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**COMMUNITY REVIEW OF POLICE CONDUCT:
AN INTERGROUP PERSPECTIVE¹**

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Abstract

Law enforcement continually walks a fine-line between the protection and the violation of individual rights. It derives its power from the community it serves, and it is accountable to that community. To ensure the latter, some cities have implemented community review systems that monitor police conduct. These systems are intended to be impartial evaluators of law enforcement, in particular, complaints against law enforcement. We analyze the various structures and characteristics of community review systems, as well as the empirical research attending them. In doing so, we situate the problems associated with community review systems from a social psychological perspective, arguing that their shortcomings may be remedied through a consideration of intergroup processes which focus on shared identity and the role of power differentiation between police and community. Finally, we suggest improvements and further research.

Keywords: Civilians, review boards, intergroup, communication, law enforcement,
police, community

**COMMUNITY REVIEW OF POLICE CONDUCT:
AN INTERGROUP COMMUNICATION PERSPECTIVE**

The police are unique in that their profession allows them, under certain circumstances, to use physical, and even deadly, force (Caiden & Hahn, 1979). Because police officers derive this power from the community they serve, “there is a special onus on the police to reassure the public that such coercive powers are not being used excessively or repressively” (Maguire & Corbett, 1991, p. 11). Indeed, no other social institution “stands so precariously balanced between the protection and the endangerment of individual rights” (Goldsmith, 1999, p. 35). Institutions that provide a public service yet wield such considerable physical power cannot function effectively without accountability (Lewis, 1991; Watt, 1991). This accountability, which has been referred to as democratic accountability (Terrill, 1991), or as a social contract, requires that police act within the morals and standards of the community (Radelet & Carter, 1994). Additionally, it grants community members the right to monitor and regulate police use of force (Bass, 2000; Goldsmith, 1999). As Walker (2001) states, “it is a basic principle of democratic society that community members control and direct government agencies. The police, especially because of their awesome powers of arrest and capacity to use force, are not exempt from this rule”(p. 180).

In this paper, we review and evaluate theory and research on community review (CR), and situate the problems associated with CR systems within an intergroup framework. First we discuss the needs underlying the call for CR in communities. Second, we overview CR, providing background on the structure and limitations of its inherent systems. Third, because these limitations have been heretofore devoid of theoretical explanations, we apply theory and research from the social psychology of intergroup relations to the problems of CR systems.

Fourth, we address proposals for successful CR systems, arguing that an intergroup communication perspective may improve their effectiveness. Finally, we recommend further research - not only evaluative research of any CR program to ensure it meets the needs of the community and serves to improve the law enforcement department in question - but also basic research to strengthen the theoretical bases upon which CR relies (McNulty, 2002).

Community Review: The Underlying Needs Making it Desirable

Outside of CR, and armed with the belief that complaining in general is a difficult interpersonal communication process to manage (e.g., Alberts, 1988; Kowalski, 2003; Kowalski & Erickson, 1997), community members generally have limited options regarding complaints (Caiden & Hahn, 1979). Typically, leveling a complaint requires reporting to the same department alleged of misconduct. This potentially subjects complainants to re-victimization if the particular police organization is resistant to complaints (Walker, 2001). A second option is to seek legal counsel, but this requires resources that many complainants do not possess (Beh, 1998). Lastly, community members can enlist the help of the media, yet the media are frequently unable to deal with complaints in a thorough and objective manner (see Ross, 2000). Indeed, media spin on an incident is perhaps just as likely to inhibit as to aid in the resolution process (Skolnick & Fyfe, 1993). None of these are an “easily accessible, cheap, reliable, objective system capable of instigating remedial action on justifiable complaints” (Caiden & Hahn, 1979, p. 170). With these options, community members are likely to perceive that they are powerless against the police and that no one will address their complaint (Prenzler, 2000).

Accordingly, community members need a means through which they can express their complaints about the police and have confidence that this process will be thorough and impartial (Maguire & Corbett, 1991). As noted, community member complaints against the police are a

normal part of the democratic process (Goldsmith, 1991a, 1999). CR, one means of addressing such concerns, can be viewed as a necessary component to a system of checks and balances (Skolnick & Fyfe, 1993; Walker, 2001).

Not only may CR be viewed as necessary in a democracy, but there is much to suggest that CR is indeed desirable beyond its “mere” democratic function. CR is designed to improve police-community relations by providing a communication link between the police and community members. The involvement of an outside and impartial party offers a channel between groups in which dialogue may have been hampered by conflict (Goldsmith, 1999). Advocates of such systems argue that an externalization of complaint procedures increases public perceptions of police credibility and objectivity (Petterson, 1991). As Los Angeles County Sheriff Lee Baca stated in reference to recent reports written by the county’s Office of Independent Review addressing community complaints, “I think the boldness of these reports establishes the credibility of the department when it comes to accountability” (Winton, 2004, p. B1). CR also allows community members to become active in the process of improving police-community relations (Radelet & Carter, 1994) which also assists in the promotion of effective community-oriented policing policies (Morash & Ford, 2002). Additionally, CR can provide a forum in which misconduct and other problems within the police organization can be discussed (Goldsmith, 1999). Overall, it can be an opportunity for the police organization to obtain feedback and to address fundamental problems in police-community relations (Goldsmith, 1995).

Community Review Systems

The seeds of citizen oversight first appeared in the US in Los Angeles in 1928 with the Los Angeles Bar Association’s creation of a “Committee on Constitutional Rights” to provide citizen input into the handling of complaints against police officers (for an historical overview of

CR, see Roberg, Novak, and Cordner, 2005, chapter 10). Community review systems often originated from local groups' responses to police brutality. For example, rumors that a young African-American male had died in police custody in New York City incited a one-day race riot in 1935 which, in turn, led to calls for citizen oversight (Walker, 2001). As such, community action is recognized as "an essential ingredient for keeping the issue of community oversight and police accountability alive and pressuring political leaders and the police to institute change" (Bass, 2000, p. 162). These local efforts have generally led to legislative acts (Goldsmith, 1995) mandating the official formation of community review systems (for review, see Hsiao, 2001). It was, however, 30 years until the first significant oversight agency was created, namely, the Philadelphia Police Advisory Board (Walker, 2001).

As the number of CR programs increased, so did the variety of CR types. They all have, however, included the same core feature: community involvement at some point in the processing of complaints against police (e.g., Bass, 2000; Goldsmith, 1991a, 1999; Petterson, 1991; Walker, 1999; Walker & Bumphus, 1992). What differs across systems is the degree of power held by the relevant parties. CR structures thus vary regarding specificity of policies, process, power, and comprising members. Frequently, CR systems are divided into four categories (e.g., Petterson, 1991; Walker, 1999). Specifically, Walker and Bumphus (1992) categorize the systems by types of members (internal or external), by who conducts and reviews the investigative reports, and by who makes recommendations for action in the case of substantiated misconduct. In Class I, the system is comprised of mostly non-police personnel, the initial investigation is conducted and reviewed by non-police personnel, and recommendations are made by non-police personnel. In Class II, the majority of members are non-police personnel, the initial investigation is conducted by police personnel, and the review and recommendations

are made by non-police personnel. In Class III, the majority of members are police personnel, and the initial investigations, review, and recommendations are made by police personnel. In this type, however, community members have the opportunity to appeal to a board of non-police personnel if they are dissatisfied with the process. In Class IV, outside auditors do not investigate specific complaints but rather review the police department's complaint procedure and then make recommendations if necessary. Class I CR systems operate most independently of the police department, whereas Class III is the least independent. Class II is often considered a hybrid of the two types. Class IV serves more of an auditing function (Perez & Muir, 1995).

Once complaints are made, they are generally handled in one of three ways: formal investigation, informal resolution, or withdrawal by the complainant. Formal investigation involves a full process of questioning witnesses and collecting information regarding the complaint. This communicative process ends with the CR system making a decision of substantiation or no substantiation. When a claim is substantiated, the CR recommends disciplinary action against the offending officer and the police organization decides whether to impose the penalty. In cases of no substantiation, no further action is taken unless the complainant appeals.

Informal resolution, sometimes referred to as conciliation (e.g., Petterson, 1991), involves both parties meeting to discuss the incident with a mediator or ombudsperson from the CR system. Both the complainant and the officer must agree to this process and, if consensual, the CR system is subsequently unable to recommend any disciplinary action—even if guilt is admitted. Though the complainant cedes the possibility of disciplinary action, this procedure allows the complainant to be more active in the process, to meet with the officer, and to possibly obtain an explanation or an apology. Like complaining, apologizing in general comes in many

forms, is enacted for different motives and, therefore, is no easy interpersonal communication process to manage (e.g., Benoit, 1995; Kramer-Moore & Moore, 2003; Lazare, 2004). Moreover, its articulation (even with remorse) may not be sufficient under certain circumstances for some recipients (Brooks, 1999).

A Social Psychology of CR Behaviors: An Intergroup Perspective

A greater understanding of the problems associated with CR systems may be provided by applying an intergroup communication perspective (see, for example, Giles, Willemyns, Gallois, & Anderson, in press-c; Harwood, Giles, & Palomares, 2005; Reid & Giles, 2005). Much of this is based on social identity (Tajfel & Turner, 1986) theory and revolves around the assumption that groups stand in relative status, power, and prestige relations to one another, and that these relations are reflected in the valence of group members' social identities. It is argued that people are motivated to maintain or create a positive social identity—often by communicative means (Abrams, O'Connor, & Giles, 2001)—and that this is linked to the individual's ability to construct favorable (downward) intergroup social comparisons. Although there are numerous complexities attending intergroup communication processes, three intergroup notions are worthy of note for our purposes here.

The first is a fundamental distinction between ingroups and outgroups. The former is “a group to which one belongs, whereas an outgroup is a relevant comparison group that is viewed in contrast to one's ingroup” (Williams, 2001, p. 5). When one's social identity is salient, so too are intergroup processes. The more a person identifies with their ingroup (e.g., other police officers and police culture), the more they may feel and act more distinctively from outgroup members (e.g., civilians). Second and relatedly, an ingroup or outgroup

orientation toward another person is a function not only of the other speaker's group membership, but also of their own group prototypicality (see Turner, 1999). Prototypical people are seen as maximally like other members of their ingroup, and maximally different from members of outgroups, on a core or defining group attribute which sometimes can be communicative features such as language, dialect, dress and hair styles, etc.

Third, intergroup perceptions are also influenced by the perceived legitimacy of the status structure. Bettencourt and Bartholow (1998) defined status legitimacy as "the extent to which both high and low status groups accept the validity of the status structure" (p. 3). They found that when members of low prestige groups perceived the status structure as legitimate, they were less negatively-biased in their intergroup attitudes towards the higher status group. Further, George and Chattopadhyay (2002) argued that employees who highly identified with their organizations were more likely to accept the legitimacy of the job status structure than low identifying employees. Again, these issues are relevant to the present research as police in a democracy are empowered by a government "of the people" and so, to function effectively, the police must be perceived as legitimate by civilians. However, not all civilians perceive officers as legitimate authorities as is evident from the foregoing. Yet of all social encounters, the officer-civilian one is, arguably, amongst the most visible and salient intergroup-wise (Molloy & Giles, 2002). An officer's uniform and badge, together with a readily visible array of weaponry, let alone the unique legal authority to use coercive force, contribute to this.

Returning to our context of CR, this, too, is inherently intergroup. Even the language and terminology used to represent actors in CR systems reflects the tacit intergroup relation and power dynamics between police and community (see Ng & Bradac, 1993). As noted by Walker

(1999), whether CR systems use the term “civilian” or “citizen,” both invoke a dichotomy when the rights at issue are, in fact, also guaranteed for the police themselves, as members of the community. Thus, an important variable to consider is the extent to which police officers and community members perceive an intergroup relationship between police and civilians. Social identity theory (Tajfel & Turner, 1986) and social psychological research on intergroup discrimination demonstrates that people will be most likely to discriminate against members of outgroups when they identify strongly with their ingroup. This has implications for how police-community interactions are perceived. For example, if community members treat interactions with police as an intergroup situation, they may be more likely to perceive officers’ behaviors as abuses of power. On a more individual level, if a community member perceives the “offending” officer as prototypical of the outgroup, the perception of abuse may generalize to the police per se rather than to just that one officer. From the reverse perspective, police officers may generalize the negative actions of one citizen to the community. Thus, the intergroup nature of police-community interactions may influence both groups’ perceptions of and actions towards the other group.

Second, abuses of power are best understood in the context of intergroup relations (Hogg & Reid, 2001). Given that CR serves primarily as a check on power, it is important to consider the social psychological conditions that can lead to the abuse of power. This is especially important given that an analysis of power is all but absent from the CR literature. While it is true that social psychology has had relatively little to say about power (see, however, Reid and Ng, 1999), it is also true that there are important insights that are apposite to the case of police-citizen relations. For example, in her analysis of the Holocaust, Arendt (1963) argued that abuses of power should not be understood as acts of evil individuals. She claimed in particular that

Eichmann's role in sending millions to their deaths in concentration camps was *not* motivated by hatred, nor could it be understood as the result of a deeply flawed personality. To the contrary, she argued that Eichmann was relatively normal, and his behavior could be best understood in terms of the banal motivation to gain social status by being promoted for doing good work for the Führer. While Eichmann could have chosen not to commit his acts, he nonetheless felt compelled to maintain obedience to his commanders by continuing in his work: hence, the common defense of those convicted in Nazi war trials: "I was just following orders".

Arendt's (1963) claim that psychologically normal people will abuse power under the guise of authority was systematically tested by Milgram (1963, 1974) in his obedience experiments. Milgram showed that normal people will go so far as to deliver what they believe to be potentially lethal electric shocks to another member of their own community, so long as they are working on behalf of a legitimate authority, and believe that they are not personally responsible for their actions. In many cases, all that was required were orchestrated prompts from an experimenter in a white laboratory coat: "but the experiment requires that you continue"; "I am responsible, please continue"—despite the victims' screams and protestations for the shocks to be stopped. Replications and extensions showed that compliance is found across cultures, though to varying degrees (Smith & Bond, 1993).

Thus, one source for the abuse of police power is in the political authorities who dictate police policies and practices. The above research suggests that a police officer who believes he or she is acting legitimately on behalf of an authority is potentially unlikely to reflect upon his/her actions. This suggests that an important focus for CR is understanding the systems in which officers work, and in particular the tacit norms regarding police conduct. Indeed, there is much evidence that police are often involved in violence within authoritarian and totalitarian

regimes. The latest genocide watch data base (May 14, 2005, see www.genocidewatch.org/) shows that since 1945 there have been 74 countries or regions where genocides have taken place, and of these the majority were carried out by the military and/or police forces. Abuses of power are clearly far less likely to occur *within* democracies, but as the Abu Graihb prison scandal and Guantanamo Bay imprisonments attest, there are circumstances under which police and military forces acting on the behalf of democracies will abuse their power.

Arendt's (1963) argument and Milgram's (1963, 1974) research lead us to question the assumption that CR should be concerned with finding the 'bad cops' who find their way into the police force and abuse their power. Indeed, others have expressed concern about the focus on the actions of individuals within CR systems (for a review of personal factors contributing to police misconduct, see Roberg et al., 2005, chapter 8). This orientation, often considered the 'bad apple theory', does not address organizational problems (Goldsmith, 1995; Walker, 1999). In other words, it does not "seek to answer questions about the state of the barrel which contains the apples" (Maguire & Corbett, 1991, p. 12). Such a focus can distract from the need for reform at the organizational level (Walker, 2001). We would concur that this narrow focus on the actions of individuals can miss the broader issues that lead to misconduct (Goldsmith, 1996; see also, Chemerinsky, 2001; Lawrence, 2000; Walker, 2001); acts by police officers likely reflect the social and political circumstances in which policing is done.

A third important consideration is the intergroup dynamics at play regarding the construction and implementation of CR systems. Clearly different groups (e.g., politicians, police command staff, police unions, and community representatives) will have stakes in this process. Given these interests, views on how best to construct CR are likely to be affected by the prevailing climate of intergroup relations. In circumstances where politicians and police are

feeling under threat (for example, election years and communities frightened by perceptions of rampant crime), it is unlikely that they will be willing to endorse forms of CR that they perceive, whether accurately or not, as potentially inhibiting police effectiveness at crime control. Similarly, community members are likely to endorse very strong forms of community control when they believe that the police are victimizing their community. Interaction may accomplish little more than further inflaming intergroup relations. In short, intergroup relations are likely to be at the core of police-community problems, and are likely to be carried over or even worsened in developing and implementing CR systems.

Fourth, intergroup relations may also help explain community members' dissatisfaction with CR processes. Most complainants, as noted above, are dissatisfied with the process (Corbett, 1991; Goldsmith, 1995; Kerstetter, 1995; Maguire & Corbett, 1991). The most common (mostly communicative) reasons reported for the dissatisfaction with the formal investigation were the length of time involved in the process, the appearance of intergroup bias in favor of the police, absence of any apology and a lack of, or inadequate explanation for, the final decision on the case. Moreover, substantiation rates for formal investigation (versus informal resolutions or withdrawn complaints) are extremely low across CR systems (Greene, 1999; Kerstetter, 1996; Perez & Muir, 1995). Overall, of formally investigated complaints, only 3% were substantiated in England (Maguire & Corbett, 1991) and less than 2% were substantiated in Northern Ireland (Topping, 1991). The concern is that, as Goldsmith (1995) notes, "if one accepts that virtually all complaints stem from a genuine sense of grievance . . . and that the majority of complainants are not liars, the low substantiation figures . . . are difficult to explain, especially to complainants whose sense of injustice is strong and whose trust in the police is limited or practically non-existent" (p. 125). This low number of complaints

substantiated suggests that complainants may be at a great disadvantage. Reasons for these low rates are complex (Goldsmith, 1995), but chiefly, CR is similar to the criminal justice system—substantiation requires evidence in support of the complainant’s claim. The most influential evidence that can support a complainant is an independent witness (Kerstetter, 1995; Perez & Muir, 1995), yet the existence of an independent witness is found in less than 17% of cases (Kerstetter, 1996). Thus, the majority of cases result in the officer’s word against the complainant’s, with the burden of proof on the complainant (Reiner, 1991). While this legal criterion reflects the very system of justice under which the police are employed, it is nonetheless possible that it will lead some complainants to perceive that they are powerless against ‘the system’ or the outgroup.

What is more, substantiation does not guarantee satisfaction with CR. In England, a surprising four out of five complainants whose complaints were *substantiated* reported dissatisfaction with the process (Maguire & Corbett, 1991). Interestingly, when examining satisfaction by the type of resolution procedure, those who were most dissatisfied were the complainants who had their cases formally investigated, a process that emphasizes the intergroup and communicative natures of the situation—one group member’s word against an outgroup member’s word. In contrast, those who were most satisfied were the complainants who chose informal resolution, a process that minimizes the intergroup nature of the situation. A majority of those whose cases were informally resolved reported that they were satisfied (Maguire & Corbett, 1991). Similar results have also been found in Queensland, Australia (Walker & Archbold, 2000). Importantly, informal resolution is a procedure in which both complainants and officers are given “a rare opportunity to try to understand and appreciate the other’s viewpoint” (Corbett, 1991, p. 59). In other words, informal resolution is an opportunity to reduce the

intergroup distinctions and understand each individual's perspective.

The social psychology of intergroup relations may also provide insights into police resistance to CR. One concern is that criminal defense attorneys may collect review board results and use the findings to impeach police officers at trial. Attorneys representing the police union in California, however, say that recent cases should now prevent this from occurring in that State (Bobbitt, 2004). The main objection to CR is that community members are not qualified to judge police actions under the stressful circumstances they encounter on the job (Pettersen, 1991; Radelet & Carter, 1994). Police deal with people when they are at their worst (Caiden & Hahn, 1979), and most citizens are unaware of the procedures police are trained in to address such situations. Consequently, police officers consider themselves professionals with a certain expertise and believe it is inappropriate for external parties (i.e., outgroups) to judge their decisions (Maguire & Corbett, 1991). Most CR systems, however, are not solely external agencies; they usually consist of both police and non-police members, presumably partial to neither the complainant nor the officer. Continued police resistance suggests to some, that the police fail to see the potential CR has in improving police-community relations by enhancing the organization's credibility (Goldsmith, 1991b). Unfortunately, defensiveness on the part of the police has, in many cases, only intensified public skepticism regarding police and increased the demand for community involvement in complaint procedures (Goldsmith, 1999). Consequently, many contend that the government should show commitment to external review and the police should show an understanding of its benefits (Freckelton, 1991; Terrill, 1991; see also Skolnick & Fyfe, 1993). We suggest that the negative reactions of police to community review are likely a manifestation of the intergroup sensitivity effect (Hornsey & Imani, 2004); people are more likely to react negatively to criticism of their ingroup when it comes from an outgroup member

than an ingroup member.

Police officers' legitimate complaints with CR, however, should not be ignored. Their criticisms (again, in the main, about the communicative process) are very similar to complainants': delays in being notified about receiving a complaint, inadequate updates about the progress of the investigation, and a lack of information regarding the outcome of the case. In sum, officers too felt "excluded and alienated from the process" (Maguire & Corbett, 1991, p. 70). They perceive it as an adversarial process and believe their acceptance of this resolution procedure is an admission of guilt (Corbett, 1991). Nevertheless, some CR advocates hope that more officers will come to believe that this process is less about who is "truthful" and more about accommodating *different perspectives* (Corbett, 1991).

Evidence does exist to suggest that law enforcement agencies are increasingly aware of CR's potential. Perez (1994) compiled data from police officers and executives over a period of 17 years. He found prejudice against CR where it had not been tried, yet he found that a majority of police officers in jurisdictions that had experienced CR were not opposed to it. In a study of police officers in Oakland and Berkeley, California—jurisdictions with CR—35% believed that the ideal police review system would include both civilian and law enforcement investigators, and 62% of police officers believed that the hearing board should be a hybrid of *both* law enforcement and civilians (Perez, 1994). Skolnick and Fyfe (1993) found that police officers are even more supportive of CR in a *policy* review capacity than in the adjudicative capacity of individual dispute resolution. Both findings speak to the potential benefits that Perez (1994) and Walker (2001) put forth in advocating for an overall monitoring role (as opposed to focusing solely on an adjudicative role) for CR. Although CR is hardly a context which parallels the sociopsychological conditions predictive of successful intergroup contact programs (see, for

example, Pettigrew, 1998; Vivian, Hewstone, & Brown, 1997; Wright, Broady, & Aron, 2005), under the circumstances just outlined, it could yet prove to be a forum where increased mutual understanding of civilian and police perspectives could emerge and be fostered.

Overall, both police and complainant concerns emphasize the importance of the CR *process* over the outcome. This is precisely what one would predict from theories of procedural justice (e.g., Tyler & Lind, 2001). In the case of community perceptions, Sunshine and Tyler (2003a) find that people see the police as having more legitimacy the more that they are perceived to be procedurally just. Further, Sunshine and Tyler (2003b) show that people are more motivated to cooperate with the police to the extent that they see the police as prototypical representatives of their communities' moral values—in short, when they see the police as ingroup members. Given that the perceived legitimacy of a system leads to increased compliance (Tyler, 2003), the extent to which *police* officers perceive CR as legitimate should also affect *their* compliance with its holdings and recommended policy changes. While a police officer can use force, the government can suspend or fire its employees, but only after a claim is substantiated. CR could be much more efficient and effective, therefore, if police did not merely comply with CR recommendations, but were genuinely persuaded that the system is legitimate. Thus, CR is likely to be most successful when it provides procedural justice for police and community members alike.

Social Psychological Theories and Proposals for Successful Community Review Systems

Many have offered suggestions for improving CR, though there is little research testing these suggestions. Nonetheless, there are a number of issues that have been raised in regards to designing effective CR systems. In what follows, we consider three interrelated forms of proposals. Many recommendations are concerned with *power brokering*—establishing the best

balance of power between police and community in the CR system. A second set of proposals focus on what we label *community tailoring*. These proposals speak to the variability across policing jurisdictions and how to most appropriately deal with the needs of different communities. For example, policing an affluent neighborhood versus an inner city may require, and likely lead to, very different police-community relations. The third and more theoretically grounded set of proposals are based around establishing *procedural justice*. As noted, research shows that people are likely to be satisfied with CR systems that are considered procedurally fair, even if they are not “outcome” fair. A potential route to effective CR systems is, therefore, to focus on those features that enhance a sense of procedural fairness.

Proposals Based on Power Brokering

Such proposals have the underpinning assumption that it is necessary to consider the various power bases of factions involved in CR. If any given faction has too much power, then there is the risk that it will be abused. On the other hand, with too little power, CR risks becoming an irrelevant bureaucratic apparatus. In this vein, it has been suggested that CR systems should have independent investigative abilities (e.g., Mendes, 1999) and budgetary autonomy (Goldsmith, 1999) to diminish the possibility of bias from particular groups. It has been further proposed that CR systems should have the power to receive complaints (Radelet & Carter, 1994), conduct investigations (Freckelton, 1991), subpoena involved parties (Mendes, 1999; Radelet & Carter, 1994), and make recommendations (e.g., Caiden & Hahn, 1979). On a more individual level, others argue that CR systems should be accessible to most all community members, have adequate staff that will respond appropriately to complaints (Freckelton, 1991), and give complainants an impartial forum in which to express their complaint (Radelet & Carter, 1994).

An essential condition of CR systems is that members have the power to make decisions. Without support and compliance from political factions and police organizations, CR systems cannot function effectively. In the case of Los Angeles, some argue that the various police commissions and other oversight bodies established to oversee the LAPD cannot effectively thwart corruption and other wrongdoing because they lack sufficient enforcement power in disciplining individual officers (Glover & Blankstein, 2003). Indeed, using a case where an officer was found by the Board of Rights to be justified in a shooting to argue for greater disciplinary power by the police chief, Chief William J. Bratton, along with the president of the Los Angeles Police Commission, are calling for an overhaul of the disciplinary system. The system is one in which accused officers come before a disciplinary panel—the Board of Rights—consisting of two high ranking police officers (who, as officers in the LAPD, serve *under* the chief) and a civilian. The Board determines the guilt or innocence of the officer and establishes any punishment. The chief may *reduce* the Board’s punishment, but may not increase it. In effect, this means that while the civilian-run Police Commission and the Chief may believe a punishment (or a more severe punishment) is warranted, if the Board of Rights disagrees, as in the fatal officer shooting of Margaret Mitchell, a homeless woman bearing a screwdriver, the accused officer will go unpunished (Bratton, 2003; Glover & Blankstein, 2003).

In other systems, civilians may hold more disciplinary power. In the November 2003 election, voters made San Francisco “the first city where every stage of the police complaint process—from the investigation of the complaint to disciplinary decisions—are controlled by non-police officers” (ACLU-NC Press Release, 2003). Despite strong resistance by the Police Officers’ Association, the American Civil Liberties Union and other supporters of this change hope to make San Francisco “a model for the nation in police reform and accountability” which

they “hope to take to other cities throughout the region” (ACLU-NC Press Release, 2003). In this case, it is possible that the police will be highly dissatisfied with the CR system if they perceive that they have no voice in the process.

Thus, systems that promote equal power group relations within the context of CR are likely to be best in terms of effectiveness, and in maintaining favorable police-community relations. Systems that are perceived as affording one party too much power in the process are likely to lead to conflictual intergroup relations and, when this occurs, trust and satisfaction in the system will decrease. When this happens, aggrieved parties are likely to protest or simply ignore the system—and this will of course feed back into promoting negative police-community relations.

Proposals Based on Community Tailoring

Another common suggestion is the need for tailoring a CR system to its community. Petterson (1991) has noted that American CR systems have generally been created locally. This is true of other countries as well (Watt, 1991). As stated previously, most CR systems have stemmed from community response to police misconduct; as such, most agencies have been structured and implemented to meet the needs of each specific community (Radelet & Carter, 1994). Bass (2000), however, notes that resolving the tension between police and the community demands even greater consideration of community dynamics. Reforms in CR cannot take place without taking the local setting, in other words, the community composition and community attitudes, into account (Goldsmith, 1999). Communities are diverse; all have different cultures and different problems.

An important community tailoring criterion addresses the fact that a CR system should be carefully designed to represent all people who make up the community so as to reinforce a sense

of shared representation. Unfortunately, CR procedures, and more generally, complaint procedures (whether internal or external) are argued to be culturally-biased (Goldsmith, 1995). Compounding this problem, complainants from different groups, specifically racial minority and lower socioeconomic groups, are systematically perceived to exhibit a lack of social status which negatively impacts their credibility when presenting their complaints (Goldsmith, 1996). As a result, many complainants will feel their perspectives and their grievances are underaccommodated and not validated (see Giles et al., in press-a). These problems indicate a great exigency for cultural sensitivity. The obvious demographic candidates would be gender, age, ethnicity, socioeconomic status and religion. The police need to perceive themselves as representatives of the superordinate community that they police and vice versa (see Jetten, O'Brien, & Trindall, 2002). According to Hogg and Reid (2001), such officers would be the least likely to abuse power; and when abuses of power are very rare, it is likely that community members will also trust their police. Similarly, social identity theory (Tajfel & Turner, 1986) suggests that such community members who perceive the police as representatives of their own community are more likely to obey directives of such police officers, leading to a more effective police force.

What is effective in one community may not be effective in all. While there is no single “best” model that can be universally implemented, community tailoring must be balanced with the fact that a CR system that applies across communities provides a stronger case that the system itself is procedurally just.

Proposals Based on Procedural Justice

Kerstetter (1995, 1996) provides a more theoretical approach on how to improve the CR system, one which is based on procedural justice. As noted above, research suggests that those

who perceive the process to be procedurally, if not distributively, fair will have a more favorable attitude regarding the CR experience. In other words, if complainants perceive that the procedures used in CR were fair, they will be more satisfied, regardless of the outcome. Much support for this perspective has been found in other literature (e.g. Tyler & Lind, 2001), and it can be easily applied to the domain of CR. Procedural justice research demonstrates that there are several necessary components to the perception of fairness. The first is the value of the opportunity for expressing complaints (i.e., a value-expressive effect). People who have a complaint must be given the opportunity to tell their story. Equally important is that this perspective be given appropriate consideration by the agency receiving the complaint. Second, the parties must believe that the decision-making body is unbiased and neutral (Kerstetter, 1995). Third, the procedural justice research suggests that “active involvement of affected parties enhances the perception of fairness and an approach which fixes the problem rather than the blame and can increase satisfaction with the outcome” (Geller & Toch, 1996, p. 319). The research of Maguire and Corbett (1991) showed that most complainants were dissatisfied, in part because the investigating officers appeared biased in favor of the police and also because they were not kept informed regarding their case. Thus, procedural justice appears to explain the inadequacies found with CR. Complainants may not be viewing the CR process as procedurally fair and are, therefore, dissatisfied.

To increase the perception of fairness, Kerstetter (1995, 1996) provides several suggestions: allow both the complainant and the officer an opportunity to present pertinent information to the CR system, provide both parties as much control over the presentation of this information as possible, and give due consideration to their perspectives. These measures ensure that each party is given equal and ample opportunity to provide its perspective as well as the

validation of having its opinions carefully considered. Given empirical research on procedural justice demonstrating that complainants are more interested in *process* than outcome (Kerstetter, 1996; see also Tyler, 2003), if CR can increase its focus on giving the parties involved due consideration, satisfaction of both complainant and officer should also increase.

For the same reasons, reformers of CR, in true intergroup fashion, also need to consider both sides—the complainant’s and the officer’s positions. Both of these parties have rights (Lewis, 1991) that CR should acknowledge. It is also crucial to understand how the CR process will affect not only the complainant, but also the officer (Maguire & Corbett, 1991). As Goldsmith (1999) notes, “building or rebuilding relationships between police and community cannot proceed simply by appealing to the concerns of the community members; it must also deal fully and fairly with police interests and concerns” (p. 45). Thus, while most of the research that has been conducted focuses on the complainant’s perspective, Watt (1991) argues that the police must be assured that the CR process is not an indication of *distrust* or a means to remove them from the process but, rather, a measure to incorporate various community voices into the issue of police misconduct. Additionally, the police must be given time to adapt to the new systems (Lewis, 1991; Watt, 1991). Skepticism is normal for any changes in procedures. With more experience, it is hoped that law enforcement agencies will become more trusting of this type of system. Their input should also be valued in the construction and implementation of CR (Lewis, 1991). Because the review of community complaints has often been handled internally by police, they can be one of the best resources for suggestions of reform.

Clearly, then, the implementation of CR is seriously lacking in terms its sensitivity to the dynamics of intergroup relations, specifically, intergroup communication (Giles & Coupland, 1991; Gudykunst, 1986; Harwood & Giles, 2005). As stated previously, it was not just

complainants who were dissatisfied with CR; much of the officers' discontent stemmed from failures in communication as well. Officers also reported feeling excluded from the system and uninformed about the progress of cases. They also felt explanations for the outcomes were insufficient (Maguire & Corbett, 1991). This may explain some officers' resistance to CR. If contacted only formally, and rarely at best, they may perceive their own perspective is not valued. Their impeded involvement may suggest to them that the system is neither individualized nor interested in allowing them fair consideration. Similar to complainants, the impersonal nature and lack of individual focus CR has exhibited may mitigate any confidence officers might have had in the system.

Walker's (2001) view that police abuse of power is symptomatic of failed organizations can be understood as a method for ensuring procedural justice. Thus, rather than focusing on the traditional adjudicatory role of CR, his model for police review significantly expands the role of CR systems. First, he relies heavily on auditing throughout the complaint process. Regardless of who is responding to the complaint, whether internal affairs in the police department or an ombudsperson or an entire review panel, each step in the process should be regularly and independently audited to ensure that the process is working effectively. If not, the system should be held accountable and repaired. He also strongly supports oversight agencies performing community outreach by distributing information about the complaint process, reaching special populations, and facilitating intake and community meetings to teach about the complaint process and to hear complaints. Walker also recommends that police review organizations examine police policies and procedures and recommend new or revised policies. Finally, he recommends follow-up research on the extent to which both community members and police officers are satisfied with the complaint procedures, an adjunct we construe from an intergroup

communication perspective to be an essential evaluative component.

Conclusion

While it is true that CR systems have often failed in the interpersonal realm with complainants and officers, it is also true that there has been little attempt to consider the intergroup dimensions inherent in these issues. Goldsmith (1995) notes that “serious attention must be paid to the consequences of the ‘police culture’ . . . which not only seems to maintain an ‘us against them’ syndrome, but which also serves to frustrate the ability of investigators” (p. 124). Complainants and officers, as members of two different groups, come from two different cultural and social identity-related perspectives (see Harwood & Giles, 2005; Tajfel & Turner, 1986). As such, they will have differing perspectives regarding incidents that provoke complaints. Recognizing and reconciling this diversity is the duty of CR (Goldsmith, 1996). Fair procedures fostering greater empathy and greater understanding between complainants, officers, and CR investigators need to be implemented—procedures in which the impact of social and cultural differences is minimized. This requires accommodating more than one perspective (Gallois, Ogay, & Giles, 2004; Giles, Coupland, & Coupland, 1991), allowing both complainants and officers to feel substantiated. In arguing for a more communication-oriented system (Giles, 2002; Molloy & Giles, 2002), one that is intended to improve opportunities for communication between police and the community, we are highlighting the importance of intergroup relations within CR.

The issues related to general complaint processes have hampered improvements between the community and law-enforcement agencies (Walker, 1999). CR systems, however, have not yet fulfilled their potential to improve such relations, and until many of the problems are addressed, CR will remain a controversial and complex topic. Much more research is necessary

to answer questions regarding CR structure, process, and effectiveness (Walker & Bumphus, 1992). Building upon the body of research clearly linking trust and compliance with the law (see for example, Murphy, 2004; Tyler, 1990), there is a need for more research attending to the antecedents of the mutual building and management of trust between public institutions (like the police) and the community. Scholars' recommendations discussed here include, *inter alia*, opening up the complaint process, outreach to potential complainants, expanding CR to monitoring of both police policies and procedures and the complaint process itself, and the use of more informal resolution procedures. Each of these approaches, in its focus on process (as opposed to outcomes) reflects an underlying understanding of the importance of procedural justice.

Lastly, recent research by the authors focusing on predictors of satisfaction with the police has found that the effect of certain social group identities dissipates when procedural justice and communication accommodation factors are taken into consideration (Giles et al., in press-a). That is, while race and gender were initially found to predict satisfaction with police (e.g., Caucasians and females affording police higher ratings), our studies show that the effects of such demographic factors pales by comparison to the robust effects of civilians' perceptions of police accommodation and trust in the police (see also, Giles et al., in press-a, b).

The legal and psychological literature speak of procedural justice, and the intergroup communication literature speaks of accommodation yet both, after all, are perceived through communicative processes, of which CR is but one. Because many of the problems associated with CR stem from failures in these intergroup communicative processes, improvements in interpersonal as well as intergroup communicative structures seem the most advantageous place to address the critical issue of developing trust in, and the legitimacy of, law enforcement in the

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community.

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