

POLICE ACCOUNTABILITY:  
CURRENT ISSUES AND RESEARCH NEEDS

Samuel Walker  
University of Nebraska at Omaha

National Institute of Justice  
Police Planning Research Workshop

Washington, DC  
November 28-29, 2006

The views expressed in this paper are those of the author and do not reflect the views or policies of the United States Department of Justice

## EXECUTIVE SUMMARY

Accountability is a vital element of American policing. Effective accountability mechanisms are essential if the police are to achieve their goals of lawful behavior and legitimacy, as defined by The National Academy of Sciences. Lawfulness refers to compliance with the formal requirements of the law, including statutes and court decisions. Legitimacy refers to the perception that police conduct is both lawful and consistent with public expectations.<sup>1</sup>

Lawfulness and legitimacy, meanwhile, are essential if the police are to achieve their goals of reducing crime and disorder, enhancing the quality of neighborhood life, and serving community needs. A lack of legitimacy inhibits the development of working partnerships that are an essential ingredient in community policing and problem-oriented policing.<sup>2</sup>

Accountability has two dimensions: accountability for the performance of law enforcement agencies as agencies, and accountability for individual officers. This paper focuses exclusively on the latter.

Accountability mechanisms related to the conduct of individual officers fall into two general categories. Traditional accountability mechanisms include routine supervision, regular performance evaluations, and the investigation of allegations of misconduct. New accountability mechanisms include detailed policies designed to direct and control officer behavior, early intervention systems, and external citizen oversight.

The literature on the various accountability mechanism is extremely limited. In some cases there is a lack of even basic descriptive data on current practices. There is very limited evidence on the effectiveness of different mechanisms, and none at all with respect to most mechanisms. While there is a growing consensus of opinion among police officials and non-police experts about the value of various “best practices,” these opinions are not supported by scientific evidence. In short, the research needs related to police accountability are enormous.

## I. INTRODUCTION

### A Definition of Accountability

It is a fundamental principal of a democratic society that the police should be held to account by the public for their actions. Accountability includes both what the police do and how they perform. Accountability involves both the performance of police departments as agencies (e.g., the control of crime and disorder, meeting public needs and expectations) and the conduct of individual police officers (lawful behavior, respect for citizens, equal treatment, etc).<sup>3</sup>

### The Scope of This Paper

This paper is limited to policies and procedures related to holding individual officers accountable for their conduct. The issue of agency accountability is sufficiently large and complex that it requires separate treatment.

This paper will focus on the following policies and procedures designed to hold individual officers accountable for their conduct:<sup>4</sup>

- (1) Formal agency policies on the use of police authority;
- (2) Routine supervision of officers by first-line supervisors;
- (3) Regular performance evaluations;
- (4) Early intervention systems designed to identify performance problems;
- (5) Procedures for receiving and investigating allegations of officer misconduct.

Obviously, this list is not exhaustive. There are many other factors that have some impact on officer conduct: recruitment and training standards, the views and actions of the chief executive, the police union and collective bargaining contract provisions, the informal police subculture, etc. They are not discussed in this paper simply for reasons of space and focus, and deserve proper consideration elsewhere.

## II. FORMAL POLICIES ON THE USE OF POLICE AUTHORITY

### The Concept of Administrative Rulemaking

It is now a basic feature of police administration to direct and control officer use of police authority through written policies. This approach is known generically as administrative rulemaking and is standard in all public agencies. Administrative rulemaking consists of three elements: specifying approved and forbidden actions in written policies; requiring officers to file written reports on specific actions; requiring administrative review of officer reports.<sup>5</sup>

Administrative rulemaking first developed with regard to the use of deadly force. Over the last three decades it has extended to the use of non-lethal force, vehicle pursuits, domestic violence incidents, the deployment of canines, and other actions.

### The Literature on Administrative Rulemaking

There is persuasive evidence that restrictive rules on the use of deadly force reduce firearms discharges and over the years have narrowed the racial disparity in persons shot and killed. The evidence also indicates that these rules have no adverse consequences.<sup>6</sup> The evidence also indicates that restrictive policies on vehicle pursuits reduces accidents, injuries and deaths.<sup>7</sup> There is no evidence, however, that policies on the use of less lethal or non-lethal force reduce the incidence of excessive force. There is no evidence that official policies related to traffic stops and racial profiling reduce the incident of racial bias in traffic enforcement.<sup>8</sup> There is no evidence related to the impact of policies designed to eliminate verbal abuse of citizens. There is no evidence on the impact of restrictive controls over police canine units.

### Research Questions

1. To what extent do officers comply with specific policies and procedures?
  - 1a. Are certain factors associated with different levels of compliance?
  - 1b. Does the level of compliance vary from agency to agency? If so, what organizational factors account for these variations?

- 1c. Does the level of compliance vary according to the nature of the police activity involved, suggesting that some police actions are inherently more controllable than others (e.g., pursuits vs. less lethal weapons)?
2. Do policies and procedures achieve their intended effect?
    - 2a. Are restrictive policies on the use of less lethal and non-lethal force associated with lower levels of reported excessive force or inappropriate use of force?
    - 2b. Are restrictive policies on less lethal and non-lethal force associated with fewer citizen complaints and/or civil suits against the agency?
    - 2c. Do official policies prohibiting or limiting the use of race in traffic enforcement reduce or eliminate racial bias in traffic enforcement? What is the relative impact of such policies compared with other factors (e.g., training, close supervision)?
    - 2d. Are restrictive policies on the deployment of canine units associated with fewer bites of citizens by canines, lower levels of civil litigation,
3. Do restrictive policies and procedures have unintended and undesirable consequences?
    - 3a. Are restrictive policies on the use of less lethal and non-lethal force associated with higher levels of officer injury or death?
    - 3b. Do official policies on the use of race in traffic enforcement inhibit officers from effective traffic enforcement (“depolicing”) and/or contribute to higher levels of criminal activity?

### III. ROUTINE SUPERVISION

#### The Critical Role of First-line Supervision

It is axiomatic in policing that first-line supervisors –sergeants- play a critical role in directing and controlling the behavior of officers in police-citizen interactions. Additionally, sergeants play a critical role in all of the other accountability mechanisms discussed in this paper. Sergeants review incident reports related to the exercise of

police authority, prepare official performance evaluations, and deliver the “interventions” in early intervention systems, and are thus the lynchpins in EI systems.

### The Literature on the Role of Sergeants

Sergeants have been seriously neglected in police research. There is minimal research, at best, on what sergeants do and how they interact with officers under their command. Engel identified four different styles of supervision and their impacts on police performance.<sup>9</sup> A study in New York City found that close supervision resulted in lower levels of officer misconduct.<sup>10</sup> Terrill found that close supervision was associated with lower levels of use of force by officers.<sup>11</sup>

### Research Needs

4. Are certain styles of supervision associated with higher levels of compliance with departmental policies and procedures?
  - 4a. Are certain styles of supervision associated with a lower incidence of excessive force, fewer citizen complaints, etc?
5. Are certain styles of supervision associated with higher levels of officer job satisfaction?
6. Are certain training programs for supervisors more likely to ensure a uniform and desirable style of supervision?
7. Are certain style of supervision more prevalent in certain departments compared with other departments?
  - 7a. What organizational factors are associated with the prevalence of certain supervisory styles in different departments?
8. Are formal policies specifying the ratio of officers to sergeants (the “span of control”) effective in ensuring proper supervision?
  - 8a. What is the prevalence of formal department policies regarding

- the ratio of officers to sergeants?
- 8b. To what extent do departments with such policies comply with their own requirements on a routine basis?
- 8c. Is compliance with a recommended span of control associated with a lower incidence of excessive force allegations, fewer citizen complaints, or lower levels of civil litigation?
9. Is it possible to identify specific “best practices” with regard to sergeant-officer interactions that are associated with positive outcomes (e.g., compliance with policies, higher levels of job satisfaction, fewer incidents of excessive force, etc.)?

#### IV. PERFORMANCE EVALUATIONS

##### The Role of Performance Evaluations

Regular performance evaluations are a basic element of the personnel process in both the private and the public sector. Regular evaluations are designed to identify and reward desirable performance, and also to identify and help to correct performance shortcomings.

##### The Literature on Performance Evaluations

Existing performance evaluation procedures in policing have been severely criticized. A study by the Police Foundation in 1977 found that they did not adequately reflect actual police work and generally provided inflated assessments of officer performance.<sup>12</sup> A 1999 report, prepared in the context of community policing, made essentially the same criticisms, suggesting that little progress had been made in 20 years.<sup>13</sup>

There is very limited literature on performance evaluations. In one study, however, performance evaluations corresponded to independent observations of the quality of officer conduct during interactions with citizens.<sup>14</sup>

##### Research Needs

10. What is the current state of performance evaluation in American police departments?
  - 10a. What percentage of departments have/do not have regular performance evaluations?
  - 10b. What is the prevalence of annual, semi-annual, quarterly performance evaluations?
  - 10c. What are the basic types of performance evaluation systems/procedures, and what is the relative distribution of each type?
  
11. Are certain types of performance evaluation more effective than others in shaping officer behavior?
  - 11a. Are certain types of performance evaluation associated with reduced officer misconduct: citizen complaints, excessive force incidents, etc.?
  - 11b. Are certain types of performance evaluation associated with higher levels of officer morale, productivity, and job satisfaction?
  - 11c. Are certain types of performance evaluation associated with the promotion of officers who prove to be more successful supervisors?

## V. EARLY INTERVENTION SYSTEMS

### The Concept of Early Intervention

Early intervention systems are designed to identify patterns of problematic officer conduct and to provide specially tailored interventions designed to correct those conduct problems.<sup>15</sup>

### The Literature on Early Intervention Systems

The literature on EIS is largely descriptive and prescriptive. The one evaluation of EIS found that they were successful in identifying officers with more serious conduct



problems and effective in reducing officer misconduct among officers subject to interventions.<sup>16</sup>

## Research Needs

12. What is the proper size and scope of an EIS with respect to performance indicators?
  - 12a. Is there an optimal number of performance indicators (e.g., 5, 10, 20)?
  - 12b. Are EIS with a relatively large number of performance indicators better able to identify officers with performance problems than What is the trade-off between the efficiency of a small EIS and the greater applicability of a larger EIS?
13. What is the best system of “thresholds” for selecting officers in need of intervention?
  - 13a. If a fixed threshold system is used (e.g., 3 complaints in a 12 month period), what is the best formula?
  - 13b. If only some officers identified by the EIS are selected for intervention, what procedures are both most effective and fair in making those selection decisions?
  - 13c. Is a system of internal benchmarking (comparing officers with peers working the same assignment) an effective alternative?
14. Are EIS interventions successful in correcting officer conduct problems?
  - 14a. Do officers subject to formal EIS intervention experience improved performance in the months following intervention?
  - 14b. Are certain officers and/or behavior patterns more susceptible to effective intervention?
  - 14c. Are certain types of intervention more successful than others? Is it possible to develop a formula for matching officers and performance problems with different interventions?

15. Can an EIS be used to identify top performing officers?
  - 15a. What formula is effective in identifying top performers?
  - 15b. Can an EIS data be used effectively as a formal part of the promotion process?
  
16. Can an EIS be used effectively to hold supervisors accountable?
  - 16a. What formula can be effectively to identify supervisors who appear to be failing to supervise properly?
  - 16b. Can an EIS be used to identify top performing supervisors?
  
17. Can an EIS data base be used effectively to identify important trends related to accountability of a department as a whole (e.g., trends in citizen complaints, vehicle pursuits, use of sick leave)?
  - 17a. Can EIS data be used in a manner similar to COMPSTAT data to identify problems (e.g., increase in use of force complaints) that require prompt administrative attention?

## VI. MISCONDUCT INVESTIGATIONS

### External vs Internal Misconduct Allegations

Allegations of officer misconduct may come from either internal or external sources. Internal allegations involve reports by supervisors or other departmental officials. External allegations involve formal or informal complaints by citizens. Internal affairs units (IAUs) (or professional standards units) are responsible for investigating all internal allegations and, except for certain jurisdictions, external citizen complaints. In those other cases, an external citizen oversight agency has original jurisdiction for investigating citizen complaints.

### The Literature on Internal and External Misconduct Investigations

The literature on IAUs is almost non-existent. The only descriptive survey of

IAUs is over twenty years old.<sup>17</sup> There are no evaluations of the effectiveness of IAUs or of particular management practices.

There is a significant body of descriptive literature on external citizen oversight agencies and procedures. Several reports have developed classification schemes for external agencies identifying different roles, structures, and procedures.<sup>18</sup> There are no evaluations of external citizen oversight agencies attempting to determine whether external oversight is more effective than IAUs or whether particular types of external oversight agencies are more effective than other types.

There is only very limited discussion of the various goals of both IAUs and external citizen oversight agencies: thorough and fair investigation of complaints, deterrence of officer misconduct, providing a satisfactory experience for both complainants and officers, recommending alternative department policies and procedures, improving police-community relations.

#### Research Questions

18. What are the current management practices with regard to IAUs (staffing levels, location of the unit, supervisory practices, investigative practices)?
19. Are certain IAU management practices associated with more effective investigations, lower rates of misconduct, greater satisfaction among complainants and officers, and improved police-community relations?
  - 19a. Is there an optimal ratio of IAU investigators to sworn officers?
  - 19b. Do police departments provide special training for IAU investigators? Is there any evidence that certain types of training are more effective than others?
  - 19c. Do police departments maintain procedure manuals related to the investigation of misconduct allegations? Is there any evidence that certain procedures are more likely to result in more thorough and fair investigations?
20. Are external citizen oversight agencies or procedures associated with lower levels of officer misconduct?

- 20a. Are particular forms of citizen oversight more effective than other forms with respect to officer misconduct?
21. Do departments subject to external citizen oversight experience lower levels of officer misconduct than departments with no external citizen oversight?
22. What is the relative importance of the “code of silence” in inhibiting thorough and fair misconduct allegations?
- 22a. What is the prevalence of the “code of silence?”
- 22b. Are there certain management practices that reduce the impact of the “code of silence.”
23. What is the role of the police union and collective bargaining agreements in inhibiting thorough and fair misconduct allegations?
- 23a. Are there particular provisions of collective bargaining agreements that inhibit thorough and fair misconduct investigations?
- 23b. Are there particular management practices that limit the adverse impact of collective bargaining provisions?

## VI. ACCOUNTABILITY MECHANISMS AND LEGITIMACY

Accountability, Community Relations, Community Policing, etc.

Accountability is vital to the achievement of the goals of policing. The most important area in this regard involves the perceived legitimacy of the police and relations with racial and ethnic minority groups. At the same time, since community policing is designed to develop effective partnerships with neighborhood groups, it follows that enhanced legitimacy and a reduction in racial and ethnic tensions will enhance the development of community policing.

With that in mind, it is important to ask whether specific accountability

mechanisms enhance legitimacy and public perceptions of the police, particularly on the part of racial and ethnic minority groups.

### Research Questions

24. Do accountability mechanisms have a positive impact on police-community relations and the perceived legitimacy of the police?
25. Are certain accountability mechanisms relatively more effective than others in enhancing perceived legitimacy?
26. Are certain accountability mechanisms relatively more effective than other measures (e.g., employment of minority group officers, community policing, etc.) in enhancing perceived legitimacy?

## VII. CONCLUSION: NEEDS AND CHALLENGES

Holding individual police officers accountable for their conduct is an essential element of policing. It is directly and indirectly related to achieving the basic goals of policing: reducing crime and disorder, enhancing the quality of neighborhood life, and providing fair, respectful and equal treatment for all people.

As this paper indicates, the state of our knowledge about both traditional and new accountability mechanisms is very limited. In many instances we do not even have basic descriptive data on current practices. With respect to effectiveness, in only a few instances does the existing literature meet the standards of evidence-based policy making. The research needs identified in this paper have direct implications for police policy.

The research needs, in short, are enormous. We should not, however, underestimate the methodological challenges in meeting those needs. Measuring effectiveness raises a number of very difficult methodological issues. As is well-known, use of force data are extremely complex and not always comparable across jurisdictions. Citizen complaint data are extremely problematic. Specifying the impact of

a single accountability mechanisms in the context of an organization experiencing several reforms simultaneously is extremely difficult.

1. National Academy of Sciences, *Fairness and Effectiveness in Policing: The Evidence* (Washington, DC: National Academy Press, 2004).
2. David Bayley, "Law Enforcement and the Rule of Law," *Criminology and Public Policy* 2 (November 2002): 133-154.
3. Samuel Walker and Charles M. Katz, *The Police in America: An Introduction*, 5<sup>th</sup> ed (New York: McGraw-Hill, 2005), Chapter 14.
4. Walker argues that these various mechanisms are closely inter-related and represent a "package" of reforms. Samuel Walker, *The New World of Police Accountability* (Thousand Oaks, CA: Sage, 2005).
5. On the development of rulemaking in the criminal justice system, see Samuel Walker, *Taming the System: The Control of Discretion in American Criminal Justice, 1950-1990* (New York: Oxford University Press, 1993).
6. The seminal study is James J. Fyfe, "Administrative Intervention on Police Shooting Discretion: An Empirical Examination," *Journal of Criminal Justice* 7 (4, 1979): 309-323. William A. Geller and Michael S. Scott, *Deadly Force: What We Know: A Practitioner's Desk Reference on Police-Involved Shootings* (Washington, DC: Police Executive Research Forum, 1992).
7. Geoffrey P. Alpert and Roger Dunham, *Police Pursuit Driving: Controlling Responses to Emergency Situations* (New York: Praeger, 1990).
8. For a recommended policy, see Lorie A. Fridell, et al., *Racially Biased Policing* (Washington, DC: PERF, 2001), Ch. 4. But see the suggestive evidence regarding the impact of new restrictive policies in the U.S. Customs Bureau cited in David Harris, *Profiles in Injustice* (New York: The New Press, 2001), Ch. 8.
9. Robin S. Engel, "The Effects of Supervisory Styles on Patrol Officer Behavior," *Police Quarterly* 3 (2000): 262-293.
10. Robert C. Davis and Pedro Mateu-Gelabert, *Respectful and Effective Policing: Two Examples in the South Bronx* (New York: Vera Institute, 1999).
11. William Terrill, *Police Coercion* (New York: LBF Scholarly Publishing, 2001).
12. Frank J. Landy, *Performance Appraisal in Police Departments* (Washington, DC: The Police Foundation, 1977).

13. Timoth N. Oettmeier and Mary Ann WycOFF, *Personnel Performance Evaluations in the Community Policing Context* (Washington, DC: PERF, 1997).
14. David Bayley and James Garofalo, "The Management of Violence by Police Patrol Officers," *Criminology* 27 (February 1989).
15. Samuel Walker, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide* (Washington, DC: Department of Justice, 2003).
16. Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney, *Responding to the Problem Police Officer* (Washington, DC: Department of Justice, 2001).
17. Paul West, "Investigation of Complaints Against the Police: Summary Report of a National Survey," *American Journal of Police* 7 (No 2, 1988): 101-121.
18. Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont: Wadsworth, 2001).