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**The Processing of Complaints Against Police
in New York City:
The Perceptions and Attitudes of
Line Officers**

by

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I. Introduction

In the fall of 1985, the Vera Institute of Justice, at the request of the New York City Police Department (NYPD), began research on the Civilian Complaint Review Board, the agency which receives, investigates and determines the disposition of complaints filed by civilians against police officers in New York City. That research consisted of three parts. The first part entailed a quantitative and qualitative review of the disposition of complaints filed in 1984 at the CCRB and the factors that influenced those dispositions (Sviridoff and McElroy, 1987).¹ The second piece of research involved a survey of complainants concerning their perceptions of and degree of satisfaction with the CCRB process (Sviridoff and McElroy, 1989). The final piece of research, reported on here, examines the perceptions and attitudes of police officers about the CCRB.

This third component of the research, exploring the perceptions and attitudes of police officers, was considered essential

¹See this report (Sviridoff and McElroy, 1987) for a detailed description of the enduring political controversy about the nature of civilian complaint review processing in New York City, the structure and process of the CCRB, the nature of the agency's caseload, the dispositional outcomes permitted by the agency, the factors that influence those outcomes and recent changes in Departmental policy regarding the CCRB.

to a comprehensive study of the CCRB. It was designed to illuminate officers' perceptions of the legitimacy and fairness of the Department's complaint review mechanism. By eliciting the response of line officers to the CCRB, the research might shed some light on the effectiveness of the Department's efforts to reduce the extent of police misconduct toward citizens by exposing and responding to improper behavior -- a central goal of civilian complaint review processes.

Yet there were several impediments to eliciting those responses. Research staff had originally planned to conduct a survey of subject officers (i.e., officers involved in a CCRB complaint), selecting a sample to cover various disposition types from the 1985 datatape also used to select respondents for the complainant survey. A survey instrument was developed and a pilot survey scheduled for April 1988. However, research staff were unable to secure a positive endorsement of the proposed survey from the Patrolman's Benevolent Association (PBA). Without such an endorsement, staff suspected that few officers would participate in the research. In fact, the response rate in the pilot survey was very low; only five of the 45 officers invited to participate actually completed the research interview.

Because of the perceived importance of presenting the opinions of police officers in the overall research on the CCRB,

another approach was developed. In February 1989, Vera research staff held three focus group meetings² with officers, randomly selected according to assignment, who were instructed to come to Vera's research offices on a designated tour of duty.³ Three groups of eight officers each were selected to attend the Vera focus groups; two officers had other appointments (e.g., court appearances) which conflicted with the group meetings. In all, Vera research staff met with 22 officers, drawn from precincts throughout the city, to discuss officers' perceptions of and attitudes toward the CCRB process.⁴

²Widely used in marketing research, the focus group technique provides a qualitative tool for "studying ideas in a group context" (Morgan, 1988). Using a semi-structured interview format in a group setting, focus groups are designed to provide data and insights that would be less accessible without the interaction provided by the group discussion context.

³In selecting officers to participate in the focus groups, research staff specified that they should have had between two and seven years on the job to increase the likelihood that participating officers would have had some experience with the CCRB. Vera staff also requested that participating officers be currently assigned to Highway and Traffic, the Community Patrol Officer Program (CPOP), anti-crime or patrol units, assignments which entail frequent interactions with the public.

⁴The officers selected were a heterogenous group. In addition to the white, male officers who constitute the large majority of the police force in New York City, focus group participants included female officers, officers with Hispanic surnames and black officers. The focus group sessions also brought together officers with varying degrees of experience on the job, a fact which led to interesting interactions between relative "rookies" and seasoned veterans of the force. Officers were not selected because of a specific contact

On the one hand, the number of participants in those focus group sessions is clearly too small to permit quantitative analyses of factors that might be related to variation in attitudes toward the CCRB. In addition, given the small number of participating officers, research staff has no evidence to suggest that the opinions expressed in the focus group sessions are representative of various officer sub-groups or of the larger group of line officers from which they were selected.

On the other hand, focus group sessions permit a qualitative review of in-depth, rich perceptions and highly-detailed attitudes toward the CCRB which may be shared by officers beyond the small group of participants. Because participants are given free rein to discuss their reactions and concerns and to probe these among themselves as well as with researchers, when uniformities of language and opinion are expressed by many participating officers, they may point to an underlying consensus within the patrol force on specified issues. For example, there

with the CCRB. In the course of the focus group sessions, however, it became apparent that the large majority of participants had at least some experience with the CCRB process. Only a few participants had never received a CCRB complaint. A few other participants reported having had extensive experience with the CCRB.

was uniform concern with the Department's policy regarding the record of CCRB complaints maintained in an officer's file. Participants objected that complaints which were not substantiated remained on an officer's record, and they generally believed that the record of CCRB complaints had an unfair influence on an officer's ability to move to better details within the Department. These opinions were expressed so consistently and so strongly that they appeared to reflect a broader consensus within the force, despite the small number of officers actually participating in the discussions.

For Vera research staff, the focus group sessions proved riveting. Because of the low response rate to the pilot interviews, research staff were concerned that officers might prove reluctant to discuss the CCRB with outsiders. In fact, participating officers talked far more than had been expected and stayed longer than anticipated. Several officers spoke with a fervor that suggested that the opportunity for line officers to discuss issues about "the job" with knowledgeable outsiders who seriously listened to their opinions was far too infrequent. The focus group sessions appeared to function as a "release valve" for some of those who took part.

The focus group sessions covered a variety of topics relevant to the research: officers' perceptions of the volume

and nature of the CCRB caseload; their views of the kinds of assignments that give rise to civilian complaints; officers' understanding of the CCRB dispositional process; the perceived biases of that process; officers' concerns about the maintenance of a record of CCRB complaints and the influence of that record on their careers; the influence of civilian complaints on officers' decisions and actions in the field; officers' perceptions of and attitudes about the composition of the Board itself (the individuals who are responsible for the final disposition of civilian complaints); the nature of officers' experiences at the CCRB; officers' concerns with the lack of recourse afforded by the agency; and officers' desires for face-to-face contact with complainants. Although most of these issues had been specifically addressed in the interview protocol developed by research staff (see Attachment A), a few unanticipated topics (e.g., the desire for some form of recourse) were introduced by officers who participated in the various focus groups.

This report reviews the opinions expressed by officers during the focus groups sessions. First, it examines officers' opinions about the CCRB caseload and the types of situations that give rise to civilian complaints. It then turns to issues about the dispositional process, officers' understanding of various

dispositional outcomes and the perceived fairness of that process. Next, it examines the issue about which officers seemed most concerned: the record of CCRB complaints maintained in an officer's permanent file and the effect of that record both on an officer's career and on actions taken in the street. Finally, it turns to other issues raised in the focus group sessions, including the officers' desire for face-to-face contact with complainants and their desire for some means of recourse against malicious complaints.

II. Perceptions of the CCRB Caseload

Several officers participating in the focus group sessions believed that the CCRB accepted large numbers of complaints which should have been screened out as specious or "frivolous" on their face. One officer commented: "I think the CCRB takes so many complaints, it's ridiculous. [There's a large number that] they shouldn't even entertain." Another interpreted the CCRB's broad complaint acceptance policy as a public relations gimmick:

The only reason this job entertains [all complaints] is because they know they're going to give the statistics to the press at the end of the year. And the press is going to glamorize: 'The Department took 2,000 and something complaints during the course of this year.' It's showing the public: 'Okay we really care about you and what's going on out there. We're going to talk to our guys and be better to you.' The city is using the CCRB system as a stroke to the population. That's all it is.

Other participants specifically identified complaints about the issuing of a summons, perceived to constitute a large proportion of the caseload, as not belonging within the CCRB's jurisdiction:

I don't think any of us have any problems with the fact that the CCRB and the Department will accept a complaint to a degree. I think there should be some type of screening process for these complaints too. If your only allegation is 'I don't like the fact that I received a summons', I don't think that merits investigation. That's not a valid complaint.

A number of officers commented on the fact that summonses, particularly traffic summonses, frequently gave rise to civilian complaints:

A lot of people think they're going to beat the summons by making the complaint....Some people, if they lose in court, then they make a complaint. Because they're upset they lost.

Why'd you stop this guy or that guy? Why not stop the other guy for speeding?...Traffic gets more [complaints than other assignments]. You deal with people more.

I'm writing summonses in the thousands. Every year. I'm bound to get complaints.

This is a way [for complainants] to get back at the officer who gave [them] a summons. Once they're guilty in [traffic] court, they give you a civilian complaint. And they entertain it....If you do want to go to a detail, you don't go.

One officer, assigned to the Highway and Traffic Unit, reported that residents of a community near a bridge, where many traffic summonses were issued, launched a campaign to file civilian com-

plaints whenever they were ticketed; the participant claimed that one officer assigned to the area received 45 civilian complaints in a month.

Other officers commented on the fact that some complaints appeared to have been filed maliciously, often as a form of retribution:

Regular working people feel their rights have been violated if you detain them in any way. And, of course they publicize the CCRB so much. [They think] "Oh, I'll fix you, I'll file a CCRB complaint."

You make a complaint against a police officer for absolutely no reason...just because you don't like him. That's what a lot of these drug dealers are doing. It's a way to get back at the police.

Participating officers generally believed that the majority of complaints that arise in the line of duty do not represent improper behavior on the part of subject officers. One officer put it succinctly:

Most of the time you're trying to do your job. It's not like you're shaking these people down for money. You're trying to do what you perceive as the right thing.

Discussion of situations that gave rise to complaints alleging unnecessary or excessive force was infrequent in the focus group sessions. When the topic did come up, it was generally in the context of the necessity of using force in some situations:

You deal with some guy that's loaded on crack, and he don't want to hear about nothing. How can you reason with him? The day after, when his brains are unscrambled from the effects of the drug, not from the beating that we quote-unquote gave him, he gets some shithouse lawyer who says, 'These cops banged you up pretty bad.' If I had to punch his head into a wall, and his head got broken open, is that my fault? The guy had the strength of ten men.

There was, however, considerable discussion about the kinds of situations that gave rise to discourtesy complaints. Some officers spoke of the difficulty in being required to submit to verbal abuse by citizens:

The Department says you have to have thick skin. But you can only have thick skin up to a certain point. Everybody's human.

When a guy called you an asshole 20 years ago on the job, that guy never called you an asshole again. That's the bottom line. Maybe it was wrong or right. But still today we have to take it, when these guys 20, 30 years on the job sit in their office and say, 'You should do this, you should do that.' If you put them on the streets, they wouldn't take it.

Some officers argued that discourtesy was occasionally necessary, because it was the only type of language that was effective in some situations.

Let's say you go to a family dispute. There's only so much you can tolerate physically and emotionally. I have a very long fuse. Pretty much everything that's said to me goes right through. But everybody has a threshold.

It reaches a point where you can only reason with someone as politely and as professionally as possible to a certain extent. They're either going to listen or they just refuse to listen to what you're saying. If I have to say "Hey, fucking asshole, I'm going to tell you one last

time...", that shouldn't be brought to bear [professionally on me]. Why should I be brought up on an allegation that I used profanity or a slur of some kind, if that was the only thing this person's going to respond to?

Other officers pointed out that different types of language were appropriate to different settings. One officer who had been transferred from a high-activity precinct in Brooklyn to an upper-middle-class neighborhood in Queens found that he had to develop a new approach to citizen interactions; he believed that, in the Brooklyn precinct, street language was necessary, accepted and appropriate in routine interactions.

A few officers, a clear minority in the focus group sessions, claimed that many officers went into minority neighborhoods with "the wrong approach", one which could lead to citizen complaints if officers didn't "know how to handle people":

It's general attitude. How you treat people. Sometimes cops come out like gang-busters....You have to understand, people are people. You treat them with respect. The same way you want to be treated.

This officer suggested that some citizen complaints arise from a lack of professionalism and could be avoided, without sacrificing control in contentious situations, if police treated citizens, particularly in minority communities, with sufficient respect.

Another officer, the least seasoned officer participating in the focus group sessions, contended that routine discourtesy in

such communities can "escalate situations that shouldn't be escalated." Interestingly, this comment was dismissed by a more experienced officer, assigned to the Highway and Traffic Division, as representing the naive idealism of a rookie; this participant argued that, over the years, an officer goes through so much unprovoked abuse from citizens on a daily basis that an attitude of respectful professionalism can be easily eroded.

Generally, participating officers did not acknowledge that complaints arose from a lack of professionalism. They perceived the majority of complaints as arising from citizen resentment of or misperceptions about legitimate police authority. To some extent, they took exception to Departmental guidelines on discourtesy, arguing that street language is sometimes necessary to achieve control. Only a few officers acknowledged that misbehavior toward citizens was an important problem within the Department. Some officers, in fact, implied that the Department paid too much attention to minor infractions:

I think this Department is one of the most regulated Departments in the world. Field internal affairs -- people follow us around. We have IAD. We have Task Forces and Grand Juries....The CCRB is for such petty things. They just look to tell the public they'll investigate. They drag s around. I think they should spend more time on the real problems in the Department.

III. Perceptions of the CCRB Dispositional and Investigative Processes

A. The Dispositional Process

Participants in the focus group sessions were generally aware that the likelihood of a civilian complaint being substantiated by the CCRB was small. They were also generally aware that there was a strong probability that an investigated complaint would be unsubstantiated: "It's just the officer's word against the complainant. There's no physical evidence....It can't be proven."

Yet there was little apparent awareness of how frequently complaints were closed administratively because of complainants' lack of participation. Participants did not distinguish between the acceptance of a complaint by the CCRB and the full investigation of that complaint. A few officers appeared to believe, incorrectly, that the CCRB did not require investigative interviews with complainants in cases that were fully investigated. Other officers appeared to believe, again incorrectly, that the CCRB frequently subjected anonymous complaints to full investigation:

In my particular instance, not only didn't the person show up, but it was an anonymous phone call....You should have your accuser facing you....I don't think most people would even come down.

Because the processing of anonymous complaints was not discussed at length, it is not clear whether officers generally misunderstood CCRB procedures regarding the processing of complaints in which the complainant is either unavailable or uncooperative. A few officers, however, appeared to misunderstand these procedures.

Officers' understanding of the conciliation process at the CCRB was explored in more detail. In the focus group sessions, research staff asked each participant what they knew about the conciliation process. The majority of officers participating in the focus groups had never heard of conciliation.

A few participating officers had experienced the conciliation process and perceived it as an implicit reprimand, a form of "getting shafted", or "a slap on the wrist". One officer recalled precisely how he felt after discussing a hypothetical situation in a conciliation hearing:

The Captain said, 'Maybe you shouldn't curse.' I felt like I was wrong. I walked out of there and ten minutes later, it hit me. I didn't do anything wrong. If he (the complainant) wanted to have a face-to-face confrontation with me, fine, I'll sit down. But where was this complainant? I want to know...what he said in his interview.

Officers, who had not previously known about the conciliation process at the CCRB, to whom the procedure was explained also perceived that process as an implicit reprimand:

[In conciliation] the onus of responsibility is on the cop. It sounds to me like they're basically telling the civilian that the cop is going to get a reprimand from the captain. No matter how you want to phrase it, if a captain's going to speak to you about the Department's policies and how to handle the job, then in my mind that's their way of saying that you didn't do it the right way.

Other officers thought that the term "conciliation" was a misnomer:

Conciliation to me...is very one-sided. No one's saying they're sorry to me. It's not conciliation until this person who started this chain of events says, 'Look, we had a misunderstanding. Let's not get into who's right or wrong. Shake my hand and that's the end of it.' It's very one-sided. The Department never apologizes. What's a cop supposed to feel? You walk away from this and you're nothing but bitter.

One officer contended that the conciliation process was beneficial only to officers who knew that they were guilty of alleged misconduct. Otherwise, from the officer's perspective at least, a conciliated complaint is no better than an unsubstantiated complaint.

Focus group participants appeared to be better informed about the investigative process and about the frequency of various investigative outcomes than they were about other stages of the CCRB's dispositional process. Participants did not generally believe that complaints were often unfairly substantiated. One officer, however, reported that he had been the subject of a complaint that had been substantiated by the CCRB and was referred

to the Department's trial room for review; the case was dismissed in the trial room, after it became evident that the complainants were out of state on the day the alleged incident took place. The officer believed that the case should have been disposed as unfounded by the CCRB in the first place.

Although the frequency of unfair substantiation was not perceived as a major problem, participating officers generally asserted that the investigative process was biased in favor of complainants. As one officer put it, "The scales are tipped in favor of the civilian too much."

This perception of bias rests on the contention that complaints which officers believed should have been exonerated were often disposed as unsubstantiated:

Even if it wasn't substantiated, it'll never be exonerated. If it's your word against his, and six cops word against one perp's word, it's the same as one-on-one. The fact is that you're a public servant. You're sworn to uphold the law. Yet they don't believe you. Everything you say, you're saying to cover yourself....You're putting your life on the line every day. And they don't weigh [your words] the same. They weigh his opinion more fairly than yours.

Several officers commented that the investigative process at the CCRB was too one-sided. They explained that the officer is not allowed "to prepare any sort of a defense", not allowed to develop his case while the incident is fresh in his mind and

never asked to identify witnesses who might speak in the officer's behalf:⁵

The investigation is geared toward the civilian. The investigation ends at the point where the officer sits down with his memo book....It could have been exonerated [instead of unsubstantiated] if they spent [as much time on the officer's case as they do on investigating the complainants case.]

How come they never ask [the subject officer] if he has any witnesses?...A lot of people come up to me on the street. 'Officer, I saw everything you did. Here's my name. Here's my phone number. Here's where I work. If anything ever happens get in touch with me. I'll testify in your behalf.' But they never ask you.

Officers also objected to the fact that they were generally kept in the dark about the accusations against them until the investigative interview was completed:

I had no opportunity to bring down a fellow officer or to say who are my witnesses....You don't really have a chance to say what really happened without the PBA lawyer saying, "Don't talk about that, don't talk about this." I never knew until after the hearing was over what I was accused of.

They contrasted their position with that faced by criminal defendants, who are fully informed of the charges against them

⁵There is some justification in these perceptions. The CCRB investigation centers on the allegations made by complainants, rather than the subject officer's defense. The subject officer is not interviewed until all other aspects of the investigation are complete and the CCRB has determined that there is no reason to pursue criminal prosecution of the subject officer.

and have an extended opportunity to gather witnesses and to prepare a defense. This perceived lack of due process is central to the officers' belief that the CCRB investigative process favors civilian complainants.

Another element of the officers' critique of the investigative process, however, suggests that officers do have at least some idea of the allegations against them when they go into investigative interviews. A few officers, in fact, discussed their belief that the "presumption of guilt", seen as inherent in the CCRB's investigative process, forced officers to "get their stories straight" before going into investigative interviews:

You go through all your testimony and you still don't know what you're accused of....I'm going to tell my version of the story. Now my version of the story is not going to be the same as this officer's, this officer's or this officer's, because no two people have the same exact outlook on an incident....[But if there's a little contradiction] you're automatically guilty, because the perceptions are different and we're not getting the same exact story. [So two cops get together and tell them] the same exact words. They're going to believe that. In reality, if two guys use the same exact words you're going to say something's wrong. But that's the way you have to do it in order to clear yourself.

There is some apparent contradiction between the belief that officers have no opportunity to assemble a defense and the belief that the CCRB process gives rise to the "common practice" of developing a word-by-word uniformity of accounts before CCRB

investigations. Yet some participating officers appeared to hold both beliefs, simultaneously, and this may be because in some respects both statements are true. Officers are made aware that the investigation involves a complaint arising on a specific day, although they do not know the precise allegations or the nature of evidence involved. Thus, they cannot prepare a specific defense. Instead, they rehearse with their partners a word-for-word description of everything that happened at the time of the incident. While some officers indicated that such precise similarity in language was, in itself, suspicious, it is perceived to be less risky than differences in accounts, which might serve to impugn their credibility.

Other officers acknowledged that the perception that the CCRB process is biased against them led them to falsify their accounts of incidents under investigation, despite their belief that their behavior had been justified and proper:

PO: This is where the problem comes in. Because now I want to tell them basically exactly what happened. I struggled with this guy and I had to bash his head into the wall because that's the only way I could subdue him. Now they're going to say, 'Why didn't you use your mace?'

Int.: Are you going to tell them what you just told us?

PO: I'd be very leery. Probably not.

Int.: Why not?

PO: Because you're afraid....You're wrong once you walk in the door.

Participating officers were outspoken about their resentment of this perceived bias in favor of complainants. Several officers commented that the Department repeatedly failed to support officers who took controversial but justified action in ambiguous situations:

In every situation, the Department doesn't back the police officer in the actions that he takes....The Department does not step forward and say, "This is bullshit. The officer was doing his job."

Another aspect of the perceived bias of the CCRB in favor of citizens involved officers' perceptions of the composition of the Board.⁶ There was a broad array of opinions among participating officers concerning the current composition of the Board. One or two officers were aware of recent revisions in the structure of the Board and reported accurately that the Board's current structure was "half and half". The majority, however, weren't quite sure how the Board was selected, although many believed that it was excessively dominated by civilians. One officer was

⁶See Sviridoff and McElroy (1987) for a description of the history of revisions affecting the structure of the Board itself, the body responsible for the final review of complaints filed at the CCRB. Currently, the Board is composed of twelve members, six of whom are civilian employees of the NYPD, appointed by the Police Commissioner, and six of whom are civilians, not employed by the NYPD, appointed by the mayor.

unusually outspoken about the issue: "We're giving them everything. Civilians run CCRB."⁷

When the current composition of the Board was clarified during the focus group sessions, officers expressed some leeringness about the ability of civilians to evaluate the appropriateness of police actions. They suggested that any training of civilian Board members, designed to expose them to the realities of police work, was likely to consist of exposure to "cupcake precincts". Several officers stood firm in the belief that "there should be cops on [the Board]."

Yet, when asked whether revisions in the composition of the Board could have a major influence on the pattern of dispositional outcomes at the CCRB, participating officers generally agreed that changes in the Board's composition "won't make much difference in dispositions". Some officers commented that the addition of civilian members represented "a move to have more

⁷Participating officers were far more concerned with Departmental policy than they were with the composition of the Board of the CCRB. Generally, when discussing CCRB procedures, officers did not distinguish between the CCRB and the Department; they perceived the CCRB as an arm of the Department. When discussing the Board itself, however, officers began to distinguish between the Department and the CCRB. In this context, the role played by civilian members of the CCRB Board became an issue.

credibility in the eyes of the public", not a measure to transform dispositional outcomes.

B. The Investigative Experience

Officers' beliefs that the CCRB dispositional process is biased against them are reflected as well in their accounts of the investigative experience. Officers generally believed that they were treated badly by CCRB investigative staff, whether they were called to the CCRB as a witness or as the subject of an investigation:

I think it's a disgrace. I'm fortunate to say I've only been down once, as a witness to something that allegedly happened....When you go down there, there's..a real gallows sense of humor, beginning with the receptionist....[The interview room] looks basically like a cell, half the size of this room and the walls are heavily bricked. There's just a little table inside this cell and there's a cop sitting opposite you with a tape recorder and these two PBA attorneys....You kind of wonder, "Are these guys representing me, or what?" He's sitting there, chugging on his stogie....He's not taking any of this very seriously. Meanwhile, I'm sweating because it's a first time thing....It was clear to me that this person [the investigator] wanted to make this a founded type of situation.

Officers perception of the CCRB staff also influenced their perception of bias against officers. A few officers commented that the CCRB's investigative staff contained too much "brass", high-ranking officers perceived by line officers as "not our friend". Some participating officers commented that officers

rose to positions of superiority in the Department by demonstrating their ability to work against (i.e., discipline and control) line officers. Other participating officers also expressed distrust of line officers assigned to the CCRB, who were perceived as having gained their assignments through an unfair advantage (e.g., high-ranking relatives).

Some officers reported that they were treated badly in investigative interviews, with no consideration for the conditions that officers faced on the streets:

One detective I dealt with was terrible. He treated me like I was a skel on the street. He had no respect. I felt that I was guilty before the [interview] even happened.

Other officers reported that everything about the CCRB experience was threatening and intimidating, from the roll call announcement that an officer was scheduled to appear at the CCRB through the investigative interview itself:

GO-15.⁸ That's intimidating also....Anything you say can be held against you....The Departmental action is enough to kill you.

You sit in a little cubicle and there's a tape. I don't like the idea of having a tape. It wasn't a good feeling.

⁸The procedure (GO-15) which advises officers of their rights under CCRB procedures requires them to provide evidence for purposes of administrative review and assures them that they will not be subject to any criminal proceedings.

Other officers complained that the CCRB process simply took too long: "They shouldn't let it drag out so long. Now they let you know you have a civilian complaint and you don't hear nothing for two-three months." Officers generally believed that aspects of the CCRB experience were designed to make officers feel uncomfortable. Several were convinced that civilian complainants were treated considerably better than subject officers.

IV. The Record of Civilian Complaints

Clearly, the single greatest concern expressed by officers in the focus group sessions involved the record of CCRB complaints maintained in an officer's file. Participating officers objected to the fact that complaints that were not substantiated were kept on the officer's record. They believed that the record of CCRB complaints was used unfairly in decisions regarding assignments to new details, and they contended that concern with accumulating too many CCRB complaints had a negative influence on an officer's actions in the streets.

A. The Contents of the CCRB Record

Officers participating in the focus group sessions were generally convinced that, in recent years, the Department had demonstrated a "heightened sensitivity" to civilian complaints.

Some participants reported a recent tightening of the Department's "accountability system".⁹

Most participating officers believed that there was a specified number of complaints which was considered "too many" by the Department. Yet only a minority of participating officers reported knowing what that number was. In the second focus group session, several officers reported that they had heard of a recent Departmental program to label officers as "chronic" after they had accumulated a record of five civilian complaints. In other focus group sessions, however, there appeared to be less knowledge of this policy.

Some officers alleged that there had been a recent change in the Department's interpretation of what civilian complaints represent:

⁹In 1984, the NYPD took steps to establish a list of officers who had received an excessive number of CCRB complaints. This move was challenged by the PBA which contended that providing information to superior officers about the frequency of unsubstantiated civilian complaints could unfairly injure the careers of officers. For a discussion of this litigation, see Sviridoff and McElroy (1987).

After the Department had won the right to provide information on unsubstantiated complaints to superior officers, a Departmental directive was issued by the Chief of Patrol (6/24/87), specifying that commanding officers must account for or comment on every civilian complaint above five and that officers who have a record of five or more civilian complaints should be subject to supervisory review within their assigned precincts.

When I went to the Academy, the instructors used to say, 'The more civilian complaints you get, that shows you're doing your job.'...Now what they tell you in the Academy is, 'If you get a civilian complaint, that means you're doing something wrong.' It's the complete opposite.

Most participating officers were more concerned with the inclusiveness of the record of civilian complaints than they were with the outcomes of the CCRB dispositional process:

I don't mind so much the Department vigorously investigating allegations. I don't have a problem with that....[But] I think that they should also use a comparable amount of energy to defend you if you are found to be right or if the allegation was unfounded. If it was unfounded, fine, they should knock it off your record....If it was unfounded or exonerated it should not be on your record.

I understood in the Academy that very few complaints were actually substantiated. But the point was, that even if you got an unfounded or an unsubstantiated, you still have a complaint on your record.

Participating officers were also concerned with what they perceived as the Department's excessive focus on the raw number of complaints, without regard to either the substance of the allegations contained in those complaints or the frequency with which complaints were received:

When you go to move on this job and they see you had eight CCRB's, they're not going to say, 'Well, he had seven exonerations.' You're tainted because if you were down here eight times, there must be something, a pattern....Eight people couldn't have possibly been wrong. It may be spread out over eight years. Maybe you got one a year.

Officers generally believed that complaints found in their favor (unfounded or exonerated) should be expunged from their

records. One officer contrasted the Department's policy with that of the criminal justice system: "If a criminal gets a 'not guilty', it's not going on his record." Most participating officers were convinced that the Department virtually never expunged any complaints:

We were also told that the unfoundeds aren't supposed to be on your file. I don't think any of us believe that they aren't....[Even an unsubstantiated complaint] should be purged. I don't know how they could really convince us of that. But there should be no record.

There was also some concern expressed for the fact that complaints that were not investigated were maintained on the record of CCRB complaints. One officer remarked, "Conciliation is fine, if they're not going to keep a record of it." Participating officers did not discuss the fact that complaints that were closed because complainants were uncooperative also remain on the CCRB record; they may not have been aware of this policy.

B. The Perceived Effect of the CCRB Record on Career Mobility

Participating officers were uniformly convinced that amassing "too many" CCRB complaints had a detrimental effect on career mobility:

You won't get details if you get too many of them in a certain amount of time.

These CCRB's go on your record. If you get so many -- I know a guy, he was on my squad, was supposed to go to

OCCB. He couldn't go to OCCB because he had too many CCRBs. If you get maybe seven or eight, with six bullshit ones, that's going to impede you on this job. That's going to keep you from doing something you want to do.

I don't think the public is even aware of how much power the civilian complaint has over a police officer....You step back within yourself when someone threatens you with a civilian complaint. Many times you hear the Department say 'Don't worry about it, don't worry about it.' If you have eleven 'don't-worry-about-its', you'll never see any other detail within the Department.

Participants understood the value of maintaining information on civilian complaints in cases in which the Department was trying to determine whether a particular officer demonstrated a pattern of misbehavior or in the investigation of an officer involved in an egregious situation:

I don't think they should use [the record] if you're trying to move in your career. I can see if now you're under investigation because you were involved in some kind of situation with a shooting or a use of force that was severe....I can understand why they'd want to know absolutely everything about you if something really serious happened.

But officers objected to the routine reliance on a review of CCRB records in the "round robin" process (the central personnel review procedure employed by the Department when candidates are being considered for assignment to new details.) One officer remarked, "They should keep the record, but not use it in round robin checks". Another officer explained that the round robin process relied too heavily on the raw number of complaints,

rather than the substance, disposition and frequency of those complaints.

When asked whether they personally knew of officers who had been hindered in career moves because of CCRB records, over half of the participating officers reported that they knew of at least one officer whose career had been affected by having too many complaints. Some participants also reported that they knew of individuals who had been scheduled to move to assignments of their choice, who were delayed because they had a CCRB case pending. They contended that this policy of delay, in some instances, can permit another officer to be chosen for a vacant position and unfairly block officers from moving into desired details. In this way, one officer argued, "garbage can come back to haunt you."

Participants were also asked to evaluate instances in which officers had been kept from moving into desired details because of CCRB complaints and to state their opinion as to whether the Department's action was justified. Opinions were mixed. Some officers claimed that they weren't in a position to make that judgment. Several officers reported that, in their opinion, the officer should have been selected for the desired detail. A few officers agreed with the Departmental judgment or, at least,

considered the possibility that the officer may not have merited the position in question:

He was a real good cop in the sense that he brought in great collars -- a lot of guns, a lot of drugs. But his methods, you know, maybe they wouldn't have been favorable to me. Then again, if they work, they work. If [the offenders] are off the street, you can't really argue with it too much. If you bring in a couple of guns, [those are] guns that aren't going to be shooting me tomorrow.

Some officers contrasted the Department's perceived focus on negative performance indicators with Departmental procedures concerning commendations. Several participating officers claimed that they had to "write up" their own commendations and claimed that reports of good performance "don't make it out of the precinct." One officer commented, "Black marks last forever. The good stuff is never in your record. The commanding officer can speak in your behalf, but it doesn't matter."

On the whole, there was a clear consensus in the focus groups that information on the raw number of CCRB complaints is used routinely and, in many instances, unfairly in decisions that affect an officer's mobility within the Department. Participating officers strongly believe that the record of CCRB complaints, along with many of the indicators used by the Department to assess performance, provides an inadequate and misleading measure of an officer's ability to do his job.

C. The Influence of the CCRB Record on Officer Activity

The operative hypothesis about the potentially beneficial influence of civilian complaint review procedures on officer performance is that officers' concerns about the influence of complaints within the Department will encourage them to treat citizens better in routine interactions and reduce the frequency of police misconduct toward citizens. Belief in this hypothesis rests on the belief among line officers that superior officers, as representatives of the Department as a whole, take CCRB complaints seriously. In the previous section, it was clear that officers participating in the focus group sessions indeed believed that CCRB complaints were taken seriously -- perhaps too seriously -- within the Department.

In the past few years, the Department has attempted to increase the perception that CCRB complaints are a serious matter by taking steps to increase "line accountability" for civilian complaints. In February 1986, the CCRB began reporting to precinct commanders the number of complaints per month within a particular command, the substance of particular complaints filed in that month against specific officers within the command and the complaint histories of those officers. Line commanders became responsible for any increase in the number of annual complaints within their command and were required to meet with each

officer against whom a complaint has been filed.

A few officers participating in the focus group sessions demonstrated an awareness of Departmental policy in this regard. As one officer remarked, "I think the bosses are so plagued. In our division, it's a big deal, the amount of CCRB complaints....Every month the CO comes down. He says, 'We've got this many CCRBs.'"

Yet, only one officer reported that concern with CCRB complaints had any positive influence on behavior toward citizens: "I've learned to think like a lawyer. I put myself in [the civilian's] shoes [to see] how he's thinking."

Most participating officers perceived the Department's heightened sensitivity to CCRB complaints as exerting a negative influence on police activity, instead of a positive influence on behavior toward citizens. Some officers, who "worried about answering for everything [they had] to do", believed that excessive concern with CCRB complaints made officers hesitant about using force when required and might, therefore, place them in danger:

I think it's not a question of whether officers consciously decide to act or not to act in any given situation. I think that the consequence is that the officer hesitates. And it's because of that hesitation that he will get hurt....[In a threatening situation where I see the possibility of a complaint] I am not now thinking with a clear tactical head. I'm thinking about what the Department is going to do to me.

[The patrol guide] says you have to use the minimum amount of force. If I'm scared, punching someone may be the minimum amount of force necessary for me, depending on my size or the circumstances. When you're in a situation where you've got to hit somebody, there are these things going through your mind in split seconds: 'If I hit him, what's going to happen to my job? Am I going to be indicted?' God forbid, you should have to use your firearm....We've been trained not to react.

According to some participating officers, excessive concern with the CCRB record has bred morale problems within the Department. One officer reported that the perception that the Department entertains frivolous and malicious complaints is counter-productive: "You think, 'Why do I bother?'":

Cops don't care anymore because the Department makes them not care.

It's (the CCRB record) always in the back of your mind at the very least. At the very worst, it'll make you not want to do anything....It always makes you reflect very carefully on what you're going to do, right or wrong.

Participating officers tended to agree that concern about the accumulation of civilian complaints was more likely to affect an officer's general activity level than to affect the frequency of misconduct toward citizens. Several officers commented that the easiest way to avoid civilian complaints was to do little or nothing:

Guys that don't work, stay in the background, they don't get CCRBs. You sit in your car, drink coffee all day, which they don't want you to do, you're gonna move places.

They always say on this job, the people that do nothing are the people that go places.

Ride around eight hours and then go home....Everybody knows somebody that has that attitude.

The higher the activity, the more prone you are to getting nailed. You sit back and do nothing, your chances of getting nailed are almost nil.

Several participating officers believed that having a clean CCRB record was more indicative of a "do-nothing" posture than it was of good behavior toward citizens. One officer remarked that officers with a clean record "wouldn't know an arrest situation if it fell on them."

Another participating officer pointed to hidden ironies inherent in the Department's response to excessive CCRB complaints. He referred to the practice of putting officers with too many complaints on restricted duty, or "house arrest", which, from his perspective, might seem like a vacation to an officer who was genuinely guilty of repeated misconduct:

...the guys that, maybe they're not working real hard, they're just going out, screwing around. [They accumulate CCRB complaints and are put on house arrest.] All of a sudden they've got 30 days off patrol, 30 tours off patrol, or they start driving the sergeant which is an easy job and they don't have to do anything, don't have to produce. So its kind of like they're rewarding improper behavior. Which is exactly the opposite of what CCRB is supposed to do.

Participants in two of the three focus group sessions commented on the transfer of "unblemished model cops" to a precinct

that had been the center of repeated allegations of police brutality and racial harassment. They cited the transfer to a "craphole" precinct as evidence that "being a good cop works against you."

There are implicit contradictions in the various attitudes reported above. Most officers believe that high activity generates civilian complaints; yet other officers believe that house arrest (i.e., doing nothing) can be a reward for officers with too many complaints, officers depicted as wanting to "screw around" or do nothing -- that is, the kind of officer believed to be capable of avoiding complaints. Most participants also reported that having a "clean record" is indicative of a do-nothing attitude; yet others reported that being a "good cop" (i.e., having an unblemished record) can lead to bad assignments ("craphole" precincts.)

These implicit contradictions spring in part from shifting definitions of what it is to be a "good cop" (to demonstrate high activity or to have a clean record) and what it is to be a "bad cop" (to "do nothing" or to have excessive CCRB complaints.) To some extent, this confusion of values stems from an underlying recognition that the record of CCRB complaints can, at least in some instances, be a valid indicator of police misconduct -- a

position that was assiduously avoided by officers participating in the focus group sessions.

V. Officers' Recommendations Regarding Civilian Complaint Review

In the course of the focus group sessions, officers voiced a number of suggestions about how the processing of civilian complaints might be changed. The overwhelming majority of officers claimed that they would prefer some procedure which would permit face-to-face interaction between officers and complainants. Several officers also asserted that they wanted civilian complaint procedures to permit officers to have some recourse against malicious, unfounded complaints. In keeping with the widespread perception among officers that the bulk of the CCRB caseload is composed of "garbage" complaints, some officers wanted the Department to develop methods to screen out specious or inappropriate complaints before they were officially recorded. Only a few officers offered suggestions (training, stress alleviation) about ways in which the Department might attempt to improve interactions between police and citizens.

A. The Desire for Face-to-face Interactions

There was a strong consensus among focus group participants that the CCRB process should permit the opportunity for face-to-

face interaction between officers and complainants. Several officers objected to the fact that "you don't get to interview the people that have given you these complaints" or to "face the person who's making the accusation."

In part, officers' desire for face-to-face interaction with complainants springs from their belief that a large number of complaints are specious:

[The complainant's] not going to be arrested. He doesn't have a GO-15. He's not gonna get fired from the job....The only way he's going to be confronted is if I look at him in his eye and say "you're a liar."

Several officers suggested that face-to-face interaction be required for complaints to be entertained by the CCRB:

I don't even think there'd be that many complaints if you had face-to-face. Because anybody can pick up a phone and say he did this, he did that....If the guy's got the guts to come down there and look you in the eye and lie at you, then there's nothing you can do about it.

[They should say to complainants] you've got to come down, you've got to back your complaint. If you don't want to be bothered....that's it.

In law, to meet your accuser is your right. I mean, if you're going to accuse me of something, at least come face to face and tell me.

Some participants envisioned a form of mediation as an appropriate face-to-face procedure for the CCRB to rely on:

I think people would have a great respect for us if we just had a chance to talk to them.

[If] they call you into the CCRB, [and] they want to mediate the thing, fine.

A few officers' desire for the mediation process may have been related to the perceived need for a procedure which might clear some complaints from their CCRB record. Yet, mediation is also responsive to the desire, expressed by several officers, for a forum in which "you can look your accuser in the eye."

Other officers' vision of face-to-face interaction at the CCRB was based more on a courtroom model than on a mediation model:

There should be a forum where, if you get a civilian complaint, you sit on one side and the motorist [complainant] sits on the other and they adjudicate it.

The desire for a courtroom approach was based on the frequently expressed belief that officers who were the subject of civilian complaints had done nothing wrong and should be completely vindicated through an impartial adjudicatory process.

B. Officer's Desire for Recourse against Malicious Complainants

Several officers were concerned with the fact that civilian complaint review procedures are at times invoked by complainants who have also filed civil suits against the Department, alleging injury due to police misconduct. Several participating officers complained that they did not have the power to counter-sue:

The officer can't file a civil suit against a civilian. [The civilian] can lie. He has nothing to lose.

You hear that a lot. "I'm gonna sue you. I'll take your house...."

Maybe that's the problem. We don't have the right to counter-sue.

Such officers desired some means of holding complainants "accountable" for their allegations, particularly in the case of malicious and/or frivolous complaints:

The majority of these complaints are frivolous. I'd like to see some kind of recourse on our part. If somebody's got an honest gripe against a police officer, fine. That's what this CCRB business is all about. But if you're going to invest time in maligning an officer with a bunch of crap, you have to know...that the city's going to come after you. The city's going to sue you....[If this procedure were implemented] the vast majority of cases would never even come into being.

C. Other Officer Recommendations

Several participating officers recommended that the CCRB develop ways to "screen out garbage" before complaints were entered on an officers' record. Some officers believed that the majority of complaints could be resolved successfully at the precinct level. Others contended that complaints involving the issuance of a summons alone should not be entertained by the Department at all.

More restrictive screening procedures would clearly provide a means of reducing the volume of civilian complaints. Only a

few officers offered other recommendations about ways to reduce complaint volume. One officer recommended that the Department develop a program to "help officers deal with people" in routine police-citizen interactions. Another officer, in the same focus group, countered with the suggestion that the Department develop a stress alleviation program to help officers endure obstreperous civilians.

The two officers who made these recommendations differed in their analysis of the origins of civilian complaints. The officer who sought a program to improve police-citizen interactions was one of the few who acknowledged that some complaints arise from the fact that police act disrespectfully to citizens. The officer who suggested developing a stress alleviation program blamed hostile citizens, rather than disrespectful officers, for the large majority of civilian complaints. Despite their differences, these officers were among the few who recognized lack of professionalism as the basis of at least some civilian complaints.

VI. Findings and Recommendations

A. Findings

Officers participating in the focus group sessions generally accepted the idea that the Department needs some means of

monitoring officers' behavior toward citizens and that officers should be accountable for that behavior. Yet they were generally agreed, as well, that the CCRB was arbitrary, capricious and unfair as an accountability mechanism. The officers' assessment of the CCRB depended less on the nature of outcomes in particular cases (although there was some concern voiced about those decisions) than it did on the nature of the CCRB investigative experience and the way in which they believed the Department made use of information about civilian complaints in personnel decisions.

Participating officers appeared to be relatively uninformed about the workings of the CCRB dispositional process and about Departmental personnel policies concerning civilian complaints. Very few participating officers had ever heard of conciliation. A substantial group of officers was not aware that the Department had established a cut-off point to define how many civilian complaints were to be considered excessive; among those who were aware of that policy, several did not know what the cut-off point was.

The three focus group sessions conducted by Vera research staff served to illuminate the central concerns of police officers about the processing of civilian complaints in New York City. These were the nature of the cases accepted by the agency;

the perceived bias against officers at the CCRB; and the Department's reliance on the record of CCRB complaints -- a record which includes complaints which have not been substantiated by the CCRB -- in making decisions about personnel assignments.

The focus group participants generally did not believe that awareness of the seriousness with which the Department regards civilian complaints had any beneficial influence on officers' behavior toward civilians. In fact, they believed that Departmental emphasis on civilian complaints frequently had a negative influence on officer performance, either by making officers hesitant in dangerous situations or by encouraging a do-nothing attitude among officers trying to avoid civilian complaints.

The focus group sessions also pointed to an underlying morale problem among participating officers, who repeatedly voiced the opinion that the Department failed to "back them up" when they took controversial actions which may have been procedurally correct. One officer indicated that the Department's response to civilian complaints was more disturbing than the interactions which generated those complaints:

Funny part of all this. I really enjoy working in a way...helping people out when they're stuck, they're lost, in accidents. I do a lot. And it's just funny that the only real bad feelings I have from the job come from the inside, not so much from the outside. I can deal with the ten or 20 percent of the people that get a little

annoyed...and I can deal with the people that get upset by different situations....It's just funny that the bitterness always comes from inside [the Department].

Bitterness was a repeated theme in the comments of officers participating in the focus group sessions. That bitterness centered on the Department's internal use of disciplinary mechanisms. Although officers contend that civilians are not qualified to judge the appropriateness of police actions on the street, they currently seem far more concerned with the record of complaints maintained in the personnel file and the Department's use of that record in making personnel decisions. Officers focus less on the legitimacy and influence of civilian review than they do on the Department's internal use of information about civilian complaints.

This focus is evident in their explanation of why they believed the CCRB process was biased against officers. Only a few participants cited civilian influence on decision-making about complaints as the source of bias against officers. More frequently, officers referred to the structure of the investigative process, the way that subject officers were treated by police investigators at the CCRB and the difficulty of being fully exonerated in the eyes of the Department through CCRB proceedings, as evidence of bias against officers.

Participants' perception of bias against officers also springs from their officers' perceptions of the types of cases typically accepted by the CCRB. Participants characterized CCRB cases as largely frivolous and/or malicious; most complaints were seen as containing insubstantial allegations, involving no wrongdoing on the part of officers.

Vera's earlier research on the nature of the complaints filed at the CCRB supports some of the officers' description of the caseload. As participating officers contend, that caseload does contain substantial numbers of complaints based on anger about traffic summonses and about alleged discourtesy in situations in which officers are attempting to assert control. Yet, on the whole, officers characterization of the CCRB caseload appeared to discount the inherent ambiguities which give rise to many complaints and to overestimate the frequency of frivolous and/or malicious complaints. Participating officers did not appear to realize or be sensitive to the fact (evident in Vera's interviews with complainants) that the majority of CCRB complainants genuinely believe that they have been wronged in interactions with the police.

B. Recommendations

Improved communication. The focus group sessions demonstrated that participating officers did not fully understand

the operations and goals of the Department's civilian complaint review process. Because civilian complaints are perceived as having a strong influence on career mobility, it is important that officers have a better understanding of the CCRB dispositional process, of various dispositional outcomes and of Departmental policies regarding the record of civilian complaints. This would require a Departmental effort to improve communications to line officers about CCRB operations and about the Department's use of information about records of civilian complaints. Such an effort might increase the officers' understanding of the Department's expectations about the CCRB and their confidence in the fairness and reasonableness of the process.¹⁰

Caseload management. In the course of the focus group sessions, participating officers set forth a number of suggestions about ways in which policies regarding the acceptance of civilian

¹⁰In considering ways in which the Department might improve communication to officers about the CCRB, the Department might consider passing on some of the Vera research findings, particularly those based on the complainant survey and on the focus group sessions. It might be valuable for officers to be able to consider the disparity between the complainants' perceptions about the CCRB process and officers' perceptions about that process.

complaints could be transformed. Yet, some of these recommendations conflict with the interests of other constituencies served by the CCRB. For example, several officers recommended that the CCRB make a concerted effort to screen out "frivolous" or inappropriate complaints before they are entered into the CCRB caseload and recorded in an officer's file. Such an approach is appropriate for complaints that allege no more than an improperly issued summons -- that is, complaints that can be resolved entirely through the courts or administrative agencies. Yet a policy of screening out other complaints without internal review stands in conflict with the need for the CCRB to demonstrate its openness and responsiveness to the public.

Over the years, the CCRB has exercised a broad mandate to review complaints alleging unnecessary or excessive force, abuse of authority, discourtesy and/or ethnic slur. Yet there have been fluctuations in policy over time, involving occasional shifts of jurisdiction over less serious complaints to the Chief of the Department. Such shifts have the capacity to influence the total number of complaints accepted by the CCRB. Yet the total number of complaints is referred to frequently (in the media, within the Department) in discussions of historical trends in the frequency of civilian complaints. Such "numbers games"

can be misleading and inaccurate. In Vera's earlier research, maintenance of a policy of broad acceptance was recommended, with the caveat that such a policy be combined with a more rational evaluation of the significance of civilian complaint records at the precinct and individual levels. The current research revealed that line officers perceive the combined policy of broad complaint acceptance and numbers-based accountability as counter-productive and inherently unfair.

Recourse. Officers' concerns about the kinds of cases accepted by the CCRB (i.e., the policy of broad acceptance) was intrinsically related to their desire for some form of recourse against frivolous and malicious complaints. Yet that desire also conflicts with the CCRB's need to demonstrate that it is not biased against complainants.¹¹

¹¹ Participating officers did not delineate what form such recourse might take. A few officers indicated that they wanted the right to counter-sue complainants who filed malicious complaints. Conversations with CCRB staff, however, suggest that there is no explicit policy barring officers from such suits. They explain further that courts have generally regarded statements made by civilians to complaint review agencies as privileged communications which, therefore, provide insufficient grounds for suits alleging liable, slander or intentional infliction of emotional distress.

Other officers expressed interest in having complainants sworn, a policy which might make them subject to penal law violations for filing of a false report. Such an approach would be responsive to the desire of line officers, but might conflict with agency efforts to increase the satisfaction of CCRB complainants -- many of whom are already convinced that the CCRB process is biased against them (Sviridoff and McElroy, 1988).

The CCRB Experience. Officers were outspoken about the fact that they felt mistreated by CCRB staff during the CCRB process and complained that they were given little opportunity to prepare their own defense. To some extent, these perceptions reflect the way in which the CCRB administrative review process is currently structured: the subject officer is the last person to be interviewed and the last to learn the nature of the allegations being investigated. Yet discourteous treatment of subject officers by CCRB staff, if it occurs, should not be characteristic of the investigative experience and should be discouraged.

CCRB Records. Other officers made recommendations about the CCRB process that were integrally related to their concern about the influence of the record of CCRB complaints within the Department. Participating officers did not object to the Department's maintaining records of civilian complaints. The value of such a record for purposes of administrative review was generally recognized, particularly in instances involving allegations of serious or of chronic abuse.

Participating officers also did not object to the Department's current policy of having commanding officers inform sub-

ject officers when a complaint had been filed; in fact, several officers approved of this procedure, commenting that, in previous years, officers were often completely unaware that complaints had been filed against them. Nor did they seem greatly opposed to the current Departmental practice of holding commanding officers accountable for any increase in the aggregate number of civilian complaints within their command.

Yet, they were strongly opposed to Departmental procedures which require commanding officers to report actions taken in response to officers who had received more than five complaints in their tenure within the Department. Several reported that officers within their commands had been placed on "house arrest" following allegations of little substance and minor seriousness. Participants were united in the belief that the Department's apparent reliance on the raw number of complaints, without regard to disposition or time on the job, was unfair and counter-productive in decisions relating to current assignment and/or movement within the Department. Officers believed it would be preferable if the supervisory review of civilian complaints were more sensitive to variations in assignment, the frequency of complaints within specific time periods and the underlying situations that give rise to complaints. These beliefs complement

recommendations made in Vera's initial review of the structure and process of the CCRB.

The current cut-off point defining "excessive" complaints (five) is not demonstrably related to the proclivity of police officers to abuse their power. Such an approach cannot take into account the aggravating and mitigating circumstances of the situations that produce complaints. Inadvertently, the approach suggests that complaints received before the cut-off number are not a matter of serious concern, but that complaints received after this point are condemnatory in themselves.

Participating officers were also strongly opposed to the emphasis placed on complaint histories in the "round robin" review conducted prior to assigning officers to specific units. Participants generally believed that only substantiated complaints should be reviewed in round robin proceedings.

Because of the importance the Department currently places on the record of civilian complaints, it would be valuable if commanding officers were encouraged to write memos to CCRB files in instances in which there are mitigating factors (related to assignment or underlying situation, or to the possibility of "tactical" or malicious complaints) that might not otherwise be noted or reflected in the complaint disposition. It might also

be meaningful to line officers if the official computerized record of CCRB complaints permitted some notation that a qualifying memo had been written by the commanding officer.

Furthermore, because of the Department's emphasis on CCRB records, it is important that CCRB staff consistently expunge all complaints that are disposed as unfounded from officers records. Participating officers are convinced that the Department "never expunges anything". In addition, when there is some evidence indicating that a complaint may have been filed tactically or maliciously, and the complaint can not be disposed as unfounded in its entirety, the record of CCRB complaints should indicate that investigation suggested this possibility.

Although such procedures would not fully assuage the concerns expressed by subject officers about the Department's use of CCRB records, they might reduce the perception that Departmental procedures are grossly unfair. Even so, as long as the Department continues to rely on an arbitrary cut-off point to define how many civilian complaints are too many, it is likely that that perception will persist among many line officers.

Face-to-face contact with complainants. There are other recommendations, flowing from the focus group sessions with police officers, that are congruent with recommendations derived

from Vera's earlier research on the CCRB. Participants were nearly unanimous in their desire for face-to-face interaction with complainants in the course of complaint processing. Vera's earlier survey of CCRB complainants also pointed to a nearly unanimous desire for face-to-face contact with subject officers during the CCRB process. Within both complainant and officer groups, some individuals envisioned a form of mediation as an appropriate means of resolving complaints, while others appeared to desire a more formal adjudicatory process. Apart from these differences, however, Vera research staff were struck by the extent to which both parties involved in complaints saw face-to-face interaction of some type as essential to satisfactory complaint resolution.

For participating officers, however, the fact that complaints that are currently subject to conciliation remain on officers' records is a complicating factor. Mediation could provide a satisfactory alternative to formal case processing for officers only if there were some assurance that the record of mediated complaints would have no negative influence on their subsequent careers.

Improving police-citizen interactions. Few participating officers made suggestions about ways in which the Department

might attempt to improve the nature of police-citizen interactions. The two recommendations that did emerge in the focus group sessions in this regard -- stress alleviation programs and training in police-citizen relations -- did not appear to be widely supported by participating officers. This lack of support was not surprising, given that most participants in the focus groups demonstrated a strong belief that, by and large, police officers have not behaved improperly toward civilians in the incidents which give rise to civilian complaints. Such a belief may be pervasive throughout the force.

Despite the lack of officer support for them, training sessions regarding civilian complaints might be beneficial if they focused on an exposition of specific typical complaints. Training sessions which articulate general principles of police-community relations are often described disdainfully by police officers, not because they reject the general principles, but because they are faced with the challenge of determining how to apply the principles in real-life situations, where there might be demands that conflict with those principles. Sessions, such as role-playing, which compel officers to sort out appropriate and inappropriate behavior in specific situations and to understand how such situations and behaviors might be perceived by

concerned citizens might help officers avoid complaints, as well as increase their understanding of the CCRB decision-making process.

It is worth noting in this regard that the focus group format itself appeared to have some potential influence on officers' attitudes and beliefs. Although the focus group sessions did not pursue discussions in which distinctions were drawn between "appropriate" and "inappropriate" behavior, the interest displayed by participants in those sessions suggests that such discussions might be readily stimulated in a similar forum. Officers appeared hungry to discuss their frustrations within the Department, their perception that they are misrepresented in the media and the ambiguities inherent in police discretion. The focus group sessions may have served, to some extent, as a form of "stress alleviation" for participants.

Therefore, a final recommendation emerging from the focus group sessions is that the Department consider conducting more such sessions under external auspices. Police officers, drawn together from different assignments and commands, have a great deal to say about the factors that affect their interactions with the public and are anxious that their voice be heard by decision-makers within the Department. Establishing some forum in which

selected officers can express their views and, at the same time, begin to consider the complexities of appropriate police-citizen interaction might have some small influence on police culture. Such an approach would require an assurance of upper-level Departmental review of reports from the agency conducting focus group sessions, and would require documented Departmental responses to the central issues raised in those sessions.

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APPENDIX A

Focus Group Format

Many critics see the CCRB as inherently unfair to complainants and contend that the agency is biased in favor of police officers. We're interested in finding out how officers perceive the dispositional process of the CCRB.

First, not that many people are aware of the actual pattern of dispositions of CCRB cases. How likely is it that a CCRB complaint will be substantiated?

What kinds of cases do you think are most likely to be substantiated? (If no response, give example: E.g., are force allegations more likely to be substantiated than an allegation of discourtesy?)

Why do you think substantiation is so infrequent. Is it a function of the kinds of cases that come in? (Probe on perceptions of caseload -- frivolous, retaliatory, evidentiary weakness. How frequent is each?)

Are particular kinds of assignments likely to give rise to civilian complaints? What kinds?

What does a disposition of unsubstantiated mean to an officer involved with the CCRB? Does it mean that the officer has "won" the case?

What do you know about the conciliation function at the CCRB? Is it employed frequently? For what kinds of cases? What happens to the officer when a case gets conciliated?

It's sometimes suggested that the CCRB employ a form of conciliation that's more like the type of mediation used in lieu of court for some interpersonal conflict situations? How would police officers feel about a CCRB conciliation process that involved a face-to-face encounter with the complainant?

In general what do police officers think about the issue of "fairness" that is raised so frequently? Is the CCRB process biased against complainants?

Those that claim that it is biased against complainants often cite the composition of the Board as evidence. Are you

familiar with the recent revisions in the composition of the Board? (Define if necessary.)

What difference do you think the new Board will make in terms of dispositional outcomes? Do you think the revised board will make the CCRB less fair to police officers? If so, how?

Some officers that we have spoken to felt that the dispositions of the CCRB were not themselves unfair to police officers, but that the way that the Department used information about complaint histories was unfair. In what ways can information about complaint history influence an officer's career in the Department?

Do you think that the CCRB contributes to the Department's ability to control the behavior of police officers? If so, how?

Does concern over civilian complaint records affect the way that officers perform in the street?

Does the Department use cut-off points to establish how many civilian complaints are too many? If so, what is the cut-off point? How does this practice affect officer morale? performance?

In the past few years, the Department has been making an effort to increase command accountability for increases in the frequency of civilian complaints in a given precinct. What do you think of the practice of making commanders responsible for complaints received by officers in their command?

What do you think of the practice of informing commanders of every complaint filed against officers in their command?

Are there better ways for the Department to use complaint history information for the purpose of monitoring police officers' behavior toward citizens?

Are there other purposes of the civilian complaint review process other than the control of officer behavior?

Do police Departments in large cities need to have complaint review mechanisms? If so, how would you structure such procedures?