

Handling Citizen Complaints through Proactive Methodology

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Law enforcement organizations nationwide deal with complaints on a frequent basis. Some citizen complaints are unfounded or simple misunderstandings resulting from poor communication. However, even minor infractions can become agency spectacles and a serious problem for administrators if individuals carry their grievances to third parties. Police leaders can easily prevent citizen complaints from becoming political headaches, lawsuits, racial disputes, or media storms by emulating some of the medical community's proactive initiatives to reduce malpractice litigation when patients experience negative outcomes. In addition to a thorough policy of consistently handling complaints, successful resolution requires patience, a respectful response, and the right attitude on the part of the supervisor receiving the complaint. If done correctly, these three simple ingredients can spare police agencies untold time, money, and difficulty while helping the agency maintain its credibility with the community.

Resources

Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement.

This guide examines all aspects of complaint taking and internal affairs operations and recommends strategies to improve and sustain community trust building, regardless of agency size. Available online at <http://www.theiacp.org/>.

The Public Image of the Police: Final Report to The International Association of Chiefs of Police by The Administration of Justice Program, George Mason University.

This document is a comprehensive review of the factors that form the public's opinion of their police department. Available online at <http://www.theiacp.org/>.

Frank A. Colaprete, *Internal Investigations: A Practitioner's Approach*, (Springfield, Illinois: Charles C. Thomas Publisher, 2007) pp 336.

Consider how many citizen complaints involving encounters with police officers go awry because of how individuals are treated during the initial interview process. An angry citizen enters a police department to file a complaint against an officer. The on-duty supervisor greets the citizen in the lobby and asks about the complaint. The citizen begins to provide a detailed description of the incident. After less than a minute, the supervisor politely interrupts the citizen and attempts to explain why the officer behaved in a particular

fashion—and to tell the citizen why the officer's behavior followed agency policy. Frustrated by the unresolved complaint, the citizen likely will leave the police department lobby.

Oftentimes, citizens will abandon their unresolved matters, instead sharing their frustration and annoyance with friends or relatives. In other instances, citizens become even more determined to obtain positive resolutions to their complaints, bringing their issues to the attention of an elected official, a city manager, a district attorney, the Department of Justice's Civil Rights Division, a plaintiff's attorney, a media outlet, or a civil rights group. Once citizens embrace any of these alternatives, the police department largely loses control of the investigations, along with the opportunity to correct, address, and resolve the complaints in manners that preserve public confidence in the agency. So how do law enforcement agencies avoid this situation and successfully "take care of business" when addressing citizen complaints? According to a recent article by attorney Dan Groszkruger, the medical profession provides some excellent ideas.¹

Think Like a Physician

Groszkruger cites studies in the *New England Journal of Medicine*² and the *Journal of the American Medical Association (JAMA)*³ that detail key steps physicians should take to avoid malpractice suits. One of those studies appears to have instructive lessons for police department supervisors who are responsible for investigating citizen complaints against police department personnel.

The JAMA study found that "effective physician–patient communication . . . not the quality of the care or documentation is key to avoiding malpractice lawsuits."⁴ The considerations that could improve physician–patient communication and a close reading of the research strongly suggest these concepts extend to other professions, where liability is an issue (for example, law enforcement) and where service providers have the opportunity to interact with individuals who suffered real or perceived harm.

These studies analyzed the dynamics involved between the patient and the treating physician that resulted in a bad outcome. The findings indicate that physicians who developed a rapport with their patients were less likely to be sued than those who did not. What does that mean to police officials? It suggests that when law enforcement supervisors receiving complaints effectively communicate that they are sincerely concerned about a citizen's problem, the interaction is likely to reduce potential litigation.

The following five-step model for improving police–citizen communication is based on the medical profession's success in reducing medical malpractice lawsuits:

- 1. Spend time with the complainant.** The agency representatives should provide citizens plenty of time to fully air their complaints. According to Groszkruger the studies reveal "a strong correlation between extra time spent . . . and lower frequency of . . . claims."⁵ Citizens do not want to feel rushed, minimized, brushed-off, or disrespected. To accomplish this, supervisors should be prepared to spend as much time as necessary to gain the details of the complaint and the issues in conflict. Radios, cell phones, and other distractions should be eliminated if possible.
- 2. Meet in a private place.** Agency supervisors should always have a private place to meet with a citizen who is filing a complaint against a police employee. The location should include a place for the supervisor and the complaining citizen to sit and discuss the nature of the complaint. Seating everyone involved during the initial complaint intake significantly calms emotions and communicates that the agency representative is prepared to spend as much time as necessary to listen to everything the citizen has to share.
- 3. Establish a rapport.** After creating an atmosphere that demonstrates the complaint will be handled in a serious and deliberate fashion that will not be rushed, it is paramount to establish effective communication and rapport with the complainant. The supervisor should explain the process and time lines for conducting a sufficient inquiry into the facts and circumstances related to the complaint.
- 4. Allow citizens to describe the complaint without interruption.** Once the supervisor has established a rapport, the citizen should be able to explain the incident without interruption. While receiving the citizen's description of the incident, agency personnel should refrain from filling any empty time or pauses with questions or explanations while the complaining party is gathering its thoughts and explaining grievances.

5. Ask facilitating questions. After the citizen has provided the details of the situation, the supervisor should ask a series of facilitating questions that demonstrate how seriously the police agency is taking the complaint. For example, the supervisor may ask, What about the officer's conduct particularly upset you? What would you like to see occur as a result of your complaint? Why do you think the officer behaved that way? You look upset—what can I do to help you?

It is critical for supervisors to recognize that when they are receiving a complaint, how they say something may be as important as what they say. When talking with the citizen, the supervisor's tone of voice and facial expressions should be neutral or supportive toward the complaining party. A supervisor can validate a citizen's feelings and emotions without affirming allegations against police employees. For example, "I understand you are angry" or "I see you are upset, let me look into this for you" are appropriate but do not prejudge the complaint before the facts are established.

Reducing Liability, Creating Accountability

Groszkruger's analysis of the research surrounding physician-patient communications and the reduction of liability makes a compelling case for including an orientation and facilitation component in the complainttaking process. When a supervisor provides an orientation to a citizen, it reduces emotion, anxiety, and apprehension. In addition, facilitative questions promote communication and foster feedback that assists the supervisor in gauging what is important to the citizen in resolving the complaint.

A police agency that fails to obtain, investigate, and resolve citizen complaints against law enforcement personnel can create a situation in which others define the agency. When the media reports allegations made by a citizen who is frustrated by a process or a supervisor who behaves in a way that makes it uncomfortable for citizens to approach the department, the story likely can never be effectively retracted or revised, even once the facts are ascertained. In short, without an effective citizen-police complaint process, the agency risks a tepid "the matter is now under investigation" response to media inquiries, and questions from elected officials or other community members. However, a well-documented citizen-police complaint and a thorough investigation often will result in a different media story.

Further, when a process that deliberately receives and investigates citizen complaints is in place, a police culture of accountability is sustained. Employees understand the likelihood that misconduct will be reported and that the agency will follow up on those reports. In instances where a police employee performed or behaved inappropriately, the agency can act quickly to address the issue and restore a sense of fairness to the citizen making the complaint. When an agency acts promptly and effectively in cases of inappropriate behavior or performance by a police employee, this clearly communicates that conduct is not representative of the entire agency. An active and robust citizen-complaint procedure, which provides and includes supervisor training in that process, ensures the confidence of the public, demonstrating the agency operates properly and professionally and reduces the opportunity for others to manage the agency's business. ■

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