaints against the police presented in the following two pages. A pictorial display of the typology's functional framework is followed by a brief overview of its seven stages and definitions of a number of terms used. As indicated earlier, it was this seven-stage typology which provided the basis for the extensive data collection and analysis phase of the study, a description of which constitutes the subject matter of the next chapter.

**Figure 6.1 - Functional Typology for Complaints Investigation**



### **Typology Stages and Definition of Terms**

**Stage 1 - Complaint Reception** - Reception of complaints involves the initial acceptance and recording of details of citizens' allegations.

**Stage 2 - Complaint Recording and Classification** - This stage describes the central collation of all complaints, to be subsequently handled in one of three ways: informally resolved, not proceeded with or fully investigated. 'Informal resolution' implies some form of mediation (although not necessarily a face to face confrontation) between the complainant and the accused officer, and an explanation of both parties' points of view such that the complainant is satisfied with the action taken. 'Not proceeded with' describes those cases which are initially recorded, but which for various reasons may not be followed up. All other complaints not dealt with in either of these two ways will be fully and formally investigated.

**Stage 3 - Investigation** - This is the central feature of the typology around which every other stage is built. Typically, an investigation will be carried out in different ways depending upon the seriousness of the allegation.

**Stage 4 - Finding** - 'Finding' (or determination) refers to the outcome of an investigation and specifically is concerned with whether or not a complaint is sustained.

**Stage 5 - Disposition** - 'Disposition' (or disciplinary sanction) refers to the alternative means of disciplining an officer against whom a complaint has been found to be sustained.

**Stage 6 - Appeals** - If permitted, an appeal by an officer may typically be made concerning either the finding or the disposition of a case or both. In general however, a complainant who is allowed to appeal may challenge the finding, but only rarely the disposition.

**Stage 7 - Public Information** - Information may be disseminated to the public concerning complaints procedures, complaints statistics, or both.

## **CHAPTER VII**

### **ANALYSIS AND DISCUSSION OF RESULTS**

#### **Introduction**

In this chapter the findings of the study are presented within the framework of the complaints typology and in the general context of the research questions in three sections: univariate, bivariate and multivariate. Whilst the univariate analysis phase is relatively straightforward, the bivariate and multivariate phases are decidedly exploratory in nature since, to the writer's knowledge, no similar quantitative studies have previously been attempted in analyzing police complaints procedures.

Data for the univariate phase of the results were derived either from questionnaire returns, the 1980 US census of the population, or from the 1986 FBI Uniform Crime Reports. Survey responses for the 29 measures introduced in Chapter V are examined, as are answers to the individual questions which were used to create the composite variables and responses to the remainder of the survey items. Frequency distributions, percentages and descriptive summary statistics are presented.

Due to the exploratory nature of the remainder of the analysis, precise estimation and hypothesis testing are not an issue. Of the 29 variables utilized in the bivariate analysis, twenty one were available directly from the above three sources, but the remaining eight were created either by simple computer calculations or by aggregating responses to survey items in order to produce combined measures. The nonparametric Chi-square statistic is used as the primary test for the existence of zero-order relationships between the various factors under consideration. These relationships provide a certain amount of the evidence required to explore the effects of a

number of different environmental and agency features upon the development of police complaints procedures.

Those variables which appeared to exhibit the strongest associations with features of both complaints statistics and complaints systems in the bivariate phase were selected for inclusion as possible explanatory factors in the multivariate analysis. Multiple regression is the primary statistical technique utilized during this phase of the study.

### **Univariate Analysis**

The presentation of frequency distribution and descriptive statistics for the survey measures is divided into twelve sections based directly upon the design of the survey instrument. The first three sections discuss general background characteristics of respondent departments and their complaints procedures. In sections four to ten survey responses are presented in the context of the seven sections of the complaints typology: 'Complaint Reception', 'Recording and Classification of Complaints', 'Investigation', 'Finding (Determination)', 'Disposition (Disciplinary Sanction)', 'Appeals', and 'Public Information'. The final two sections present, in turn, numerical data regarding complaints and the opinions of individual respondents concerning those regularly used arguments regarding external review of alleged police misconduct which were first introduced in Chapter IV.

### **Departmental Background Information**

Information concerning respondent departments, individual respondents and a range of jurisdictional socioeconomic and demographic features is presented in Tables 7.1 to 7.3.

Whilst Table 5.2 indicated that response rates were generally consistently high when analyzed by agency level, size and geographical location, it is clear from Table 7.1 that, due to the differential distribution of Police Executive Research Forum general members throughout the USA, no claims can be made that the sample upon which the quantitative results of this study is based is proportionately representative of the entire population of police agencies within the United States. More than half (52.4%) of respondent departments, for example were either from

the South Atlantic or the Pacific states. Nevertheless, as was indicated in Chapter V, the survey sample was sizeable with respondent departments employing approximately 23% of US police personnel and providing police service to almost 43 million citizens, a figure which represents nearly 20% of the total population of the United States.

Summary statistics for the ratio measure which was created to reflect the racial integration of respondent departments are displayed in Table 7.3. The actual response range for this variable indicates that some departments continue to employ proportionately almost twice as many white officers as they would do were they fully integrated. Although affirmative action programs may have influenced the hiring policies of police agencies with respect to minority applicants in recent years, the mean value of 1.2 for this variable indicates that there is still some progress to be made. For example, the figure indicates that, on average, in an area with a 30% minority population, the police department is currently 84% white.

Table 7.1 - Summary of Police Agency Survey Returns (N=101)

Agency Characteristics	N	%
<b>Agency Level</b>		
City	83	82.2
County	17	16.8
Special	1	1.0
<b>Geographical Region*</b>		
New England	2	2.0
Middle Atlantic	5	5.0
South Atlantic	36	35.6
East North Central	11	10.9
East South Central	2	2.0
West North Central	12	11.9
West South Central	8	7.9
Mountain	8	7.9
Pacific	17	16.8
<b>Agency Size (full-time sworn)</b>		
1000 or more	21	20.8
500-999	19	18.8
100-499	42	41.6
Under 100	19	18.8

\* **Geographical Region** - Departments were classified into one of the nine geographical regions of the United States according to the US Bureau of the Census Regions and Census Divisions 1980: New England (CT, MA, ME, NH, RI, VT), Middle Atlantic (NJ, NY, PA), South Atlantic (DC, DE, FL, GA, MD, NC, SC, VA, WV), East North Central (IL, IN, MI, OH, WI), East South Central, (AL, KY, MS, TN), West North Central (IA, KA, MN, MO, NB, ND, SD), West South Central (AR, LA, OK, TX), Mountain (AZ, CO, ID, MT, NM, NV, UT, WY), or Pacific (AK, CA, HI, OR, WA).

Table 7.2 - Individual Respondent's Ranks and Assignments (N varies due to missing data)

Characteristic	N	%
<b>Rank (N=99):</b>		
Line/Sergeant	20	20.2
Lieutenant	33	33.3
Captain/Major/Inspector	33	33.3
Chief/Director of Public Safety	9	9.2
Civilian	4	4.0
<b>Assignment (N=96):</b>		
Non-complaints	15	15.5
Complaints investigator	42	43.8
Complaints administrator	30	31.3
Chief/Director of Public Safety	9	9.4

**Table 7.3 - Descriptive Summary Statistics\* of Departmental Background Information**  
(N varies due to missing data)

Characteristics	Mean	Median	Standard Devn	Actual Response Range	N
Number of sworn officers	1098	330	3130	27-27599	101
Number of civilian personnel	341	116	961	1-8902	101
Residential population (1000s)	426	190	819	12-7072	99
Population/Officer ratio	579	567	196	217-1073	98
Percentage of minority officers in department	14.7	13.5	10.6	1-49	92
Percentage of minorities in population	25.7	24.0	17.4	2-68	86
Racial integration of department	1.2	1.1	0.2	0.8-1.9	78
Percentage unemployment	6.1	5.0	2.7	2-19	86
Percentage of families at or below poverty level	9.3	8.5	4.6	2-24	86
Median income (1979) (\$1000s)	20.5	20.0	4.2	14-34	86
Crime rate per 100,000 population	8090	7903	2995	3248-16481	82
Percentage violent crime	10.1	10.0	4.9	1-24	95

\* Due mainly to the presence of one particularly large and several very small agencies in the sample, a considerable degree of skewness is associated with the some of the characteristics presented above. In these circumstances, the preferable measure of central tendency is the median. Additionally, more detailed information concerning the distribution of agency and jurisdictional characteristics within the sample can be obtained from Tables 7.49 and 7.50.

## **Overview of Complaints Procedures**

The general characteristics of departmental complaints procedures and their stability are presented in Tables 7.4 and 7.5. As the survey sample was constituted of predominately larger police departments, it was not surprising that the vast majority of respondents reported utilizing a specialist unit for investigating citizen complaints.

A perhaps more surprising finding was that almost 15% of agencies reported that their citizen complaint procedures were subject to some type of formal external review. However, in more than half of these cases the investigative responsibility had been fully retained by the police agency.

Table 7.5 indicates that police departments subject their citizen complaint procedures to frequent review. More than half (53.1%) reported that their systems had only been operating without substantial change for less than ten years, and the majority of these (28.1%) had experienced system changes within the last five years. Four departments reported currently being in the process of undertaking major system reviews.

The reasons for system changes were many and varied, but management preferences were of prime importance and in some instances were clearly in conflict. On the one hand, a number of departments had recently established centralized Internal Affairs Units because of the long delays and inconsistencies in reporting standards experienced when individual supervisors had been responsible for complaints investigations. On the other hand, several departments reported recent decentralization of citizen complaints procedures in order to give more authority to supervisory officers in investigating and disciplining the officers under their command.

Over all, internal administrative convenience rather than the effect of external influence was the major motivating factor behind system changes.



**Table 7.4 - General Characteristics of Departmental Complaints Procedures**  
(N varies due to missing data)

Characteristic	N	%
<b>General system overview (N=101):</b>		
Purely internal utilizing Internal Affairs or a similar complaints unit	76	75.2
Purely internal without a specific complaints unit	10	9.9
Internal investigations supplemented by some form of external involvement	15	14.8
<b>Involvement of external agencies (N=93):</b>		
No external agency involvement	78	83.9
External agency solely responsible for investigating specific types of complaint	4	4.3
External agency shares responsibility for investigating specific types of complaint with police department	2	2.2
External agency has no investigative responsibility, but is empowered to review completed police investigations	9	9.7

Table 7.5 - Stability of Departmental Complaints Procedures (N varies due to missing data)

Characteristic	N	%
<b>Number of years present complaints system has been in operation without substantial change (N=96):</b>		
20 years or more	4	4.2
10-19 years	41	42.7
5-9 years	24	25.0
Less than 5 years	27	28.1
<b>Reasons for substantial system changes during the past five years (N=29): (Multiple responses possible)</b>		
Management decision	20	69.0
Arrival of new police chief	4	13.8
Mandate of city council	2	6.9
Union contract	3	10.3
Accreditation standards	5	17.2
Citizen dissatisfaction with procedures	3	10.3
Media campaign	1	3.4
Influence of community groups	5	17.2

## **Overview of Internal Affairs Units**

Tables 7.6 to 7.8 provide a general overview of those units within police departments which are responsible for investigating citizen complaints. One question in the survey instrument asked whether agencies utilized an Internal Affairs (IA) or similar unit in their citizen complaint procedures. As mentioned in Chapter V, although numerous different names were found to be used by departments to describe their complaints investigation units, by far the most popular was 'Internal Affairs'. For the sake of clarity and consistency therefore, the term Internal Affairs Unit (IAU) is used throughout the remainder of this discussion to describe departmental citizen complaints units.

On average, IAUs are staffed by sworn officers and civilians in the ratio of 3:1. Most of the civilians are employed as clerical support staff however, and only a very small minority have investigative responsibilities.

In those departments with no IAU, the majority of which in the survey returns were the smaller agencies, investigative responsibility is typically assigned directly by the Police Chief to a senior officer of the rank of Lieutenant or above.

A sizeable proportion (37.9%) of those agencies with IAUs staff them only with volunteer officers, although within this limitation a number of other selection criteria are routinely applied. The most frequently reported of these were consistent with those characteristics of Internal Affairs officers previously identified in the literature review section of this study: personal integrity, credibility and reliability, overall past work history, investigative experience, and proven writing and oral skills. In addition, loyalty to the police administration, minority representation, and polygraph qualifications were other selection criteria occasionally identified.

**Table 7.6 - General Characteristics of Departmental Complaints Unit**  
(N varies due to missing data)

<b>Characteristic</b>	<b>N</b>	<b>%</b>
<b>Existence of Internal Affairs (IA) or similar unit responsible for investigating citizen complaints (N=101):</b>		
Yes	89	88.1
No	12	11.9
<b>Rank of head of Internal Affairs (N=87):</b>		
Sergeant	14	16.1
Lieutenant	28	32.2
Captain/Major or above	45	51.7
<b>Head of Internal Affairs reports to (N=87):</b>		
Chief	56	64.4
Deputy/Assistant Chief	12	13.8
Captain/Major	19	21.8
<b>Rank of typical Internal Affairs investigator (N=87):</b>		
Line	11	12.6
Sergeant	55	63.2
Lieutenant	16	18.4
Captain/Major	5	5.7

**Table 7.7 - Descriptive Summary Statistics\* of the Staffing of Departmental Complaints Units**  
(N varies due to missing data)

Characteristics	Mean	Median	Standard Devn	Actual Response Range	N
Number of sworn personnel	6.5	3.0	11.9	1-81	87
Number of civilians	2.0	1.0	7.0	0-65	89

\*Median is the preferable measure of central tendency due to skewness

Table 7.8 indicates that the majority (77.2%) of agencies with IAU ensure that their Units' staff undergo specialized Internal Affairs training. Almost all of these agencies utilize specialized external training establishments either wholly or in part in their IA training schedule. Of the external agencies which are attended, the most popular and frequently reported were the IPTM (Institute of Police Technology and Management) and the IACP (International Association of Chiefs of Police) Internal Affairs workshops, POST (Police Officer Standards and Training) state-sponsored Internal Affairs schools, the AELE (Americans for Effective Law Enforcement) seminar on police civil liability, and a number of individual universities offering specialist Internal Affairs training courses. In addition, several of the smaller agencies indicated that their newly appointed IA investigators undertake short work experience internships with IAUs in neighboring larger police departments.

Table 7.8 - Selection and Training of Internal Affairs Investigators (N varies due to missing data)

Characteristic	N	%
<b>Method of appointing IA investigators (N=87):</b>		
Use volunteers only	33	37.9
Transfer officers through no choice of their own	10	11.5
Combination of both approaches	44	50.6
<b>Does past official misconduct disqualify officers from an IA posting (N=82):</b>		
Yes	24	29.3
No	58	70.7
<b>Length of assignment to IA (N=88):</b>		
2 years or less	19	21.6
3 years	13	14.8
4 years or more	4	4.5
No predetermined length	52	59.1
<b>Source of IA training (N=92):</b>		
Departmental only	10	10.9
An external training establishment	25	27.2
Both	36	39.1
No specialized training undertaken	21	22.8

### **Typology Stage 1 - Complaint Reception**

A range of departmental procedures concerning the reception of citizen complaints are presented in Tables 7.9 to 7.14. A signed statement represents by far the most acceptable means of filing a complaint, although most departments will accept complaints verbally and the vast majority (96.0%) will accept anonymous complaints at least with some other supportive information.

Although the results are not tabulated, 69% of agencies routinely warn complainants against making false statements, usually at the time they initially seek to make a complaint or when they are required to sign any written statement which may have been taken from them.

Even though the Internal Affairs office was a popular location for agencies to identify at which complaints could be filed, the overwhelming majority (96%) indicated that when IA officers were not on duty complaints could be filed 24 hours a day with other departmental employees.

The offices of formally constituted external civilian review agencies were acceptable locations at which to file complaints in only 8 of the police jurisdictions surveyed, although as discussed earlier 15 of the police departments were subject to some form of external review of their procedures. The implication is thus that only 8 of the 15 external review agencies identified take an active role in the early stages of complaints investigations. Responses in the 'Other' category in Table 7.11 generally indicated complainants' homes or businesses, or simply on the street as being other locations at which complaints could be filed.

At first sight it might appear from the same Table that supervisors can only accept complaints in approximately three quarters of the agencies surveyed. However, the response 'Any sworn officer' necessarily implicitly includes the response 'Any supervisory officer'. Clearly, since this is the case the probability is that in almost all instances a supervisor is the preferable choice of an individual to accept and initially record citizen complaints.

Whilst only a small proportion (21.8%) of departments routinely specify a time limit on the filing of complaints, the most popular cut-off point identified was 30 days after the occurrence which had provoked the citizen's concern.

Respondent departments' classifications within the combined measure of openness to accept citizen complaints are presented in Table 7.13. Scores of 3, 4 or 5 on the scale defined in Appendix II resulted in a classification of 'Reticent', scores of 6, 7 or 8 corresponded with an 'Average' classification, whilst 'Welcoming' resulted from a score of either 9 or 10. A reasonable amount of variance was achieved in the creation of the 'openness to accept complaints' variable, which was trichotomized according to this scheme due to its mean and median values being 7.4 and 8 respectively. In its continuous form, the most frequently recorded score was 9, which was assigned to 25.7% of departments, and the least frequently recorded scores were 4 and 6, each of which were allocated to 5.9% of departments.

Agencies were almost equally split with regard to their policies for publicizing the complaint process. However, those who took the initiative to provide public information regarding their citizen complaint processes more frequently used brochures available at police stations than any other means, thus still necessitating the attendance of potential complainants at police stations to acquaint themselves with the procedures.



Table 7.9 - Acceptable Methods of filing a complaint (N varies due to missing data)

Type of notification	N	%
<b>Verbal by telephone (N=99):</b>		
Acceptable	74	74.7
Not acceptable	25	25.3
<b>Verbal in person (N=94):</b>		
Acceptable	72	76.6
Not acceptable	22	23.4
<b>Written (unsigned) (N=100):</b>		
Acceptable	72	72.0
Not acceptable	28	28.0
<b>Signed statement (N=100):</b>		
Acceptable	98	98.0
Not acceptable	2	2.0
<b>Anonymous (N=101):</b>		
Acceptable as a matter of routine	37	36.6
Acceptable if there is other supportive information	60	59.4
Not acceptable	4	4.0

Table 7.10 - Acceptable Complainants (N varies due to missing data)

Type of notification	N	%
<b>The person who considers he was wronged (N=101):</b>		
Acceptable	101	100
Not acceptable	0	0
<b>Any person with the written consent of the above (N=73):</b>		
Acceptable	29	39.7
Not acceptable	44	60.3
<b>Any person with the verbal consent of the above (N=74):</b>		
Acceptable	29	39.2
Not acceptable	45	60.8
<b>Anyone (for example a witness to an event) (N=101):</b>		
Acceptable	83	82.2
Not acceptable	18	17.8

**Table 7.11 - Locations where Complaints can be Filed and Individuals who can Accept Them**  
(N varies due to missing data)

Type of notification	N	%
<b>Locations where complaints can be filed</b> (*with mean percentage filed at each location indicated in parentheses): (Multiple responses possible)		
At certain government offices (for example City Hall)	39 (4.6%)*	39.4
At all police stations	47 (27.5%)*	46.5
At police headquarters	83 (41.2%)*	83.8
At the Internal Affairs office	68 (52.6%)*	68.7
At an external complaint agency (for example CCRB)	8 (17.6%)*	8.2
Other	20 (11.3%)*	20.4
<b>Individuals who can accept complaints:</b> (Multiple responses possible)		
Any departmental employee (sworn or civilian)	10	10.1
Any sworn officer	39	39.8
Any supervisory officer	71	72.4
Any person working in Internal Affairs (sworn or civilian)	28	28.0
Any sworn officer in Internal Affairs	11	11.2

Table 7.12 - Time Limit on filing of complaints

Policy	N	%
<b>Is a time limit specified (N=101):</b>		
Yes	22	21.8
No	79	78.2
<b>Duration of time limit (N=22):</b>		
Thirty days	13	59.1
Three months	3	13.6
One year	1	4.5
Three years	5	22.7

Table 7.13 - Combined Measure of Openness to Accept Complaints (N=101)

Policy	N	%
Welcoming	38	37.6
Average	41	40.6
Reticent	22	21.8

Table 7.14 - Publicity Regarding Complaints Procedures (N=99 due to missing data)

Policy	N	%
<b>Is there a systematic method by which the general public is made aware of the complaints process:</b>		
Yes	53	53.5
No	46	46.5
<b>Methods utilized to publicize complaints process (N=53):</b> (Multiple responses possible)		
Brochures available at police stations	42	79.2
Officers carry complaint information with them on patrol	17	32.1
Brochures available at other government offices (for example City Hall)	16	30.2
Police speak at neighborhood meetings	8	15.1
Notices in local newspapers	6	11.3
Television/radio commercials	5	9.4
Posters distributed throughout the city/county	2	3.8

**Typology Stage 2 - Recording and Classification of Complaints**

As indicated in the previous chapter, the complaints typology which was developed during this study included a three-branch 'Recording and Classification' stage at which complaints could either be classified as informally resolved, not proceeded with, or in need of full and formal investigation. Table 7.15 indicates that the vast majority of departments (81.9%) use at least one alternative means of disposal of complaints other than full investigations. Nevertheless, a sizeable minority (18.1%) reported that all complaints filed with them are fully and formally investigated, regardless of their content. Methods of recording informally resolved complaints vary considerably. Whilst more than half (61.7%) of the agencies with informal resolution policies either require a report or memorandum to be submitted by the resolver or maintain some form of card index in IA, 16.6% maintain no permanent record of such cases.

In those agencies which utilized IAU's, invariably the responsibility for maintaining a record and filing complaints was that of the Unit. In other departments, the most frequently reported other location for centralized complaint recording and filing was the police chief's office.

A number of departments indicated that their policies for notifying an officer of the details of a complaint depend upon the circumstances of particular cases. In particular, if it is considered likely that such notification could seriously prejudice an enquiry, for example in a case alleging the continuing commission of crimes by an officer, then the subject officer is generally not notified of the investigation at all. In cases when notification is made however, the majority of agencies notify the officer or officers involved at an early stage, and notification is typically made (in 68.7% of departments) in writing.

**Table 7.15 - Combined Measure of Proportion of Complaints Classified as requiring a Full Investigation (N=94 due to missing data)**

Category	Definition	N	%
Most	No procedures for informal resolution nor for the disposal of complaints without recourse to a full and formal investigation utilized	17	18.1
Average	Procedures either for informal resolution or for the disposal of complaints without recourse to a full and formal investigation utilized	65	69.1
Least	Procedures for both informal resolution and for disposing of complaints without recourse to a full and formal investigation utilized	12	12.8

**Table 7.16 - Notification of Complaints to Subject Officers (N=101)**

Policy	N	%
Immediately upon receipt of complaints	4	4.0
Within 24 hours after complaint made	3	3.0
As soon as reasonably possible	52	51.5
Only when the investigator is ready to interview	32	31.7
When the case is assigned to an investigator	4	4.0
Other	6	5.9

### **Typology Stage 3 - Investigation**

The complaints typology presented in Chapter VI identified a two-branch 'Investigation' stage within which citizen complaints could be investigated according to different procedures depending upon whether they were alleging criminal or other activities on the part of subject officers. Tables 7.17 and 7.18 provide a direct means of comparing and contrasting departmental policies for investigating the two types of complaint.

Thus, complaints alleging crimes are generally investigated by either an officer from Internal Affairs or from the Detective Bureau, or indeed in many agencies by both. Typically, when criminal and administrative investigations are commenced contemporaneously, the two investigations are kept separate. In this situation, the responsibility of those undertaking the criminal investigation is to determine whether the alleged crime or crimes have indeed been committed; the responsibility of those undertaking the administrative investigation is to determine whether any departmental regulations have been transgressed. Since criminal complaints are generally regarded as constituting the most serious type of allegation, the investigator in a criminal case, whose rank is frequently not predetermined, is appointed in the majority (54.5%) of agencies directly by the police chief. The chief is therefore made fully aware of any criminal cases involving his officers at an early stage.

Conversely, in administrative and less serious cases, there is typically very little involvement from the Detective Bureau. The police chief is not routinely notified at such an early stage in the proceedings and the investigator, usually appointed by a senior officer from the subject officer's division, is likely to hold the rank of sergeant and to be either the subject officer's immediate supervisor or an Internal Affairs officer.



**Table 7.17 - Investigations into complaints alleging criminal violations**  
(N varies due to missing data)

<b>Policy</b>	<b>N</b>	<b>%</b>
<b>Individual typically appointed to investigate (N=101):</b> (Multiple responses possible)		
Subject officer's immediate supervisor	2	2.0
Sworn officer from Internal Affairs	56	55.4
Sworn officer from the Detective Bureau	60	59.4
Senior officer from the subject officer's division	5	5.0
An external civilian investigator	1	1.0
DA's Office/Another law enforcement agency	9	8.9
<b>Rank of typical investigator (N=96):</b> (Multiple responses possible)		
Senior officer (Lieutenant and above)	21	21.9
At least one rank higher than the subject	20	20.8
Sergeant	19	19.8
Detective	17	17.7
No rank stipulation	32	33.3
<b>Investigator appointed by (N=101):</b>		
Police Chief	55	54.5
Deputy/Assistant Chief	3	3.0
Senior officer from the subject officer's division	5	5.0
Head of Internal Affairs	21	20.8
Head of Detective Bureau	17	16.8

**Table 7.18 - Investigations into complaints alleging procedural or administrative violations**  
(N varies due to missing data)

<b>Policy</b>	<b>N</b>	<b>%</b>
<b>Individual typically appointed to investigate (N=100):</b> (Multiple responses possible)		
Subject officer's immediate supervisor	35	35.0
Sworn officer from Internal Affairs	83	83.0
Sworn officer from the Detective Bureau	4	4.0
Senior officer from the subject officer's division	4	4.0
A civilian investigator employed by the police department	2	2.0
An external civilian investigator	1	1.0
<b>Rank of typical investigator (N=99):</b> (Multiple responses possible)		
Senior officer (Lieutenant and above)	25	25.3
At least one rank higher than the subject	24	24.2
Sergeant	38	38.4
Detective	16	16.2
No rank stipulation	13	13.1
<b>Investigator appointed by (N=100):</b>		
Police Chief	32	32.0
Deputy/Assistant Chief	1	1.0
Senior officer from the subject officer's division	55	55.0
Head of Internal Affairs	12	12.0

Table 7.19 - Time Limits on Complaints Investigations

Policy	N	%
<b>Is a time limit specified (N=101):</b>		
Yes	65	64.4
No	36	35.6
<b>Duration of time limit (N=62):</b>		
10 days or less	8	12.9
2 weeks	5	8.1
30 days	35	56.5
40 days	4	6.5
60 days	8	12.9
3 months	1	1.6
120 days	1	1.6

The existence or otherwise of a time limit in complaints procedures is to be utilized as a variable in the bivariate analysis since time limits can be expected to relate in some way to the number of complaints which agencies are required to process. In this context, it is interesting to note that, of those agencies with time limits in force, more than three quarters (77.5%) require investigations to be concluded within one month.

The apparent widespread use of polygraphs in citizen complaints investigations was not anticipated. In part, the responses may have resulted from the failure of the survey to identify those types of complaint in which the polygraph is typically used by police agencies. Nevertheless, Table 7.20 gives an indication of the frequency with which the instrument is used at least in certain, presumably the more serious, complaint cases.

Table 7.20 - Use of Polygraph in Complaints Investigations (N varies due to missing data)

Policy	N	%
<b>Is the polygraph used when interviewing officers (N=100):</b>		
Yes	65	65.0
No	35	35.0
<b>If used, is it optional or mandatory (N=59):</b>		
Optional	41	69.5
Mandatory	18	30.5
<b>Is the polygraph used when interviewing complainants (N=98):</b>		
Yes	70	71.4
No	28	28.6
<b>If yes, are complainants warned that their case may not be proceeded with if they fail to take a test (N=65):</b>		
Yes	23	35.4
No	42	64.6

**Typology Stage 4 - Finding (Determination)**

The various case findings or determinations available to respondent agencies are tabulated in Table 7.21. Whilst almost all departments use the four major alternatives, 'Sustained', 'Not sustained', 'Unfounded' and 'Exonerated', the finding 'Policy Review/Policy Failure' (ie: the allegation is proven but the accused officer acted within existing policy, hence the policy should be reviewed) is less popular. Whilst this discovery was not surprising, it was a little disappointing. As indicated in the previous chapter, it seems reasonable that police complaints procedures should have within them the means of identifying those faults in departmental policies in addition to those in individual officers. Other case findings available included 'Misconduct not based on complaint' and 'Officer not involved'.

Of those departments which utilize the 'Policy review' category, a number of policies were reported to have been reviewed directly as the result of the outcomes of investigations into citizen complaints. Those mentioned by several agencies included non-specific emergency and pursuit driving regulations, firearms policies including off duty regulations regarding weapons, procedures regarding the handling of female informants, and evidence and prisoner property regulations.

Table 7.22 suggests that the most popular administrative route for recommendations of case findings to take within respondent agencies is from the investigator, through the subject officer's chain of command, to the police chief for final confirmation. Indeed, when individual responses were examined this was found to be the case.

The 'Other' category in the review and confirmation stages invariably reflected the fact that, in many departments of public safety the police chief is responsible for reviewing recommendations whilst the public safety director retains the authority to ultimately confirm case findings.

Given due process considerations, it was somewhat surprising to discover how infrequently some form of internal trial board is involved in the disciplinary process in respondent departments. Their use seems predominately to be reserved for the appeal stage in citizen complaint cases, as will be indicated later in this discussion.

Table 7.21 - Case Findings (N=101)

Alternative case findings available (Multiple responses possible)	N	%
Sustained	101	100
Not sustained	100	99.0
Unfounded	98	97.0
Exonerated	96	95.0
Policy Review/Policy Failure	28	27.7
Other	25	24.8

Table 7.22 - Recommendations and Administrative Review of Findings  
(N varies due to missing data)

Policy	N	%
<b>Initial recommendation for finding made by (N=100):</b>		
Head of Internal Affairs	21	21.0
Senior officer from subject officer's division	8	8.0
The investigator	40	40.0
Subject officer's immediate supervisor	23	23.0
Other	8	8.0
<b>Recommendation reviewed by (N=84):</b>		
Deputy Chief	7	8.3
Head of Internal Affairs	16	19.0
Subject officer's chain of command	47	56.0
Internal trial board	2	2.4
Other	12	14.3
<b>Recommendation ultimately confirmed by (N=101):</b>		
City Manager/Police Board	10	9.9
Police Chief	75	74.3
Internal trial board	3	3.0
Hearing at which the subject officer is present	2	2.0
Other	11	10.8

**Typology Stage 5 - Disposition (Disciplinary Sanction)**

The differential use of a wide range of disciplinary sanctions by respondent departments is indicated in Table 7.23. A negative response to the 'Criminal charges' alternative disposition was difficult to interpret, but was presumed to imply that, in those agencies which favor undertaking two distinct and separate criminal and administrative investigations into alleged crimes by officers, if illegal conduct is found to have taken place then the formulation of any criminal charges will be the responsibility of the Detective Bureau. The 'Extra duty without pay' sanction represents a novel alternative to the widespread use of suspensions.

In comparing Table 7.24 with Table 7.22, it is interesting to note the different administrative routes which recommendations for case disposition and case finding tend to take. Whilst the review and ultimate confirmation administrative stages of the two types of recommendation are virtually identical, initial disciplinary recommendations tend to be made by accused officers' supervisors rather than by case investigators, who generally are responsible for making initial recommendations for case finding. The closer involvement of local divisional command staff in initial disciplinary as compared with case finding recommendations is further highlighted by the frequency with which senior officers from accused officers' divisions make disciplinary recommendations. Over all, more than half (56.7%) of agencies seek initial disciplinary recommendations from divisional supervisory staff. The general policy is presumably based upon the theory that disciplinary outcomes of citizen complaint cases should be individualized rather than predetermined, and that consequently those individuals best positioned to make appropriate recommendations are subject officers' supervisors.

Table 7.23 - Case Dispositions (Disciplinary Sanctions) (N=101)

Alternative disciplinary sanctions available (Multiple responses possible)	N	%
Criminal charges	83	82.2
Dismissal	100	99.0
Reduction in rank	95	94.1
Suspension	99	98.0
Fine	21	20.8
Punitive transfer	34	33.7
Written reprimand	101	100
Verbal reprimand	87	86.1
Supervisory counselling	90	89.1
Training	6	5.9
Extra duty without pay	4	4.0
Medical/Psychological referral	4	4.0



**Table 7.24 - Recommendation for and Administrative Review of Case Dispositions  
(Disciplinary Sanctions) (N varies due to missing data)**

<b>Policy</b>	<b>N</b>	<b>%</b>
<b>Initial recommendation for disposition made by (N=97):</b>		
Head of Internal Affairs	14	14.4
Senior officer from subject officer's division	21	21.6
The investigator	12	12.4
Subject officer's immediate supervisor	34	35.1
Other	16	16.5
<b>Recommendation reviewed by (N=76):</b>		
Deputy Chief	9	11.8
Head of Internal Affairs	3	3.9
Subject officer's chain of command	46	60.5
Internal trial board	5	6.6
Other	13	17.1
<b>Recommendation ultimately confirmed by (N=101):</b>		
City Manager/Police Board	12	11.9
Police Chief	77	76.2
Internal trial board	3	3.0
Other	9	8.9

**Typology Stage 6 - Appeals**

The rights of subject officers and complainants to appeal against the results of complaint investigations, and the sources to which they may direct their appeals, if allowed, may be compared in Tables 7.25 and 7.26. Civil Service Boards were identified as the external appellate bodies most frequently used by subject officers, but invariably officers are only entitled to take their cases to such Boards if they have been subject to a disciplinary sanction exceeding suspension for a predetermined length of time, often 10 days or more.

Complainants are entitled to appeal the result of their cases within the context of the large proportion (80.2%) of respondent departments' citizen complaints policies. In the vast majority of instances however, they must appeal to the police chief, to some individual within the city administration (such as the city manager) or to a local government body (such as the police board). Nevertheless, almost 10% of agency policies allow complainants to take their cases before either an independent arbitrator or an independent review panel.

The city or county attorney was identified as an individual who often becomes involved in citizen complaint cases at the appeal stage. Overall, the services of the attorney are utilized in the complaints process by 59% of respondent agencies, frequently for advice upon legal matters in complaint cases which allege the commission of crimes by officers.

Other legal considerations which were identified as having an impact upon the investigation of complaints against the police included a Police Officers' Bill of Rights (in 70.2% of agencies), a union contract (in 54.8% of agencies), and general city and county personnel procedures.

**Table 7.25 - Appeals by officers concerning investigations, findings and dispositions  
(N varies due to missing data)**

<b>Policy</b>	<b>N</b>	<b>%</b>
<b>Does the officer have a right of appeal (N=100):</b>		
Yes	98	98.0
No	2	2.0
<b>Source of appeal for officer (N=98): (Multiple responses possible)</b>		
City Manager/Police Board	54	55.1
Police Chief	47	48.0
Personnel Board	10	10.2
Civil Service Board	24	24.5
Public Safety Director	3	3.1
Union grievance procedure	9	9.2
Independent arbitrator/Review board	5	5.1
District/Federal Court	3	3.1

**Table 7.26 - Appeals by complainants concerning investigations, findings and dispositions**  
 (N varies due to missing data)

<b>Policy</b>	<b>N</b>	<b>%</b>
<b>Does the complainant have a right of appeal (N=101):</b>		
Yes	81	80.2
No	20	19.8
<b>Source of appeal for officer (N=81):</b> (Multiple responses possible)		
City Manager/Police Board	50	61.7
Police Chief	40	49.4
Personnel Board	6	7.4
Civil Service Board	3	3.7
Public Safety Director	2	2.5
City Attorney	4	4.9
Independent arbitrator/Review board	8	9.9
District/Federal Court	4	4.9

### **Typology Stage 7 - Public Information**

One question in the survey instrument sought to discover how many items of information, from a given list of five, respondent agencies routinely provide for complainants: a written acknowledgement of receipt of the complaint, an approximate conclusion date of the investigation, the finding of the case, the disciplinary action taken (when applicable), and the procedure for appeal if dissatisfied with the result of the investigation.

Their individual responses were combined to provide the data presented in Table 7.27. Accordingly, 25 departments were classified as being 'Uncommunicative' (scores of 0, 1 or 2), 57 as 'Average' (a score of 3), and 19 as 'Very informative' (scores of 4 or 5) towards complainants.

Although an overwhelming majority of departments acknowledge complaints in writing and, following the investigation provide complainants with details of case findings (92.9% and 95% respectively), policies vary considerably concerning the other elements of information considered either necessary or appropriate to provide for complainants. The most contentious item of information in a case appears to be the determination (disciplinary sanction). Of those agencies which do not furnish this routinely to complainants, many reported that they are prevented from doing so by either state or city personnel legislation. A further sizeable proportion indicated that, whilst they do not specify the disciplinary sanctions in particular cases, they routinely inform complainants that "appropriate disciplinary action has been taken."

Having ascertained how much information is routinely provided for complainants, a further question in the survey instrument sought details of agency policies concerning the publication of statistical information regarding citizen complaints. A wide range of responses resulted in departments being almost equally divided between those who do publish statistical information and those who do not.

Reasons for not publishing complaints statistics ranged from being prevented from doing so by state law, through departmental policy not allowing any negative publicity because of its potential threat to officer morale and efficiency, to a small number of instances in which no numerical data concerning citizen complaints is even collected for departmental internal use.

However, of those agencies who fail to publish statistical information, 19% indicated that such information has never before been requested, and a further 17% will furnish statistical data upon request.

Responses to this survey item were combined with those to the item concerning the publication of general information regarding complaints procedures to generate a measure of openness to provide public information. Table 7.30 indicates that a substantial degree of variance was associated with agency scores on this particular scale.

**Table 7.27 - Combined measure of information provided to complainants (N=101)**

Number of items of information	N	%
None	2	2.0
One	5	5.0
Two	18	17.8
Three	24	23.8
Four	33	32.7
Five	19	18.8

Table 7.28 - Information provided to complainants (N varies due to missing data)

Type of information	N	%
<b>Acknowledgement/Receipt of complaint (N=99):</b>		
Yes	92	92.9
No	7	7.1
<b>Approximate conclusion date of investigation (N=97):</b>		
Yes	59	60.8
No	38	39.2
<b>Finding of the case (N=100):</b>		
Yes	95	95.0
No	5	5.0
<b>Disposition and disciplinary action taken (when applicable) (N=100):</b>		
Yes	46	46.0
No	54	54.0
<b>Procedure for appeal by complainant (N=86):</b>		
Yes	48	55.8
No	38	44.2

Table 7.29 - Publication of complaints statistics (N varies due to missing data)

Number of items of information	N	%
<b>Are complaints statistics disseminated to the public (N=101):</b>		
Yes	54	53.5
No	47	46.5
<b>Method of publication of statistics (N=51): (Multiple responses possible)</b>		
Special report published annually	20	39.2
Included in Police Chief's Annual Report	22	43.1
Press release	14	27.5
Reported to state Department of Justice	4	7.8
Reported to external review agencies	3	5.9

Table 7.30 - Combined Measure of Openness to Provide Public Information  
(N=99 due to missing data)

Policy	Definition	N	%
Open	Publishes information regarding both complaints procedures and complaints statistics	35	35.4
Average	Publishes information regarding either complaints procedures or complaints statistics	35	35.4
Closed	Publishes no information	29	29.3



## **Complaints Statistics**

Descriptive summary statistics of complaints against the police and their findings are displayed in Tables 7.31 and 7.32. The item in the survey instrument concerning the number of incidents giving rise to complaints every year (ie: frequently a citizen will make a number of different complaints, all of which are documented, but which all arose from the same incident) was, for some reason widely misunderstood. Nevertheless, in those 42 agencies which interpreted to question in the way in which it was intended, the indication was that overall, a case investigation often involves more than one complaint.

As mentioned in Chapter V, a small number of respondent agencies clearly do not collect systematic data regarding citizen complaints, and many others do not break down their statistics in the way in which they were requested in the survey instrument. Nevertheless, the majority of agencies ensured that they contributed at least some useful statistical information. The result was that 88.1% of respondents provided details of the number of complaints filed against their officers per year and, on average, 75.6% indicated the proportions in which these complaints were divided between criminal allegations, excess force, incivility and harassment cases, and other alleged procedural or administrative violations. The fact that one agency pointed out that the entire survey instrument had taken eleven and a half man hours to complete (somewhat in excess of the writer's rather ambitious, yet intentionally encouraging thirty minute estimate) did not go unnoticed, and was in no small part due to its efforts in this particular section of the questionnaire!

The figure of 26.1%, representing the average proportion of all complaints sustained, may be slightly misleading in the sense that responses ranged from 2.3% to 79.2% in a sample of only 60. Given this variation, the strong possibility of the data being skewed by a number of outliers suggests that a more reasonable measure of central tendency is the median, or 21.1%. Nevertheless, the apparent wide range in sustained rates between agencies requires some explanation. The likelihood is that differing interpretations of what constitutes a 'sustained' complaint (although the term was defined in the survey instrument), failure of agencies to distinguish clearly between 'cases' and 'complaints', and varying policies concerning recording

and screening out complaints for full investigations all contribute to the high degree of variance identified. It was hoped that more light could be shed on this particular matter in the bivariate and multivariate phases of the analysis.

**Table 7.31 - Descriptive Summary Statistics\* of Annual Complaints Against the Police**  
(N varies due to missing data)

Complaints statistic	Mean	Median	Standard Devn	Actual Response Range	N
Complaints filed per year	340	75	1015	4-6300	89
Cases per year	118	60	170	2-770	42
Complaints ratio	5.4	4.3	4.2	0.5-21.5	89
Percentage of complaints alleging crime	6.3	3.0	11.5	0-80	74
Percentage of complaints alleging excess force, etc.	38.2	37.0	21.5	1-93	77
Percentage of complaints alleging other procedural or administrative violations	54.7	55.5	23.4	0-99	78

\*Median is the preferable measure of central tendency due to skewness.

**Table 7.32 - Descriptive Summary Statistics\* of Annual Findings of Complaints Against the Police (N varies due to missing data)**

Complaints statistic	Mean	Median	Standard Devn	Actual Response Range	N
<b>Percentage sustained overall</b>	26.1	21.1	18.6	2.3-79.2	60
<b>Crime complaints</b>					
% sustained	25.0	16.5	28.3	0-99	58
% not sustained	24.4	15.0	27.3	0-99	57
% unfounded	35.2	24.5	33.5	0-99	56
% exonerated	12.5	4.5	20.5	0-97	54
% policy review/failure	1.6	0.0	5.1	0-27	54
<b>Excess force etc. complaints</b>					
% sustained	13.1	10.0	13.9	0-79	70
% not sustained	34.6	25.0	28.5	0-98	69
% unfounded	26.9	24.0	23.9	0-98	68
% exonerated	25.3	16.0	25.9	0-99	67
% policy review/failure	0.5	0.0	2.1	0-15	64
<b>Other administrative or procedural complaints</b>					
% sustained	37.4	27.0	26.3	2-91	67
% not sustained	24.6	20.0	20.9	0-98	66
% unfounded	21.6	15.0	20.1	0-80	65
% exonerated	15.6	10.0	17.7	0-80	65
% policy review/failure	1.7	0.0	5.7	0-40	61

\* Median is the preferable measure of central tendency due to skewness

## **Opinions**

The final section of the survey instrument was concerned with testing the opinions of individual respondents regarding arguments frequently voiced when external review of alleged police misconduct is the subject of discussion.

Respondents were presented with a set of sixteen statements and were asked to represent their own personal views concerning each within a numerical range of 1 to 7, such that a response of '1' would indicate strong agreement and a response of '7' strong disagreement with a particular statement. Within the numerical range, each integer value was assigned a specific level of either agreement or disagreement. In addition, it was emphasized that there were no right or wrong answers.

The set of statements contained 13 comments generally considered to be either typically 'pro' or 'anti' the concept of external civilian review of alleged police misconduct, randomly ordered such that the survey would not appear biased one way or the other. In addition, the first two statements in the set were concerned with respondents' opinions on how fair and equitable police officers and civilians consider internal complaints investigations to be, and the final statement touched upon the issue of police civil liability.

Descriptive summary statistics of responses to the statements are presented in Tables 7.33 to 7.48. The statement upon which there was the greatest degree of shared opinions was that "Citizens not satisfied with internal investigation of complaints have sufficient alternative avenues to follow, the courts being just one example". Respondents generally agreed, although once more it should be pointed out that many complaints are not suitable for formal hearings, even if dissatisfied complainants wish to take their cases to court.

Conversely, the statement upon which there was the greatest degree of mixed opinions was that "Internal Affairs' goals and complainants' expectations do not necessarily correspond", but with the benefit of hindsight, this statement was perhaps somewhat confusing and open to a variety of interpretations. In the context of this study however, it is interesting to note that the statement upon which opinions differed second most widely was concerned with involving citizens in the complaint process in order to improve public confidence in the police. Further

examination of opinions regarding this statement thus promised to be of interest in the bivariate phase of the analysis.

The statement which individual respondents were over all most in agreement with was that "The impartiality of internal investigation of complaints depends heavily upon the integrity of police administrators". Traditionally, this argument has been used by opponents of purely internal complaints procedures to highlight the potential for abuse which such systems inherently possess. On this occasion however, the indication was that police officers generally accept this argument to be valid.

At the other extreme, most general disagreement was registered, perhaps not surprisingly, towards the statement that "External review boards for investigating complaints against the police provide an impartial and independent assessment of police practices".

With regard to police and citizen satisfaction with internal investigations, opinions were divided, but in general respondents indicated that officer and citizen confidences in internal systems were evenly matched, with neither giving particular cause for concern.

Finally, respondents generally were in agreement that an honest and open Internal Affairs Unit will lessen a police department's civil liability.

Table 7.33 - Descriptive Summary Statistics of Responses to the Statement:

**"Police officers feel that internal investigations of complaints are fair and equitable."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.96	2.50	1.39	1-6	98

**Key:** 1 = Strongly agree  
 2 = Agree  
 3 = Not sure but probably agree  
 4 = Neither agree or disagree  
 5 = Not sure but probably disagree  
 6 = Disagree  
 7 = Strongly disagree

Table 7.34 - Descriptive Summary Statistics of Responses to the Statement:

**"Citizens in the community feel that internal investigations of complaints are fair and equitable."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.91	3.00	1.20	1-6	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.35 - Descriptive Summary Statistics of Responses to the Statement:

**"External (or civilian) review of complaints tends to decrease the morale of the police, which can lead to reduced effectiveness and performance."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.37	2.00	1.41	1-6	97

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

**Table 7.36 - Descriptive Summary Statistics of Responses to the Statement:**

**"Internal Affairs' goals and complainants' expectations do not always correspond."**

Mean	Median	Standard Deviation	Actual Response Range	N
3.22	2.00	1.71	1-7	96

**Key:** 1 = Strongly agree      2 = Agree  
3 = Not sure but probably agree      4 = Neither agree or disagree  
5 = Not sure but probably disagree      6 = Disagree  
7 = Strongly disagree

**Table 7.37 - Descriptive Summary Statistics of Responses to the Statement:**

**"Civilians are unqualified to judge the propriety of police actions."**

Mean	Median	Standard Deviation	Actual Response Range	N
3.27	3.00	1.62	1-7	98

**Key:** 1 = Strongly agree      2 = Agree  
3 = Not sure but probably agree      4 = Neither agree or disagree  
5 = Not sure but probably disagree      6 = Disagree  
7 = Strongly disagree

Table 7.38 - Descriptive Summary Statistics of Responses to the Statement:

**"External (or civilian) review boards for investigating complaints against the police provide an impartial and independent assessment of police practices."**

Mean	Median	Standard Deviation	Actual Response Range	N
5.20	6.00	1.27	2-7	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.39 - Descriptive Summary Statistics of Responses to the Statement:

**"Police officers are professionals and are thus best able to regulate their own conduct."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.64	2.00	1.32	1-6	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree



Table 7.40 - Descriptive Summary Statistics of Responses to the Statement:

**"Citizens not satisfied with internal investigation of complaints have sufficient alternative avenues to follow, the courts being just one example."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.33	2.00	1.10	1-6	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.41 - Descriptive Summary Statistics of Responses to the Statement:

**"The impartiality of internal investigation of complaints depends heavily upon the integrity of senior police administrators."**

Mean	Median	Standard Deviation	Actual Response Range	N
1.81	2.00	1.16	1-6	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.42 - Descriptive Summary Statistics of Responses to the Statement:

**"Involving interested citizens in the complaint process can lead to increased public confidence and can therefore be advantageous to the police department."**

Mean	Median	Standard Deviation	Actual Response Range	N
4.14	4.00	1.64	1-7	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.43 - Descriptive Summary Statistics of Responses to the Statement:

**"External (or civilian) involvement in the disciplinary process interferes with the authority of the Police Chief."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.47	2.00	1.39	1-7	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree  
 2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.44 - Descriptive Summary Statistics of Responses to the Statement:

**"One advantage which internal review systems have over external review systems is that, under internal review, officers can actively seek out malpractice within the police department, whereas under external review a citizen must first make a complaint before anything can be done."**

Mean	Median	Standard Deviation	Actual Response Range	N
1.81	2.00	1.16	1-6	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.45 - Descriptive Summary Statistics of Responses to the Statement:

**"Independent external investigation of complaints against the police is less likely to be biased than is internal investigation."**

Mean	Median	Standard Deviation	Actual Response Range	N
3.05	2.00	1.61	1-7	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.46 - Descriptive Summary Statistics of Responses to the Statement:

**"External interest in complaints investigation is natural and reasonable."**

Mean	Median	Standard Deviation	Actual Response Range	N
3.05	2.00	1.61	1-7	98

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.47 - Descriptive Summary Statistics of Responses to the Statement:

**"Civilian Review Boards have been shown to be unworkable and ineffective."**

Mean	Median	Standard Deviation	Actual Response Range	N
3.30	3.00	1.22	1-6	97

**Key:** 1 = Strongly agree  
 3 = Not sure but probably agree  
 5 = Not sure but probably disagree  
 7 = Strongly disagree

2 = Agree  
 4 = Neither agree or disagree  
 6 = Disagree

Table 7.48 - Descriptive Summary Statistics of Responses to the Statement:

**"An honest and open Internal Affairs Unit will lessen a police department's civil liability."**

Mean	Median	Standard Deviation	Actual Response Range	N
2.30	2.00	1.47	1-6	98

**Key:** 1 = Strongly agree                      2 = Agree  
 3 = Not sure but probably agree        4 = Neither agree or disagree  
 5 = Not sure but probably disagree      6 = Disagree  
 7 = Strongly disagree

### **Univariate Analysis Summary**

The univariate analysis of survey returns produced a considerable amount of information concerning the citizen complaint procedures of respondent police agencies. Certain aspects of systems were found to be generally consistent throughout. Procedural changes typically result from management decisions, Internal Affairs investigators generally are selected on the basis of their reputation for ability and integrity, and a supervisor is the person most likely to initially record a complaint, which can invariably be filed 24 hours a day. Furthermore, the same general set of alternative case findings and dispositions is used by most agencies, and only very rarely are subject officers not entitled to appeal the result of their cases.

Although many similarities exist however, there are also substantial and significant differences in certain aspects of departmental complaints policies. In the context of this study, perhaps the most noteworthy difference is that some departments are subject to external civilian review of their procedures whereas others operate traditional internal systems. Whilst many agencies favor the use of the polygraph as an investigative aid in complaints investigations,

numerous other departments either choose not to use it or are prevented from doing so by state law. The typical rank of a complaint investigator varies widely between departments, as do official policies regarding the informal resolution of complaints and the publication of information regarding both complaints procedures and statistics. Furthermore, differences exist between the proportion of all complaints sustained in certain agencies as compared with others.

As identified in Tables 7.33 to 7.48, individual officers also vary in their opinions on a range of arguments traditionally concerned with the subject of external review of alleged police misconduct.

It is towards a further examination of some of the more substantial differences in both policies and opinions which the bivariate analysis to be presented in the next section of this chapter is directed.

### **Bivariate Analysis**

In this section, a variety of bivariate relationships are examined in four distinct stages: relationships between jurisdictional and agency factors and both complaints statistics and features of complaints systems, relationships between the statistics produced by complaints systems and the systems themselves, associations between different aspects of complaints procedures, and relationships between police officers' ranks and assignments and their opinions concerning external review of complaints procedures.

All of the 29 measures discussed in Chapter V were used as variables for the bivariate analysis, with the exception of 'Geographical location'. In part due to sample skewness, the Chi-square test was primarily utilized, and consequently it was necessary for the variables to be ordinal in nature and capable of categorization into several meaningful levels for the sake of analysis. Because of the way in which respondent agencies were distributed throughout the USA, this could not be achieved with the 'Geographical location' variable, since it was felt that aggregating agencies into such categories as 'North', 'South', 'East' and 'West' was neither reasonable nor likely to reveal anything of value. For the only other nominal variable, 'Agency level', the use of a statistical tool primarily intended for analyzing ordinal data did not present a

problem since the 'Agency level' variable was dichotomous, thereby allowing Chi-square results to be interpreted correctly.

The remaining 27 variables, of which 11 were concerned with environmental or general agency factors, 6 with complaints statistics, 8 with features of citizen complaint systems, and 2 with characteristics of individual respondents were categorized for the purpose of analysis according to the schemes presented in Tables 7.49 to 7.53. The majority of the variables whose values were in the form of raw data were divided into four categories, whilst most of the specially created measures were trichotomized.

**Table 7.49 - Categorization of General Agency Factors for Bivariate Analysis**  
(N varies due to missing data)

<b>Factor</b>	<b>Value</b>	<b>Definition</b>	<b>N</b>
<b>Number of sworn officers</b> (N=101)	Low	Under 100	19
	Medium	100 - 499	42
	Intermediate	500 - 999	19
	High	1000 or more	21
<b>Population/Officer ratio</b> (N=98)	Low	Under 500	34
	Medium	500 - 749	45
	High	750 or more	19
<b>Percentage of minority officers</b> (N=92)	Low	Under 10	34
	Medium	10 - 19	30
	High	20 or more	28
<b>Racial integration</b> (N=78)	Excellent	Under 1.03	16
	Good	1.03 - 1.09	20
	Fair	1.10 - 1.25	23
	Poor	1.26 or more	19

**Table 7.50 - Categorization of Environmental Factors for Bivariate Analysis**  
(N varies due to missing data)

<b>Factor</b>	<b>Value</b>	<b>Definition</b>	<b>N</b>
<b>Residential Population (1000s) (N=99)</b>	Small	Under 100	16
	Medium	100 - 499	46
	Intermediate	500 - 999	12
	Large	1000 or more	15
<b>Racial Diversity (Percentage of minorities in population) (N=86)</b>	Low	Under 15	28
	Medium	15 - 30	24
	High	Over 30	34
<b>Percentage unemployment (N=86)</b>	Low	Under 5	24
	Medium	5 - 9	54
	High	10 or more	8
<b>Percentage of families at or below poverty level (N=86)</b>	Low	Under 5	12
	Medium	5 - 9	37
	High	10 or more	37
<b>Median income (1979) (\$1000s) (N=86)</b>	Low	Under 20	38
	Medium	20 - 24	36
	High	25 or more	12
<b>Crime rate/100,000 population (N=82)</b>	Low	Under 5000	12
	Medium	5000 - 7499	26
	Intermediate	7500 - 9999	26
	High	10000 or more	18
<b>Percentage violent crime (N=95)</b>	Low	Under 5	14
	Medium	5 - 9	31
	Intermediate	10 - 14	33
	High	15 or more	17



**Table 7.51 - Categorization of Annual Complaints Statistics for Bivariate Analysis**  
(N varies due to missing data)

<b>Statistic</b>	<b>Value</b>	<b>Definition</b>	<b>N</b>
<b>Complaints filed per year</b> (N=89)	Low	Under 50	25
	Medium	50 - 99	23
	Intermediate	100 - 199	16
	High	200 or more	25
<b>Complaints ratio</b> (N=89)	Poor	Under 2.00	15
	Fair	2.00 - 4.99	40
	Good	5.00 - 9.99	25
	Excellent	10.00 or more	9
<b>Percentage of complaints alleging crime</b> (N=74)	Low	Under 3	35
	Average	3 - 9	26
	High	10 or more	13
<b>Percentage of complaints alleging excess force, etc.</b> (N=77)	Low	Under 25	23
	Average	25 - 49	30
	High	50 or more	24
<b>Percentage of complaints alleging other procedural or administrative violations</b> (N=78)	Low	Under 30	12
	Average	30 - 59	31
	High	60 or more	35
<b>Percentage sustained overall</b> (N= 60)	Low	Under 20	26
	Average	20 - 39	22
	High	40 or more	12

**Table 7.52 - Categorization of Complaints System Features for Bivariate Analysis**  
(N varies due to missing data)

<b>System feature</b>	<b>Value</b>	<b>Definition</b>	<b>N</b>
<b>Existence of formal external review (N=93)</b>	Yes	-	15
	No	-	78
<b>Existence of Internal Affairs or similar complaints unit (N=101)</b>	Yes	-	87
	No	-	14
<b>Rank of typical IA investigator (N=87)</b>	Line	-	11
	Sergeant	-	55
	Lieutenant	-	16
	Captain/Major	-	5
<b>Existence of time limit on complaints investigations (N=101)</b>	Yes	-	65
	No	-	36
<b>Openness to accept complaints (N=101)</b>	Reticent	3 - 5 points*	22
	Average	6 - 8 points*	41
	Welcoming	9 -10 points*	38
<b>Openness to provide public information (N=99)</b>	Open	See Table 7.30	35
	Average	See Table 7.30	35
	Closed	See Table 7.30	29
<b>Proportion of complaints fully investigated (N=94)</b>	Most	See Table 7.15	17
	Average	See Table 7.15	65
	Least	See Table 7.15	12
<b>Items of information provided to complainants (N=101)</b>	Least	2 or fewer**	25
	Average	3 or 4**	57
	Most	5**	19

\*Points scores refer to schedule detailed in Appendix II

\*\*Numbers refer to items of information listed in Table 7.28

**Table 7.53 - Categorization of Individual Respondents' Ranks and Assignments for Bivariate Analysis (N varies due to missing data)**

Characteristic	Value	N
<b>Rank</b> (N=95)	Line or Sergeant	20
	Lieutenant	33
	Captain or Major	33
	Chief or Director of Public Safety	9
<b>Assignment</b> (N=96)	Not involved in complaints	15
	Complaints investigator	42
	Complaints administrator	30
	Chief or Director of Public Safety	9

### **Relationships between Jurisdictional and Agency Features and Complaints**

#### **Statistics and Systems**

Tables 7.54 to 7.62 indicate that very few statistically significant relationships were found to exist between either jurisdictional or agency characteristics and complaints statistics, apart from those which were intuitively obvious.

Thus, the number of complaints was found to be strongly related to the population of the jurisdiction, the agency size, the crime rate and the percentage of violent crime reported (Table 7.54). All of these relationships were indicated to be statistically significant at the .001 error level, with Gamma ranging between 0.41 and 0.79 thus indicating the existence of strong relationships. Clearly, this is a result which could have been anticipated since the four variables concerned could be expected to be strongly intercorrelated. Large urban areas, requiring sizeable police departments, traditionally have suffered from a relatively higher incidence of both general and violent crime than have more rural police jurisdictions. The indicated associations therefore all are suggestive of the same straightforward fact - the larger and less safe a city becomes, the

greater is the need for police officers, and therefore the higher will become the incidence of citizen complaints.

Interestingly, when ratios rather than raw figures are considered, they are found to be unrelated to complaints statistics. The population/officer ratio, for example was not significantly associated with any of the complaints statistics, including the number of complaints, in the zero-order relationships. There is no indication therefore that changes in the number of police officers available to serve a given population will influence the number of citizen complaints filed. Similarly, the complaints ratio, a measure which indicates the number of officers required to generate a single complaint, was not related to any of the jurisdiction or agency size variables or to the incidence and type of crime. This suggests that changes in population or agency size or in the pattern of commission of crimes within a given jurisdiction will not be associated with changes in the relative incidence of complaints against the police.

With one exception, none of the economic or population diversity measures, nor those variables designed to reflect the racial diversity and integration of agencies, exhibited statistically significant relationships with any of the complaints statistics under consideration. The one association which was indicated was between the percentage of complaints other than crime or excess force cases and the percentage of minorities in the population. Since the three different categories of complaint were generally found not to be associated either with features of jurisdictions or with internal and external characteristics of respondent agencies, despite being significant at the .01 level this result was treated as spurious.

Additionally, neither the complaints ratio nor the overall percentage of complaints sustained were associated with any of the agency or jurisdictional factors included in this stage of the analysis. The indication was therefore that the large variance in the overall percentage of complaints sustained, which was identified during the univariate analysis, was due to factors other than general agency and environmental factors.

Finally, although the number of complaints filed was strongly associated with departmental size, it exhibited no association with agency level. City and county departments therefore appear to share the same problems regarding the incidence of citizen complaints against the police.

The majority of those relationships discovered between both jurisdictional agency characteristics and complaints statistics were thus relatively predictable. However, the corresponding analysis substituting features of complaints systems for complaints statistics, in addition to resulting in a number of comparable findings produced some results of interest.

The existence of both external review of complaints procedures and of Internal Affairs units were generally indicated to be related to those four agency and jurisdictional factors discussed above which were most strongly associated with the number of complaints filed: population of jurisdiction, agency size, crime rate and percentage of violent crime reported (Tables 7.55 and 7.56). For those relationships which were statistically significant, Gamma ranged from -0.24 to -0.72 (the negative sign being introduced because of the way in which the data were coded) indicating that external review and the use of IAUs are both strongly associated with size and crime considerations. From the same Tables, there was no indication that city or county agencies differed significantly in their involvement with either of these two features of complaints investigation systems.

City and county agencies did differ, however in their policies concerning the appropriate rank for investigators of citizen complaints. The 'Rank of Typical IA Investigator' variable also exhibited a statistically significant relationship with agency size (Table 7.57). For both associations, Gamma took on an intermediate negative value (-0.49 and -0.43 respectively) indicating relationships of moderate strength. This suggests that, among agencies with IAUs, both smaller agencies and city departments tend to favor the use of senior officers (Lieutenants and above) as complaints investigators, whereas larger agencies and county departments are more likely to use line officers or sergeants.

**Table 7.54 - Descriptive Summary Statistics for Number of Complaints Filed per year by  
Selected Environmental and General Agency Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of sworn officers	58.76***	0.79
City or County agency	3.65	0.35
Residential population	42.25***	0.77
Unemployment	7.78	0.32
Poverty	9.12	0.40
Median income	5.68	-0.17
Population/Officer ratio	10.93	-0.36
Percentage of minority officers	11.16	0.38
Racial diversity of population	9.48	0.36
Racial integration of agency	13.78	0.27
Crime rate	29.95***	0.58
Percentage of violent crime	27.82***	0.41

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.55 - Descriptive Summary Statistics for Existence of External Review by Selected Environmental and General Agency Factors (N varies due to missing data)**

<b>Factor</b>	<b>Chi-square</b>	<b>Gamma</b>
Number of sworn officers	18.96***	-0.72
City or County agency	0.01	0.18
Residential population	7.12	-0.56
Unemployment	4.36	-0.55
Poverty	3.05	-0.32
Median income	3.22	-0.13
Population/Officer ratio	6.05*	0.55
Percentage of minority officers	3.26	-0.37
Racial diversity of population	7.41*	-0.59
Racial integration of agency	3.51	-0.24
Crime rate	10.39*	-0.48
Percentage of violent crime	5.00	-0.35

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.56 - Descriptive Summary Statistics for Existence of Internal Affairs Unit by Selected Environmental and General Agency Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of sworn officers	15.11**	-0.71
City or County agency	0.10	-0.37
Residential population	12.09**	-0.63
Unemployment	0.35	0.17
Poverty	0.87	-0.26
Median income	0.22	-0.14
Population/Officer ratio	3.16	0.43
Percentage of minority officers	4.57	-0.35
Racial diversity of population	2.17	-0.39
Racial integration of agency	4.46	-0.34
Crime rate	3.25	-0.41
Percentage of violent crime	13.18**	-0.24

\*p<.05; \*\*p<.01; \*\*\*p<.001



**Table 7.57 - Descriptive Summary Statistics for Rank of Typical Internal Affairs Investigator by Selected Environmental and General Agency Factors (N varies due to missing data)**

<b>Factor</b>	<b>Chi-square</b>	<b>Gamma</b>
Number of sworn officers	18.35*	-0.49
City or County agency	8.26*	-0.43
Residential population	13.05	-0.37
Unemployment	3.33	-0.05
Poverty	4.87	0.01
Median income	1.91	-0.08
Population/Officer ratio	6.24	0.06
Percentage of minority officers	5.73	-0.01
Racial diversity of population	3.38	-0.12
Racial integration of agency	4.46	-0.03
Crime rate	11.43	-0.33
Percentage of violent crime	8.89	-0.19

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.58 - Descriptive Summary Statistics for the existence of Time Limits on Complaints Investigations by Selected Environmental and General Agency Factors**  
(N varies due to missing data)

Factor	Chi-square	Gamma
Number of sworn officers	4.36	-0.25
City or County agency	0.09	0.16
Residential population	5.15	-0.27
Unemployment	2.25	-0.30
Poverty	0.39	-0.08
Median income	1.07	-0.04
Population/Officer ratio	2.21	0.24
Percentage of minority officers	2.31	-0.24
Racial diversity of population	1.34	-0.20
Racial integration of agency	0.77	0.88
Crime rate	0.47	0.01
Percentage of violent crime	1.47	-0.16

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.59 - Descriptive Summary Statistics for Agency Openness to Accept Complaints by Selected Environmental and General Agency Factors (N varies due to missing data)**

<b>Factor</b>	<b>Chi-square</b>	<b>Gamma</b>
Number of sworn officers	4.72	-0.10
City or County agency	3.68	-0.29
Residential population	7.37	-0.05
Unemployment	1.79	0.17
Poverty	3.83	0.08
Median income	10.82*	-0.15
Population/Officer ratio	1.34	0.10
Percentage of minority officers	1.45	0.13
Racial diversity of population	5.17	0.05
Racial integration of agency	4.62	0.13
Crime rate	6.42	0.05
Percentage of violent crime	3.53	0.16

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.60 - Descriptive Summary Statistics for Agency Openness to provide Public Information by Selected Environmental and General Agency Factors  
(N varies due to missing data)**

<b>Factor</b>	<b>Chi-square</b>	<b>Gamma</b>
Number of sworn officers	12.06	-0.28
City or County agency	3.20	0.07
Residential population	12.07	-0.25
Unemployment	7.52	-0.36
Poverty	6.98	-0.20
Median income	6.88	0.16
Population/Officer ratio	3.33	0.18
Percentage of minority officers	13.55**	-0.47
Racial diversity of population	8.96	-0.38
Racial integration of agency	13.25*	-0.24
Crime rate	8.25	-0.24
Percentage of violent crime	15.23*	-0.28

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.61 - Descriptive Summary Statistics for Proportion of Complaints Fully Investigated by Selected Environmental and General Agency Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of sworn officers	3.65	-0.16
City or County agency	0.68	0.13
Residential population	8.39	-0.23
Unemployment	12.77*	-0.24
Poverty	2.15	-0.10
Median income	3.39	-0.09
Population/Officer ratio	3.54	0.19
Percentage of minority officers	1.50	-0.05
Racial diversity of population	7.96	-0.16
Racial integration of agency	11.20	-0.44
Crime rate	11.13	-0.45
Percentage of violent crime	12.25*	-0.36

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.62 - Descriptive Summary Statistics for Information Provided to Complainants by Selected Environmental and General Agency Factors (N varies due to missing data)**

<b>Factor</b>	<b>Chi-square</b>	<b>Gamma</b>
Number of sworn officers	5.79	-0.13
City or County agency	1.47	-0.27
Residential population	4.13	-0.15
Unemployment	3.24	0.12
Poverty	2.76	-0.10
Median income	1.66	0.05
Population/Officer ratio	1.94	-0.12
Percentage of minority officers	0.39	0.06
Racial diversity of population	3.10	-0.23
Racial integration of agency	3.86	-0.07
Crime rate	6.18	-0.15
Percentage of violent crime	3.69	-0.15

\*p<.05; \*\*p<.01; \*\*\*p<.001

In general, the remaining characteristics of agency citizen complaints systems failed to exhibit systematic relationships with any of the environmental or external agency features under consideration, with one notable exception. Openness to provide public information was indicated to be associated at the .05 error level with departmental racial integration and at the .01 error level with the percentage of minority officers employed (Table 7.60). Interestingly, for both relationships Gamma took on negative values, indicating on the one hand that the worse an agency's racial integration, the more open it tends to be with respect to publicizing citizen complaints information, and on the other hand that the fewer the percentage of minority officers employed by a department, the more closed it tends to be. These apparently conflicting results may arise from the way in which the 'openness' variable was created, since there was no means of ascertaining whether one of the two forms of public information was playing a major role in defining relationships. Nevertheless, the results appear to indicate that racial considerations may play a part in shaping departmental policy regarding publicizing the complaints process.

### **Relationships between Complaints Statistics and Complaints Procedures**

Very few statistically significant relationships were found to exist between complaints statistics and the systems which give rise to them. In particular, none of the three percentage categories of complaint nor the complaints ratio exhibited associations with any of the eight procedural variables under consideration.

The presence of external review mechanisms and IAUs were both indicated to be strongly associated in zero-order relationships with the number of complaints filed (Table 7.63), findings which again reflected the close correlation of the latter variable with population and agency size.

A relationship which had been anticipated and which was found not to exist was that between the existence of an agency policy regarding time limits on investigations and the complaints ratio. It seems reasonable to infer that the busier agency personnel are in investigating citizen complaints, the more likely senior management are to institute time limits, in order to ensure that no investigations are inadvertently being overlooked. In practice, this proves not to be the case, suggesting that positive management initiatives, rather than simple necessity, tend

generally to give rise to investigative time limits in citizen complaints procedures.

Finally, departmental openness to accept complaints was indicated to be negatively related to the overall percentage of complaints sustained, although the association was very weak ( $\text{Gamma} = -0.10$ ). The suggestion is therefore that a slight tendency exists for agencies which are reticent with regard to initially accepting complaints to tend to sustain a greater proportion of those which are filed than agencies which are more welcoming towards complainants. This is an interesting finding which could result from the policies of 'reticent' agencies being more effective in initially screening out those complaints which are unlikely to be sustained than the policies of 'welcoming' agencies.

### **Relationships Between Features of Agency Citizen Complaints Systems**

The examination of the internal associations between the eight aspects of agency citizen complaints procedures under consideration gave rise some of the most interesting results discovered during the bivariate phase of the analysis.

In the context of this study, it is particularly of interest that the existence of some form of external review was the feature of agency complaints systems which was most closely associated with other citizen complaint policies and procedures (Table 7.64). Openness to provide public information, the specification of time limits on investigations, and the rank of a typical investigator were all associated at the .05 error level or lower with the presence of external review, with Gamma taking on values of 0.62, 0.82 and 0.79 respectively, indicating the existence of extremely strong relationships. Thus, police agencies which are subject to some form of external review tend to be those which are more open in providing information to the public regarding citizen complaints, those which specify time limits on their investigations, and those which use lower ranking officers to investigate complaint cases.

With regard to the latter finding, as discussed earlier the use of senior officers as investigators is favored by smaller city departments, which tend not to be subject to external review, and so these two results are consistent. With regard to the former two findings, whilst causal relationships were not intended as the focus of this study, it is difficult to imagine how



policies of departmental openness and time limits on investigations could result in decisions being made to subject police agency citizen complaint procedures to external scrutiny. Conversely however, it seems reasonable to suggest that the presence of an external review agency may make a police department more aware of the requirements both for timeliness and openness in its processing of citizen complaints.

On the subject of disseminating information regarding complaints procedures, the provision of information for complainants was found to be strongly associated ( $\text{Gamma} = 0.63$ ) at the .05 error level with the existence of IAUs (Table 7.64). However, closer examination of the crosstabulation indicated that departments with Internal Affairs Units are less likely rather than more likely to provide information to complainants than are departments with no specialized investigators. This was the only significant relationship exhibited by IAUs with respect to other features of agency complaints systems and could, in part be associated with their traditional tendency to be reluctant to provide any information regarding details of their activities.

Departmental openness to accept complaints was found to be significantly associated with the proportion of complaints fully investigated. For this particular relationship, Gamma took on a moderate negative value ( $-0.29$ ) which, because of the way in which the data was coded, indicated that the more open agencies are to accept complaints, the more likely they are to fully and formally investigate all reports. This result appears to highlight one of the reasons for the wide discrepancies discovered in agency rates of sustained complaints. It is to be expected that agencies which not only favor openness to accept all complaints, irrespective of source and content, but also fully investigate all such reports will achieve lower sustained rates than agencies which are selective in both accepting and investigating complaints.

In addition to being related to the existence of external review mechanisms, the specification of time limits on investigations was also associated with the provision of information both to the general public and to complainants in particular (Table 7.66). Again, it seems reasonable that the more control which senior management have over the timely processing of complaints, the better placed they will be to provide relevant and recent information to those groups or individuals in the community they are seeking to keep informed.

**Table 7.63 - Descriptive Summary Statistics for Existence of External Review by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	12.43**	-0.71
Existence of Internal Affairs Unit	0.00	-0.02
Typical investigator rank	8.08*	0.79
Existence of time limit	5.44*	0.82
Openness to accept complaints	3.11	0.32
Openness to provide public information	11.10**	0.62
Proportion fully investigated	1.51	0.34
Information provided to complainants	1.63	-0.20

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.64 - Descriptive Summary Statistics for Existence of Internal Affairs Unit by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	8.00*	-0.48
Existence of External Review	0.00	-0.02
Typical investigator rank	...	...
Existence of time limit	2.04	0.49
Openness to accept complaints	2.86	0.44
Openness to provide public information	2.22	0.06
Proportion fully investigated	0.98	0.13
Information provided to complainants	9.05*	0.63

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.65 - Descriptive Summary Statistics for Rank of Typical Internal Affairs Investigator by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	15.93	-0.27
Existence of External Review	8.08*	0.79
Existence of Internal Affairs Unit	...	...
Existence of time limit	3.01	0.31
Openness to accept complaints	8.49	0.35
Openness to provide public information	8.07	0.40
Proportion fully investigated	4.16	-0.28
Information provided to complainants	1.38	0.12

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.66 - Descriptive Summary Statistics for Existence of Time Limit on Investigations by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	4.35	-0.27
Existence of External Review	6.89*	0.82
Existence of Internal Affairs Unit	2.04	0.49
Typical investigator rank	3.01	0.31
Openness to accept complaints	0.42	0.11
Openness to provide public information	10.32**	0.51
Proportion fully investigated	0.06	-0.01
Information provided to complainants	6.69*	-0.44

\*p<.05; \*\*p<.01; \*\*\*p<.001

**Table 7.67 - Descriptive Summary Statistics for Agency Openness to Accept Complaints by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	5.55	0.12
Existence of External Review	3.11	0.32
Existence of Internal Affairs Unit	2.86	0.44
Typical investigator rank	8.49	0.35
Existence of time limit	0.42	0.11
Openness to provide public information	0.91	-0.02
Proportion fully investigated	11.68*	-0.29
Information provided to complainants	2.17	0.17

\*p<.05; \*\*p<.01: \*\*\*p<.001

**Table 7.68 - Descriptive Summary Statistics for Agency Openness to Provide Public Information by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	7.98	-0.19
Existence of External Review	11.10**	0.62
Existence of Internal Affairs Unit	2.22	0.06
Typical investigator rank	8.01	0.23
Existence of time limit	10.32**	0.51
Openness to accept complaints	0.91	-0.02
Proportion fully investigated	2.06	0.11
Information provided to complainants	7.33	-0.32

\*p<.05; \*\*p<.01: \*\*\*p<.001

**Table 7.69 - Descriptive Summary Statistics for Proportion of Complaints Fully Investigated by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	6.93	-0.20
Existence of External Review	1.51	0.34
Existence of Internal Affairs Unit	0.98	0.13
Typical Investigator rank	4.16	-0.28
Existence of time limit	0.06	-0.01
Openness to accept complaints	11.68*	-0.29
Openness to provide public information	2.06	0.11
Information provided to complainants	5.56	0.08

\*p<.05; \*\*p<.01: \*\*\*p<.001

**Table 7.70 - Descriptive Summary Statistics for Information Provided to Complainants by Other Complaints System Factors (N varies due to missing data)**

Factor	Chi-square	Gamma
Number of complaints filed	5.54	-0.05
Existence of External Review	1.63	-0.20
Existence of Internal Affairs Unit	9.05*	0.63
Typical investigator rank	1.38	0.12
Existence of time limit	6.69*	-0.44
Openness to accept complaints	2.17	0.17
Openness to provide public information	7.33	-0.32
Proportion fully investigated	5.56	0.08

\*p<.05; \*\*p<.01: \*\*\*p<.001

### **Relationships between Police Officers' Ranks and Assignments and their Opinions concerning External Review of Complaints Procedures**

Of the sixteen statements concerning both external civilian review of alleged police misconduct and the activities of IAUs which were described in the univariate analysis, several gave rise to such widespread consistency between individual respondents' opinions that bivariate examination of them was impractical. However, of the statements upon which respondents varied in their opinions, responses to five of those concerned with external review exhibited significant relationships with either the ranks or assignments of those individuals who had completed the questionnaire.

In particular, opinions regarding the statement that "Civilians are unqualified to judge the propriety of police actions" were related both to rank and assignment, such that the more senior an officer, or the greater his involvement in a management capacity in citizen complaint investigations, the more likely was he to register disagreement with the statement. In both cases, Gamma took on the value of 0.26 indicating relatively weak relationships, although for rank the association was indicated to exist at the .001 error level and for assignment at the .01 error level.

Rank of individual respondent was found to be statistically significantly related to opinions held on only one other of the set of statements. Similar to above, it was discovered that senior officers were more prepared to accept the potential involvement of citizens in the complaint process than were officers of lesser rank. On this occasion, opinions of junior and senior officers differed on whether external interest in complaints investigation is natural and reasonable.

Assignment and level of involvement in the complaint process was discovered to be significantly associated with three further statements regarding external review of alleged police misconduct, although again the values of Gamma suggested the presence of weak relationships. Once more, on each occasion the indication was that the more a police officer becomes involved in the management aspects of complaints investigations, in general the more favorably he tends to view the concept of external civilian involvement in the complaints system. Thus, complaints administrators and police chiefs tended to agree more frequently than did those officers either not

directly involved in complaints investigations or involved as investigators, that involving interested citizens in the complaint process can lead to increased public confidence and can therefore be advantageous to the police department. Similarly, they tended to disagree more than their subordinates with the statements "External (or civilian) involvement in the disciplinary process interferes with the authority of the Police Chief," and "External (or civilian) review of complaints tends to decrease the morale of the police which can lead to reduced effectiveness and performance."

### **Bivariate Analysis Summary**

Overall, in the context of the research questions stated in this study the bivariate analysis produced some findings which were of interest and others which were considerably more predictable. Thus, while the number of complaints filed was consistently related both to jurisdictional size and crime characteristics and to departmental size, the types of complaint filed and the overall percentage of complaints sustained exhibited no such relationships.

Very few differences in citizen complaints investigation and disposition were found between city and county agencies other than the indication that, within those agencies with Internal Affairs Units, city agencies tend to use senior officers (Lieutenants and above) as investigators relatively more frequently than do county agencies.

Population and agency size factors also tend to be positively related to the existence both of external review mechanisms and Internal Affairs Units, but ethnographic and socioeconomic features of agency jurisdictions generally exhibit no association with either complaints statistics or departmental citizen complaint policies.

There is some evidence that policies which result in departments appearing less welcoming to complainants result in a number of those complaints which are unlikely to be sustained being screened out and not recorded, thus raising rates of sustained complaints. In addition, there is rather more evidence that the stipulation of time limits on complaints investigations tends to be a management initiative associated with a desire to operate timely and relatively open citizen complaint procedures. Conversely, time limits and system openness may be forced upon

unwilling police departments by external review agencies.

Finally, senior officers and individuals who are concerned with citizen complaint procedures in management capacities tend to be more sympathetic towards arguments in favor of external civilian review of alleged police misconduct than do junior officers and those not directly involved in complaints investigations.

### **Multivariate Analysis**

The bivariate analysis was concerned with examining four distinct sets of relationships: those between jurisdictional and agency factors and both complaints statistics and features of complaints systems, those between different aspects of complaints procedures, and those between police officer's ranks and assignments and their opinions concerning external review of complaints procedures.

Multivariate analysis provided an opportunity to explore in rather more depth the factors which, taken together contribute towards some of the differences both in complaints statistics and in opinions concerning external review which were identified in the previous two phases of the analysis. The multivariate analysis, which used multiple regression as its primary statistical technique, was only exploratory, if not unashamedly speculative in nature. Nevertheless, it was a heuristic extension of the bivariate phase.

Five regression analyses were undertaken. Two analyses were intended to provide information concerning the power of certain jurisdictional and agency factors taken together to predict the number of citizen complaints filed, one was concerned with explaining the variance in the percentage of complaints sustained, and a further two were designed to examine officers' opinions concerning external review while taking into account certain characteristics of the agencies in which they work.

Since multiple regression was used, it was necessary to select independent and dependent variables which were at least ordinal, and preferably continuous and interval in nature. All of the variables utilized in the regression analysis were therefore interval in nature with the exception of respondents' ranks and assignments (ie: the extent of their involvement in the complaints



process) which were ordinal. Although care was taken to ensure that the independent variables utilized did not exhibit any significant intercorrelations capable of confusing the results of the analyses, they were primarily selected using an exploratory theory-based approach: adopting a conflict view of society, it seems likely that both real and perceived problems existing within a community can create hostile attitudes towards the police, which may ultimately be associated with the filing of citizen complaints.

Thus, in addition to departmental size, other factors which were examined for their predictive power with respect to the number of complaints filed were unemployment and crime rates, degree of departmental racial integration, and jurisdictional median income. In anticipation of the discovery of a strong relationship between agency size and number of complaints filed, a second analysis attempted to control agency size in a different way by utilizing the complaint ratio (a measure of the relative frequency of filing of complaints) as the dependent variable.

The third analysis, concerned with the percentage of complaints sustained, examined the relationship between this figure and both the number of complaints filed and departmental openness to accept complaints. The major reason for the choice of regressors on this occasion was that the bivariate analysis had indicated that those departments which are less open to complainants, and which are effectively more selective in the types of complaint they are prepared to record for investigation, tend to sustain fewer complaints than those departments which accept and investigate everything.

Finally, for the last two analyses, it was considered likely that the views of individual officers might be influenced not only by their rank and assignment, but also by the extent of their department's involvement with citizen complaints. In particular, officers employed by an agency which rarely attracts complaints may be expected to hold differing opinions on the subject of complaints investigations than those held by officers from agencies whose employees are regularly complained against. Responses to two of the arguments upon which individual respondents had exhibited the widest difference of opinions were therefore examined by taking into account not only their rank or assignment, but also their departmental size and the relative frequency with which officers in their department were the subject of citizen complaints.

The results of the five analyses are presented in Tables 7.71 to 7.75, the statistics reported in which benefit from a short explanation. The standardized regression coefficient indicates the change in the dependent variable which accompanies a unit change in the regressor, if all other regressors remain constant. Similarly, the level of significance of the regression coefficient reflects the existence or otherwise of a statistically significant relationship between the regressor and the dependent variable while all other regressors are held constant. R Squared (the multiple coefficient of determination) indicates the proportion of variance in the dependent variable that is explained by all of the regressors taken together. Finally, the F statistic, to which the level of significance reported at the foot of each table relates, represents the ratio formed by dividing the variance explained by the regression equation by the unexplained variance.

Table 7.71 thus indicates that, with all other regressors held constant, the single factor which is the best predictor of the number of citizen complaints filed is departmental size. This result is, naturally, only to be expected, but the overwhelming influence of the 'departmental size' factor is indicated by the fact that, not only is it the only factor to exhibit a significant regression coefficient, but the value of its coefficient is 0.82. Given the reported value of R Squared, departmental size therefore makes a major contribution towards explaining 68% of the variance in reported complaint rates. Conversely, when departmental size is held constant, none of the economic, racial, or crime factors which might be expected to give rise to community dissatisfaction and hostility are found to be significantly related to the number of complaints filed. This finding is emphasized by the results of the analysis presented in Table 7.72, which shows that when complaints are considered in terms of a complaint ratio which indicates the relative frequency with which complaints are filed, no statistically significant relationships exist between economic, racial or crime characteristics of jurisdictions and the filing of complaints against the police, even when other factors are held constant.

Differential rates of sustaining complaints are examined in Table 7.73. Taken together, the number of complaints filed and departmental openness to accept complaints were found to be significantly related to the percentage of complaints sustained ( $F = 3.20$ ), although they only explained a small proportion (10%) of the variance exhibited in agency rates of sustaining

complaints. When considered alone with the other factor held constant however, the number of complaints exhibited much the stronger association with the percentage of complaints sustained.

An initial indication was thus that the percentage of complaints sustained may exhibit a simple relationship with the number of complaints filed, an association which had not been addressed during the earlier bivariate phase of the analysis. Consequently, a crosstabulation was undertaken between these two variables, with the perhaps surprising result that they failed to exhibit a statistically significant zero-order relationship.

The implication of all these results taken together is that, when policies concerning the acceptance and recording of complaints are taken into account, the percentage of complaints sustained is related to the number of complaints recorded. The most simple explanation for this is that in those selective departments which screen out cases or are more reluctant to record complaints initially, a complaint is more likely to be sustained than in those departments which accept and investigate all allegations, irrespective of their content or method of filing.

Tables 7.74 and 7.75 display the results of the multivariate analyses concerning individual respondents' opinions concerning two of the traditional arguments which have been used by proponents of external review of alleged police misconduct. Interestingly, the bivariate and multivariate analyses of responses to these two arguments gave rise to very similar results, implying that departmental size and the relative frequency with which complaints are filed against officers in individual respondents' agencies do not influence opinions to any noticeable extent. Thus, with both agency size and the complaints ratio held constant, opinions were still found to vary considerably depending upon either an individual respondents' rank or assignment. Specifically, the higher a respondent's rank, the more likely he or she was to register disagreement with the statement "Civilians are unqualified to judge the propriety of police actions," and the more involved the respondent was in the complaints process, the greater was the likelihood of him or her agreeing with the statement "External interest in complaints investigation is natural and reasonable."

**Table 7.71 - Multiple Regression Analysis of factors affecting the number of complaints filed per year (N = 64)**

<b>Factors</b>	<b>Standardized Regression Coefficient</b>
Number of sworn officers	0.82***
Racial integration of department	0.31
Percentage unemployment	-0.13
Median income	0.06
Crime rate	0.07
Multiple R	0.83
R Squared	0.68
F	24.78
Significance	0.00

\*p<.05; \*\*p<.01; \*\*\*p<.001.

**Table 7.72 - Multiple Regression Analysis of factors affecting the complaints ratio (N = 64)**

<b>Factors</b>	<b>Standardized Regression Coefficient</b>
Racial integration of department	0.10
Percentage unemployment	0.17
Median income	-0.00
Crime rate	-0.13
Multiple R	0.23
R Squared	0.05
F	0.83
Significance	0.51

\*p<.05; \*\*p<.01; \*\*\*p<.001.

**Table 7.73 - Multiple Regression Analysis of factors affecting the percentage of complaints sustained overall (N = 60)**

<b>Factors</b>	<b>Standardized Regression Coefficient</b>
Number of complaints filed per year	0.30*
Departmental openness to accept complaints	-0.06
Multiple R	0.31
R Squared	0.10
F	3.12
Significance	0.05

\*p<.05; \*\*p<.01; \*\*\*p<.001.

**Table 7.74 - Multiple Regression Analysis of factors affecting opinions concerning the statement "Civilians are unqualified to judge the propriety of police actions." (N = 60)**

<b>Factors</b>	<b>Standardized Regression Coefficient</b>
Rank of respondent	0.26*
Number of sworn officers	0.16
Complaints ratio	0.17
Multiple R	0.34
R Squared	0.12
F	3.41
Significance	0.02

\*p<.05; \*\*p<.01; \*\*\*p<.001.

**Table 7.75 - Multiple Regression Analysis of factors affecting opinions concerning the statement "External interest in complaints investigation is natural and reasonable." (N = 60)**

<b>Factors</b>	<b>Standardized Regression Coefficient</b>
Assignment of respondent	-0.31**
Number of sworn officers	-0.09
Complaints ratio	-0.11
Multiple R	0.32
R Squared	0.10
F	3.02
Significance	0.03

\*p<.05; \*\*p<.01; \*\*\*p<.001.

### **Chapter Summary**

The analysis reported in this chapter was undertaken in three distinct phases: univariate, bivariate and multivariate. Of these, the univariate phase represented the major component of the data analysis, with the bivariate and, in particular, the multivariate phases being considerably less exhaustive.

In addition to highlighting many similarities between departmental citizen complaints procedures, the univariate phase of the analysis identified numerous features of complaints systems with respect to which agency policies varied considerably. The typical rank and assignment of a complaints investigator varies widely between departments, as do official policies regarding which employees may initially record complaints, whether informal resolution may be used as an alternative to a full and formal investigation, whether time limits should be specified on investigations, and whether the polygraph is an appropriate investigative tool. Significant differences also exist in the amount of publicity given to the complaints process by

police departments, both in the form of public information concerning policies and procedures and by way of periodic statistical reports. In addition, although individual respondents generally shared similar views on a number of the traditional arguments concerning the concept of external review of alleged police misconduct, they also exhibited a wide variety of opinions on some of the others. In particular, opinions were mixed on whether involving interested citizens in the complaints process can lead to increased public confidence and can therefore be advantageous to the police department, and on whether civilians are unqualified to judge the propriety of police actions.

The bivariate phase of the analysis was undertaken in order to enquire further into some of the more substantial variations in systems, procedures, statistics and opinions which had been identified in the univariate analysis. Specifically, the intention was to identify any underlying relationships which existed between features of complaints systems and other jurisdictional and agency characteristics.

Very few systematic differences were found to exist between city and county agencies other than the indication that, within those agencies with Internal Affairs Units, city agencies tend to use senior officers (Lieutenants and above) as investigators more frequently than do county agencies.

The bivariate analysis indicated, not surprisingly, that the number of complaints filed was consistently related both to jurisdictional size and crime characteristics and to agency size, but there was no indication that either the types of complaint filed or the overall percentage sustained exhibited similar relationships. Furthermore, there was no evidence of associations between ethnographic and socioeconomic features of agency jurisdictions and either complaints statistics or departmental citizen complaint procedures. Multiple regression analysis confirmed some of these findings. First, agency size overshadowed all other jurisdictional and agency characteristics under consideration as possible predictors of the incidence of citizen complaints. Even with other factors held constant, none of the economic, racial or crime characteristics were found to be associated with the number of complaints filed, irrespective of whether raw complaints figures or a ratio indicating their relative frequency were the dependent variable.

One further suggestion which derived from the results of the bivariate analysis was that policies which result in departments being more selective and appearing less welcoming to complainants result in a number of those complaints which are unlikely to be sustained being screened out at an early stage, and thereby give rise to a higher rate of sustained complaints. The results of the multivariate analysis provided further evidence in support of this argument, although it was emphasized that, taken alone, the number of complaints filed is not systematically related to the percentage sustained.

Time limits on investigations failed to exhibit any associations with external jurisdictional or general agency factors, although within specific agency systems, time limits tended to be found in those agencies which were more prepared to disseminate information both to complainants and to the general public. The suggestion was therefore that the stipulation of time limits on complaints investigations tends to be a management initiative associated with a desire to operate timely and relatively open citizen complaint procedures.

The bivariate and multivariate analyses produced consistent results when individual respondents' opinions concerning the concept of external review of alleged police misconduct were examined in more detail. Senior officers and those who are concerned with citizen complaint procedures in management capacities tend to be more sympathetic towards arguments in favor of external civilian review than do junior officers and those not directly involved in complaints investigations, even when departmental size and the relative frequency with which complaints are filed are taken into account.

Perhaps this final result is one from which present day proponents of civilian review can derive at least some consolation. Of all of the statements upon which opinions were tested, the one which individual respondents were over all most in agreement with was that "The impartiality of internal investigation of complaints depends heavily upon the integrity of senior police administrators." It is therefore interesting to note that these senior administrators, upon whom purely internal complaints systems are generally agreed to rely, are the very officers who tend to be more sympathetic and appreciative of the arguments of those in favor of external involvement in the complaints process.



## **CHAPTER VIII**

### **SUMMARY, CONCLUSIONS AND POLICY IMPLICATIONS**

#### **Introduction**

In this chapter the main features of the study are reviewed, its findings are summarized and, in the context of the research questions, conclusions and policy implications are presented and discussed. The first section is a summary of the purpose and method of the study. In the next two sections, the findings and the results of the data analysis are reviewed, along with conclusions drawn from them, and then a number of policy implications are discussed within the framework of the complaints typology. The penultimate section includes a discussion of some of the limitations of the study, and is followed in the last section by a number of recommendations for future research.

#### **Purpose and Method of the Study**

The purpose of the study was to identify and describe the various systems presently being utilized to investigate complaints against the police, both in the United States of America and in England and Wales, and to chronicle the major historical events in their development. The term 'complaint' was defined as referring only to allegations made by citizens regarding the conduct of sworn police officers. In the context of the study, it did not refer to disciplinary investigations initiated by officers' supervisors, nor to complaints made by citizens regarding the conduct of civilian personnel employed by police agencies, nor to complaints made by citizens regarding departmental policies in general.

A second objective was to identify and examine the major arguments which have traditionally been used by both proponents and opponents of the concept of external civilian review of alleged police misconduct.

Building upon these overall objectives, a third purpose was to develop a functional typology for complaints investigations, for use as a generalized framework against which structurally differing citizen complaint procedures could systematically be compared.

One of the major problems facing present day senior police executives is that of developing systems for investigating citizen complaints which are both thorough and impartial, and yet which are equally acceptable to the officers themselves, to members of the public, and to those elected political officials who are charged with the responsibility of ensuring that police agencies are effectively and efficiently managed. Whilst the credibility of complaints procedures is only one of many factors which tend to determine the extent of public confidence in and respect for the police, the frequency with which such procedures are the subject of heated public debate and intense media interest suggests that many people view them as playing a critically important role in police-community relations.

Overall, it was intended that the study should adopt a predominately practical approach to examining a controversial police management issue, and to this end the method of the study was best characterized as exploratory field research. Research questions were used, rather than hypotheses, because of the absence of a well-developed theoretical framework. In part, this was due to the lack of any previous studies of complaints against the police which had adopted both a qualitative and quantitative approach to the subject. The exploratory approach assists in identifying important or relevant variables and in examining and understanding their inter-relatedness. It consequently is a valuable enterprise which particularly helps to clarify those areas and issues worthy of further research.

Data collection for the study involved three distinct components: an extensive review of both American and British literature, a number of interviews with police and other agencies involved in complaints investigation in North America, and a mail survey.

The literature review generated a great deal of background information regarding historical developments in the area of complaints against the police on both sides of the Atlantic and included an in-depth examination of the current system operating in England and Wales under the supervision of the independent Police Complaints Authority.

The interview sample was selected so as to be representative of a wide variety of complaints systems currently operating within North America. Interviews were used to clarify issues and to refine the mail survey instrument, but more importantly they formed the basis of the development and design of the seven stage functional typology for complaints investigation, which was at the heart of the remainder of the study.

The survey sample constituted the 132 US general member departments of the Police Executive Research Forum. As such, it consisted predominately of larger city and county police departments, 75% of the agencies surveyed employing in excess of 100 full-time sworn personnel. No state level agencies were represented. The sample was intentionally biased towards larger agencies for two major reasons. First, these agencies traditionally have utilized Internal Affairs Units in the investigation of complaints and generally have tended to possess formal citizen complaint policies to a much greater extent than have smaller agencies. Second, larger agencies disproportionately account for a substantial number of US police employees. Thus, even though the sample included less than 1% of the police agencies in the United States, it included approximately 25% of the nation's police personnel. The intentional biasing of the sample in no way threatened the applicability of results, since the objective of the survey component was simply to identify the major variations in systems for investigating complaints against the police which presently operate in the US, rather than to discover the relative frequency with which they each exist.

An overall response rate of 75.8% was obtained with the survey, with rates for agency level, size and geographical location rarely being less than 50%. The 101 agencies which responded to the questionnaire provide police service to almost 43 million citizens, a figure which represents almost 20% of the total population of the United States.

Guided by the research questions, twenty nine variables were drawn from either the survey data, the US census data for 1980, or the FBI Uniform Crime Reports for 1986, and were used in the analysis. Univariate, bivariate and, to a lesser extent multivariate techniques were used in the analysis phase of the study.

### **Findings and Conclusions**

In this section the principal findings and conclusions of the study are reviewed and discussed within the framework of the research questions. Based upon these findings, in the final part of the section some conclusions and policy implications concerning the investigation of complaints against the police are presented.

#### **Research Question 1 - What variations in systems for investigating complaints against the police currently exist within the United States of America and England and Wales?**

Within the USA at present, as has generally been the case in the past, a wide variety of systems and procedures for investigating complaints against the police exist, ranging from 'open' systems which are biased in favor of civilian involvement and citizen awareness, to 'closed' systems in which investigating units operate purely internally within police agencies and disseminate little, if any, information regarding their activities to the public. The highly fragmented criminal justice system in the USA, together with its traditional highly localized accountability, mitigates against any large scale future moves towards consistency in complaints procedures, and indeed in police policies generally, even if such consistency were to be preferred. Conversely, in England and Wales, each of the 43 independent police forces operate within the same statutory legislation concerning the investigation of complaints against the police. Furthermore, Home Office guidance ensures that complaints procedures are consistent from force to force. In consequence, whilst a citizen complaint regarding alleged police malpractice filed with an agency in the United States will be investigated in accordance with local city or county policies, a similar allegation filed in either England or Wales, irrespective of which of the 43 forces are involved, will be handled in accordance with identical procedures throughout.

**Current Systems within the United States of America** - Broadly speaking, police complaints procedures in the USA may be classified in accordance with a three-tiered model, within which two further three-tiered structures can be described. Within the overall three-tiered framework, the types of investigative mechanism which can be discerned are exclusively internal, internal with external review of certain cases, and bilateral. First, exclusively internal mechanisms describe those jurisdictions in which citizen complaints are entirely administered by the police with no external scrutiny. The second tier represents the systems in those agencies which partially administer all complaints internally but whose decisions are subject to formal external scrutiny in certain cases. Finally, bilateral systems are those in which complaints are administered by both the police department and a formally constituted external agency.

Within this general framework, the two other three-tiered structures describe the varying forms which internal and external review of citizen complaints may take. Thus, internal review of complaints may be undertaken either exclusively by an independent specific unit within the police department, on a local level by an officer's supervisor, or by a combined approach in which local supervisor investigation is supplemented by the involvement of an independent specific unit in those cases which are either more serious, potentially complicated or extremely time consuming.

The three levels of external review of complaints are civilian review, civilian input and civilian monitor. Of these, the strongest in a descriptive sense is pure civilian review, under which the authority to investigate, adjudicate and recommend punishment to the police chief is placed in the external agency. Civilian input, not such a strong mechanism, places the authority only for complaints reception and investigation in the external agency, whilst adjudication and discipline functions are discharged internally within the police department. Finally, in the weakest system, civilian monitor, the investigation, adjudication and discipline functions are all discharged internally within the police department but the procedures are subject to some form of external review regarding their adequacy and impartiality.

Within the overall three-tiered framework, the vast majority of police jurisdictions in the United States utilize exclusively internal mechanisms for investigating complaints against the

police. Internal with external review of certain cases is used in relatively few jurisdictions, examples being cities such as Berkeley, CA, Kansas City, MO, and Portland, OR. Finally, bilateral systems are the least common, although they tend to be preferred in some larger cities such as Washington, DC, and Detroit, MI, and in San Francisco, CA, perhaps the home of the purest form of civilian review currently operating within the United States, since 1983 the independent Office of Citizen Complaint has assumed from the police department the entire responsibility for investigating citizen complaints.

Within the survey sample utilized in the present study, 83.9% of respondents indicated that their complaints systems were exclusively internal, 9.7% reported internal systems with external review of certain cases, and 6.5% were involved in bilateral systems. An Internal Affairs or similar unit responsible for investigating citizen complaints was possessed by the overwhelming majority (88.1%) of respondent agencies, those without such a unit generally tending to use senior officers (Lieutenants or above) directly appointed by the police chief as investigators, rather than subject officers' immediate supervisors. No systems were identified in which all internal investigations are carried out entirely by Internal Affairs Units.

Nevertheless, although a sizeable majority of respondent agencies operate exclusively internal complaints systems, utilizing both Internal Affairs officers and local supervisors as investigators, their procedures have at least as many substantial differences as similarities.

At the initial stage of the complaints process, policies vary concerning the preferred method of filing a complaint and the persons who are considered acceptable as complainants, although almost all departments (96%) reported that they investigate anonymous complaints, if not as a matter of routine, then if there is any other supportive information. Whilst the overwhelming majority of agencies prefer the initial report to be taken by a supervisor, a sizeable proportion allow line officers to record complaints, and 10% are satisfied if the report is taken by a civilian employee of the department.

Having recorded citizen complaints, 18% of sample police agencies fully and formally investigate all allegations, irrespective of their content, whilst the remainder may either informally resolve some complaints or not proceed with others, or use both alternative means of disposal.

The rank and assignment of a complaint investigator typically depends upon the nature and seriousness of a particular allegation, with the majority of departments following different guidelines for appointing an investigator if the case is criminal rather than procedural or administrative in nature. Either a sworn officer from the Detective Bureau or from Internal Affairs is the most likely investigator in a criminal case, frequently his or her rank not being stipulated. Indeed, a sizeable proportion of agencies initiate two distinct and separate investigations in such a case, with a detective being responsible for the criminal aspects of the allegation and for formulating any necessary charges, and an IA officer being responsible for the administrative aspects, in particular whether any specific departmental disciplinary rules of conduct have been broken.

Conversely, in a less serious procedural case, the most likely investigator is either an IA officer or the subject officer's immediate supervisor. Because of the involvement of supervisors, the most usual rank of an investigator in such a case is Sergeant.

Despite many common procedures concerning investigations, overall a wide range of investigators are used. More than half of the agencies with an IAU (63%) typically use Sergeants to investigate, but 13% use line officers and, at the other extreme 18% use Lieutenants and 6% Captains or other senior ranking officers. In a small number of those jurisdictions with external review agencies, civilians are responsible for investigating complaints, and equally in a handful of agencies, civilian employees of the police department are utilized as investigators.

Once completed, a complaint file containing the investigator's report may take a variety of administrative routes prior to final decisions on case finding and disposition being made. The most popular route for the initial recommendation for case finding (ie: sustained, not sustained, exonerated, etc.) to take is from the investigator through the subject officer's chain of command to the police chief.

Conversely, the initial recommendation for disposition (disciplinary sanction) following a complaint being sustained typically passes from the subject officer's immediate supervisor through the chain of command to the police chief. In general, therefore the investigator tends not to be directly involved in the disciplinary aspects of a case, unless of course he is also the subject

officer's immediate supervisor, which frequently occurs in procedural investigations.

Whilst internal trial boards are only rarely utilized in the finding and disposition stages of complaints investigations (in only 3% of agencies), 10% of respondent departments reported their use in hearing appeals from officers dissatisfied with case outcomes. Agencies consistently allow both officers and complainants the right of appeal, although whereas an officer may appeal both the finding and disposition in a particular case, complainants are generally restricted to appealing against the finding alone.

Finally, departments tend to vary widely regarding their policies for disseminating information concerning citizen complaints systems both for complainants and for the general public. This is particularly true with respect to publishing information concerning complaints procedures and complaints statistics. Agencies were found to be almost equally divided between those which publish both types of information (35%), those which publish one but not the other (35%), and those which publish neither (29%). In some instances, these variations are due to state and local personnel legislation, but in the vast majority of cases differences are simply reflective of agency policies.

**Current System within England and Wales** - Whilst a wide range of policies and procedures are utilized throughout the USA, as indicated earlier the present complaints system in England and Wales is consistent throughout both countries and was established in the 1984 Police and Criminal Evidence (PACE) Act.

In simple terms, the new procedures constitute a four-tiered structure. First, the most serious citizen complaints, involving death or allegations of serious injury are mandatorily referred to the independent Police Complaints Authority (PCA) for supervision. Second, the PCA has discretion in whether or not to supervise other less serious cases. Such complaints may be referred to the Authority by chief officers of police because they believe it to be in the public interest for the investigations to involve an external independent element. Alternatively, the PCA may direct chief officers to submit to them any complaint which does not fall into the mandatory category, but which the Authority, at their discretion wish to supervise in the public interest.



Third, those complaints which are not referred to the PCA for supervision, and which are not suitable for informal resolution, are investigated internally by the relevant police force. Fourth, relatively minor complaints may be handled by the police using a process of informal resolution without recourse to a full and formal investigation.

The Police Complaints Authority is a single, nationally organized external independent civilian body. Its members, who are generally individuals of high public esteem and considerable experience, are all full time salaried officials. None have previous law enforcement experience. Their involvement in the police complaints process in England and Wales, can not accurately be described as investigative in nature. Rather, they exercise a supervisory role, charged with the responsibility of ensuring that the police investigations are thorough and exhaustive, but overall that they are fair and impartial.

Although having no investigative responsibility or capability of their own, the PCA is empowered to direct and closely supervise investigations to such an extent that, in a particularly serious case of public concern, the supervisory Member may be present with the investigating police officer at various stages during the investigation and even when interviewing witnesses.

In addition to their supervisory function in serious cases, the Police Complaints Authority has a quite separate and distinct disciplinary function. When the police investigation into a complaint is completed, whether it has been supervised or not, the Deputy Chief Constable of the relevant police force notifies the PCA of his proposals regarding the outcome of the investigation and any possible disciplinary action to be taken against the subject officer. The Authority's prime function is then to decide whether, based upon the completed report of the investigation, disciplinary charges should be brought against an officer if this is not already the chief officer's intention. Ultimately, they can direct that such a course of action be taken if agreement cannot be reached. In such a situation, a disciplinary hearing will be held before a tribunal consisting of two Authority Members, who are not conversant with the details of the case in advance, and the appropriate Chief Constable.

As indicated above, in all but the most serious of cases, the police have retained their independence to investigate citizen complaints internally. They are also responsible for initially

recording complaints and, except in those cases supervised by the PCA, for notifying complainants of case outcomes. Citizen complaints may only be initially recorded by officers of the rank of Inspector or above, and can be informally resolved or investigated by Chief Inspectors, although most forces generally employ Superintendents (the equivalent of Captains) as investigating officers.

Each of the 43 police forces in England and Wales have a specialist department, usually entitled the Complaints and Discipline (C & D) Department or something similar, which is responsible for investigating citizen complaints against the police. However, because of the relatively small size of many of these departments, in most forces a sizeable proportion of complaints are allocated to operational Superintendents and Chief Superintendents for investigation, with the C & D departments generally handling the more complicated and potentially time consuming cases. Unlike the situation in the United States, local supervisor involvement in the citizen complaint process is not favored in England and Wales, the rationale being that close involvement of subject officers' supervisors reduces the credibility and integrity of an investigative system which strives to promote an image of impartiality. Consequently, the operational senior officers to whom complaints are allocated for investigation always work in different divisions from those in which subject officers perform their duties.

Subject officers' supervisors are also excluded from reviewing case recommendations and proposed disciplinary sanctions. Indeed, the chain of command is not involved in any way, all initial recommendations passing from the investigator, through the head of the Complaints and Discipline Department, to the Deputy Chief Constable who is ultimately responsible for confirming case recommendations. The subject officer may appeal the result to the Chief Constable.

Dissemination of information regarding the police complaints system in England and Wales is strictly limited. Whilst most, if not all, forces include complaints statistics in their Chief Constable's Annual Report, they rarely provide any information other than basic details of numbers of complaints filed and percentage findings. Furthermore, forces typically do not indulge in publicizing the complaints process itself, other than by providing complainants with

explanatory leaflets at the time they file their complaints. The most noteworthy contribution made towards publicizing complaints procedures takes the form of the Annual Report of the Police Complaints Authority, but at a cost of £7.50 (approximately \$12) per copy, the publication can hardly claim mass readership.

**Research Question 2 - What are some of the underlying reasons which have given rise to changes and variations in systems for investigating complaints against the police within the USA and England and Wales?**

The history of investigating complaints against the police in the USA is best characterized as a constant debate between two major interest groups with diametrically opposing opinions. On one side have been the proponents of external review, mainly comprising community groups, civil rights organizations and the media. On the other side have been the adherents of internal review, mainly comprising the police themselves and conservative politicians.

Both sides have had successes and failures. The civil rights movement and the 'permissive' society of the late 1950s and early 1960s spawned a number of generally well-intentioned but poorly planned civilian review boards in several major US cities. Their untimely and in some cases spectacular demise seemed to ensure continued success for the advocates of Internal Affairs Units which, by the end of the 1960s, were well established in the majority of large US police departments.

Development of the concept of police professionalism in the early 1970s added more weight to the arguments in favor of a police monopoly on complaints investigation, but a series of incidents in which particularly flagrant abuses of power and authority by officers appeared to go unpunished ensured that those in favor of civilian review would not give up the fight easily. In response to the problem of poor police-community relations in a number of cities, and following lengthy negotiations and careful planning, several variations on the theme of civilian participation in the complaints process were implemented during the 1970s. In general, each system was reflective of local community and agency needs and preferences, and without exception they enjoyed a greater degree of success than their predecessors had during the 1960s.

The perceived increased threat posed by a number of the more successful external review agencies caused a greater degree of thought to be given to the issue of staffing Internal Affairs Units than had been the case previously. The picture began to emerge of police chiefs staffing their IAUs with officers of indisputable ability and integrity, whose very involvement in the complaints process could counter any outside allegations of unprofessionalism and dubious practices.

Even this image failed to satisfy the opponents of internal review, and the 1980s have been characterized by the efforts made by both sides to improve their respective public images. Organizations such as the Police Executive Research Forum (PERF) and the Commission on Accreditation for Law Enforcement Agencies (CALEA) have established standards for the evaluation of internal review procedures. At the same time, the International Association for Civilian Oversight of Law Enforcement (IACOLE) has been created to facilitate individuals from formal external review agencies meeting together and discussing mutual concerns and problems.

If the American experience during the past two and a half decades has been one of seesawing fortunes for the two major interest groups, in England and Wales there appears to have been an unrelenting march towards a completely independent system for investigating complaints against the police. Against such a historical background, there is little evidence to suggest that the new independent Police Complaints Authority (PCA) is anything more than just one more step along that road.

Prior to 1964, no standardized approach to the handling of complaints existed in England and Wales. This situation was overcome by the Police Act of 1964, which was the first statutory legislation to officially make requirements of chief officers of police to record and investigate citizen complaints. Subsequently, the Police Act of 1976 established the Police Complaints Board (PCB), the first formally constituted independent body to participate in any active way in the police complaints procedure.

The inception of the PCB provoked widespread criticism from all sides. The police were unhappy at losing their monopoly on the disciplinary process, whilst the proponents of external review of complaints characterized the activities of the Board as a giant rubber-stamping

exercise. The disorders in Brixton in April, 1981, the resultant report produced by Lord Scarman, and the change of policy announced in November of the same year by both the Police Federation (the representative organization of line officers and junior management), and the Superintendents' Association (the representative organization of senior management) who since that date have officially and publically both been in favor of the creation of a fully independent investigative body for complaints, all added mounting pressure upon the Government to replace the PCB with a more powerful body.

Ultimately, the 1984 Police and Criminal Evidence (PACE) Act established the Police Complaints Authority (PCA), which commenced operating in April, 1985. The PCA now consider themselves sufficiently knowledgeable and experienced to begin to make proposals for the improvement of police and related practices. Some of their more recent suggestions have been controversial and have received widespread media coverage and police opposition. Perhaps more than anything else, the extent to which any such proposals made by the PCA bring them into well-publicized conflict with the police will help both to reduce public skepticism about their utility and to highlight their independent status.

**Research Question 3 - What are some of the major arguments which have been used by interest groups concerning the investigation of complaints against the police both within the USA and England and Wales?**

The major historical point of similarity between the experiences of the two nations in police complaints investigations has been the consistent use of the same two general sets of arguments by proponents and opponents of the concept of external civilian review of alleged police misconduct. The majority of these arguments were first developed in the 1960s and, apart from the introduction of the police professionalism debate in the 1970s, have largely remained unchanged ever since, although they have frequently been repeated since, both verbally and in writing.

Those in favor of external review have largely argued that any closed system in which those who are complained against investigate whether there are genuine grounds for complaint

contravenes the rules of natural justice and is, by definition, imperfect. Even if there is no inherent bias, distrust for a purely internal system persists, and this can erode citizen confidence in the police in general. Conversely, they argue, involving citizens in the complaints system not only injects an element of independence and impartiality into the procedures, but also can be an aid to police-community relations. After all, it is surely reasonable that those who pay the wages of the police should have some say in the quality of the service provided. Furthermore, not only do internal systems depend heavily upon the integrity of senior police administrators, their goals and citizens expectations do not always correspond. Civilian involvement can ensure that systems develop which are not merely structured around internal departmental regulations, but which are reflective of community needs.

Those opposed to the idea of external review have largely based their arguments for the retention of exclusively internal systems upon the threat to police morale which civilian review has traditionally represented, and the concept of police professionalism. Not only does external involvement threaten the morale of line officers, it also interferes with the authority of chief officers who, like their fellow executive officers in other professions, are capable of disciplining their own staff. Furthermore, citizens not satisfied with internal review mechanisms already have sufficient alternative avenues to follow, the courts being only one example. It is argued that the early experiences with civilian review boards showed board members not only to be biased against the police and politically motivated, but to be unqualified to judge the propriety of police actions and incapable of carrying out satisfactory investigations. Consequently, civilian review boards have been shown to be both unworkable and ineffective. In addition to ensuring professional investigative standards, internal review units have the advantage of being able to take the initiative and operate proactively in seeking out and identifying police malpractice. Conversely, external review bodies, in order to maintain their legitimacy, need to wait to receive complaints regarding misconduct before commencing investigations.

Although not specifically mentioned in the research question, through the inclusion of a specific section in the survey instrument, the opportunity was taken during the study to test the opinions of police employees concerning some of the most frequently voiced arguments both in

favor of and opposed to the concept of external civilian review of alleged police misconduct. Whilst no claims were made that the individuals concerned were in any way representative of police agencies generally, it was considered to be potentially interesting and of value to assess the perceived relevance of the most popular historical arguments to contemporary police agencies.

The statement with which the greatest degree of shared opinions was exhibited was concerned with citizens not satisfied with internal investigation of complaints having sufficient alternative avenues to follow, the courts being just one example. Respondents were generally in agreement. Conversely, the statement upon which there was the greatest degree of mixed opinions was concerned with involving citizens in the complaint process in order to improve public confidence in the police.

Overall, the statement with which individual respondents were most in agreement with was that "The impartiality of internal investigation of complaints depends heavily upon the integrity of police administrators." At the other extreme, most general disagreement was registered towards the statement that "External review boards for investigating complaints against the police provide an impartial and independent assessment of police practices."

Under bivariate analysis, responses to a sufficient number of statements were found to exhibit significant relationships with either officers' ranks or assignments that a distinct trend could be identified. Specifically, senior officers and those who are concerned with citizen complaints in management capacities tend to be more sympathetic towards arguments in favor of external civilian review than do junior officers and those not directly involved in complaints investigations. Furthermore, multivariate analysis provided an indication that this general trend is unaffected either by the size of agencies in which officers work or by the relative frequency with which their agencies attract citizen complaints.

**Research Question 4 - Can an empirically-derived functional typology be developed to provide a generalized framework against which structurally differing police complaints procedures can systematically be compared?**

The various methods of data collection utilized during the course of this study led to the development of a seven-stage functional typology for the investigation of complaints against the police (Figure 6.1). The basic structure was arrived at through direct experience of the new complaints system recently introduced in England and Wales, combined with an extensive literature review and several site visits to US police departments which operate basically traditional internal and closed citizen complaints procedures. Further depth was subsequently added to the typology as a result of information obtained during a number of site visits to other North American cities, chosen for certain unique features of their systems for investigating complaints against the police.

The first typology stage, 'complaint reception' was followed by a three-branch 'recording and classification' stage, which, in turn, led to a two-branch 'investigation' stage. The three alternative recording and classification branches were 'full investigation required', 'informally resolved', and 'not proceeded with'; the two alternative investigation branches were 'alleged criminal violation' and 'alleged administrative or procedural violation'. Stage four of the typology, 'finding' (or determination) preceded the 'disposition' (or disciplinary sanction) stage, and then an 'appeal' stage was followed by the final 'public information' stage.

In order to test the utility and applicability of the typology as a generalized framework against which structurally differing police complaints procedures could be compared, the survey instrument used in the study was specifically designed with the typology as its driving force, such that seven of the twelve sections in the questionnaire were derived directly from the seven typology stages.

The result was that, whilst considerable variance was discovered within each of the seven stages, this was generally catered for by the alternate typology branches, and no structural systems were identified which clearly failed to fall within the overall functional framework.



**Research Question 5 - Within the USA, is there a relationship between police complaints procedures and any of the following:**

- a) agency size, level and geographical location?**
- b) general economic conditions in police jurisdictions?**
- c) general crime characteristics in police jurisdictions?**

Information concerning this research question was predominately obtained from the bivariate and multivariate analyses of the survey responses. Due to the differential dispersion of respondent agencies throughout the USA, neither of these analyses employed the 'geographical location' variable, and consequently it was not possible to conclude quantitatively whether it exhibited systematic associations with certain features of agency complaints procedures. Nevertheless, all of the survey returns were examined on a qualitative level during the course of data coding, and no clear links between system characteristics and geographical location had been apparent.

The bivariate and multivariate analyses did, however allow the remainder of this research question to be addressed in some detail. Thus, the existence of both external review of complaints procedures and Internal Affairs Units were generally strongly and positively related to four specific agency and jurisdictional factors: population of jurisdiction, agency size, crime rate and percentage of violent crime reported.

No real systematic differences between the complaints policies adopted by city and county departments were identified, although there was an indication that, among those agencies with Internal Affairs Units, the use of senior officers as complaints investigators was more likely in smaller city than in larger county departments.

Economic factors were found not to exhibit any relationships with features of citizen complaints systems, nor in general were racial considerations associated with departmental policies. Furthermore, the crime characteristics of jurisdictions also failed to exhibit any systematic relationships with complaints procedures.

**Research Question 6 - Within the USA, is there a relationship between police complaints procedures and any of the following:**

- a) the number of complaints filed?**
- b) the seriousness of complaints filed?**
- c) the proportion of complaints sustained?**

Very few statistically significant relationships were found to exist between complaints statistics and the systems which gave rise to them. In particular, neither the seriousness of complaints, nor the relative frequency with which complaints are filed, exhibited associations with any of the features of complaints systems under consideration.

The presence of external review mechanisms and Internal Affairs Units were both indicated to be strongly associated in zero-order relationships with the number of complaints filed, findings which again reflected the close correlation of the latter variable with population and agency size.

In the bivariate analysis, departmental openness to accept complaints was found to be negatively related to the overall percentage of complaints sustained, although the association was very weak. This was an interesting finding which was further examined in the multivariate analysis, with the result that, when policies concerning the acceptance of complaints are controlled, the number of complaints filed becomes a more powerful predictor of the percentage of complaints sustained than it is when it is taken alone. In other words, the indication is that those departments which are more selective in accepting complaints for investigation tend to sustain a greater proportion of complaints than those agencies which accept and investigate all complaints, irrespective of their source and content.

Overall therefore, it appears that complaints systems and complaints statistics exhibit very few systematic relationships with either external or internal agency features, other than the clear association which would be expected between certain system features and increasing agency size. Thus, the larger the agency, the higher is the number of complaints filed, and the greater is both the need for specific internal units to investigate these complaints, and the desire in some jurisdictions for the internal investigations to be subject to some form of external review.

Whilst many of those relationships which were identified during the course of the bivariate and multivariate analyses had been anticipated, a number of other associations which, based upon the conflict theory approach, had been expected to exist were not found. In many ways however, with the benefit of hindsight, the failure to identify some of the expected associations is far from surprising, particularly since one of the major variables utilized in the analysis, the number of complaints filed, is subject to widely varying interpretations. Frequently assumed to provide a measure of police performance, the complaints rate is one of the most badly abused police-based statistics. Thus, an increasing number of complaints filed with a particular agency may not reflect a deterioration in standards of officer behavior, but could be interpreted as indicating a sign of increasing citizen confidence in the complaints system. Conversely, complaints figures may be no real reflection of confidence because the majority of people with genuine grievances fail to complain, and most of those who do act in ignorance of the system (Brown, 1987: 3).

### **Policy Implications**

Analysis of responses to the mail survey instrument indicated that almost 30% of agencies had implemented substantial changes in their citizen complaint procedures within the last five years, and that more than half had done the same during the last ten years. These figures indicate that police complaints policies are, in general, subject to frequent review and reassessment. Indeed, at the time the questionnaire was completed, four departments reported currently being in the process of undertaking major system reviews.

At an early stage during this study, it had become clear that any attempt to generate an ideal or model system for investigating complaints against the police would be fraught with difficulties and, particularly in the context of the highly fragmented and closely locally accountable criminal justice system in the USA, would be of dubious utility.

Consequently, rather than designing the research around the idea of an overall ideal model for complaints investigation, the concept of a functional typology was introduced. This typology was then utilized as a generalized framework against which structurally differing complaints

systems and procedures could systematically be compared.

Accepting that structural variations reflecting present departmental preferences are widespread, this section therefore is not concerned with putting forward recommendations based upon a subjective opinion regarding what constitutes an 'ideal' system for investigating complaints against the police. Rather, in the context of the functional typology, which provides a convenient framework to highlight, one stage at a time, some of the policy issues to emerge from the data analysis, a number of policy alternatives which are believed to be worthy of consideration during system and procedure reviews are presented in the form of a set of questions and answers.

The list of questions is not necessarily exhaustive, but includes the majority of those policies and procedures which, during the course of the study, were found to exhibit considerable variance throughout police departments in the United States. Whilst the writer has his own opinions concerning each of the issues, his personal biases are omitted since the intention is not to impose views but rather to promote discussion. Consequently, the answers provided to the questions are based upon the general univariate findings of the study, and as such they represent the policy decisions most frequently taken in response to each of the issues within a sample of 101 contemporary US police departments.

Naturally, this is not meant to imply that those current US complaints procedures highlighted in the following list necessarily represent the optimum solutions to the various police management issues that they address. Rather, in the context of departmental citizen complaint policy reviews, they should merely be seen as providing convenient focal points for policy discussions.

### **Policy Questions and Answers**

**Which departmental employees should be permitted to initially accept complaints and what forms of notification should be considered sufficient?**

Typically, supervisors are preferred as acceptors of complaints, although 40% of agencies indicated that any sworn officer and 10% that any civilian employee can take the initial report.

The majority of departments take both verbal and written reports, although the most popular form of notification is a signed statement. Nevertheless, an overwhelming proportion (96%) of agencies accept and investigate anonymous complaints, if not as a matter of course then with other supportive information.

**Once accepted, should all complaints be fully investigated, irrespective of their content, or should an official process of informal resolution be utilized? If so, which departmental employees should be permitted to attempt to resolve complaints informally, and how should the outcome of complaints dealt with in this way be recorded? Furthermore, can certain types of complaints legitimately be not proceeded with? More than three quarters of agencies (78%) reported operating informal resolution procedures, generally the responsibility for attempting to resolve a complaint being that of the officer originally taking the report. The most usual method of recording informally resolved complaints is either by way of a report or an entry made in a card index filed in Internal Affairs. The vast majority of agencies (84%) proceed with all complaints once they are recorded.**

**What is the appropriate rank and assignment for an investigating officer? To what extent should investigations be centralized, or are there advantages to be gained from devolving responsibility for investigation to subject officers' supervisors? If local investigation is preferred, should an immediate supervisor or a more senior officer be utilized? Policies vary depending upon the nature of the allegation. In criminal cases, typically there is very limited local supervisor involvement in an investigative capacity. Detectives or officers from Internal Affairs (IA) are the most usual investigators, and although the use of senior officers (Lieutenants and above) is marginally preferred over sergeants, frequently the investigator rank is not specified. In procedural or administrative cases, local supervisors are utilized to a much greater degree, generally to supplement the activities of IA officers, with sergeant being the most usual investigator rank.**

**Overall, could police-community relations be enhanced by including some form of external review of the investigation in complaints procedures? Whilst officers' individual opinions concerning the potential benefits of external review were found to vary, both with their rank and their involvement in complaints investigations, the overwhelming majority of police agencies in the US continue to operate purely internal complaints systems.**

**Should time limits be specified on complaints investigations? Most departments (64%) specify time limits on investigations, and of these agencies, more than half operate a 30 day limit.**

**What is an appropriate balance between local supervisor input and investigator input into recommendations both for case finding and case disposition? Investigators provide initial recommendations for case findings twice as often as do local supervisors (in 40% and 23% of agencies respectively), but for case dispositions the roles are reversed and local supervisors supply initial recommendations for case dispositions three times as often as do investigators (in 35% and 12% of agencies respectively).**

**Is there an appropriate place in complaints procedures for a 'Policy Review' finding, which implicitly acknowledges the possibility of general departmental failure? A 'Policy Review' alternative finding is employed by only 28% of police agencies.**

**Finally, to what extent should the complaints process be publicized? Specifically, how much information should be provided for complainants both during the course of, and following the conclusion of, an investigation? Furthermore, what information is appropriate for dissemination to the public, and what form should this publicity take? Information concerning case finding is routinely supplied to complainants, although in a sustained case the majority of departments do**

not notify complainants of the disciplinary action taken. Slightly more than half (54%) of agencies disseminate information concerning the complaints process to the public, and the same percentage (although not necessarily the same agencies) publish complaints statistics. The most popular ways in which procedural information is disseminated is through brochures available at police stations or carried by officers on patrol, and at neighborhood community relations or crime prevention public meetings. Statistics are most usually made public in the police chief's annual report.

### **Methodological Limitations**

This study of police complaints procedures in the United States and in England and Wales represents one of the first attempts made to undertake both a qualitative and quantitative approach to the subject of investigating complaints against the police. As such, it has a limited theoretical basis, and its quantitative content suffers from a number of methodological limitations which need to be acknowledged.

Although an extensive literature review was undertaken, most of the previous work on police complaints procedures was found to have been descriptive in nature and devoid of quantification. The small number of prior studies to have adopted a quantitative approach to the subject were undertaken a decade, if not two decades ago and were therefore of little use as a data base to develop a line of enquiry. Consequently, a survey instrument built around a newly-created functional typology had to be developed and designed specifically for the study. Although the survey instrument was pre-tested and dealt with largely objective issues, many terms associated with police complaints procedures are susceptible to differing interpretations, and consequently the instrument's reliability and validity were, to an extent, unknown.

In the event, it was apparent that the responses to a small number of the questions on the survey instrument were indicative either of respondent misinterpretations, or lack of clarity in design. Although some of these discrepancies could be treated as missing data when coding responses, it is possible that certain other sources of inaccuracies were not identified thus leading to an imperfect dataset.

The study was not designed with the idea of generalizeability in mind. From the outset, the intention was for the survey instrument primarily to identify the various systems which currently operate in the USA for investigating complaints against the police, rather than to specify with what frequency each type of system exists. Since there was no intention of generalizing results, a sample was selected which it was believed would provide a considerable degree of variance in complaints systems, but which in a strict sense could not be considered representative of the vast majority of police agencies in the United States. As noted earlier, although the survey sample included less than 1% of all US police departments, the departments surveyed employ almost 25% of the nation's police personnel. Furthermore, survey responses were noticeably biased in favor of the larger agencies within the sample. Concentrating upon generally sizeable agencies means that the extent to which the findings of the study are applicable to the numerous very small agencies in the US is not known. Nevertheless, although small agency responses to the problem of administering citizen complaints may differ from those reported in this study, it is considered likely that any system not directly discussed in the present study could be described in terms of one more structural variation on the basic functional typology.

Throughout the study, two issues which consistently recurred in the context of police-community relations were those of external review of alleged police misconduct and public dissemination of information concerning complaints systems. Still utilized in only a very small number of police jurisdictions in the United States, civilian review is disproportionately reported in the literature concerning police complaints procedures. Additionally, an assessment of departmental openness to publish information concerning both complaint systems and complaints statistics was made on the basis of the survey returns. It is to be expected that those departments which are predisposed towards operating 'open' complaints procedures would also be more likely to respond to an external request for information concerning them. These factors taken together may have resulted in the concepts of system openness and external review being overemphasized in importance and relevance throughout the study. Given recent developments in police complaints procedures in England and Wales however, it was considered appropriate that these two system features should represent major sources of discussion and analysis.



### **Recommendations for Future Research**

Whilst some recommendations for future research follow directly from the above discussion of methodological limitations, others are intended as suggestions for work which could supplement the body of knowledge concerning police complaints procedures which this study represents.

Although citizen complaints perhaps do not create such an administrative problem for smaller police agencies, simply because of their relative infrequency, it would be of benefit to study the approaches taken to their investigation by small police departments in the USA. The means of injecting an element of impartiality and independence into the complaints procedures operated by the smallest of US police departments, in which every officer works closely with all of his colleagues, potentially represents a problem. One indication of the present study was that smaller agencies within the survey sample tended only very infrequently to be subject to review by formally constituted external agencies. It would be interesting to discover the extent of formal external review of the smallest of US police departments.

Very few reasons for variations in the relative frequency with which complaints are filed and the rate with which complaints are sustained were identified in the present study. Indeed, it was emphasized that different departments adopting differing attitudes towards officially recording complaints, and following various policies concerning which complaints are worthy of formal investigations, makes inter-agency statistical comparisons not only difficult but frequently inappropriate. Nevertheless, it is potentially of value to police managers to discover any underlying causal factors for citizen complaints. The present study adopted predominately a conflict view of society, utilizing external measures of racial diversity, economic disparity, and incidence of crime as possible predictors of citizen dissatisfaction and hostility towards the police. Future studies could adopt rather more direct approaches, being designed to collect data concerning citizen general satisfaction with the police at the same time as gathering complaints statistics. Alternatively, it would be of interest to take an internal organizational dynamic approach to the subject of citizen complaints, based upon the theory that the key to substantive differences in systems lies in the way in which they are organized, and specifically depends upon

the mechanisms and dynamics of their internal and environmental interrelations (Buckley, 1967).

In reviewing their procedures, if a major goal of police departments is to generate citizen satisfaction with the complaints system, then one important contribution which future research could provide would be to build upon the opinions testing approach of part of this study. Whilst opinions concerning police complaints procedures were tested during the course of the present study, a one-sided approach was adopted since the only people who were surveyed were police officers. A recent study published in England was undertaken from a similar biased view in the sense that it was only concerned with complainants opinions regarding the adequacy of police complaints procedures (Brown, 1987).

Rather than solely considering the views of interest groups, future research should therefore concentrate upon general public opinions, perhaps in part by making use of the sets of arguments concerning police complaints procedures which were identified during the course of the present study. Furthermore, it may be useful to consider citizen concerns regarding the investigation of complaints against a wide range of public employees, rather than restricting future studies to focus solely upon the police.

As was highlighted earlier in this study, the credibility of police complaints procedures is only one of many factors which tend to determine the extent of public confidence in and respect for the police. If police managers are to review their complaints procedures with the intention of building this community confidence, future studies will have to provide them with answers to at least two specific questions. First, just how critical a role do systems for investigating citizen complaints play in police-community relations in comparison with other potential sources of citizen dissatisfaction? Second, putting to one side the views of the major interest groups, do members of the general public feel that police complaints procedures are unfair or inequitable, and if so, in what respects? It is to be hoped that the results of this study provide a framework within which a number of the above issues may be addressed.

## **APPENDICES**

## APPENDIX I

2300 M STREET, N.W., SUITE 910  
WASHINGTON, D.C. 20037  
(202) 466-7820



POLICE EXECUTIVE  
RESEARCH FORUM

DARREL W. STEPHENS  
EXECUTIVE DIRECTOR

TO: PERF Members

FROM: Darrel W. Stephens, Executive Director

SUBJECT: PERF INVESTIGATION OF COMPLAINTS AGAINST THE POLICE SURVEY

Reply Requested by July 13, 1987

The Police Executive Research Forum is conducting a study of variations in systems for investigating citizen complaints against the police. The objective of the study is to develop a comprehensive picture of existing investigative units, their structure, organization and procedures. Information is being sought by PERF regarding both internal units which investigate citizen complaints from within police departments, and external units which operate outside police departments and which have been established with the intention of introducing an independent aspect into the process for investigating citizen complaints against the police.

It is anticipated that analysis of this information will assist PERF in addressing such issues as: How can the police better handle (solicit, investigate, and resolve) complaints against the police? How can the police be more open and directed toward building citizen confidence? Is there an appropriate role for an outside review of police conduct?

Although the questionnaire at first sight may appear lengthy, most of the questions involve a simple description of the complaint process and as such we would estimate that it would take approximately 30 minutes to complete. Responses will be kept confidential and, following analysis, it is intended that a summary of overall results and findings will be circulated to PERF members for their information. Toward these ends, PERF is being assisted by Inspector Paul West and Michigan State University School of Criminal Justice in tabulating findings.

This project represents one of the most detailed studies yet carried out in this important area and your department can greatly assist by filling out and returning the questionnaire in the enclosed pre-paid envelope by July 13, 1987. The time spent on questionnaire completion will help us to produce a report which should be of interest and benefit to you in the future.

INVESTIGATION OF COMPLAINTS AGAINST THE POLICE SURVEY

Rank and Assignment of person completing the survey:

Phone number of person completing the survey: \_\_\_\_\_

Name (optional) \_\_\_\_\_

Name of department: \_\_\_\_\_

Address of department: \_\_\_\_\_

A) DEPARTMENTAL BACKGROUND INFORMATION

## 1) Size of Department:

Number of sworn officers \_\_\_\_\_

Number of civilian personnel \_\_\_\_\_

## 2) Profile of Department:

Sworn officers:

Male  
Female  
Total

White	Black	Hispanic	Other	Total

Civilian personnel:

Male  
Female  
Total

White	Black	Hispanic	Other	Total

## 3) Profile of Your Jurisdiction:

Service Area (square miles) \_\_\_\_\_

Residential population of Service Area \_\_\_\_\_

Estimated daytime population of Service Area \_\_\_\_\_

B) COMPLAINTS INVESTIGATION BACKGROUND INFORMATION

## Important Definition:

Throughout this questionnaire, the term "complaint" refers only to complaints made by citizens regarding the conduct of sworn officers. It does not refer to disciplinary investigations initiated by officers' supervisors, nor to complaints made by citizens regarding the conduct of civilian personnel employed by the department, nor to complaints made by citizens regarding departmental policies in general.

- 4) Please provide a very brief description of your department's system for investigating citizen complaints against the police. \_\_\_\_\_

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And attach a copy of departmental citizen complaint procedures to the completed questionnaire.

- 5) Which of the following statements best describes your department's system in general terms?

- ☐ All citizen complaints are processed purely internally and are investigated by a specific unit within the police department.
- ☐ All citizen complaints are processed purely internally but there is no specific unit responsible for their investigation.
- ☐ A specific unit within the police department first investigates citizen complaints and then completed investigation reports are subject to review by an external agency.
- ☐ Citizen complaints are first investigated by the police department, without a specific unit, and then completed investigation reports are subject to review by an external agency.
- ☐ All citizen complaints are processed purely externally and the police department has little, if any, responsibility for their investigation.

- 6) If a formally constituted external agency (for example, a Citizen Complaint Board established by City Law) has a responsibility for complaints investigation, what typically is that agency's responsibility?(Check all that apply)

- ☐ Sole responsibility for investigating all complaints
- ☐ Dual responsibility with the police department for investigating all complaints
- ☐ Sole responsibility for investigating only particular types of complaints (please specify) \_\_\_\_\_
- ☐ Dual responsibility with the police department for investigating only particular types of complaints (please specify) \_\_\_\_\_
- ☐ No investigative responsibility of its own, but empowered to direct the police investigation
- ☐ No investigative responsibility of its own, but empowered to review completed police investigations to ensure satisfaction with them
- ☐ Other (please specify) \_\_\_\_\_
- ☐ No such formal external agency exists

- 7) If such a formal external agency does exist, what is it called? \_\_\_\_\_

and please attach documents or a statement describing its make up and functions to the completed questionnaire.

- 8) Approximately how long has the present system for investigating citizen complaints been in operation without substantial changes? \_\_\_\_\_  
Please identify any problems experienced with the present system and offer any suggestions you might have for overcoming them. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 9) If an informally constituted external body (for example, a self-appointed local "watch-dog" group) plays a role in complaints investigation, what typically is that body's role?

- ☐ Undertakes independent investigations of all complaints referred to it.  
☐ Undertakes independent investigations of only particular types of complaints referred to it. (please specify) \_\_\_\_\_  
☐ Other (please specify) \_\_\_\_\_  
☐ No such informal external body exists.

- 10) If such an informal external body does exist, what is it called? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 11) If there has been a substantial change in the system for handling citizen complaints in the last five years, in what respects is the current system different from the previous one? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 12) If there has been a substantial change in the system for handling citizen complaints in the last five years, what reason(s) were instrumental in that change? (Check all that apply)

- ☐ Solely a management decision  
☐ Mandate of police commission  
☐ Mandate of city council  
☐ Court mandate  
☐ Union contract  
☐ Citizen dissatisfaction with previous system  
☐ Media campaign  
☐ Influence of community groups  
☐ Other (please specify) \_\_\_\_\_

#### C) STAFFING

- 13) Does your department have an Internal Affairs or comparable unit responsible for investigating complaints?

☐ Yes

If yes, please continue with question 14 and answer all of the other questions.

☐ No

If no, who is responsible for investigating complaints? \_\_\_\_\_

Please complete questions 14 and 15 as they apply to whoever is responsible and then skip to question 21.

- 14) Please indicate the staffing of this unit by numbers, rank and position.

Sworn Officers	Civilian Personnel
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- 15) To whom does the head of this unit report? (Please give rank and Division/Bureau of Assignment of that individual) \_\_\_\_\_

\_\_\_\_\_

- 16) In assigning officers to Internal Affairs, does the department:

- ☐ Use officers who volunteer only?  
☐ Transfer officers through no choice of their own?  
☐ Use a combination of both approaches?

- 17) Does past official misconduct disqualify an officer from assignment to Internal Affairs?

- ☐ Yes  
☐ No

- 18) Are any other predetermined selection criteria used for selecting officers for Internal Affairs assignments?

- ☐ Yes  
☐ No

If yes, please specify \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 19) Is an officer's assignment to Internal Affairs generally limited to a designated period of time?

- ☐ Yes  
☐ No

If yes, how long? \_\_\_\_\_

- 20) Do assigned officers undergo special Internal Affairs training?

- ☐ Yes  
☐ No

If yes, is that training presented by:

- ☐ Your department  
☐ Another source (please specify) \_\_\_\_\_  
☐ Both

And, briefly, what does the training include? \_\_\_\_\_

\_\_\_\_\_



D) COMPLAINT RECEPTION

21) A complaint by a citizen against an officer will be investigated after: (Check all that apply)

- ☐ Verbal notification by telephone
- ☐ Verbal notification in person
- ☐ Written notification (unsigned)
- ☐ Written notification comprising a signed statement
- ☐ Other (please specify) \_\_\_\_\_

22) From whom can a complaint be accepted? (Check all that apply)

- ☐ The individual who considers he was wronged
- ☐ Any person with the written consent of the above
- ☐ Any person with the verbal consent of the above
- ☐ Anyone (for example, a witness to an event)
- ☐ Other (please specify) \_\_\_\_\_

23) Are complainants warned against making false statements?

- ☐ Yes
- ☐ No

If yes, when is this warning given? \_\_\_\_\_

24) Are anonymous complaints accepted for investigation?

- ☐ Yes, as a matter of routine
- ☐ Yes, if there is other supportive information
- ☐ No, anonymous complaints are not investigated

25) By whom can a complaint be accepted? (Check all that apply)

- ☐ Any person working in a place designated for the acceptance of complaints (for example, a clerk in Internal Affairs)
- ☐ Only sworn officers working in a place designated for the acceptance of complaints
- ☐ Any sworn officer
- ☐ Any supervisory officer
- ☐ Other (please specify) \_\_\_\_\_

26) Where can a complaint be accepted? (Check all that apply and estimate the percentage of complaints received at each location per year, averaged over the last five years.)

- ☐ \_\_\_\_\_ % At certain government offices (for example, City Hall)
- ☐ \_\_\_\_\_ % At all police stations
- ☐ \_\_\_\_\_ % At police headquarters
- ☐ \_\_\_\_\_ % At the office responsible for their investigation within the police department (for example, Internal Affairs)
- ☐ \_\_\_\_\_ % At the office responsible for their investigation external to the police department (for example, Civilian Complaint Board)
- ☐ \_\_\_\_\_ % Other (please specify)

27) At what times may a citizen file a complaint?

- ☐ 24 hours a day, seven days a week
- ☐ Generally only during office hours, Monday to Friday
- ☐ By appointment only
- ☐ Other (please specify) \_\_\_\_\_

- 28) Is there a limit on the time elapsed between the alleged incident taking place and the complaint being filed, after which a complaint will not be accepted?

☐ Yes  
☐ No

If yes, what is the allowed time? \_\_\_\_\_

- 29) Is there a systematic method by which the general public is made aware of the complaint process?

☐ Yes  
☐ No

If yes, how is the public notified? (Check all that apply)

- ☐ Brochures available at police stations  
☐ Brochures available at other government offices (for example, City Hall)  
☐ Advertisements in newspapers  
☐ Advertisements on television/radio  
☐ Posters distributed throughout the city/county  
☐ Officers carry complaint information with them on patrol  
☐ Other (please specify) \_\_\_\_\_

#### E) RECORDING AND CLASSIFICATION OF COMPLAINTS

- 30) Which agency unit is primarily responsible for maintaining a record of the number of complaints filed by citizens?

☐ The investigating unit (for example, Internal Affairs)  
☐ Community Relations/Community Affairs department  
☐ Management services/management information department  
☐ No specific department  
☐ Other (please specify) \_\_\_\_\_

- 31) Are those employees who can accept complaints officially empowered to informally resolve them at the time? (For example, through mediation between complainant and accused officer in situations where complainants are clearly not seeking formal investigations.)

☐ Yes  
☐ No

If yes, how are such complaints and their resolutions documented? \_\_\_\_\_

- 32) Are all complaints which are not informally resolved subjected to a formal investigation?

☐ Yes  
☐ No

If no, under what circumstances might a complaint be recorded but not formally investigated? \_\_\_\_\_

- 33) At what point is the accused officer notified that he or she is to be the subject of an investigation?

☐ Immediately upon receipt of the complaint  
☐ Within 24 hours after the complaint was made  
☐ As soon as is reasonably possible  
☐ Only when the investigator is ready to interview the officer  
☐ Other (please specify) \_\_\_\_\_

34) Is notification made to the officer in writing?

- ☐ Yes  
☐ No

F) INVESTIGATION

35) In the case of an alleged criminal violation, who would be appointed to investigate?

- ☐ The accused officer's immediate supervisor  
☐ A sworn officer from the detective bureau  
☐ A sworn officer from internal affairs  
☐ A civilian investigator employed by the police department  
☐ A civilian investigator employed by an external agency  
☐ Other (please specify) \_\_\_\_\_

If this investigator is a sworn officer, what would be his/her rank?

- ☐ A senior officer (lieutenant and above)  
☐ At least one rank higher than the accused officer  
☐ A sergeant  
☐ A detective  
☐ Internal Affairs has a special rank for investigators  
☐ There is no rank stipulation

36) Who is responsible for appointing the investigating officer in a criminal case?

- ☐ The Police Chief  
☐ The head of internal affairs  
☐ A senior officer from the accused officer's division  
☐ The head of the external agency responsible for the investigation  
☐ Other (please specify) \_\_\_\_\_

37) In a criminal case, is the accused officer typically formally interviewed by the investigating officer regarding the allegation?

- ☐ Yes  
☐ No

If no, how is the accused officer's version of the events elicited from him or her? \_\_\_\_\_

38) In the case of an alleged procedural or administrative violation (for example, excessive force or conduct unbecoming an officer), who would be appointed to investigate?

- ☐ The accused officer's immediate supervisor  
☐ A sworn officer from the detective bureau  
☐ A sworn officer from internal affairs  
☐ A civilian investigator employed by the police department  
☐ A civilian investigator employed by an external agency  
☐ Other (please specify) \_\_\_\_\_

If this investigator is a sworn officer, what would be his/her rank?

- ☐ A senior officer (lieutenant and above)  
☐ At least one rank higher than the accused officer  
☐ A sergeant  
☐ A detective  
☐ Internal Affairs has a special rank for investigators  
☐ There is no rank stipulation

39) Who is responsible for appointing the investigating officer in an administrative case?

- ☐ The Police Chief  
☐ The head of internal affairs  
☐ A senior officer from the accused officer's division  
☐ The head of the external agency responsible for the investigation  
☐ Other (please specify) \_\_\_\_\_

40) In an administrative case, is the accused officer typically formally interviewed by the investigating officer regarding the allegation?

- ☐ Yes  
☐ No

If no, how is the accused officer's version of the events elicited from him or her? \_\_\_\_\_

41) Is there a time limit on complaints investigations?

- ☐ Yes  
☐ No

If yes, what is the allowed time? \_\_\_\_\_

42) Are administrative rights (similar to Miranda) offered to officers who are the subject of an internal investigation?

- ☐ Yes  
☐ No

If yes, please attach a copy to the completed questionnaire.

43) Is the polygraph used in investigating complaints when interviewing officers?

- ☐ Yes  
☐ No

If yes, is it:

- ☐ Optional  
☐ Mandatory

44) Is the polygraph used in investigating complaints when interviewing complainants?

- ☐ Yes  
☐ No

If yes, are complainants notified that the complaint may not be proceeded with if they do not agree to take a polygraph?

- ☐ Yes  
☐ No

45) Are any units in your department immune, by nature of their work, from normal investigations?

- ☐ Yes (please specify) \_\_\_\_\_  
☐ No

If yes, who investigates allegations of misconduct against these officers?

\_\_\_\_\_

- 46) Are written guidelines in existence regarding the circumstances under which an officer may be suspended from duty pending the outcome of an investigation?

☐ Yes  
☐ No

If yes, please attach a copy to the completed questionnaire.

G) FINDING (DETERMINATION))

- 47) What alternative findings are there following investigation of the case?  
 (Check all that apply)

☐ Sustained (i.e., allegation is proven)  
☐ Not sustained (i.e., not sufficient evidence either to prove or disprove the allegation)  
☐ Unfounded (i.e., allegation is proven to have been false or not based on valid facts)  
☐ Exonerated (i.e., the incident which provoked the complaint is proven to have occurred, but the accused officer acted lawfully and properly)  
☐ Policy review/policy failure (i.e., the allegation is proven but the accused officer acted within existing policy, hence the policy should be reviewed)  
☐ Other (please specify) \_\_\_\_\_

- 48) Who makes the initial recommendation for finding following investigation of the case?

☐ The head of internal affairs  
☐ A senior officer from the accused officer's division  
☐ The investigator  
☐ The accused officer's immediate supervisor  
☐ Other (please specify) \_\_\_\_\_

- 49) Who reviews this recommendation?

☐ The Deputy Chief  
☐ The head of internal affairs  
☐ The accused officer's chain of command  
☐ Some form of internal trial board (please specify how constituted) \_\_\_\_\_

☐ Other (please specify) \_\_\_\_\_

- 50) Who ultimately confirms the finding?

☐ A government official or body (e.g., city manager or police board)  
☐ The Police Chief  
☐ Some form of internal trial board (please specify how constituted) \_\_\_\_\_

☐ A hearing at which the accused officer is present  
☐ Other (please specify) \_\_\_\_\_

H) DISPOSITION (SANCTION)

51) What alternative disciplinary sanctions are there if the complaint is sustained?  
(Check all that apply)

- ☐ Criminal Charges
- ☐ Dismissal
- ☐ Reduction in Rank
- ☐ Suspension
- ☐ Fine
- ☐ Punitive Transfer
- ☐ Written reprimand
- ☐ Verbal reprimand
- ☐ Supervisory Counseling
- ☐ Other (please specify) \_\_\_\_\_

52) If the complaint is sustained, who makes the initial recommendation for discipline?

- ☐ The head of internal affairs
- ☐ A senior officer from the accused officer's division
- ☐ The investigator
- ☐ The accused officer's immediate supervisor
- ☐ Other (please specify) \_\_\_\_\_

53) Who reviews this recommendation?

- ☐ The Deputy Chief
- ☐ The head of internal affairs
- ☐ The accused officer's chain of command
- ☐ Some form of internal trial board (please specify how constituted) \_\_\_\_\_
- ☐ Other (please specify) \_\_\_\_\_

54) Who ultimately confirms the recommendation for discipline?

- ☐ A government official or body (e.g., city manager or police board)
- ☐ The Police Chief
- ☐ Some form of internal trial board (please specify how constituted) \_\_\_\_\_
- ☐ A hearing at which the accused officer is present
- ☐ Other (please specify) \_\_\_\_\_

I) APPEALS/MISCELLANEOUS

55) If not satisfied with the outcome of an investigation, does the complainant have the right of appeal?

- ☐ Yes
- ☐ No

If yes, to whom can he/she appeal? (check all that apply)

- ☐ A government official or body (for example, the city manager or the police board)
- ☐ The Police Chief
- ☐ Other (please specify) \_\_\_\_\_

- 56) If not satisfied with the outcome of an investigation, does the accused officer have the right of appeal?

☐ Yes  
☐ No

If yes, to whom can he/she appeal? (Check all that apply)

☐ A government official or body (for example, the city manager or the police board)  
☐ The Police Chief  
☐ Other (please specify) \_\_\_\_\_

- 57) Does the city/county attorney normally become involved in complaints investigation at any stage?

☐ Yes  
☐ No

If yes, at what stage, in what way, and for which kinds of complaint? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 58) What other documents or systems affect the investigation of complaints from a legal point of view?

☐ Officer's Bill of Rights  
☐ Union Contract  
☐ Other (please specify) \_\_\_\_\_

J) PUBLIC INFORMATION

- 59) Having made a complaint, is the complainant notified of the:

Receipt of the complaint?

☐ Yes  
☐ No

Approximate conclusion date of the investigation?

☐ Yes  
☐ No

Finding of the case?

☐ Yes  
☐ No

Disposition and disciplinary action taken against the accused officer (when applicable)?

☐ Yes  
☐ No

Procedure for appeal by the complainant if not satisfied with the outcome?

☐ Yes  
☐ No

60) Are statistics relating to complaints investigation disseminated to the public?

- ☐ Yes  
☐ No

If no, why not? \_\_\_\_\_

If yes, in what way?

- ☐ In a separate specific report published annually  
☐ In the Police Chief's Annual Report  
☐ By way of a press release (e.g., newspaper article)  
☐ Other (please specify)

**Please attach a copy of the most recent report to the completed questionnaire.**

### K) COMPLAINTS STATISTICS

61) Please respond to each part of this question with estimated figures averaged over the last five years:

- A) Number of complaints made by citizens against sworn officers per year \_\_\_\_\_ %  
 Number of incidents giving rise to these complaints per year (i.e.,  
 frequently a citizen will make a number of different complaints, all  
 of which are documented, but which all arose from the same incident)

- |  |      |
|--|------|
| B) Percentage of complaints alleging crimes per year   | %    |
| Percentage of complaints alleging excess force, incivility, harassment, etc., per year   | %    |
| Percentage of complaints alleging other procedural or administrative violations (for example, conduct unbecoming an officer, lack of service, etc.) per year | %    |
| Total  | 100% |

C) Yearly findings (averaged over the last five years):

Percentage of crime allegations sustained	%
not sustained	%
unfounded	%
exonerated	%
policy review/policy failure	%
(See Q. 47 for definitions)	%
Total	100%

Percentage of excess force, etc., allegations sustained	%
not sustained	%
unfounded	%
exonerated	%
policy review/policy failure	%
Total	100%

Percentage of other administrative allegations sustained	
not sustained	2%
unfounded	2%
exonerated	2%
policy review/policy failure	2%
Total	100%

62) For those complaints in the policy review/policy failure category above (See Question 47 for definition.) What type of internal systemic (departmental) defects or policy failures have, in the past, given rise to officer wrongdoing which has provoked citizen complaints?



L) OPINIONS

The following, and final, set of questions is designed to measure opinions, rather than facts, regarding investigation of complaints against the police. There are therefore no right or wrong answers.

The questions are in the form of statements to which you are asked to respond on a numerical scale ranging from 1 to 7 depending upon the extent to which you either agree or disagree with each statement.

In responding, place the number that best represents your views in the space provided next to each statement. For example, if you strongly agreed with a statement, you would respond with a 1, whilst if you were not sure but felt that you probably disagreed with it, you would respond with a 5.

Please respond to questions 63 and 64 specifically with regard to your department only, and to the remainder of the questions with regard to investigation of citizen complaints against the police in general.

1	2	3	4	5	6	7
Strongly agree	Agree	Not Sure But probably agree	Neither agree nor disagree	Not Sure But probably disagree	Disagree	Strongly disagree

- 63) [ ] "Police officers feel that internal investigations of complaints are fair and equitable."
- 64) [ ] "Citizens in the community feel that internal investigations of complaints are fair and equitable."
- 65) [ ] "External (or civilian) review of complaints tends to decrease the morale of the police, which can lead to reduced effectiveness and performance."
- 66) [ ] "Internal Affairs' goals and complainants' expectations do not necessarily correspond."
- 67) [ ] "Civilians are unqualified to judge the propriety of police actions."
- 68) [ ] "External (or civilian) review boards for investigating complaints against the police provide an impartial and independent assessment of police practices."
- 69) [ ] "Police officers are professionals and are thus best able to regulate their own conduct."
- 70) [ ] "Citizens not satisfied with internal investigation of complaints have sufficient alternative avenues to follow, the courts being just one example."
- 71) [ ] "The impartiality of internal investigation of complaints depends heavily upon the integrity of senior police administrators."
- 72) [ ] "Involving interested citizens in the citizen complaint process can lead to increased public confidence and can therefore be advantageous to the police department."
- 73) [ ] "External (or civilian) involvement in the disciplinary process interferes with the authority of the Police Chief."
- 74) [ ] "One advantage which internal review systems have over external review systems is that, under internal review, officers can actively seek out malpractice within the police department, whereas under external review a citizen must first make a complaint before anything can be done."
- 75) [ ] "Independent external investigation of complaints against the police is less likely to be biased than is internal investigation."
- 76) [ ] "External interest in complaints investigation is natural and reasonable."
- 77) [ ] "Civilian Review Boards have been shown to be unworkable and ineffective."
- 78) [ ] "An honest and open Internal Affairs Unit will lessen a police department's civil liability."

Continued on next page.

Finally, may we take this opportunity to remind you of our requests for copies of departmental procedures and published reports relating to investigation of citizen complaints to be attached to this completed questionnaire and to thank you once again for taking the time to respond. We are confident that your response will help us to produce a summary report which will be both informative and interesting and which will be of use to you and your department.

## APPENDIX II

### Creation of the Combined "Openness to Accept Complaints" Variable

A combined measure of agency openness to accept complaints was created by combining departmental responses to a number of questions on the survey instrument in accordance with the following scoring system:

Table A.1 - Creation of the Combined "Openness to Accept Complaints" Variable

Policy	Score
A complaint will be investigated after:	
a) Verbal notification by telephone	1
b) Verbal notification in person	1
c) Written notification (unsigned)	1
d) Written notification comprising a signed statement	1
A complaint will be accepted from anyone (for example, a witness to an event)	1
Complainants are not routinely warned against making false statements	1
Anonymous complaints are investigated as a matter of routine	3
Anonymous complaints are investigated if there is other supportive information	2
Anonymous complaints are not investigated	1
No limit is specified on the time elapsed between the alleged incident taking place and the complaint being filed, after which a complaint will not be accepted	1

**Maximum Possible = 10**

## **BIBLIOGRAPHY**

## **BIBLIOGRAPHY**

- Barton, P. G., "Civilian Review Boards and the Handling of Complaints Against the Police," **University of Toronto Law Journal**, Vol. 20 (1970), pp. 448-468.
- Bell, J., "PACE and Complaints Against the Police," **Policing**, Vol. 2 No. 4 (Winter 1986), pp. 283-293.
- Beral, H. and Sisk, M., "The Administration of Complaints by Civilians Against the Police," **Harvard Law Review**, Vol. 77 (1964), pp. 499-519.
- Bouza, A. V., "Police Unions: Paper Tigers or Roaring Lions?" in Geller, W. A. (ed.), **Police Leadership in America: Crisis and Opportunity**, (Chicago: American Bar Foundation, 1985), pp. 241-280.
- Box, S., **Power, Crime and Mystification**, (London and New York: Tavistock Publications, 1983).
- Brown, D., "Civilian Review of Complaints Against the Police: A Survey of the United States Literature," **Home Office Research and Planning Unit Paper No. 19**, (London: Home Office, 1983).
- Brown, D., "The Police Complaints Procedure: A Survey of Complainants' Views," **Home Office Research and Planning Unit Study No. 93**, (London: HMSO, 1987).
- Buckley, W., **Sociology and Modern Systems Theory**, (Englewood Cliffs, NJ: Prentice-Hall, 1967).
- CALEA, **Commission Update No. XXXIII**, (Fairfax, VA: Commission on Accreditation for Law Enforcement Agencies, Fall 1986).
- Cray, E., **The Enemy in the Streets: Police Malpractice in America**, (New York: Anchor Books, 1972).
- Crook, T., "'My blokes did not assault youths' - sergeant," **Police Review**, Vol. 95 No. 4920 (July 10, 1987), p. 1362.
- Duffy, J. F., "PERF: Acts to Improve Citizen Complaint Procedures," **FBI Law Enforcement Bulletin**, (May 1983), pp. 11-14.
- Geller, W. A., "Police misconduct: Scope of the Problems and Remedies," **ACJS Today**, (February 1984), pp. 6-11.
- Goldstein, H., **Policing a Free Society**, (Cambridge, Mass: Ballinger, 1977).
- Goldstein, H., **Police Corruption**, (Washington, DC: Police Foundation, 1976).

- Halpern, S. C., "Police Employee Organizations and Accountability Procedures in Three Cities: Some Reflections on Police Policy-Making," **Law and Society Review**, Vol 8 No. 4 (Summer 1974), pp. 561-582.
- Hewitt, P., **The Abuse of Power: Civil Liberties in the United Kingdom**, (Oxford: Martin Robertson, 1982).
- Hilliard, B., "The Holloway Incident," **Police Review**, Vol. 95 No. 4921 (July 17, 1987), p. 1426.
- Hudson, J. R., "Police Review Boards and Police Accountability," **Law and Contemporary Problems**, Vol. 36 No. 4 (Autumn 1971), pp. 515-538.
- IACOLE, **Proceedings of the First International Conference on Civilian Oversight of Law Enforcement**, Toronto, October 1985, (Toronto: OPCC, 1986).
- Jolin, A. I. and Gibbons, D. C., "Policing the Police: The Portland Experience," **Journal of Police Science and Administration**, Vol. 12 No. 3 (1984), pp. 315-322.
- Kerstetter, W. A., "Who Disciplines the Police? Who Should?" in Geller, W. A. (ed.), **Police Leadership in America: Crisis and Opportunity**, (Chicago: American Bar Foundation, 1985), pp. 149-182.
- Labour Party, **Protecting our People: Labour's Policy on Crime Prevention**, (London: The Labour Party, 1987).
- Lambert, John L., **Police Powers and Accountability**, (London: Croom Helm, 1986).
- Leonard, V. and More, H., **Police Organization and Management**, (New York: Foundation Press, 1971).
- Letman, S. T., "Chicago's Answer to Police Brutality: The Office of Professional Standards," **Police Chief**, (January 1980), pp. 16-17.
- Letman, S. T., "The Office of Professional Standards: Six Years Later," **Police Chief**, (March 1981), pp. 44-46.
- Liddy, D., **Durham Constabulary Complaints and Discipline Department**, (Durham, England: Durham Constabulary Unpublished Paper, 1986).
- Lynch, G.W. and Diamond, E., "Police Misconduct," in Kadish, S. H. (ed.), **Encyclopedia of Crime and Justice**, (New York: The Free Press, 1983).
- Meek, A., **A Comparison of the PACE Act 1984 with the Present System Relating to Police Complaints and Discipline**, (Bramshill, Hampshire, England: Police Staff College Unpublished Paper, 1985).
- Metropolitan Toronto Office of the Public Complaints Commissioner 1985 **Annual Report**, (Toronto: OPCC, 1986).
- Moore, G. H., "Civilianisation of the Police Complaints Procedure," **P-a-S Papers**, (April, 1982), pp. 6-7.
- Niederhoffer, A., **Behind the Shield: The Police in Urban Society**, (Garden City: Anchor Books, 1967).

- "Off with his helmet," Police, Vol. 19 No. 9, pp. 9-10, (May, 1987).**
- Packer, H., "The Courts, the Police, and the Rest of Us," Journal of Criminal Law, Criminology and Police Science, Vol. 57, (1966).**
- "PCA calls for dismissal of 'unsuitable' officers," Police Review, Vol. 95 No. 4908, p. 722, (April 10, 1987).**
- Perez, D. W., Police Accountability: A Question of Balance, (Ann Arbor: University Microfilms, 1979).**
- PERF, Police Agency Handling of Citizen Complaints: A Model Policy Statement, (Washington D.C.: PERF, 1983).**
- Philips, Sir C., "Change and reform in the system of dealing with complaints against the police," Policing, Vol. 1 No. 1, pp. 6-19, (Autumn, 1984).**
- Pike, M. S., The Principles of Policing, (London: Macmillan, 1985).**
- Plowden Report, Report of a Working Party on the establishment of an independent element in the investigation of complaints against the police, (London: HMSO, 1981).**
- Police Act 1964, (London: HMSO, 1964).**
- Police Act 1976, (London: HMSO, 1976).**
- Police and Criminal Evidence Act 1984, (London: HMSO, 1984).**
- Police Complaints Authority Annual Report 1985, (London: HMSO, 1986).**
- Police Complaints Authority Annual Report 1986, (London: HMSO, 1987).**
- Police Complaints Board Triennial Review Report, (London: HMSO, 1980).**
- Police Complaints Board Annual Report 1981, (London: HMSO, 1982).**
- Police Complaints Board Final Review Report 1977-1985, (London: HMSO, 1985).**
- Pomeroy, W. A. C., "The Sources of Police Legitimacy and a Model for Police Misconduct Review," in Geller, W. A. (ed.), Police Leadership in America: Crisis and Opportunity, (Chicago: American Bar Foundation, 1985), pp. 183-186.**
- President's Commission on Law Enforcement and the Administration of Justice, Field Survey IV(2): The Police and The Community, (Washington D.C.: USGPO, 1967).**
- President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Police, (Washington D.C.: USGPO, 1967).**
- R v PCB ex parte Rhone and Madden, 1983 2QB 353.**
- Robin, G.D., Introduction to the Criminal Justice System, (New York: Harper and Row, 1980).**

- Russell, K., *Complaints Against the Police: A Sociological View*, (Leicester, England: Milltak Limited, 1976).**
- Russell, K. V., "Complaints Against the Police: An International Perspective," *Police Journal*, Vol. 52 No. 1 (January 1978), pp. 34-44.**
- San Francisco Office of Civilian Complaints, *The Professional*, Vol.1 No. 3, (Spring 1986).**
- San Francisco Office of Civilian Complaints, *The Professional*, Vol. 2 No. 1, (Fall 1986).**
- Scarman Report, *The Brixton Disorders 10-12 April 1981*, (London: HMSO, 1981).**
- Sharpley, G. R., "Ombudsman: A Representative Democracy's Finest Hour," *Police Chief*, (January 1969), pp. 12-17.**
- Stalker, J., "This Crumbling Irrelevance," *Police*, Vol. 19 No. 9, p. 12, (May, 1987).**
- Stowell, G. F., "Civilian Review Boards," *Police Chief*, Vol. 44 No. 4 (April 1977), pp. 63-65.**
- Terrill, R. J. "Complaint Procedures: Variations on the Theme of Civilian Participation," *Journal of Police Science and Administration*, Vol. 10 No. 4 (1982), pp. 398-407.**
- Territo, L. and Smith, R. L., "The Internal Affairs Unit: The Policeman's Friend or Foe?" *Police Chief*, (July 1976), pp. 66-69.**
- US Commission on Civil Rights, *Who is Guarding the Guardians?*, (Washington: USGPO, 1981).**
- Waddington, P. A. J., "Wanted: a permanent police watchdog," *The London Times*, (April 8, 1987).**
- Warren, Kenneth, and Tredinnick, David, *Protecting the Police*, (London: Conservative Political Centre, 1982).**
- Washington D.C. Civilian Complaint Review Board 1985 Annual Report, (Washington D.C.: Government of the District of Columbia, 1986).**
- Walker, S., *The Police in America*, (New York: McGraw-Hill, 1983).**
- Wilson, O.W. and McLaren, R. C., *Police Administration*, (New York: McGraw-Hill, 1977).**



