

**CITIZEN OVERSIGHT OF THE  
ALBANY POLICE:  
Perceptions of Police Clients  
and Complainants, 2003**

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and the Albany Police Department.

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## Table of Contents

EXECUTIVE SUMMARY .....	iii
INTRODUCTION .....	1
Previous Findings .....	2
Overview of the Report .....	3
CLIENTS' PERCEPTIONS AND BEHAVIOR .....	4
Attitudes toward the Police .....	4
Perceptions of Complaint Review .....	5
Evaluations of Police Contacts .....	6
Satisfaction .....	6
Procedural Factors .....	7
Calls for Service .....	9
Arrests .....	10
Stops .....	11
Reasons for Dissatisfaction .....	11
Complaining .....	12
Complaint Channels .....	13
Reasons for Not Complaining .....	13
CPRB COMPLAINANTS' PERCEPTIONS .....	15
Satisfaction .....	16
Perceptions of Intake and Investigation .....	18
OFFICERS' PERCEPTIONS .....	19
Perceptions of Investigation .....	19
Satisfaction .....	20
CONCLUSIONS .....	22
Stability and Change .....	22
Prevalence of and Trends in Discourtesy by Police .....	22
Patterns of Police Performance .....	23
Police Accountability .....	24
APPENDIX: SURVEY METHODOLOGY .....	28
Client Survey .....	28
Complainant Survey .....	28
Officer Survey .....	29

## Executive Summary

Created by legislation that was signed into law in July of 2000, the Albany Citizens' Police Review Board (CPRB) became operational in May of 2001. The same legislation that created the CPRB also provided for a contractor "to conduct surveys of complainants concerning the level of their satisfaction with the process and to conduct surveys of the community to get feedback concerning the CPRB and the Police Department." The Hindelang Criminal Justice Research Center assumed responsibility for these surveys, and this is the third report prepared and submitted in fulfillment of this mandate. The surveys were designed to measure conditions on which citizen oversight may have effects. These conditions include:

- the perceived receptivity of the complaint review system to complaints;
- the perceived efficacy of the complaint review system;
- the rate at which perceived misconduct is reported to authorities;
- police performance in interactions with citizens, and hence citizens' assessments of police services;
- the satisfaction of complainants with their experiences with the complaint review system; and
- the fairness of complaint review, as it is judged by complainants.

Hence this survey research routinely examines the perceptions and subjective experiences of three constituencies: police clients; complainants; and officers. "Clients" are those people who have direct contact with the police. Most complaints about the police arise from clients' interactions with the police. Clients are therefore the community whose feedback about the police is most valuable for citizen oversight. Samples of clients are interviewed about their perceptions of complaint review, their contact with the police, and if they were dissatisfied with that contact, whether they took action to complain, and to whom. Complainants are interviewed about their *goals* in filing a complaint, their subjective experiences with the *intake* and *investigation* processes, their perceptions of the *fairness* with which the complaint was handled, and their *satisfaction with the outcome* of the complaint review. Because officers also have an important and legitimate stake in complaint review, officers against whom complaints have been filed are surveyed concerning their subjective experiences with the investigation process, their perceptions of the fairness with which the complaint was handled, and their satisfaction with the outcome of the complaint review.

This report serves three analytical objectives. The first is to update the information on the conditions on which citizen oversight may have effects and, where it is possible, to examine changes in these conditions over time. A second objective is to provide information, based on client survey data, that is pertinent to the CPRB's concern about "unprofessional behavior and discourteous conduct." A third objective is to provide evidence on patterns of performance, more generally, in the interest of deepening our understanding of the problems that underlie complaints about the police.

## *Findings*

Our analyses of key conditions over time show no evidence of change in any; the recurring theme in the findings is that of stability. Clients' attitudes toward the police—their confidence in the police in their area, and their satisfaction with police services in their neighborhoods—are for the most part favorable, and in the aggregate fairly stable. Clients' perceptions of complaint review have also been stable, with no detectable increase in clients' knowledge that Albany has a citizen oversight mechanism, and no change in clients' perceptions of the integrity of the process. Seventy-five percent of clients were very or somewhat satisfied with how the police treated them, while 80 percent of those who requested assistance were satisfied with how police handled their problem; these levels of satisfaction have fluctuated within the margin of monthly sampling error and with no detectable change—up or down—over time. It remains to be seen whether this stability has persisted through late-2003 and early-2004.

Of those who are dissatisfied either with how police treated them or with how police handled their problem (or both), 19 percent took some action to complain. The propensity to complain has fluctuated over time without a change that can be differentiated from sampling error. Only 9 percent of those who complained—comprising 2 percent of all of the incidents in which clients were dissatisfied—reportedly directed their complaints to APD's Office of Professional Standards (OPS) or the CPRB. Of those who did not complain, nearly half did not complain because they thought that it would not do any good to complain. Ten percent did not know to whom to complain, and for 14% the matter was not important enough to complain. Few were deterred from complaining by their fear of the police or the belief that they would suffer reprisals from the police.

Most CPRB complainants were satisfied neither with the outcome of their complaint nor with how their complaint was handled. Complainants' satisfaction with outcomes is strongly associated with the dispositions in which they believe their complaints resulted. (Some complainants whose complaints were sustained mistakenly surmised that the disposition was something else.) Complainants who correctly believed that their complaints were sustained were all at least somewhat satisfied with the outcome; all but one of those who mistakenly believed that their complaints were not substantiated were very or somewhat dissatisfied. Complainants whose complaints were sustained by the CPRB are also very or somewhat satisfied with how their complaints were handled; those whose cases were not substantiated are almost uniformly very or somewhat dissatisfied. Indeed, the disposition appears to color most aspects of complainants' experiences, including intake and investigation. One might expect that the appointment of a monitor would have a positive effect on complainants' satisfaction with the process, but there is no evidence that it does. Part of the reason is that many complainants to whose cases a monitor was appointed were unaware of it.

Officers have favorable views of the investigation process, and all of the officers who responded were very or somewhat satisfied both with the outcome of the review by OPS and with how the complaint was handled by OPS. While overall satisfaction with the CPRB's review was less unanimous, 8 of the responding 13 officers were very or somewhat satisfied with how the complaint was handled by the CPRB, and 10 were satisfied with the outcome.

Our analyses of police discourtesy show that levels of courteous and respectful

conduct by Albany police are fairly high, overall, and have not changed for the worse over the two-year period for which we have client survey data. The data also suggest, however, that the prevalence of discourtesy is sufficiently high to be cause for concern. Taking clients' perceptions at face value, police were *somewhat* impolite in 11 percent of the contacts, and they were *very* impolite in 13 percent of the contacts. Nearly half of the latter contacts were arrests; 40 percent were calls for service. If we extrapolate only—and more conservatively—from the sampled occasions on which clients perceived police as very impolite, we would project in 2003 nearly 10,000 incidents of police discourtesy across 141,952 calls for service (7 percent), and nearly 3,000 incidents of discourtesy across 9,340 arrests (32 percent). Some research suggests that discourtesy by police is often prompted by discourtesy by citizens, but it also suggests that police in some departments more often than not maintained a professional (i.e., civil) demeanor even in the face of citizens' discourtesy.

Discourtesy by the police is not the only feature of police-citizen interaction that shapes clients' evaluations of their contacts with the police. Several dimensions of fairness, or "procedural justice," have been identified, which explain why clients are more satisfied when police pay attention to what they have to say, why clients are more satisfied when police explain the reasons for their actions (e.g., a stop), and why clients are more satisfied when police are courteous and respectful, even when the outcomes are unambiguously unfavorable to the clients.

The capacity of citizen oversight to deter misconduct through complaint review is quite limited, even under the best of circumstances: underreporting and evidentiary problems make the probability that misconduct will be detected and sanctioned quite low. Action is taken to complain in only 23% of the cases of perceived misconduct; most complaints are directed not to the CPRB but to other officials. If as many as 20 percent of those complaints are sustained (and 20 percent is a rate unlikely to be achieved even with the strongest, most independent form of oversight), then less than one half of 1 percent of the (perceived) misconduct by police is sanctioned as a result of complaint review. Even dramatic improvements in the rate at which complaints are sustained would do little to enhance the deterrent effect of complaint review. Citizen oversight can perform an important function by shining a light on patterns of performance, as part of its policy review function, for ultimately it is the leadership of the police agency that has the greatest capacity to determine police priorities and shape the quality of the services that citizens receive.

## Introduction

Created by legislation that was signed into law in July of 2000, the Albany Citizens' Police Review Board (CPRB) became operational in May of 2001. The same legislation that created the CPRB also provided for a contractor "to conduct surveys of complainants concerning the level of their satisfaction with the process and to conduct surveys of the community to get feedback concerning the CPRB and the Police Department." The Hindelang Criminal Justice Research Center assumed responsibility for these surveys, and this is the third report prepared and submitted in fulfillment of this mandate.

As previous reports have explained, the surveys were designed to measure conditions on which citizen oversight may have effects. These conditions include:

- the perceived receptivity of the complaint review system to complaints;
- the perceived efficacy of the complaint review system;
- the rate at which perceived misconduct is reported to authorities;<sup>1</sup>
- police performance in interactions with citizens, and hence citizens' assessments of police services;
- the satisfaction of complainants with their experiences with the complaint review system; and
- the fairness of complaint review, as it is judged by complainants.

Hence, and as readers of the previous reports may recall, this survey research routinely examines the perceptions and subjective experiences of three constituencies: police clients; complainants; and officers. (Details about the methodology of the surveys can be found in the appendix.) "Clients" are those people who have direct contact with the police. Most complaints about the police arise from clients' interactions with the police. Clients are therefore the community whose feedback about the police is most valuable for citizen oversight. As our previous analyses show, the decisions of aggrieved clients to complain or not turn to some degree on their perceptions of the complaint review system. The client survey provides information about both of these phenomena, for a sample of clients; it also provides information about clients' evaluations of police performance in their contacts.

Complainants are the constituency closest to the complaint review process (excepting, of course, the officers against whom complaints are filed). The complainant survey provides information about the *goals* of complainants in filing a complaint, their subjective experiences with the *intake* and *investigation* processes, their perceptions of the *fairness* with which the complaint was handled, and their *satisfaction with the outcome* of the complaint review.

Officers, of course, also have an important and legitimate stake in complaint review, and so we survey officers against whom complaints have been filed, after the disposition of those complaints. Although this survey is not included in or funded by our contract, we believe that no balanced evaluation of complaint review would fail to take officers'

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<sup>1</sup> By "misconduct" we mean "any alleged improper or illegal act, omission or decision" by a police officer that directly affects the person or property of an individual by reason of a violation of any general, standing or special order or guideline of the police department, a violation of any federal law, state law or municipal ordinance, or "any act otherwise evidencing improper or unbecoming conduct." In this we follow the City of Pittsburgh Citizen Police Review Board, "Rules and Operating Procedures" (1998), p. 2.

perceptions of and experiences with complaint review into account. Like the complainant survey, the officer survey provides information about officers' subjective experiences with the investigation process, their perceptions of the fairness with which the complaint was handled, and their satisfaction with the outcome of the complaint review.

Albany residents are a wider and more inclusive audience for citizen oversight. We surveyed this constituency in 2001, under the auspices of a separate contract with the Albany Police Department (APD), and we conducted a follow-up survey of the 2001 respondents in 2002, in which we provided for questions about complaint review. We found that a large fraction of Albany residents—about half—are also police clients in any single year. We also found among residents patterns of beliefs and attitudes that are, in the main, similar to those of clients, but on the whole somewhat more favorable toward the police. We did not survey residents in 2003 (although we are tentatively planning to repeat the 2001 survey, with a new sample of residents, in 2004).

### *Previous Findings*

For readers unfamiliar with our previous reports, it might be helpful to summarize here the principal findings; readers who have perused those reports may wish to skip ahead to the next section.

- Most residents of Albany (80 percent) are satisfied with the quality of police services, and most residents have favorable views of the performance of Albany police on more specific dimensions of police work (e.g., in keeping order, in working with residents). Most residents (two thirds) do not perceive police misconduct as a problem in their neighborhoods, but a large majority of the African-American population does perceive one or more forms of police misconduct as a problem in their neighborhoods.
- Most people who have contact with the Albany police (i.e., clients) are satisfied with how they were treated by police and with how police handled their problem.
- Most people who are dissatisfied with some aspect of their contact with the police cite as the reason either less serious forms of misconduct—discourtesy, for example—or poor service—such as a lack of concern or understanding, or an inability to solve the problem.
- Most of those who are dissatisfied—most even of those who believe that police engaged in misconduct—do not take any action to complain. Whether or not a complaint is made turns to some degree on perceptions of the complaint review process, especially would-be complainants' confidence in complaint investigations: citizens who believe that complaint investigations are thorough, and thus believe that they can be efficacious in complaining, are more likely to complain, given a reason to complain. Furthermore, citizens' confidence in the complaint review process is affected by their awareness that citizens participate in complaint review, which suggests that the CPRB enhances the legitimacy of the complaint review system. But most clients are not aware of citizen oversight in Albany.
- Most of those who do take action to complain do not direct their complaints to the Office of Professional Standards (OPS) or the CPRB. The formal complaint review

process is one element of a set of mechanisms by which aggrieved citizens can be heard and seek the resolution of their concerns, as they consider appropriate, and through which citizen feedback on police performance is channeled to police executives.

- Most CPRB complainants are not satisfied with how their complaints are handled or with the outcomes of their complaints. They doubt the thoroughness of the investigations. They do not understand how the outcome was reached or, in many cases, what it means.
- Complainants' satisfaction is strongly influenced by the disposition: complainants whose complaints are sustained are much more likely to be satisfied.
- Officers' assessments of their experiences with complaint review are mirror images of those of complainants: officers assess the investigation process favorably, and they are for the most part satisfied with how the complaints are handled and with the outcomes.

### *Overview of the Report*

Like previous reports, this report will of course summarize survey results concerning the conditions on which citizen oversight is thought to have effects: clients' perceptions of the complaint review system; clients' evaluations of their contacts with the police, including their satisfaction, and if dissatisfied, with what they were dissatisfied; clients' propensity to complain, given a reason to complain; complainants' subjective experiences with the complaint review process, and their satisfaction with both the process and the outcome; officers' subjective experiences with the process and their satisfaction. But since our previous research has already served to establish the connections among these outcomes, and the socio-demographic factors with which they are associated, we do not revisit these relationships here. Instead, one of our primary objectives in this report is to update the information on these conditions and, where it is possible, to examine changes in these conditions over time.

A second objective is to shed further light on an issue that the CPRB recently raised. Earlier this year, the CPRB expressed concern about "the number of complaints filed with the Board alleging unprofessional behavior and discourteous conduct."<sup>2</sup> Newspaper coverage of this issue, in March, 2004, pointed out that "[o]f 74 cases decided by the board since November 2002, 26 involved complaints of rudeness, abusive language or other unprofessional behavior by officers"; one member of the CPRB was quoted as saying that, "[a]s a board, we need some way to know whether complaints involve just a few individuals or are more systemic."<sup>3</sup> Here we examine the data on clients' perceptions of police courtesy, in order to provide more systematic information on the prevalence of police discourtesy, and on recent trends in police discourtesy.

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<sup>2</sup> City of Albany Citizens' Police Review Board, *First Quarterly Report, February 1, 2004* (Albany, NY: Government Law Center of Albany Law School, 2004), p. 13.

<sup>3</sup> Brian Nearing, "Board Stresses Manners Matter," *Albany TimesUnion*, March 10, 2004, B1.

A third objective is to provide evidence on patterns of police performance, more generally. Samuel Walker, a well-known proponent of citizen oversight, has observed that “the shortcomings of many citizen review agencies to date result from a lack of vision and an excessively narrow focus on symptoms—individual complaints—rather than on the underlying problems.”<sup>4</sup> He and others suggest that citizen oversight agencies should place greater emphasis on their role in reviewing police policy and making recommendations for changes in procedure and training. In the interest of deepening our understanding of underlying problems, therefore, we also analyze the subjective experiences of each client subpopulation separately, and in somewhat more depth, in order to identify factors that contribute most to service that fails to meet clients’ expectations.

### **Clients’ Perceptions and Behavior**

The client survey was initiated on October 15, 2001, with a sample whose contacts with police took place between September 3 and 16, 2001, and it has been on-going. Our 2003 report summarized findings through October, 15, 2002, covering contacts with the police through August of 2002; here we extend the analysis to cover contacts through mid-September of 2003. Because we survey a *sample* of clients, our estimates of their beliefs, attitudes, and behavior are subject to sampling error, as noted in our discussion of findings as needed. This is particularly noteworthy with respect to fluctuation over time. We have formed estimates at monthly (and in one instance, bimonthly) intervals, but the monthly samples are fairly small (approximately 75, on average), and they thus yield estimates with a precision of only plus-or-minus 8-15 percentage points. Interpretations of these time series data must be made with the recognition that some, much, or even all of the month-to-month fluctuation stems from sampling error; any conclusion that a genuine change in any of these phenomena has occurred should rest on sustained shifts (which could be of a gradual or abrupt nature).

#### *Attitudes toward the Police*

Clients’ attitudes toward the police affect both their perceptions of complaint review and their evaluations of their contacts with the police. Overall, more than one third (38 percent) of clients have “quite a lot” of confidence in the police in their area, and an additional 44 percent have “some confidence.” Estimates of the month-to-month confidence in the police have fluctuated around this overall mean (see Figure 1) without real change over time. Similarly, nearly three quarters (72 percent) of clients are very or somewhat satisfied with police services in their neighborhood, with no change other than sampling fluctuation over time. Thus clients’ attitudes toward the police are for the most part favorable, and in the aggregate fairly stable.

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<sup>4</sup> Samuel Walker, “New Directions in Citizen Oversight: The Auditor Approach to Handling Citizen Complaints,” in Tara O’Connor Shelley and Anne C. Grant (eds.), *Problem-Oriented Policing: Crime-Specific Problems, Critical Issues and Making POP Work* (Washington: Police Executive Research Forum, 1998), p. 171.

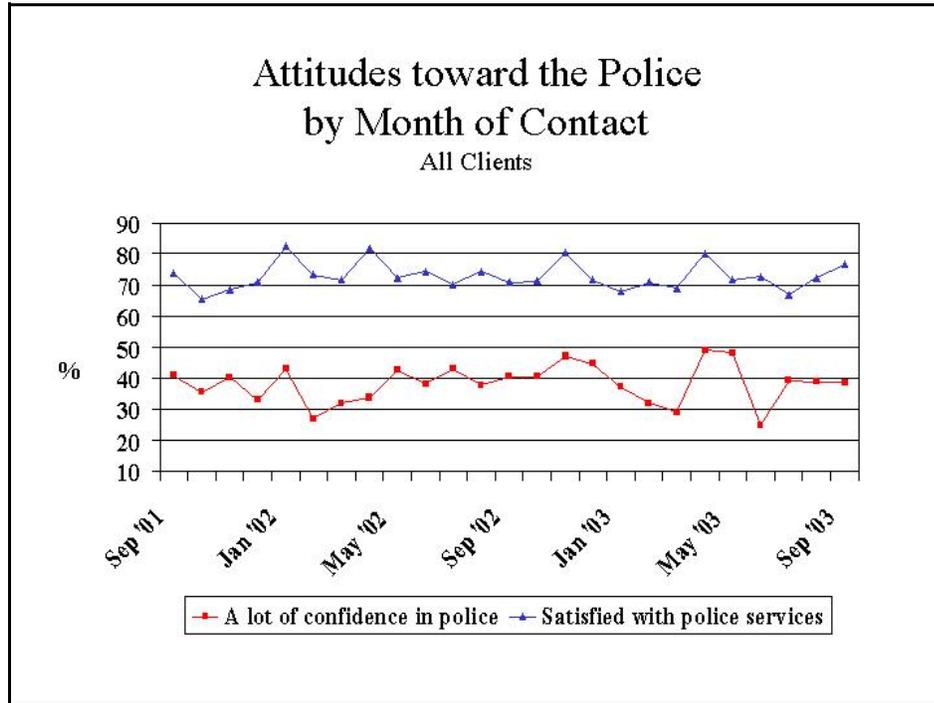


Figure 1

*Perceptions of Complaint Review*

Clients’ perceptions of the complaint review system are important partly because they affect the legitimacy of the review process, but also insofar as they have a bearing on the likelihood that acts of perceived misconduct will be reported. The client survey provides some information with which we can gauge clients’ perceptions of complaint review, particularly the perceived thoroughness of complaint investigations, the perceived severity of the sanctions imposed on officers when misconduct is established, and knowledge about the role of citizens in complaint review.

Across the two-year period, about one third (32 percent) of the people who had contact with the police were aware that Albany has a “civilian review board”; one third believed that Albany does not have a civilian review board, and the rest—slightly over one third—did not profess to know. Forty-six percent believed that complaint investigations are very or somewhat thorough (an additional 34 percent did not know), and slightly more than one third believed that sanctions are very or somewhat severe (20 percent did not have an opinion).

One might expect that clients’ awareness of citizen oversight, and with it their perceptions of the integrity of the process, would have changed for the better over time, as the role of the CPRB has become better established, and as the CPRB has engaged in outreach. But no such changes among clients can be detected. As Figure 2 shows, clients’ perceptions have fluctuated some over the two-year period, though seldom more than the margin of sampling error, and with no discernable trend or other enduring change.

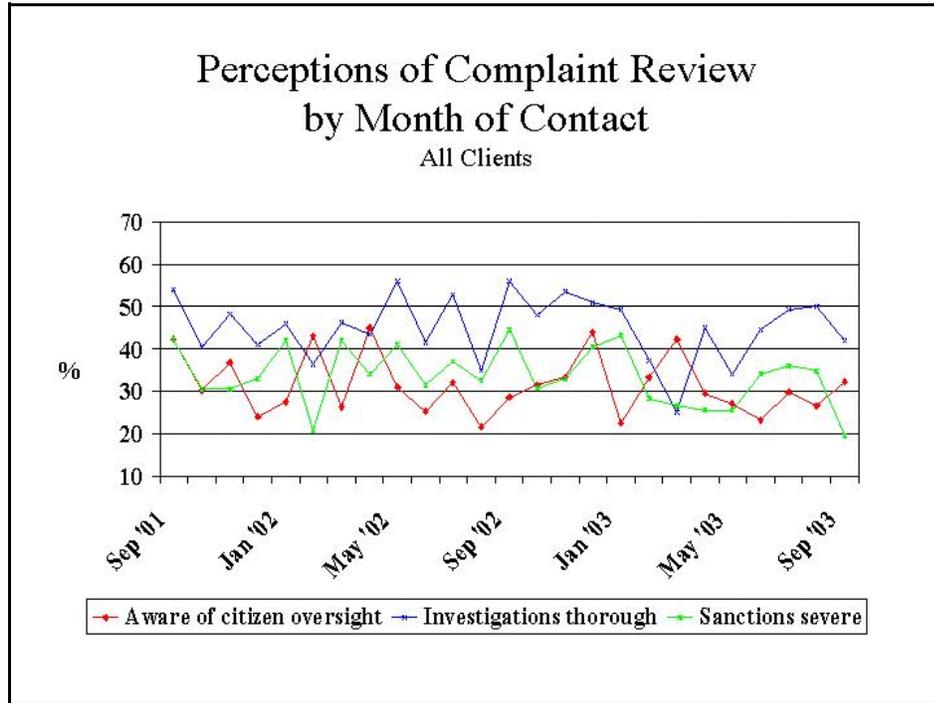


Figure 2

*Evaluations of Police Contacts*

Satisfaction

Seventy-five percent of clients were very or somewhat satisfied with how the police treated them, while 80 percent of those who requested assistance were satisfied with how police handled their problem. As Figure 3 shows, these levels of satisfaction have fluctuated some, but all within the margin of monthly sampling error and with no detectable change—up or down—over time.<sup>5</sup>

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<sup>5</sup> Clients whose contact with the police arose from a request for service are asked how satisfied they were with how the police handled their problem, and they are also asked how satisfied they were with how they were treated by the police; other clients, whose contacts with the police stemmed from police initiative or another citizen’s request for police assistance, are asked only how satisfied they were with how they were treated by the police. The margin of sampling error in the estimated percentage satisfied with their treatment by police is plus-or-minus 2.1 percent, across the entire two-year period, and plus-or-minus 8-12 percent for each month. The samples of clients who requested police assistance are smaller, of course, and so the sampling error in the estimated percentage satisfied with how police handled their problem is correspondingly larger: plus-or-minus 2.3 percent across the two-year period, and plus-or-minus 8-18 percent for each month (producing the larger fluctuations seen in Figure 3).

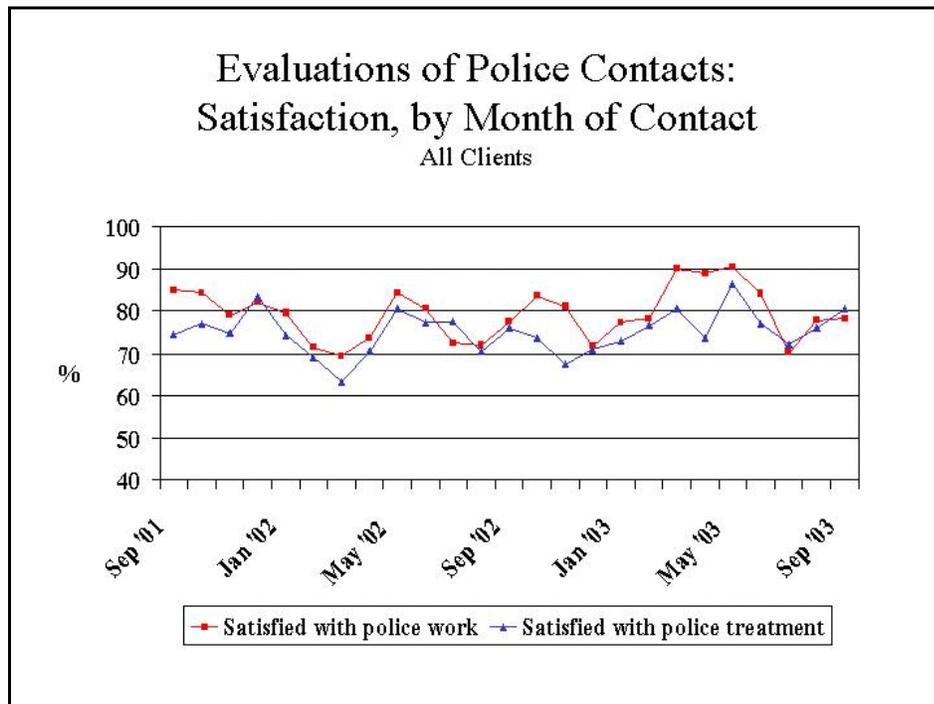


Figure 3

Procedural Factors

Clients’ satisfaction is shaped by several elements of their interaction with the police. As we have reported previously, and as other research has shown, clients are more satisfied when police pay attention to what citizens say, explain the reasons for their actions, and are perceived as polite and fair, other things being equal. These features of police-citizen encounters account for the disparities in satisfaction among the client subpopulations (people who request assistance, arrestees, and people who are field interviewed): arrestees and field interviewees tend to be less satisfied because they tend to perceive that police were not polite or fair, did not pay attention, and did not explain the reasons for their actions. Figure 4 illustrates these disparities. Over 80 percent of the people who called for service were satisfied with how they were treated by the police, believed that the police were (very or somewhat) polite and fair, and believed that police paid attention to what they had to say (all represented by blue columns in the chart). Slightly under half of the arrestees were satisfied with how police treated them, half believed that the police were polite and fair, and about 40 percent believed that the police paid attention to what they had to say (all represented by red columns). People who were field interviewed by police were a bit more positive than arrestees about their experiences: 62 percent were satisfied with their treatment, two thirds believed that the police were fair, and 55 to 60 percent believed that the police were polite and paid attention to what they had to say (all represented by yellow columns).

Overall, 74 percent of clients believed that the police were polite, 76 percent believed that the police were fair, and 72 percent believed that the police paid attention to what they had to say. As Figure 5 shows, the estimates of clients’ month-to-month evaluations of these

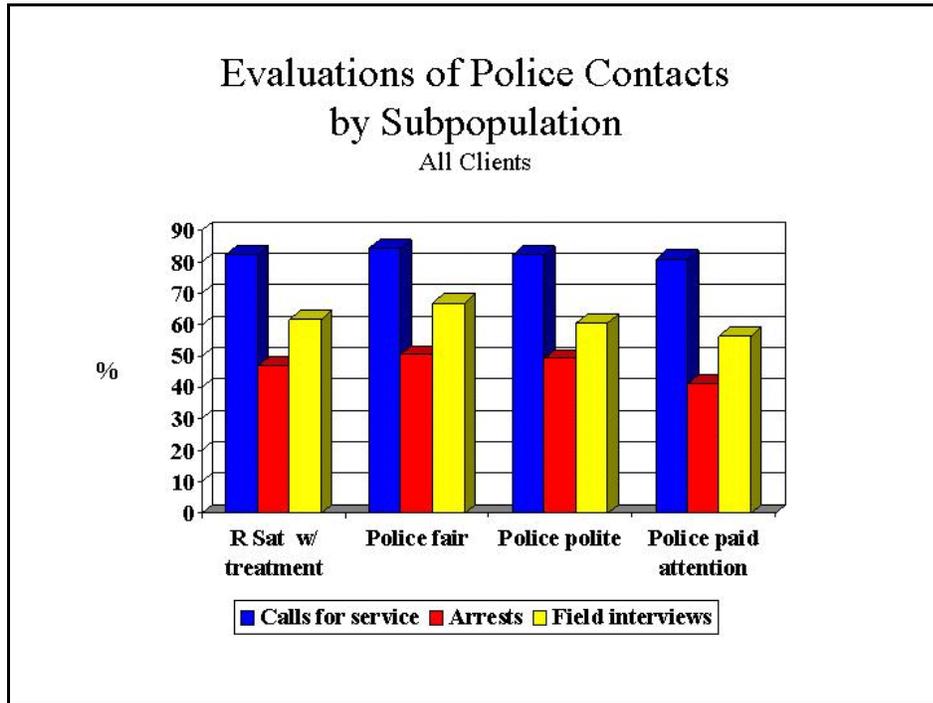


Figure 4

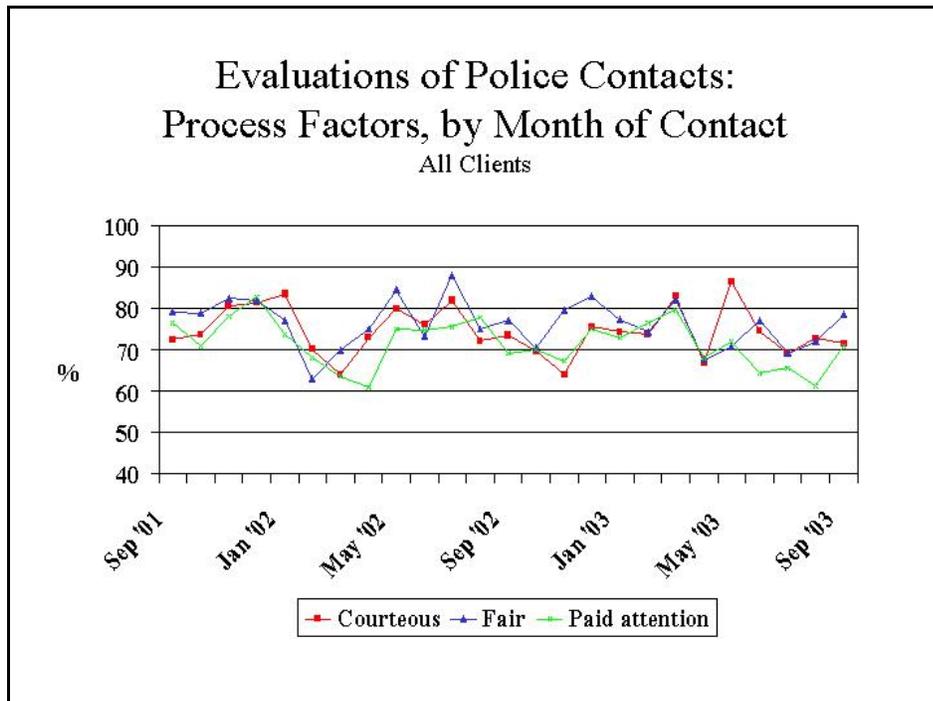


Figure 5

procedural factors have fluctuated some, but mainly within the margin of sampling error (about 8-16 percent). So there is no evidence in these data that discourtesy by officers is increasing, but we will return to this issue below.

Calls for Service.

A closer examination of the subjective experiences of people who request police assistance reveals that elements of procedural fairness account for variation in satisfaction *within* this subpopulation, and not only across subpopulations. Here we focus on satisfaction with how the problem was handled by the police. Figure 6 shows that 90 percent of those who believed that the police were very or somewhat fair, but less than 10 percent of those who believed that police were very or somewhat unfair, were satisfied with how police handled their problem. (Note that the red and blue columns in Figure 6 represent the proportions of different subgroups of respondents who were satisfied; the percentages need not sum to 100.) Large differences in satisfaction also appear with respect to whether police were polite and paid attention to what citizens had to say. It is also clear that satisfaction is related to whether police were thought to have solved the problem—an outcome. A much smaller difference arises with respect to whether police are dispatched to the scene (when 82 percent are satisfied) or the problem is handled over the phone (when 71 percent are satisfied).

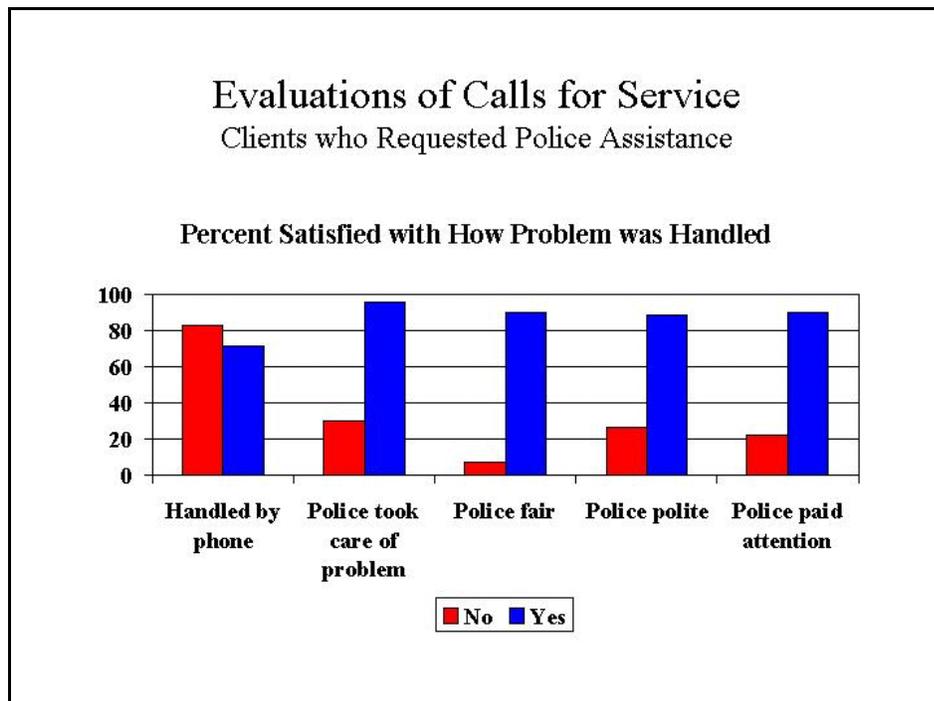


Figure 6

Arrests

As Figure 7 shows, the unfavorable outcome of arrest does not determine citizens' satisfaction level; satisfaction varies considerably with elements of the process that arrestees experience.<sup>6</sup> When police are perceived to be fair, polite, and attentive, most arrestees—two thirds to three quarters—are satisfied with their treatment by police; when police are perceived to be unfair, impolite, and inattentive, most arrestees—three quarters or more—are dissatisfied with their treatment by police. Among those whose contacts with the police were initiated as traffic or field stops, more than half are satisfied when police explain the reason for the stop; fewer than one quarter are satisfied when police do not explain the reason for the stop. By comparison, a smaller difference in satisfaction arises with respect to whether arrestees are held in the lock-up: 36 percent of those who are held, and 47 percent of those who are released on bail or in the field, are satisfied.

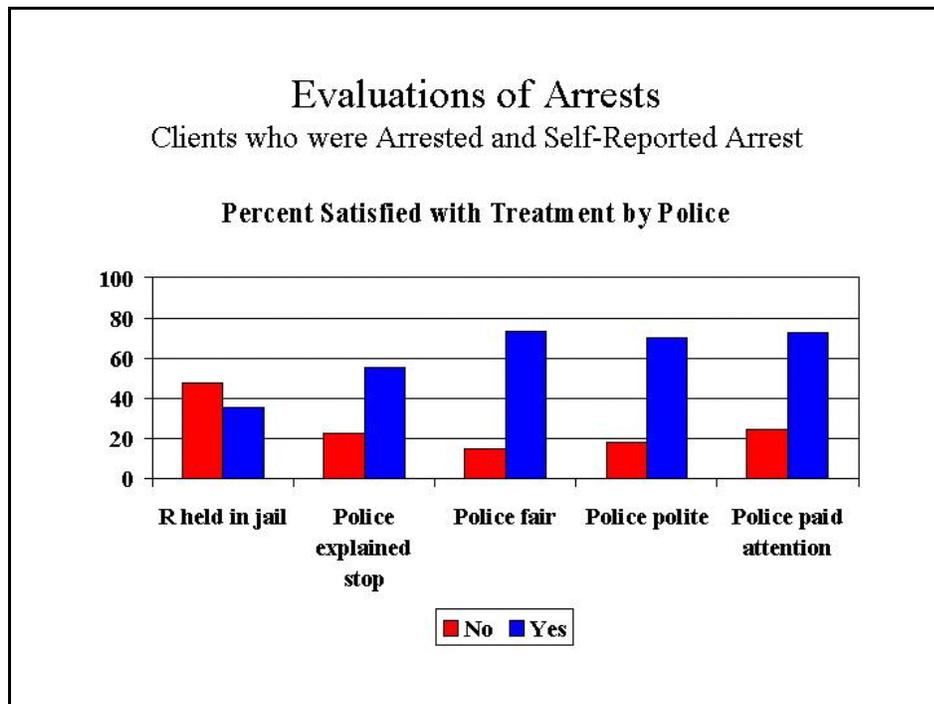


Figure 7

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<sup>6</sup> This analysis is based on the subset of arrestees who acknowledged their arrest to interviewers. Nearly one quarter of the arrested respondents indicated that they had not been arrested in the contact in question. One third of those claimed to have never been arrested. These respondents were excluded from this analysis, given the questions about their recollection or their candor. As a group, these respondents were more favorable about their contacts with the police.

Stops

Similar patterns hold among those who were stopped by the police.<sup>7</sup> Nearly three quarters or more of these clients were satisfied with their treatment by police when police explained the reasons for the stop, were (perceived as) fair or polite, and paid attention to what the citizen had to say (see Figure 8). Fifteen to 27 percent were satisfied when police did not explain the reasons for the stop, were (perceived as) unfair or impolite, and did not pay attention to what the citizen had to say. A smaller difference in satisfaction is observed between those who were stopped in a car (59 percent satisfied) and those who were stopped on foot (48 percent satisfied).

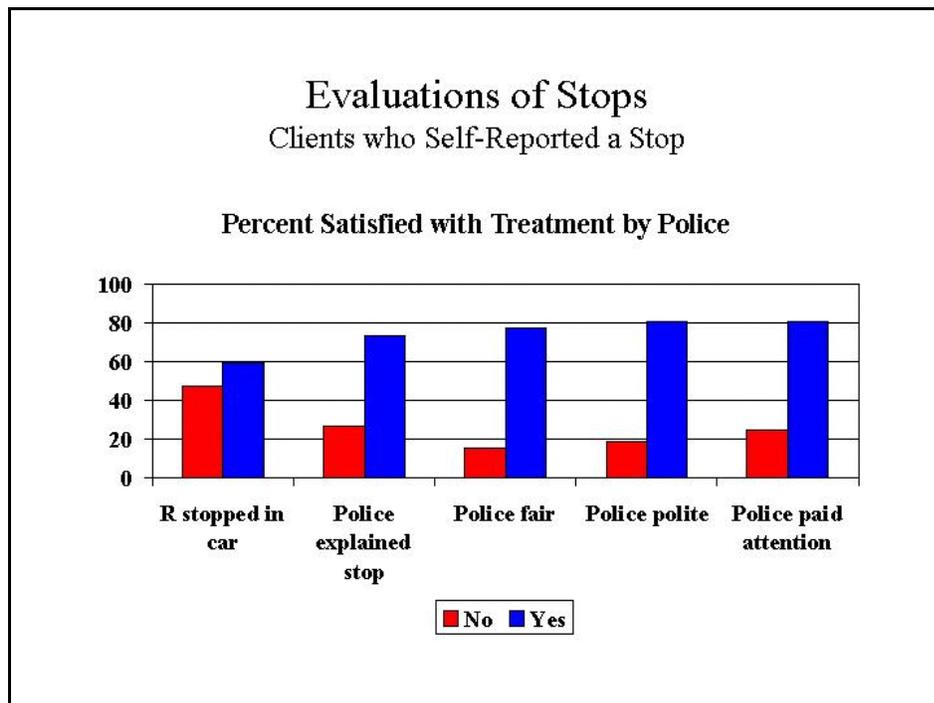


Figure 8

Reasons for Dissatisfaction

We might infer from the patterns reported above that dissatisfied clients would cite procedural factors among the reasons for their dissatisfaction, and as Figure 9 shows, many of them do. Most clients' dissatisfaction stems from a lack of concern by the police (i.e., the officer did not care or listen), discourtesy, or what clients perceive as incompetence and poor judgment, cited by 24 percent, 20 percent, and 12 percent, respectively, of the clients who

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<sup>7</sup> This analysis includes respondents who were sampled from among field interviews by the police and who reported having been stopped by the police on that occasion, and also arrestees whose contacts with the police began as stops and who did not report to interviewers that they were arrested.

were dissatisfied (15 percent did not cite a reason).<sup>8</sup> Fairly small proportions of dissatisfied clients cited verbal abuse (2 percent) or physical abuse (8 percent). If we take physical abuse, verbal abuse, discourtesy, and unequal treatment as forms of misconduct, and the remaining reasons for dissatisfaction as poor service, then one third of the incidents with which clients are dissatisfied involved perceived misconduct.

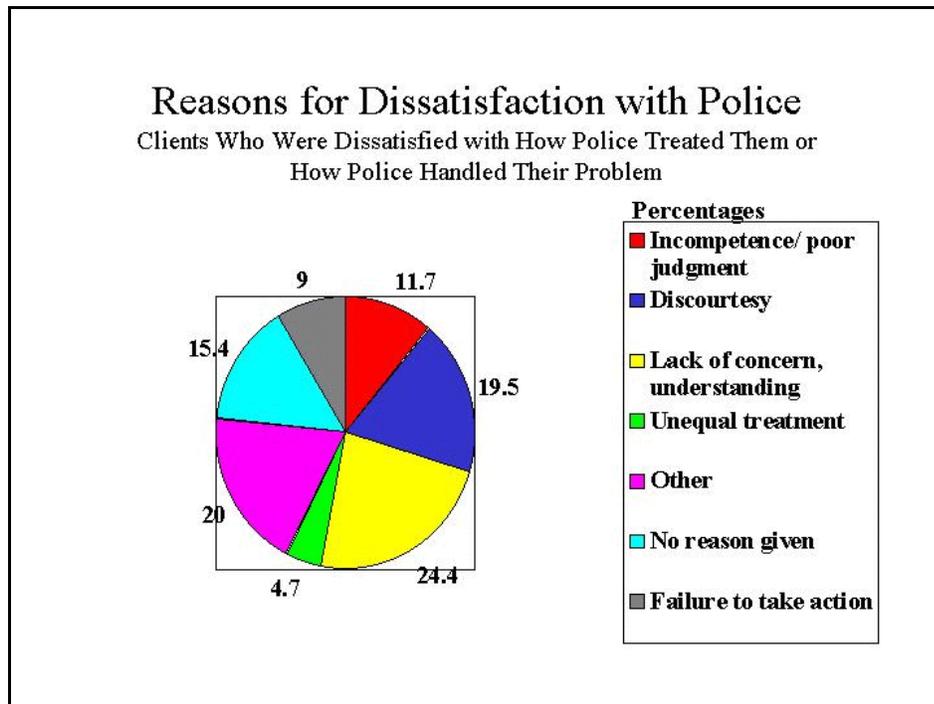


Figure 9

### Complaining

Of those who are dissatisfied either with how police treated them or with how police handled their problem (or both), 19 percent took some action to complain. Clients whose dissatisfaction concerns police misconduct, rather than poor service, are more likely to complain (23 percent vs. 16 percent). As Figure 10 shows, the propensity to complain has fluctuated without a change that can be differentiated from sampling error. (Given the small monthly samples of dissatisfied clients, we form bimonthly estimates to achieve greater reliability.)

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<sup>8</sup> We coded from each respondent's open-ended accounts one or—if necessary—two reasons for his/her dissatisfaction, so the sum of the percentages exceeds 100.

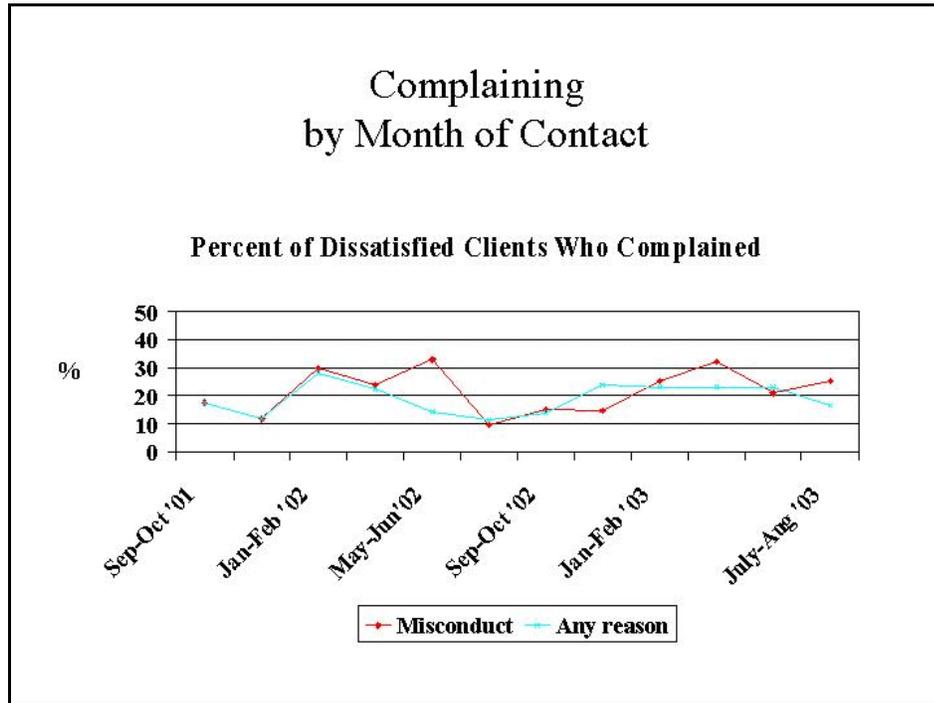


Figure 10

Complaint Channels.

Only 9 percent of those who complained—comprising 2 percent of all of the incidents in which clients were dissatisfied—reportedly directed their complaints to APD’s Office of Professional Standards (OPS) or the CPRB (see Figure 11). More than one quarter of the complaint-makers called the police department, and nearly one fifth directed their complaints to the chief or another police official. More than one fifth complained to a lawyer. Twenty-two percent of the complaints were reportedly in written form, but few of these were directed to OPS or the CPRB; it appears that most of these written complaints were letters to police officials, a newspaper (in one case), or others.

In half or fewer of these instances did the recipient of the complaint do either what the complaint-maker (‘R,’ or respondent) wanted or something else to help, although the perceived response varies some across recipients (see Figure 12). (These estimates are based on very small subsamples, and the differences should be evaluated cautiously.) Interestingly, the most favorable response was perceived by those who called the police department, among whom 54 percent believed that the complaint recipient did what they wanted or something to help. Satisfaction also varies some; while dissatisfaction is the rule, complaints made by calling the police department are something of an exception (see Figure 13).

Reasons for Not Complaining

Of those who did not complain, nearly half did not complain because they thought

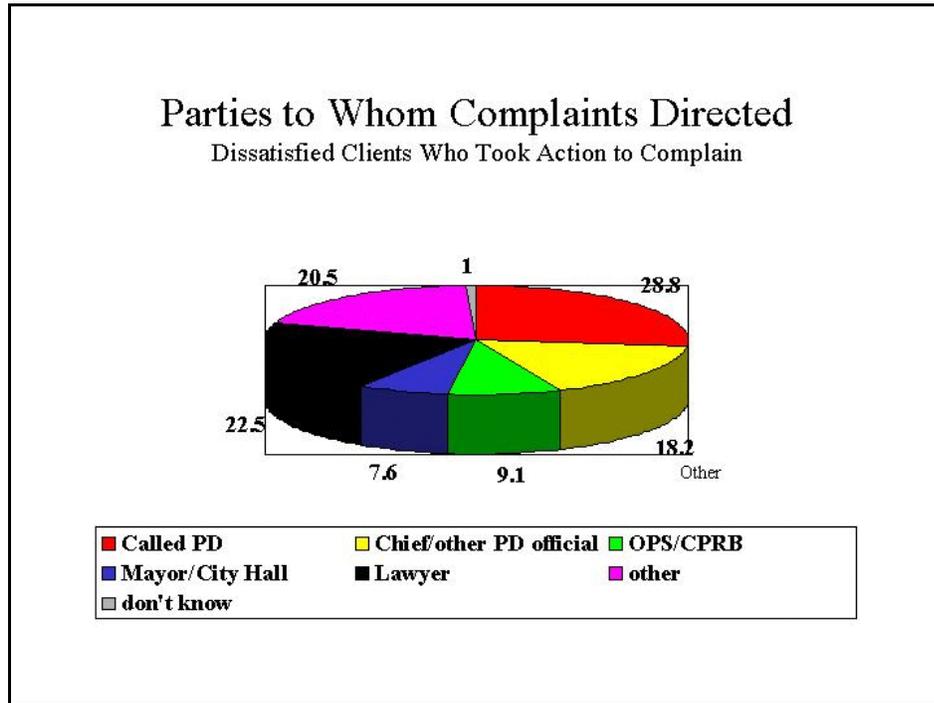


Figure 11

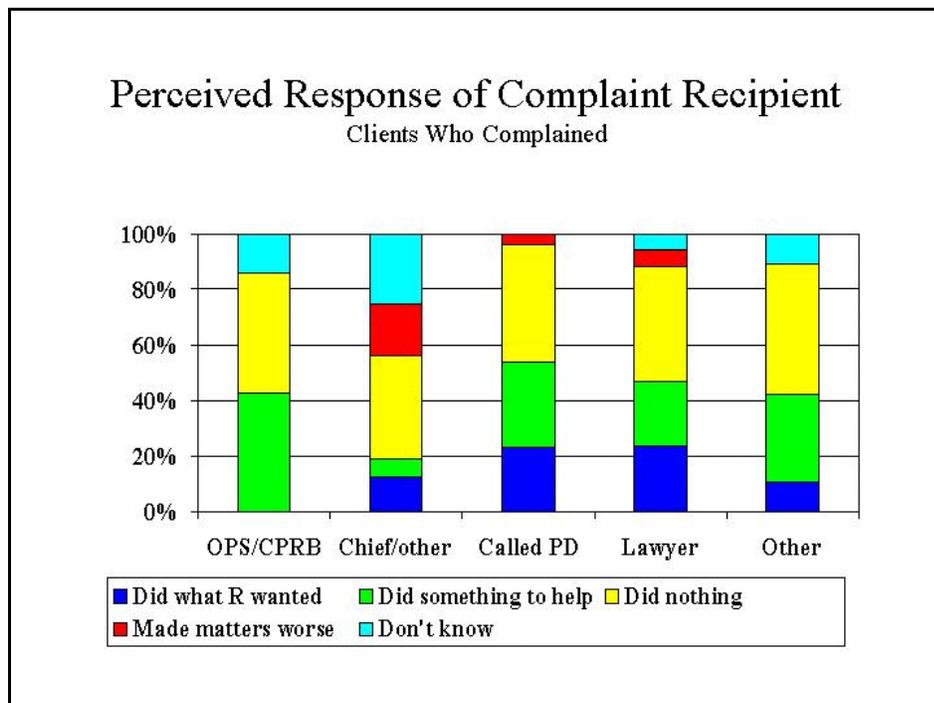


Figure 12

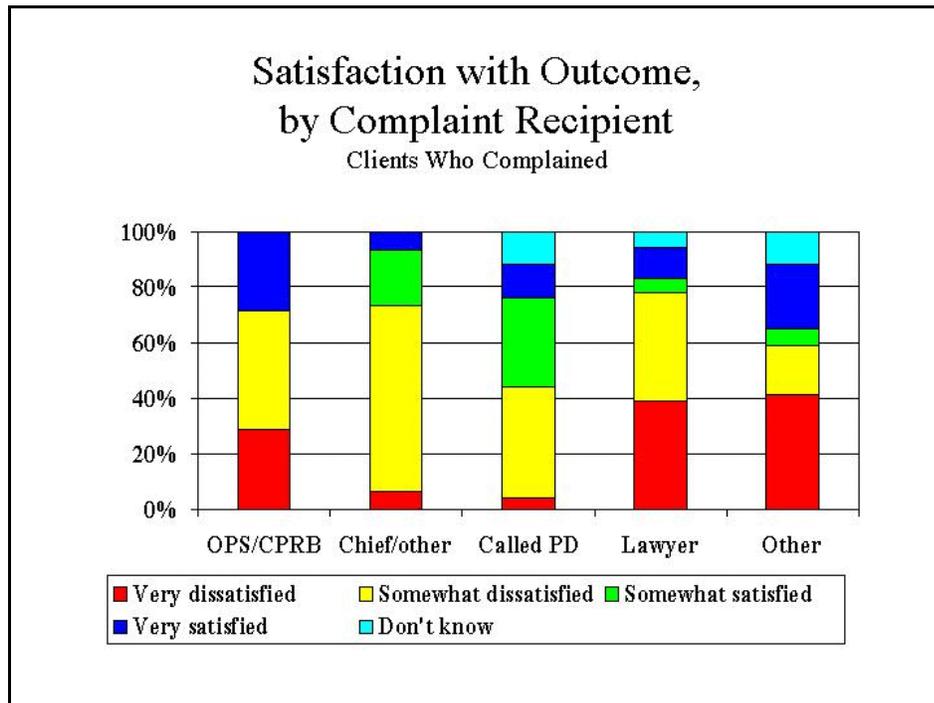


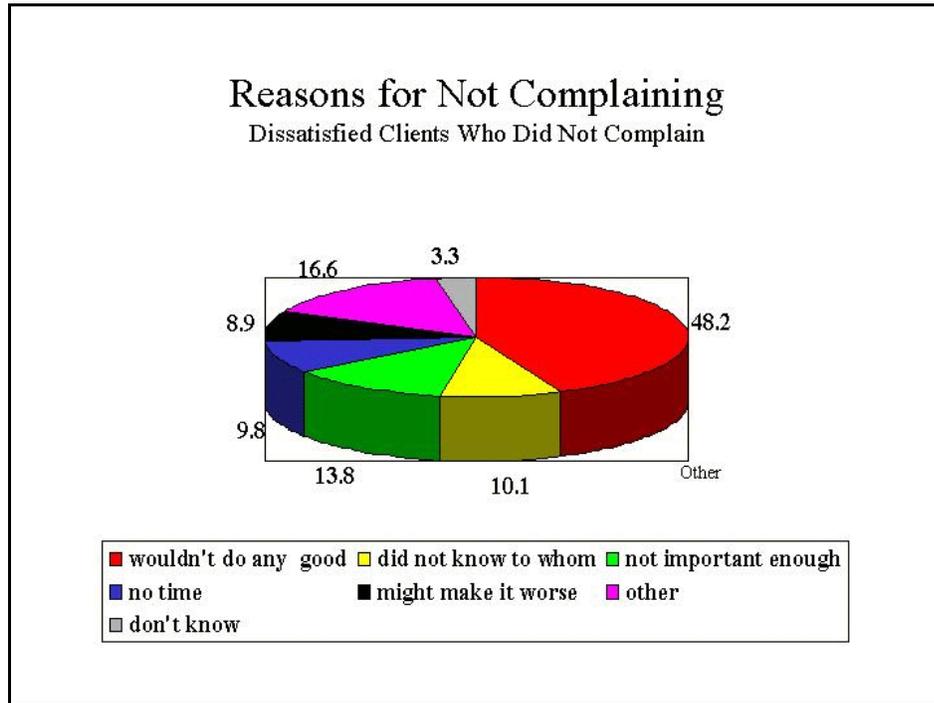
Figure 13

that it would not do any good to complain (see Figure 14).<sup>9</sup> Ten percent did not know to whom to complain, and for 14% the matter was not important enough to complain. Few were deterred from complaining by their fear of the police or the belief that they would suffer reprisals from the police.

### CPRB Complainants' Perceptions

One hundred complaints had been adjudicated by the CPRB as of October 26, 2003. We survey complainants as soon as possible after the final disposition of their complaints (and after the notification of the CPRB's disposition has been sent to the complainant); through October 26, 2003, we interviewed 31 complainants. Only two complainants declined to participate, and we were unable to reach 10 complainants (who were responsible for 14 complaints); our attempts to contact the complainants in the remaining cases were continuing at the end of the contract period. Because we survey the population rather than a sample, estimates of complainants' perceptions are not subject to sampling error. We begin our discussion of findings at the end of the process, i.e., with complainants' satisfaction with the outcomes of their complaints, because the dispositions appear to affect their perceptions of almost the entire process.

<sup>9</sup> Respondents were allowed to cite more than one reason, and so the sum of the percentages in Figure 14 exceeds 100.



**Figure 14**

*Satisfaction*

Most complainants were satisfied neither with the outcome of their complaint nor with how their complaint was handled (see Figure 15). Complainants’ satisfaction with outcomes is strongly associated with the dispositions in which they believe their complaints resulted. Some complainants are mistaken about the dispositions of their complaints, and some of these misunderstandings have consequences for complainants’ satisfaction: of those whose complaints were sustained, 43 percent mistakenly surmised that the disposition was something else. Complainants who correctly believed that their complaints were sustained were all at least somewhat satisfied with the outcome; all but one of those who mistakenly believed that their complaints were not sustained, exonerated, or unfounded—to which we will refer summarily as “not substantiated”—were very or somewhat dissatisfied. As a result, satisfaction with the outcome is very strongly related to the understood disposition, and slightly less strongly related to the actual disposition. With this caveat in mind, the remainder of our analyses focus on the dispositions that complainants (correctly or incorrectly) take as the outcome.

Complainants whose complaints were sustained by the CPRB are very or somewhat satisfied with how their complaints were handled; those whose cases were not substantiated are almost uniformly very or somewhat dissatisfied. Indeed, the disposition appears to color most aspects of complainants’ experience. None of the complainants whose complaints were

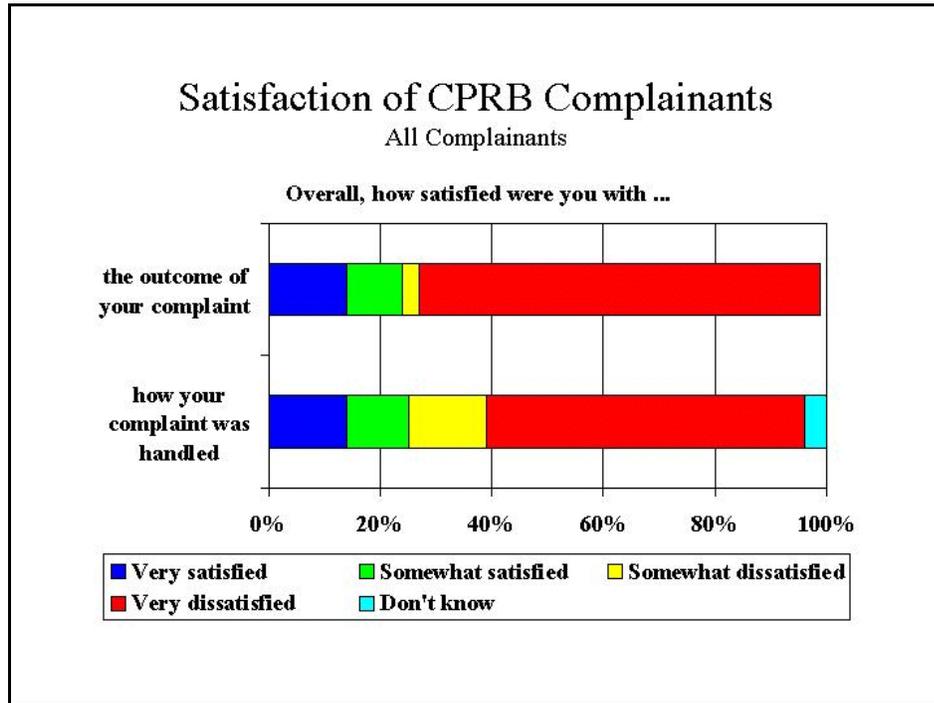


Figure 15

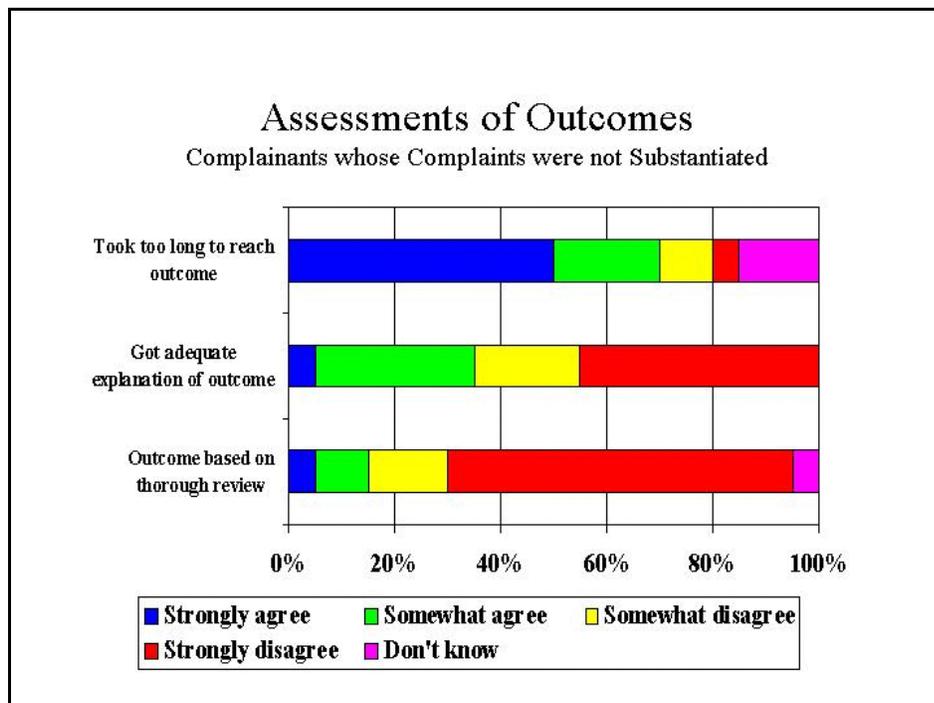


Figure 16

sustained held an unfavorable opinion of the process. Those whose complaints were not substantiated were more likely to believe that their complaints took too long to resolve,<sup>10</sup> and that the process was biased against them; they were less likely to believe that they were kept adequately informed during the process, that the investigation was thorough, that they received an adequate explanation of the outcome, or that they understood the disposition of their complaint (see Figure 16). One might expect that the appointment of a monitor would have a positive effect on complainants' satisfaction with the process, but there is no evidence that it does. Part of the reason is that many complainants to whose cases a monitor was appointed were unaware of it.

### *Perceptions of Intake and Investigation*

Dispositions also appear to affect complainants' evaluations of other stages of the process. Those whose complaints were sustained were almost uniformly positive about intake and investigation (the single exception to this rule being a complainant who believed that the investigators were biased in favor of the officer). Those whose complaints were not substantiated were more likely to believe that investigators did not treat their complaints as serious matters, that investigators did not listen, and that investigators were biased; they were less likely to believe that investigators were concerned about complainants' rights, that investigators were interested in finding out the truth, and that investigators understood the complainant's version of the incident (see Figure 17).<sup>11</sup> Furthermore, those whose complaints were not substantiated were less likely to believe that the officers who took their complaints were helpful or understanding.

Dispositions do not appear to have much effect on some perceptions. Most complainants believed that the officers who took their complaints, and the investigators, were polite, and most indicated that police at neither stage tried to talk them out of filing a complaint. Most also indicated that it was not difficult to file a complaint; few reported any difficulty in completing the form. In addition, most of those who had a recognizable contact with investigators reported that they had a chance to tell their side of the story, which is of course an important element of procedural fairness.<sup>12</sup>

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<sup>10</sup> The dispositions by OPS were more nearly in line with complainants' expectations than the dispositions by the CPRB.

<sup>11</sup> A number of complainants reportedly had no contact with investigators; as we explained in our last report, it is likely that the OPS investigative interview with the complainant coincided with the intake process, and as a result, these complainants had no contact with police that they *recognized* as investigative in nature.

<sup>12</sup> This is contrary to the finding that we reported last year, which was erroneous. We apologize for the error.

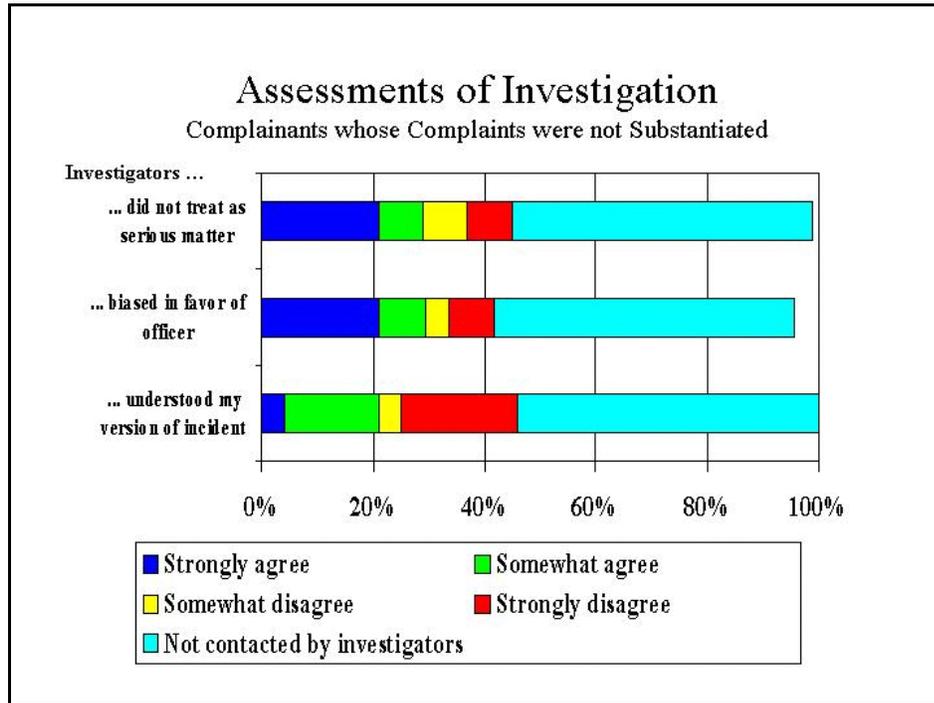


Figure 17

### Officers' Perceptions of Complaint Review

We survey the population of officers against whom complaints are filed, rather than a sample, though the response rate has been quite low; through December 31, 2003, we received responses from fifteen officers. The low response rate should make readers very cautious in interpreting the results; respondents may have views that are different from those who have not participated. (None of the respondents, on whose reports we rely for information about the outcomes of their cases, was the subject of a sustained complaint, so far as we can determine.) Be that as it may, we think that it is important to report the views of officers who have made their views known to us.

#### *Perceptions of Investigation*

As Figure 18 shows, officers have favorable views of the investigation process. Five of the fifteen officers reported that they did not have face-to-face contact with OPS investigators, but rather communicated only through inter-departmental communication (IDC), and these respondents therefore were not prompted to answer most of the questions about the investigation. Those who did have face-to-face contact with OPS investigators reported that investigators were concerned with the officers' rights, interested in finding out the truth, and understood the officer's version of the incident, and also that the investigation was thorough. Only one officer felt that s/he did not have a chance to tell his/her side of the story.

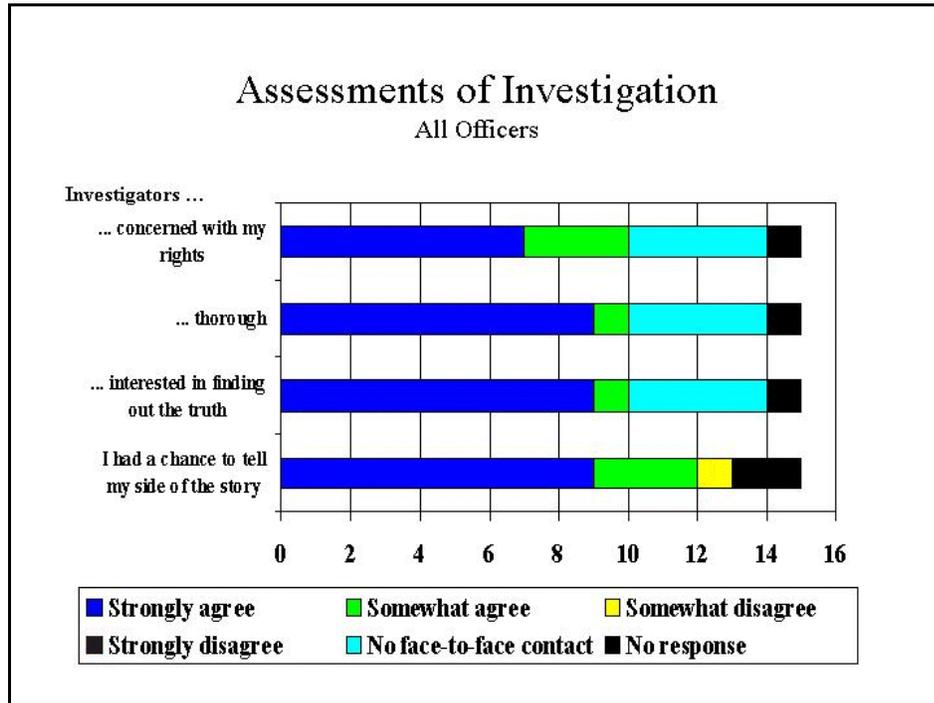


Figure 18

*Satisfaction*

As Figure 19 shows, officers’ assessments of complaint review outcomes are diverse. Some officers believed that the process took too long to reach an outcome, while others did not. Four of the 15 would have preferred to have a face-to-face meeting with the complainant, though 9 of the remaining eleven expressed a strong disinclination for such a meeting. Six of the officers believed that they did not receive an adequate explanation of the outcome, and 8 believed that they were not kept adequately informed during the review process. (Six of the officers reported that they did not receive notification of the outcome of APD’s review; one reported that s/he did not receive notification from the CPRB.)

Be all that as it may, and as Figure 20 shows, all of the officers who responded to these items were very or somewhat satisfied both with the outcome of the review by OPS and with how the complaint was handled by OPS. While overall satisfaction with the CPRB’s review was less unanimous, 8 of the responding 13 officers were very or somewhat satisfied with how the complaint was handled by the CPRB, and 10 were satisfied with the outcome.

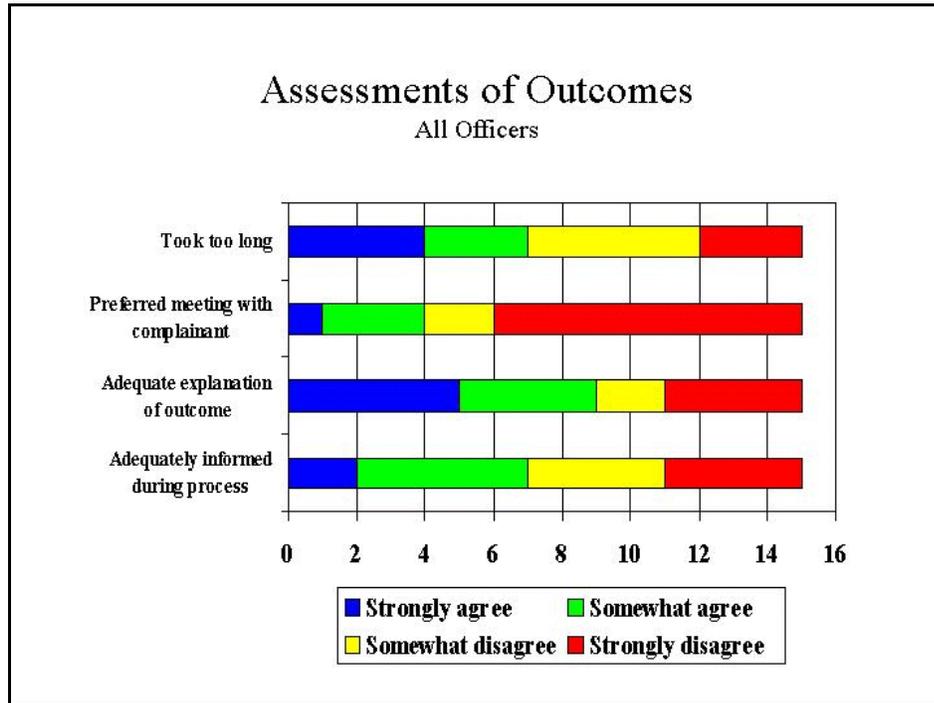


Figure 19

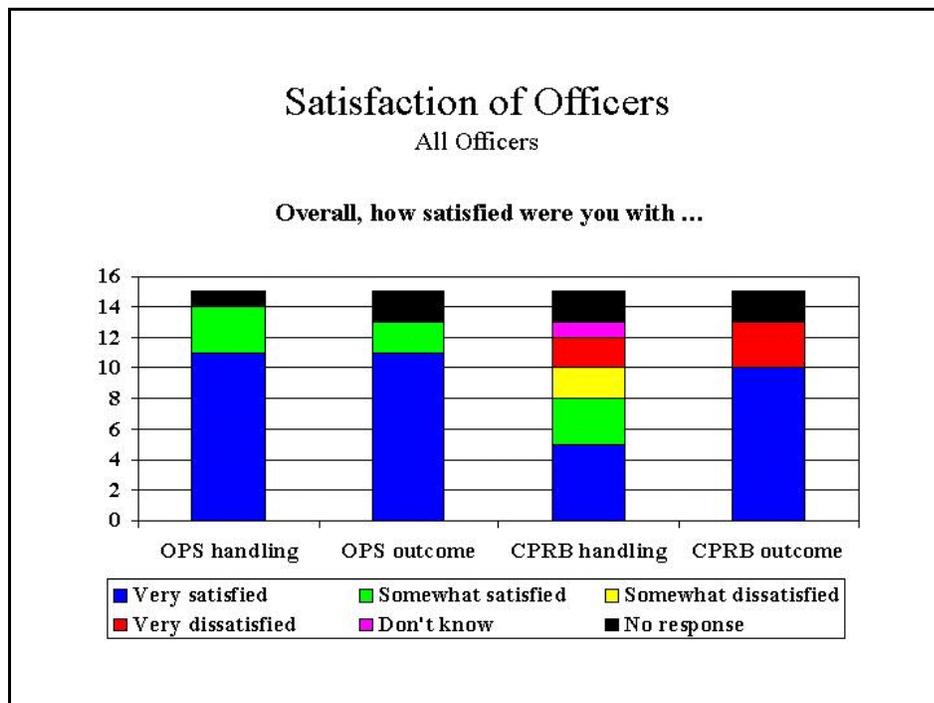


Figure 20

## **Conclusions**

We conclude by addressing the analytical issues identified in the introduction: the stability of the conditions on which citizen oversight may have effects; the prevalence of and trends in discourtesy by police; and systematic patterns of performance in police-citizen contacts that fail to meet citizens' expectations, and contribute to dissatisfaction. We also offer some observations about the nature of police accountability, the institutions that provide oversight of the police, and the resources that they can bring to bear in performing this function.

### *Stability and Change*

Our analyses of key conditions over time show no evidence of change in any; the recurring theme in the findings is that of stability. Clients' attitudes toward the police, and their knowledge and perceptions of complaint review, display only fluctuation—almost certainly a function of sampling—around a stable mean level. So too do clients' evaluations of their contacts with the police, and their propensity to complain. It remains to be seen whether this stability has persisted through late-2003 and early-2004. Similarly, complainants' subjective experiences with the complaint review process remain strongly influenced by dispositions, and are consequently unfavorable for the most part.

### *Prevalence of and Trends in Discourtesy by Police*

While it appears that levels of courteous and respectful conduct by Albany police are fairly high, overall, and have not changed for the worse over the two-year period for which we have client survey data. The data also suggest, however, that the prevalence of discourtesy is sufficiently high to be cause for concern. Taking clients' perceptions at face value, police were *somewhat* impolite in 11 percent of the contacts, and they were *very* impolite in 13 percent of the contacts. Nearly half of the latter contacts were arrests; 40 percent were calls for service. If we extrapolate only—and more conservatively—from the sampled occasions on which clients perceived police as very impolite, we would project in 2003 nearly 10,000 incidents of police discourtesy across 141,952 calls for service (7 percent), and nearly 3,000 incidents of discourtesy across 9,340 arrests (32 percent).

Taking clients' perceptions at face value is ill-advised for two reasons: first, discourtesy is to some extent a matter of judgment and interpretation, subject to standards that differ among individuals; and second, these survey data take the incidents out of their interpersonal contexts. One recently published study of policing in two cities, which was based on the coding of independent, trained observers who accompanied officers on patrol, found that in 9 percent of the observed police-citizen encounters involving suspected offenders, the officer was “disrespectful” to the citizen. Such disrespect encompassed “name calling, derogatory statements about the citizen or the citizen's family, belittling remarks, slurs, cursing, ignoring the citizen's questions (except in an emergency), using a loud voice

or interrupting the citizen (except in an emergency), obscene gestures, or spitting.”<sup>13</sup> In many of these instances, the officer was responding in kind to disrespect by the citizen; only 4 percent of the respectful citizens were subjected to “unprovoked” disrespect by police. We certainly would not suggest that police discourtesy is acceptable so long as it is in response to discourtesy by citizens, though it may be appropriate to consider the sometimes strained interpersonal circumstances under which police act discourteously.

Moreover, this study also found that officers did *not* respond in kind to displays of disrespect by citizens *two thirds* of the time. While it must be recognized that police officers are human beings, and police-citizen interactions ineluctably have human dimensions, it must also be recognized that police officers play a professional role to which professional standards of conduct apply. Officers in these cities—Indianapolis and St. Petersburg—more often than not maintained a professional (i.e., civil) demeanor even in the face of citizens’ discourtesy, and they thereby set a standard for which police can be expected to strive.

### *Patterns of Police Performance*

Discourtesy by the police is not the only feature of police-citizen interaction that shapes clients’ evaluations of their contacts with the police. A recently published volume, written by a committee of experts formed by the National Research Council, summarizes research on police policy and practices. The chapter on “Police Fairness” specifies several dimensions of fairness, or “procedural justice”<sup>14</sup>:

- Participation: “People are more satisfied with procedures that allow them to participate by explaining their situation and communicating their views about situations to authorities.”
- Neutrality: “People think that unbiased authorities that use objective indicators to make decisions, as opposed to personal views, act more fairly.”
- Being treated with dignity and respect: “The quality of interpersonal treatment is consistently found to be a distinct element of fairness, separate from the quality of the decision-making process.”
- Trustworthiness: “[P]eople feel that procedures are fairer when they trust the motives of decision makers. ... Authorities can encourage people to view them as trustworthy by explaining their decisions and accounting for their conduct in ways that make clear their concern about giving attention to people’s needs.”

These expectations have powerful effects on clients’ assessments of their interactions with

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<sup>13</sup> Stephen D. Mastrofski, Michael D. Reisig, and John D. McCluskey, “Police Disrespect toward the Public: An Encounter-Based Analysis,” *Criminology* 40 (2002): 529-530. Nearly 90 percent of the police disrespect “involved at least one act of commission (a statement or gesture) as opposed to one of omission (ignoring a query).”

<sup>14</sup> National Research Council, *Fairness and Effectiveness in Policing: The Evidence*. Committee to Review Research on Police Policy and Practices, Wesley G. Skogan and Kathleen Frydli (eds.); Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. (Washington: National Academies Press, 2004), p. 304.

police. They explain why clients are more satisfied when police pay attention to what they have to say, why clients are more satisfied when police explain the reasons for their actions (e.g., a stop), and why clients are more satisfied when police are courteous and respectful, even when the outcomes are unambiguously unfavorable to the clients. These effects, by themselves, are important. They are still more important when one considers the indirect, or “ripple” effects on clients’ trust and confidence in the police, and their respect for (and even compliance with) the law.<sup>15</sup> They are more important yet when one considers the vicarious experiences with police discourtesy of the relatives, friends, and neighbors of police clients.

Further analysis of the factors associated with clients’ evaluations of their contacts is in progress, and we may find other patterns whose implications for policy or training warrant consideration. But it is clear that the respect, courtesy, and consideration with which citizens are treated by the police have significant effects on citizens’ assessments of the police.

### *Police Accountability*

The delivery of police services raises questions about accountability, first with respect to compliance with rules governing fairness and the use of resources, but also with respect to police performance in meeting public needs and expectations (for crime control, order maintenance, and service). Fairness and propriety are especially at issue in policing. The use of excessive force is a recurring issue, in Albany and many other cities. So too is bias-based policing, particularly concerning stops and searches. As important as these issues are, however, the attention to fairness and propriety reflects the “accountability bias” in American government: “Accountability holders concentrate on finances and fairness. They give much less attention to performance.”<sup>16</sup> Expectations for finances and fairness, which take the form of explicit rules, are clearer than those for performance, and failures to meet these expectations can be more readily defined, detected, and sanctioned.

In order to affect compliance with police rules and procedures, citizen oversight agencies rely mainly on deterring misconduct. But there is good reason to doubt that misconduct can be deterred by complaint review: underreporting and evidentiary problems make the probability that misconduct will be detected and sanctioned quite low. We estimate that action is taken to complain in only 23% of the cases of perceived misconduct. Furthermore, most complaints are directed not to the CPRB but to other officials: only 9% are directed to OPS or the CPRB. If as many as 20 percent of those complaints are sustained (and 20 percent is a rate unlikely to be achieved even with the strongest, most independent form of oversight), then less than one half of 1 percent of the (perceived) misconduct by police is sanctioned as a result of complaint review. Even dramatic improvements in the rate

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<sup>15</sup> See Tom R. Tyler and Yuen J. Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (New York: Russell Sage Foundation, 2002).

<sup>16</sup> Robert D. Behn, *Rethinking Democratic Accountability* (Washington: Brookings Institution, 2001), pp. 12-13.

at which complaints are sustained would do little to enhance the deterrent effect of complaint review. (If 50 percent of the formal complaints were sustained, and assuming that *all* of them were meritorious, only 1 percent of the misconduct would be sanctioned through complaint review.) When one considers that some misconduct consists of actions taken in the heat of the moment, or simple mistakes or bad judgments, which are not readily deterred, then the prospects for compliance through complaint review appear dim indeed.<sup>17</sup>

Moreover, police do not necessarily perform well in controlling crime, maintaining order, and providing service, merely because they comply with rules and procedures. “Working to rule” is a dysfunction found in many organizations, at one time or another; in police agencies, “working to rule” may have detrimental consequences for the public’s safety and well-being. Attending to accountability as compliance with rules (fairness and finances) does not suffice to ensure performance that meets public needs and demands.

Research on public bureaucracies tells us that governmental institutions can influence bureaucratic activity, and thereby promote accountability, in several ways. Political executives (e.g., the president) affect bureaucratic outputs through (1) the power of appointment (and removal), (2) budgetary decisions, (3) persuasion (especially of the appointed agency head), and (4) reorganization. Legislatures (e.g., Congress) affect bureaucratic outputs through (1) their role in appointments (particularly the confirmation of appointments), (2) budgeting, (3) hearings (authorization, appropriations, and oversight hearings), and (4) reorganization.<sup>18</sup>

This body of research has focused largely on the federal government: the Presidency, Congress and among federal bureaucracies, especially regulatory agencies. It is doubtful that these conclusions would hold equally for urban political institutions (councils, mayors) and urban bureaucracies, and it is questionable whether the same conclusions would hold for human service agencies, or “street-level bureaucracies.” The power of bureaucracies relative to political institutions, especially their power of expertise and information, is greater at the local level than at the federal level. Furthermore, street-level bureaucracies like the police may be especially resistant to external direction: they have multiple, vague goals, which conflict with one another (e.g., crime control and due process); and they have inadequate measures of performance.<sup>19</sup> It is therefore difficult to establish the agency’s mission, measure performance, and assess results. These human services are also labor-intensive, so issues of accountability do not translate readily into questions about budgets: in policing, the issues revolve mainly around what police do and how they do it—the discretionary decisions that they make, not how much is expended.

This research is nonetheless instructive in highlighting the resources that governmental institutions need in order to hold public agencies accountable—with respect to

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<sup>17</sup> This is not to imply that a well-structured and properly implemented system of complaint review serves no useful purposes. It is to say that controlling police misconduct through deterrence is not among those purposes.

<sup>18</sup> See, for example, B. Dan Wood and Richard W. Waterman, *Bureaucratic Dynamics: The Role of Bureaucracy in Democracy* (Boulder Col.: Westview Press, 1994).

<sup>19</sup> Michael Lipsky, *Street-Level Bureaucracy* (New York: Russell Sage Foundation, 1980).

their performance, or with respect to their compliance with rules and procedures. It implies that common expectations for citizen oversight of the police are probably unrealistic, given the resources of citizen oversight institutions. They have no appointment power. They have no budgetary authority. Other institutions monopolize these key resources: the mayor has the power of appointment and removal, and also budget authority. The Council has—and in Albany, has recently begun to exercise—its authority to ask questions; the Council also has budget authority. Clearly, citizen oversight agencies cannot shoulder all or most of the burden of holding police agencies accountable. The CPRB is one element in an accountability network. Even in performing its policy review function, it must depend on other officials to accept recommended changes. Its principal influence may lie in bringing attention to patterns of misconduct, in particular, and police performance, more generally.

With respect to accountability as performance that meets public needs and expectations, one major problem may be the inability to measure key components of performance on a regular basis. Police agencies are what one scholar characterizes as “coping organizations,” which can observe neither outputs nor outcomes; the “operators” in such organizations are driven by situational imperatives, while managers are driven by constraints (especially complaints about operators’ procedures).<sup>20</sup> Only the outcome of crime is routinely measured in most police departments. We know that people are less satisfied with the police when they perceive in their neighborhoods a moderate to high level of disorder – not crime, so much, but disorder (groups hanging out on street corners, drug dealing, litter, graffiti). We might infer that people hold police responsible for addressing these quality-of-life issues, and they would consider efforts to ameliorate these problems to be responsive police service. In Albany, these factors account for all of the disparity in satisfaction between whites and blacks. Such demands are sometimes articulated; indeed, such concerns are now symbolized in Albany by outrage in the Arbor Hill community over the dismissal of a police commander who was reputedly attentive to quality-of-life problems. But these conditions are not routinely measured, and so extraordinary efforts are required in order to focus organizational attention on them.

We also know that people are more satisfied with their contacts with the police when police are courteous, even-handed, and explain their actions. Here in Albany, these features of police-citizen interaction are so important that they account for all of the disparity in satisfaction between people who have ‘service’ encounters with the police and people whose encounters with the police are involuntary. These features of police performance may come to light as complaints, but only rarely, and they are not routinely measured in other ways.

The implication for citizen oversight is that it may play an important role in pushing these expectations onto the police agenda and keeping them there. For ultimately it is the leadership of the agency that has the greatest capacity to determine police priorities and shape the quality of the services that citizens receive. The study, cited above, of disrespect by police suggest that the restraint shown by many officers in response to citizens’ disrespect was partly attributable to the leadership in those departments. “Leaders in one department,” the authors observe, “may strive to diminish the strongest effect found in this study, the

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<sup>20</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989).

tendency of officers to reciprocate citizen incivility, whereas those in another may pay this issue little attention.”<sup>21</sup> Shining a light on patterns of performance, as part of its policy review function, is an important function of citizen oversight.

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<sup>21</sup> Mastrofski, *et al.*, “Police Disrespect toward the Public,” p. 542.

## **Appendix: Survey Methodology**

### *Client Survey*

We sample on a biweekly basis from several subpopulations of clients, including those who called for police service (hereafter calls for service), those who were arrested (arrestees), and those who were field interviewed by police (field interviewees). We sample disproportionately from among those subpopulations—arrestees and field interviewees—who are presumptively more likely to be dissatisfied with their contact with the police; to estimate characteristics for the client population as a whole, respondents are statistically weighted to reflect their probabilities of sample selection, so that we can form estimates of the entire client population.<sup>22</sup>

Most interviews are conducted by phone; when we learn that a would-be respondent is unavailable by phone because s/he is incarcerated in the Albany County Correctional Facility, we make arrangements to contact the respondent there and conduct the interview in person. The interview concentrates mainly on clients' evaluations of their contact with the police, and on somewhat more general attitudes and experiences with the police, including the complaint review system. Because we interview clients within four to eight weeks of their contacts with police, their responses are subject to a minimum of error or distortion due to their recall of the events.

Among people whose contacts with the police occurred between September 3, 2001, and September 14, 2003, we interviewed 1,827, including 994 calls for service, 655 arrestees, and 178 field interviewees. These 1,827 clients represent 46.9 percent of the clients we were able to contact, as the others declined to participate. An additional 7,646 phone numbers drawn for the sample proved to be out of service or otherwise ineligible at the time of our calls, and our efforts to reach an additional 6,794 clients were unsuccessful.

### *Complainant Survey*

Our data collection plan provides for surveying *all* complainants, so long as they consent to the interview, of course, as soon after the final disposition of their complaints as we can contact them and make arrangements for the interview. As we do for the client survey, we provide for interviewing complainants in person at the Albany County Correctional Facility as needed. Our findings about complainants are subject to no sampling error, and while they may be subject to some nonresponse bias, we cannot detect it. Complainants who have not completed the interview—either because they declined or because we were unable to reach them (no forwarding address or phone numbers have been available)—are very similar to those who have completed the interview, at least in terms of

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<sup>22</sup> The set of cases from which we sample is smaller than the entire population, for practical reasons. Calls for service are eligible for sampling only if the record includes a name (and some that are sampled are later excluded as ineligible because the record does not contain an individual's name); also, we exclude alarms and 911 hang-up calls. Arrestees and field interviewees are eligible for sampling only if the record includes a phone number.

characteristics about which we have information.

*Officer Survey*

This survey parallels the complainant survey in two respects: the survey includes all officers against whom complaints are filed, not a sample; and the survey content taps many of the same perceptual dimensions (using language as nearly identical as possible). The officer survey differs from the complainant survey in that it takes the form of a self-completed questionnaire, rather than a phone interview, and it is anonymous, with completed questionnaires returned directly to us by mail. Packets containing a questionnaire and a stamped, addressed envelope for the return of the completed questionnaires are delivered to OPS; OPS delivers packets to officers through the Albany Police Officers Union. The survey was initiated in November, 2001, and it is on-going.