



Bureau of Justice Statistics Special Report

June 2006, NCJ 210296

Law Enforcement Management and Administrative Statistics

Citizen Complaints about Police Use of Force

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Large State and local law enforcement agencies — those with 100 or more sworn officers — received more than 26,000 citizen complaints about officer use of force during 2002. This total figure resulted in overall rates of 33 complaints per agency and 6.6 complaints per 100 full-time sworn officers.

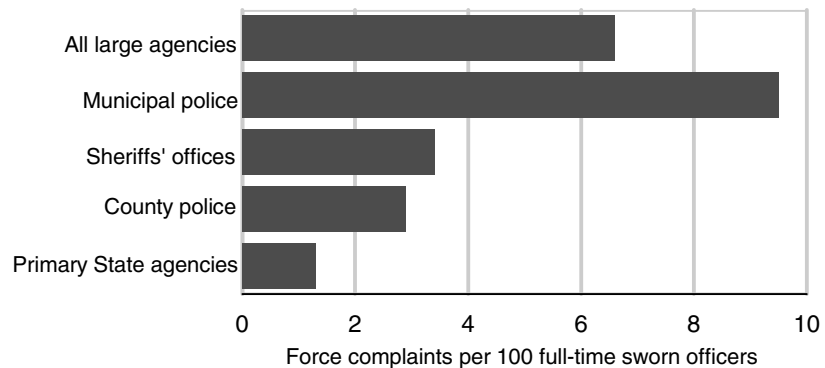
Overall rates were higher among large municipal police departments, with 45 complaints per agency, and 9.5 complaints per 100 full-time sworn officers.

Among those complaints having a final disposition at the time of data collection, about 8% were *sustained*, meaning there was sufficient evidence of the allegation to justify disciplinary action against the subject officer(s).

These findings are from the 2003 *Law Enforcement Management and Administrative Statistics* (LEMAS) survey, sponsored by the Bureau of Justice Statistics (BJS) and the Office of Community Oriented Policing Services (COPS). This report presents data on citizen complaints about use of force and complaint dispositions in large agencies. Because the majority of force complaints were received by large municipal police departments, additional detail is provided on policies and procedures relating to the processing of complaints in these departments.

Highlights

Citizen complaints about police use of force per 100 full-time sworn officers, by type of agency, 2002



- During 2002 large State and local law enforcement agencies, representing 5% of agencies and 59% of officers, received a total of 26,556 citizen complaints about police use of force. This corresponds to an overall rate of 6.6 force complaints per 100 full-time sworn officers.

- About a third of all force complaints in 2002 were *not sustained* (34%). Twenty-five percent were *unfounded*, 23% resulted in officers being *exonerated*, and 8% were *sustained*.

- Complaint volumes, rates, and dispositions varied by agency characteristics, such as the size and type of agency, as well as policies and procedures related to the handling of complaints.

- About a fifth (19%) of large municipal police departments had a civilian complaint review board (CCRB) or agency within their jurisdiction. Overall, departments with a CCRB had a higher rate of force complaints as compared to those without a CCRB (11.9 versus 6.6 per 100 officers).

- Using sustained force complaints as an indicator of excessive force results in an estimate of about 2,000 incidents of police use of excessive force among large agencies in 2002 — an overall rate of 1 incident per 200 full-time sworn officers.

Background

Section 210402 of the *Violent Crime Control and Law Enforcement Act of 1994* requires the Attorney General to “acquire data about the use of excessive force by law enforcement officers.” Over the past decade, BJS has undertaken several projects to address this requirement.

As an initial step, BJS and the National Institute of Justice (NIJ) held a workshop on police use of force in May 1995. The purpose of the BJS/NIJ workshop was to draw on the expertise of criminal justice researchers and practitioners while discussing the provisions of Section 210402. One result of this workshop was a summary of prior research and data collection on police use of force (see *National Data Collection on Police Use of Force*, www.ojp.usdoj.gov/bjs/abstract/ndcopouf.htm.)

BJS subsequently developed the Police Public Contact Survey (PPCS), a supplement to the National Crime Victimization Survey (NCVS). The PPCS, conducted in 1999, 2002, and 2005, asked citizens about their interactions with police officers during the previous 12-months, including incidents involving the use of force by officers (see *Contacts between Police and the Public: Findings from the 2002 National Survey*, www.ojp.usdoj.gov/bjs/abstract/cpp02.htm.)

As part of continuing efforts to develop data resources on police use of force, BJS recently expanded its LEMAS survey in order to collect data on formal citizen complaints about officer use of force. The complaints data were collected from agencies employing 100 or more full-time sworn officers as of June, 2003. See the *Methodology* section on page 7 for greater detail.

Included in this report are 496 municipal police departments, 32 county police departments, 221 sheriffs’ offices, and the 49 primary State law enforcement agencies. These 798 agencies comprise about 5% of all general purpose State and local law enforcement agencies, but employ 59% of all full-time sworn officers. Ninety percent of these agencies received one or more citizen

Table 1. Citizen complaints about police use of force per agency, per 100 full-time sworn officers, and per 100 full-time sworn officers responding to calls for service, by type of agency, 2002

Type of agency	Force complaints received by large law enforcement agencies			
	Total	Per agency	Per 100 full-time sworn officers	Per 100 full-time sworn officers responding to calls for service
All large agencies	26,556	33	6.6	10.9
Local agencies	25,816	35	7.5	12.9
Municipal police	22,238	45	9.5	15.4
Sheriffs' offices	2,815	13	3.4	7.1
County police	763	24	2.9	4.5
Primary State agencies	740	15	1.3	1.7

complaints about police use of force during 2002.

Complaints received

During 2002 a total of 26,556 citizen complaints about police use of force were received by large law enforcement agencies. This corresponds to overall rates of 6.6 per 100 full-time sworn officers and 10.9 per 100 full-time sworn officers responding to calls for service (table 1).

The majority of force complaints (22,238 or 84% of all complaints) were received by large municipal police departments. Municipal departments also received the greatest number of force complaints on a per officer basis (9.5 per 100) and per officer responding to calls for service (15.4 per 100).

Sheriffs’ offices received 2,815 force complaints (11% of all complaints) in 2002, and had rates of 3.4 per 100 full-time sworn officers and 7.1 per 100 officers responding to calls for service.

County police departments received 763 force complaints (about 3% of all complaints) in 2002, and had corresponding rates of 2.9 per 100 officers and 4.5 per 100 officers responding to calls for service.

The primary State law enforcement agencies received 740 force complaints in 2002 (about 3% of all complaints), and had the lowest rates per officer (1.3 per 100 officers, 1.7 per 100 officers responding to calls for service).

On a per agency basis, municipal police departments received the greatest number of force complaints (45 per agency), followed by county police departments (24 per agency) and the primary State law enforcement agencies (15 per agency). Sheriffs’ offices received the least (13 per agency).

Rates of complaint generally increased with agency size. On a per agency basis, rates ranged from 7 per agency among those with less than 250 full-time sworn, to 214 per agency among those with 1,000 or more officers. On a per officer basis, rates ranged from 4.2 per 100 among agencies with less than 250 officers, to 7.7 per 100 among agencies with 1,000 or more officers.

Full-time sworn	Force complaints received by large law enforcement agencies		
	Per agency	Per 100 full-time sworn officers	Per 100 full-time sworn officers responding to calls
Total	33	6.6	10.9
1,000 or more	214	7.7	12.4
500-999	48	6.9	11.8
250-499	20	5.6	9.6
100-249	7	4.2	6.7

Rates per officer responding to calls for service ranged from 6.7 per 100 among agencies with less than 250 officers, to 12.4 per 100 among agencies with 1,000 or more officers.

Complaint dispositions

Of the total force complaints received during 2002, 94% had a final disposition at the time of data collection (table 2). The percentage with a disposition varied only slightly by type of agency.

Among force complaints having a final disposition:

- 34% of the complaints were *not sustained*, meaning there was insufficient evidence to prove the allegation.
- 25% of the complaints were *unfounded*, meaning that the complaint was not based on facts, or the reported incident did not occur.
- 23% of the complaints resulted in officers being *exonerated*, meaning that the incident occurred, but the officer's action was deemed lawful and proper.
- 8% of the complaints were *sustained*, meaning there was sufficient evidence to justify disciplinary action against the officer(s).
- 9% of the complaints had some *other disposition* (for example, the complaint was withdrawn).

The most common disposition for force complaints received by municipal police departments was not sustained (37%). A quarter of force complaints in these agencies were unfounded, and in about a fifth (21%) officers were exonerated. Eight percent of force complaints were sustained.

Among county police departments, force complaints most frequently resulted in officers being exonerated (35%). A quarter were not sustained, 17% were unfounded, and 6% were sustained. A larger proportion of complaints in these agencies resulted in some other disposition (17%), as compared to other types of agencies.

About 6 in 10 complaints received by sheriffs' offices resulted in officers being exonerated (32%) or the complaint being unfounded (30%). A fifth of complaints were not sustained. Compared to other types of agencies, sheriffs' offices had the highest proportion of complaints that were sustained (12%).

The percentage of force complaints having a disposition varied slightly by agency size, ranging from 97% among agencies having fewer than 250 officers to 93% among those with 1,000 or more officers (table 3).

Forty-two percent of force complaints received by departments with 1,000 or more officers were not sustained, roughly twice the rate of all other departments. Departments with 1,000 or more officers also had the lowest sustain rate (6%), roughly half that of all other departments.

Table 2. Complaint dispositions in large law enforcement agencies, by type of agency, 2002

Type of agency	Total with disposition	Complaint dispositions				
		Not sustained	Unfounded	Exonerated	Sustained	Other disposition
All large agencies	94%	34%	25%	23%	8%	9%
Local agencies	94%	35%	26%	23%	8%	9%
Municipal police	94	37	25	21	8	9
Sheriffs' offices	95	20	30	32	12	6
County police	93	25	17	35	6	17
Primary State agencies	95%	16%	19%	52%	9%	4%

Table 3. Complaint dispositions in large law enforcement agencies, by number of full-time sworn officers, 2002

Full-time sworn	Total with disposition	Complaint dispositions				
		Not sustained	Unfounded	Exonerated	Sustained	Other disposition
Total	94%	34%	25%	23%	8%	9%
1,000 or more	93%	42%	23%	19%	6%	10%
500-999	96	21	26	28	14	12
250-499	95	19	33	29	12	6
100-249	97	22	31	34	10	3

Complaints about police use of force in England and Wales

How do police in the United States compare to those in other countries with regard to citizen complaints about use of force? Although comparative international data on police use of force and citizen complaints are scarce, one possible comparison is with the police in England and Wales. The Research Development and Statistics (RDS) Directorate of the British Home Office reports annually on police complaints and discipline.

During the 12-month period ending March, 2003, the police in England and Wales received a total of 6,154 complaints alleging assault by officers. This results in an overall rate of 4.6 complaints of assault per 100 FTE officers.* If other "oppressive behavior" is included (oppressive conduct or harassment, and unlawful or unnecessary arrest or detention), the total number of complaints was 9,584, resulting in an overall rate of 7.2 complaints of oppressive behavior per 100 FTE officers.

To the extent that the LEMAS data on citizen complaints about police use of force in the United States are comparable in substance to citizen complaints about police assaults and other oppressive behavior in England and Wales, the overall rates of complaint per 100 officers in both countries are similar (7.5 force complaints per 100 officers in large U.S. local agencies, versus 7.2 oppressive behavior complaints per 100 officers in England and Wales).

*Police strength based on total FTE's in the 43 police forces at March 31, 2003 (132,509 FTE's), as published in *Police Service Strength*, Home Office, October 2003. Complaints data represent the total number of complaints received, and may include multiple complaints arising from individual complaints cases (see *Police Complaints and Discipline*, Home Office, February 2004).

Table 4. Force complaints received by large municipal police departments, by number of full-time sworn officers, 2002

Full-time sworn	Total force complaints	Per agency	Per 100 full-time sworn	Per 100 responding to calls for service	Per 10,000 population
Total	22,238	45	9.5	15.4	2.38
1,000 or more	14,838	380	11.3	19.1	3.64
500-999	2,594	79	11.3	18.0	2.49
250-499	2,430	27	7.8	12.2	1.66
100-249	2,376	7	4.7	7.4	0.86

Table 5. Complaint dispositions in large municipal police departments, by number of full-time sworn officers, 2002

Full-time sworn	Total with disposition	Complaint dispositions				Other disposition
		Not sustained	Unfounded	Exonerated	Sustained	
Total	94%	37%	25%	21%	8%	9%
1,000 or more	93%	45%	23%	17%	6%	10%
500-999	95	20	31	25	15	10
250-499	94	20	28	30	13	9
100-249	97	23	32	33	9	3

Municipal police departments

Complaints received

During 2002 a total of 22,238 citizen complaints about police use of force were received by large municipal police departments (table 4). Rates generally increased by size of department, ranging from 7 per agency among those with fewer than 250 officers, to 380 per agency among those with 1,000 or more officers.

On a per officer basis, rates ranged from 4.7 to 11.3 per 100 officers, and from 7.4 to 19.1 per 100 officers responding to calls for service. By population, rates ranged from 0.86 to 3.64 per 10,000 residents.

Complaint dispositions

Ninety-four percent of force complaints received by municipal departments during 2002 had a final disposition at the time of data collection (table 5). The percentage with a disposition ranged from 97% among those with fewer than 250 officers, to 93% among those with 1,000 or more officers.

The overall distribution of complaint dispositions among municipal police departments was similar to all large State and local agencies.

Civilian Complaint Review Boards

In 2003, 19% of large municipal police departments had a civilian complaint review board (CCRB) or agency within their jurisdiction that was empowered to review use of force complaints against officers. About 1 in 4 of these CCRBs had independent investigative authority with subpoena powers.

Among all agencies having a CCRB in their jurisdiction, the overall rate of citizen force complaints was higher than those not having a CCRB (158 per agency versus 18 per agency) as were the rates of complaint per 100 officers (11.9 versus 6.6), per 100 officers responding to calls for service (19.6 versus 10.6), and per 10,000 residents (3.70 versus 1.35) (table 6).

The overall percentage of complaints sustained was lower in jurisdictions having a CCRB (6% versus 11%) (table 7). These jurisdictions were also less likely to find complaints to be unfounded (23% versus 31%) or exonerate officers (18% versus 26%), and more likely to find complaints not sustained (42% versus 25%).

Limitations of complaints data

Citizen complaints data must be interpreted with caution. Differences in how agencies receive, process, and record complaints can account for differences in the volume and rate of complaints across agencies. Likewise, the citizen's decision whether to file a complaint may be influenced by both citizen and agency characteristics, and other factors.

The data presented in this report represent the number of officially recorded citizen complaints reported to BJS by large State and local law enforcement agencies. Administrative factors, including the overall quality of agency records as well as specific policies and procedures related to complaint processing, may vary across departments. In addition, the categories and definitions of complaint dispositions used in LEMAS may not be used by all agencies. Some agencies may record multiple dispositions, or other unique outcomes.

Force complaints represent a subset of all force events. That is, not all force events result in citizens filing formal complaints. How often do citizens actually complain? Estimates from the 2002 Police-Public Contact Survey indicated that although 75% of citizens experiencing force thought the level of force used was excessive, about 10% filed a complaint with the agency employing the officer(s). About 1% filed a complaint with a CCRB.

Finally, the meaning of a complaint rate is not entirely clear: a low force complaint rate could mean that police are performing well or that the complaint process is inaccessible; likewise, a high force complaint rate could mean that officers use force often or that the complaint process is more accessible.

For greater detail on issues related to complaints data and processes, see *Police Accountability: The Role of Citizen Oversight* by Samuel Walker, Wadsworth Publishing, 2001.

Internal affairs unit

In 2003, 82% of large municipal police departments had an internal affairs or equivalent special unit staffed with full-time personnel. Among all agencies having an internal affairs unit, the overall rate of citizen force complaints was higher than those not having a unit (54 per agency versus 5 per agency), as were the rates of complaint per 100 officers (9.8 versus 3.7), per 100 officers responding to calls (16.0 versus 5.5), and per 10,000 residents (2.51 versus 0.68).

Overall, force complaints received by agencies having an internal affairs unit were more than twice as likely to be found not sustained than in agencies not having an internal affairs unit (37% versus 16%). Force complaints in agencies not having an internal affairs unit were more likely to result in officers being exonerated (47% versus 20%). The sustain rate was roughly equivalent in both types of agencies.

Personnel monitoring systems

As of 2003, 33% of large municipal police departments had a currently operational, computer-based personnel performance monitoring and/or assessment system (such as an early warning or early intervention system) for monitoring or responding to officer behavior patterns before they become problematic. Among all agencies having personnel monitoring systems, the overall rate of force complaints was higher on a per agency basis (69 per agency versus 33 per agency), but rates on a per officer and per resident basis were slightly lower.

Table 6. Citizen complaints about police use of force in large municipal police departments, by selected agency administrative characteristics, 2002

	Per agency	Force complaints received		
		Per 100 full-time sworn	Per 100 full-time sworn responding to calls for service	Per 10,000 population
Total	45	9.5	15.4	2.38
Civilian Complaint Review Board				
Jurisdictions with CCRB	158	11.9	19.6	3.70
Jurisdictions without CCRB	18	6.6	10.6	1.35
Internal affairs capacity				
Specialized unit	54	9.8	16.0	2.51
No specialized unit	5	3.7	5.5	0.68
Personnel monitoring system				
Jurisdictions with system	69	9.0	14.6	2.33
Jurisdictions without system	33	10.1	16.5	2.45
Policy requiring external investigation				
Jurisdictions with policy	67	10.0	16.3	2.80
Jurisdictions without policy	21	8.0	13.0	1.55
Right to administrative appeal				
Citizen may appeal	29	8.8	14.3	1.96
Citizen may not appeal	54	9.7	15.8	2.56
Collective bargaining				
Authorized for officers	53	9.9	16.4	2.58
Not authorized for officers	23	7.3	11.3	1.60

Table 7. Complaint dispositions in large municipal police departments, by selected agency administrative characteristics, 2002

	Total with disposition	Complaint dispositions				
		Not sustained	Un-founded	Exonerated	Sustained	Other disposition
Total	94%	37%	25%	21%	8%	9%
Civilian Complaint Review Board						
Jurisdictions with CCRB	93%	42%	23%	18%	6%	10%
Jurisdictions without CCRB	95	25	31	26	11	7
Internal affairs capacity						
Specialized unit	94%	37%	25%	20%	8%	9%
No specialized unit	99	16	28	47	9	1
Personnel monitoring system						
Jurisdictions with system	95%	30%	28%	23%	8%	11%
Jurisdictions without system	93	44	22	18	8	8
Policy requiring external investigation						
Jurisdictions with policy	93%	39%	25%	20%	7%	9%
Jurisdictions without policy	97	28	27	24	12	9
Right to administrative appeal						
Citizen may appeal	97%	33%	21%	24%	14%	8%
Citizen may not appeal	93	38	27	20	6	10
Collective bargaining						
Authorized for officers	94%	39%	25%	20%	7%	10%
Not authorized for officers	95	24	30	26	15	6

External investigation

In 2003, 53% of large municipal police departments had a written policy requiring that citizen complaints about inappropriate use of force receive separate investigation outside the chain of command where the accused officer is assigned. Among all agencies having such a policy, the overall rate of force complaints was higher (67 per agency versus 21 per agency), as were rates per 100 officers (10.0 versus 8.0), per 100 officers responding to calls (16.3 versus 13.0), and per 10,000 residents (2.80 versus 1.55).

Administrative appeal

In 2003, 37% of large municipal police departments provided citizens the right to administrative appeal in cases involving inappropriate use of force. Among all agencies allowing citizen appeal, the overall rate of force complaints was lower than those not allowing citizen appeal (29 per agency versus 54 per agency). Rates per 100 officers (8.8 versus 9.7), per 100 officers responding to calls (14.3 versus 15.8), and per 10,000 residents (1.96 versus 2.56) were also slightly lower among these agencies.

The overall sustain rate for force complaints was more than twice as high in agencies where citizens had the right to administrative appeal (14% versus 6%).

Police use of excessive force

What can this report tell us about excessive force? Discussions about police use of force require careful attention to definitions. The terms *use of excessive force* and *excessive use of force* are often used interchangeably when in fact they have different meanings. *Use of excessive force* refers to incidents where police apply too much force, while *excessive use of force* refers to police applying force legally in too many incidents (see *National Data Collection on Police Use of Force*, www.ojp.usdoj.gov/bjs/abstract/ndcopouf.htm.)

Sustained force complaints from the LEMAS survey can serve as an estimate of the incidence of police use of excessive force, with limitations noted earlier in this report (see box on page 4). The International Association of Chiefs of Police (IACP) has defined sustained force complaints as incidents of excessive force (see *Police Use of Force in America, 2001*, IACP). This definition is reasonable since a sustained complaint indicates there was sufficient evidence of the allegation for the agency to justify

disciplinary action against the subject officer(s).

A total of 2,036 citizen complaints received by large agencies in 2002 were sustained, and may indicate incidents of police use of excessive force. On a per officer basis, this results in 1 incident per 200 full-time sworn officers overall, and nearly 1 per 100 officers responding to calls for service.

Full-time sworn	Sustained force complaints in large law enforcement agencies		
	Total	Per 100 full-time sworn	Per 100 responding to calls
Total	2,036	0.5	0.8
1,000 or more	876	0.4	0.7
500-999	469	0.9	1.6
250-499	408	0.7	1.1
100-249	283	0.4	0.6

Municipal police departments accounted for 1,625 (or 80%) of the total incidents, with slightly higher overall rates on a per officer basis (0.7 per 100 full-time sworn officers, and 1.1 per 100 responding to calls for service).

Collective bargaining

In 2003 about three-quarters (73%) of large municipal police departments authorized collective bargaining for sworn personnel. Collective bargaining agreements often cover disciplinary processes and, in some instances, the handling or processing of citizen complaints. Among all agencies authorizing collective bargaining, the rate of force complaints was higher than those not authorizing collective bargaining (53 per agency versus 23 per agency), as were the rates per 100 officers (9.9 versus 7.3), per 100 officers responding to calls (16.4 versus 11.3), and per 10,000 residents (2.58 versus 1.60).

Overall, the sustain rate in agencies authorizing collective bargaining for officers (7%) was about half that in agencies not authorizing collective bargaining (15%). Complaints in these jurisdictions were more likely to be found not sustained (39% versus 24%).

Methodology

The Law Enforcement Management and Administrative Statistics (LEMAS) survey collects data from a nationally representative sample of publicly funded State and local law enforcement agencies in the United States. LEMAS surveys have been conducted in 1987, 1990, 1993, 1997, 1999 (limited scope), 2000, and 2003.

The 2003 LEMAS survey was the first to collect data on the number and dispositions of citizen complaints about police use of force. The items were included on surveys sent to all agencies with 100 or more full-time sworn officers.

This report presents data from the 2003 LEMAS survey for large general purpose State and local law enforcement agencies, defined as those employing 100 or more full-time sworn officers, with 40 or more officers assigned to respond to calls for service. A total of 798 agencies met these criteria, including 496 municipal police departments, 32 county police departments, 221 sheriffs' offices, and the 49 primary State law enforcement agencies. For purposes of this report, a large tribal police department was treated as a municipal police department.

Some agencies did not report complaints data. Total complaints data were imputed for 92 (11.5%) of the 798 large general purpose agencies. This included 42 (8.5%) municipal police departments, 41 (18.6%) sheriffs' offices, and 9 (18.4%) of the primary State law enforcement agencies. By agency size, this included 7 agencies with 1,000 or more officers (9.1%), 10 agencies with 500-999 officers (13.5%), 19 agencies with 250-499 officers (10.7%), and 56 agencies with 100-249 officers (11.9%). Overall, 1,369 complaints were imputed, or 5.2% of the total complaints for large general purpose agencies.

Imputation cells were based on agency type, size, and population served, following procedures developed by the U.S. Census Bureau for previous LEMAS surveys. Ratio imputation based on the number of full-time sworn officers was used to impute total complaints data. The ratio of complaints per officer was calculated in each imputation cell. Within cells, the median ratio was multiplied by the number of officers in non-responding agencies to produce the imputed value. Imputations for complaint disposition data were based on the median percentage within imputation cells.

Additional data for large general purpose State and local law enforcement agencies can be found in the BJS report, *Law Enforcement Management and Administrative Statistics, 2003: Data for Individual State and Local Agencies with 100 or More Officers*, forthcoming.

Additional detail on LEMAS survey methodology can be found in the BJS reports, *Local Police Departments, 2003*, www.ojp.usdoj.gov/bjs/abstract/lpd03.htm and *Sheriffs' Offices, 2003*, www.ojp.usdoj.gov/bjs/abstract/s03.htm.

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The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is director.

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June 2006, NCJ 210296