

APPENDIX I

Use of Force Complaint Processing Literature Review

The Context of Citizen Complaints
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In any analysis of citizen complaint processing and outcomes, it is important to consider the findings in the context of what is known about complaint processing from studies conducted within and across other jurisdictions. Without a basis for comparison, it is difficult to understand the meaning of a particular statistic, such as a sustain rate: is it low, high, or typical? However, there are some challenges to synthesizing this research literature. While social science research on citizen complaints started about 50 years ago, the volume of research conducted within that 50 year span is relatively small, in part due to the fact that police departments have generally been unwilling to share their data with researchers. In addition, police complaint processes can be somewhat idiosyncratic, with variation in the complaint intake processes, codes of conduct, degree of internal and/or external review, and policies and procedures. Despite these idiosyncrasies, we are able to draw the following general conclusions from the research literature on citizen complaints about police (see Hickman and Poore, 2016):

1. *A relatively small proportion of officers are responsible for a large proportion of complaints.* However, it should be noted that this does not necessarily mean that these constitute a small number of “problem” officers, as some research has linked high rates of complaint to arrest activity and other measures of officer productivity.
2. *On-view incidents and more “proactive” policing assignments may be more likely to lead to complaints than dispatched calls.* In a broader sense, this points

to the need to consider officer assignments as well as work context in understanding differential rates of complaint.

3. ***Minority citizens complain in numbers disproportionately greater than their representation in the population served.*** The research shows that this is particularly true for Black or African-American citizens. However, it is unclear whether a racial group's representation in the population served is the appropriate denominator for this type of analysis.
4. ***Minority officers are disproportionately the subject of citizen complaints, as well as internal (i.e., police-initiated) complaints.*** It is not clear what accounts for these findings, although racial bias has been suggested.
5. ***Younger officers and those with fewer years of experience tend to receive more complaints.*** While this may be attributable to having less experience, maturity, and/or skill in interacting with the public, it could also reflect greater exposure in terms of officer assignments and productivity.
6. ***There is wide variation in sustain rates across agencies.*** Some of this variation may be attributable to structural differences (such as the presence or absence of an external civilian complaint review board in a jurisdiction), but also to idiosyncrasies in how agencies process complaints.
7. ***Despite the wide variation in sustain rates across agencies, in general, sustain rates are lower for physical force complaints as compared to other types of complaints.*** This general finding is supported by a broad range of studies over time; a recent eight-city comparative study documented an overall force complaint sustain rate of 1.9%, ranging from zero to 4.5% across the agencies

studied (Terrill & Ingram, 2016). While some may attribute this to a departments' unwillingness to address the problem of physical force, this may also reflect the sizeable gap between citizens' perceptions of what constitutes "excessive" force, and force as it is understood in terms of departmental policy and the law.

8. ***Internal (police-initiated) complaints tend to have higher sustain rates than citizen complaints.*** This can also lead to higher sustain rates for minority officers, as minority officers are disproportionately the subject of internal complaints.

Below we provide additional detail on studies related to citizen complaints about police that lead to the general conclusions stated above. This includes studies about the receipt and processing of complaints, the characteristics of officers who are the subjects of complaints, and the characteristics of complainants. There is also literature focused on the structural correlates of complaint volumes and dispositions, such as agency organizational characteristics, the presence of external review entities, agency policies and procedures, and community demographics. Our review is largely chronological.

The first significant empirical study of police complaints from a social science perspective was Hudson's (1970) analysis of the work of the Philadelphia Police Advisory Board (PAB). Hudson examined nearly 700 complaints filed with the PAB during its first 10 years of operation, and for which an investigation was conducted. Among many findings, it was reported that a large proportion of the complaints (46%) resulted from on-view incidents. Complainants were mostly male (76%) and minority (70%), the latter statistic a striking contrast to the population of Philadelphia at the time (25% minority). In nearly two-thirds (62%) of the

incidents giving rise to complaint, the principal complainant had been arrested, and resisting charges were more likely in arrests of minorities (38%) compared to whites (26%). As one of the earliest studies of citizen complaints, Hudson's data and analysis helped researchers to appreciate the importance of situation, status, and context in explaining negative police-citizen interactions that give rise to complaint.

In a pair of articles, Wagner (1980a; 1980b) explored complainant and officer characteristics in a sample of 583 complaint cases drawn from those filed during 1971 and 1973 in the pseudonymous "Metro City" police department. Included were all complaints of physical and verbal abuse, and a random sample of other allegations. Wagner (1980a) found that blacks comprised 41% of the population served, but 67% of complaints filed against police. Complainants were also disproportionately male (46% of the population, and 77.5% of complainants) and young (16% of the population was aged 15-24 years, but this age group filed 43% of complaints). A quarter of complainants were unemployed and another 17% were students at the time of the incident. About a quarter of complainants had been arrested for resisting or interfering with officers. Across the two years studied, 5% of complaints were sustained. When allegation types were separated, blacks were found to complain about physical and verbal abuse proportionately more so than in other complaint categories. Sustain rates varied by allegation type, with physical force having the lowest (2%) compared to verbal abuse (9%) and other allegations (11.5%). Upon further investigation, half of the sustained physical abuse complaints were against off-duty officers involved in disputes with family or friends.

In terms of officer characteristics, Wagner (1980b) examined rank, assignment, race, sex, age, years of service, training, education, height, as well as radio status at time of incident (patrol, foot, detective, and single or two-officer), and mobilization type. Wagner reported that

the characteristics of officers who were the subject of complaints were not distinctive. In terms of race, whites comprised 80% of all officers and 85% of all complaints. Officers in two-officer cars were more likely to have complaints than those in one-officer cars, and on-view incidents comprised 71% of all complaints.

Littlejohn (1981) reported on 2,323 citizen complaints (representing more than 4,000 allegations) received by the Detroit Police Department during 1975. This represented a substantial increase in complaint volume over prior years, following the introduction of a new civilian complaints investigations structure in 1974. About one-quarter (24%) of allegations were related to officer demeanor, followed by force complaints (21%) and complaints related to procedure (16%). Fifteen percent of the 2,251 complaint investigations closed in 1975 had at least one sustained finding.

Dugan and Breda (1991) reported on a 1988 survey of all 259 law enforcement agencies then operating in Washington State. They received surveys from 165 agencies representing about 3,500 officers, or half of all officers in the state. They asked for the number and types of complaints received during a 12-month period spanning 1987 and 1988, as well as the number of sustained complaints. Forty-seven percent of the agencies reported one or more investigated complaints; the total during the one year period was 691 complaints (an average of 4.2 per agency), involving 437 officers. Most officers received just one (64.5%) or two (22.4%) complaints. The largest category of complaint was verbal conduct (41.5% of all complaints), followed by physical force (17.5%). The overall complaint sustain rate was 25%, varying from 12% for physical force complaints to 30% for failure to act complaints.

In the wake of the Rodney King incident, as part of a broad review of the Los Angeles Police Department, the Christopher Commission (Independent Commission on the Los Angeles

Police Department, 1991) examined complaints and discipline in that agency. The Commission expressed the public's frustration with the department, noting that just 3% of the 3,149 allegations of excessive force or improper tactics during the period 1986-1990 were sustained. The Commission noted that sustain rates for these complaints were much higher for investigations conducted by the Internal Affairs Division (15%) as compared to division investigations (5%), the former generally handling more serious cases than the latter.

The first national-level study of complaints was conducted by Pate & Fridell (1993) for the Police Foundation. Their study focused on police use of force broadly (including agency policies and procedures, training, official reports, citizen complaints, and so forth), and collected data via a survey of 1,111 agencies. 840 agencies provided data on citizen complaints about police use of force. Collectively, they reported 15,608 complaints during 1991, with rates of complaint varying by size and type of agency. Pate & Fridell (1993, p. 95) reported that minorities composed 48.4% of the population served and 58.6% of those filing complaints of excessive force among 215 city police departments. Blacks, in particular, were overrepresented, composing 21.4% of the population served but 42.3% of those filing complaints. Sustained complaints also varied by race of complainant, with black complainants accounting for 27.3% of sustained complaints. In terms of officer characteristics, black officers comprised 13.3% of sworn officers in city police departments, and 12.5% of those with citizen complaints of excessive force (in contrast, Hispanic and "other" officers were overrepresented in complaints). However, black officers were disproportionately represented in sustained complaints (17.3%) compared to other race/ethnicity categories.

Griswold (1994) studied the influence of the seriousness of complaints, the frequency with which an officer is the subject of complaints, and the complaint origin (internal or external),

on complaint dispositions during a two-year period in a large suburban sheriffs' department (860 officers) in south Florida. A total of 573 complaints were filed during this period, and about half (49%) were sustained. Most officers (73%) had no complaints filed against them. About 40% of the complaints were filed by citizens, while the remainder were either initiated by internal affairs (38%), or other individual officers (22%). Violations of standard operating procedures accounted for 42% of complaints, and another 22% related to unnecessary force. Multivariate analysis found that complaints filed by other officers were significantly more likely to be sustained, and complaints alleging excessive force were less likely to be sustained.

Lersch and Mieczkowski (1996) examined 527 complaints over a three-year period in the "Sunnyville" police department. These complaints involved 274 officers, or a little over half of all officers in the department, and a total of 682 allegations. Half of the complaints were classified as harassment, and another 22% were force related. A small group of 37 "repeat" officers who accumulated five or more complaints during the study period (about 7% of all officers) accounted for 35% of all complaints. Overall, 11% of complaints were sustained. They found that minority citizens in the city of Sunnyville composed 22% of the population but about 50% of those filing complaints against Sunnyville police officers. Minority officers comprised 18% of the department, and were the subject of 22% of complaints.

In a second study of a "large police department in the Southeast," Lersch and Mieczkowski (2000) examined whether external (citizen-initiated) complaints were a valid indicator of problem officers, when using internal (officer-initiated) complaints as a criterion measure. Out of 854 misconduct allegations over a three-year period, 174 (or 20.4%) were internal. These internal allegations involved 121 officers, or about 24% of all officers in the department. External allegations involved 259 officers. There were 87 officers who received

both internal and external complaints, representing 17% of all officers; these officers were responsible for nearly half (46.6%) of all internal and external complaints during the study period. Minority officers were over represented in internal complaints, but not external complaints. Minority officers comprised about 18% of the officers, and 20% of external complaints, but 39% of internal complaints (31% combined external and internal). Gender (male), age (younger), and years of service (fewer) were also related to complaint generation. About a third of the external complaints were related to officer performance (32%) or demeanor (29%), and about a fifth alleged unnecessary force (22%). Internal complaints were similar only in that officer performance was the most frequent category (31%); however, there were no internal allegations of unnecessary force, and just 6% related to demeanor.

At the census tract level, Lersch (1998) found that tracts with higher-than-average numbers of complaints had higher percentages of non-White residents as well as lower median income levels, lower educational levels, a greater percentage living in poverty, and greater unemployment. Similar to Lersch (1998), Lawton et al. (2001) found that complaint locations clustered geographically within the City of Philadelphia (i.e., citizen complaint “hot spots”), and were also correlated with measures of community disadvantage at the precinct-level. Complainant residences were also strongly correlated with precinct-level measures (Lawton et al., 2001). Interestingly, some police precincts had very high proportions of complaints that originated from residents within the precinct, while those in the center city area had very low percentages of complaints originating from persons residing within those areas.

A reanalysis of Pate and Fridell’s (1993) data reported by Cao (1999) and Cao et al. (2000) found that the presence of a civilian complaint review board (CCRB), larger percentages of African American officers, higher numbers of arrests, and larger jurisdiction sizes were

associated with a higher rate of citizen complaints about excessive physical force. Longer average officer tenure, the presence of a Field Training Officer (FTO) program, and greater levels of in-service training were associated with a lower rate of complaints.

As part of organizational shifts toward community policing in the Philadelphia Police Department, Hickman et al. (2000a) studied a cohort of officers assigned to community policing roles with funding from the Office of Community Oriented Policing Services (COPS), in comparison to officers fulfilling more traditional police roles. They reported no difference in the volume or types of complaints received by officers fulfilling either role, while controlling for several individual background characteristics and demographic characteristics that were related to complaint generation.

Brandl et al. (2001) examined the effects of officer gender, race, education, age, length of service, assignment, patrol area, and arrest activity on citizen complaints about use of force in a random sample of 800 officers from a “large mid-western municipal police department” during 1993. Bivariate models indicated that high-complaint officers (3 or more complaints) were more likely to be younger, with fewer years of experience, assigned to higher crime areas within the city, and with higher arrest activity. Multivariate models indicated that officer gender (male), age (younger), and arrest activity (greater activity), were significantly related to receipt of more complaints about use of force.

Worrall (2002) studied whether agencies with an internal affairs function, CCRB, personnel monitoring system, and automated complaint databases received more complaints than other agencies while controlling for percentage minority, unemployment, crime rate, agency training and education requirements, department size, and ratio of officers to citizens. Multivariate models indicated that agencies having automated complaint databases receive more

complaints than agencies not having such databases. Agency size was also related to greater complaints, and crime rate was related specifically to greater force complaints. Worrall suggested that automated systems may indicate a greater level of professionalism and agency concern about citizen complaints, and citizens may be more comfortable complaining. Another explanation offered was that agencies with automated databases have a higher incidence of complaints because the records are perhaps more accurate or at least more accessible.

A second national-level study was conducted by the Justice Department's Bureau of Justice Statistics (Hickman, 2006). This study integrated questions regarding the number of citizen complaints about police use of force, as well as complaint dispositions, into the Law Enforcement Management and Administrative Statistics (LEMAS) program. These data provided a cross-sectional view of complaints processed by nearly 800 large law enforcement agencies during 2002, including municipal and county police, county sheriffs' offices, and the primary state agencies. Collectively, municipal police departments received more than 22,200 complaints during the year, or 9.5 force complaints per 100 full-time sworn officers, with an overall sustain rate of 8%. There was variation in complaint and sustain rates by agency size as well as organizational characteristics (such as CCRBs, formal internal affairs units, personnel monitoring systems, collective bargaining, and agency policies).

Hickman and Piquero (2009) merged the BJS agency data with Census demographics in order to explore macro-level correlates of police use of force complaints, including organizational, administrative, and environmental factors. They reported that: rates of force complaints were higher among agencies having greater spatial differentiation, internal affairs units, and higher violent crime rates; the percentage of complaints sustained was higher among agencies characterized by greater formalization and lower where collective bargaining was

authorized for officers; and minority representation among sworn officers relative to the communities served was unrelated to complaint rates nor to the percentage of complaints sustained.

It should be noted that BJS collected one additional wave of citizen complaints data in the 2007 LEMAS, but never reported on those data. A research grant to merge the two waves of data in order to study their validity and reliability found that there were serious measurement problems with the complaints data, and recommended not using them for comparative statistical reporting and research purposes (Hickman and Poore, 2016). As a result of this analysis, BJS modified the survey items for a new wave of data collection; however, as of this writing BJS has yet to publish those data.

Liederbach et al. (2007) studied all complaints against officers assigned to one patrol district of the “Midwest” city police department during the period March, 2000, through December, 2003. A total of 206 complaints were filed during this time period. 12.6% were internal (police-initiated) complaints, of which 69% were sustained. In contrast, citizen-initiated complaints were sustained against only three officers (a roughly 2% sustain rate), with large proportions of complaints “not sustained” (as compared to unfounded or exonerated). The patrol district was overall 82% non-white (with neighborhood level variation from 47% to 98%), and most complainants were also non-white (78%). Subject officers were mostly white (78%), although comparison departmental demographics were not reported. Complaint allegation types were fairly evenly distributed among verbal misconduct, physical misconduct, failure to serve, and unlawful behavior, with fewer property complaints. Just over half (52%) of complaints involved white officers and non-white citizens, and physical misconduct complaints in these incidents were more likely (20%) than in incidents involving white officers and white citizens

(10%). Liederbach et al. focused on the underlying reasons for not sustained findings, and found that the most commonly cited reason (31% of not sustained complaints) was the presence of conflicting “he said/she said” accounts and the lack of independent witnesses. Lack of cooperation from the complainant was also commonly cited (23% of not sustained complaints).

Hassell and Archbold (2010) examined complaints and disciplinary action against patrol officers in a “Midwestern” municipal police department during 2002-2005. Both formal and informal (citizen contacts with internal affairs for which no formal complaint was filed) complaints about police action/practice, work performance, and policy violations were included. Officer productivity measures (including arrests, reports, and citations) were collected in addition to demographics (gender, years of experience, and education). Only the productivity variables (arrests and citations) were related to the frequency of both formal and informal complaints against officers. Work performance and departmental policy complaints were more likely to be sustained than police action/practice complaints, and when there was more than one officer at the scene complaints were less likely to be sustained.

Terrill and Ingram (2016) recently examined more than 5,500 complaints allegations across eight cities (Fort Wayne, IN; Columbus, OH; Colorado Springs, CO; St. Petersburg, FL; Knoxville, TN; Charlotte-Mecklenburg, NC; Portland, OR; and Albuquerque, NM). These eight departments were chosen due to similarity in terms of their use of force policies, as well as the socioeconomic characteristics of the jurisdictions served. Two-years of data were collected from each department falling within the range of 2004 to 2008. About 1,100 (or 20%) of the complaint allegations were related to use of force, and the overall sustain rate for improper force allegations was 1.9%, varying from zero to 4.5% across the eight departments. They reported that that a small proportion of officers accounted for a large proportion of total complaints, and

found that younger officers and those having fewer years of experience received greater numbers of complaints. In addition, they reported that male and minority complainants were more likely to complain about force, and that Black or African-American complainants were less likely to have their complaints sustained. Finally, the authors found a higher likelihood of sustained complaints in agencies having external citizen oversight review as part of their complaint process.

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