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Minor Police Misconduct in the La Porte Police Department:  
Addressing the Problems Associated with Police Officer Discourtesy

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## **ABSTRACT**

Abuse by police officers has the ability to destroy the public's confidence and trust in its police force. When officers treat citizens with discourtesy, verbal abuse, a lack of respect and a reticent attitude they have the potential to seriously erode the community's outlook on the department. For this reason, minor police misconduct should be taken seriously and addressed in an appropriate fashion. The question asked in this study is: does minor police misconduct have a significant impact on police/community relations? This question was specifically applied to the City of La Porte, Texas Police Department.

In order to determine the potential impact of minor misconduct, or "conduct unbecoming" of police officers, a sample of citizens and La Porte police officers were surveyed to assist in identifying the seriousness of the topic. It was expected that these surveys, along with additional research data collected from other published sources, would reveal that minor misconduct as acted out by police officers is damaging to police/community relations and has the potential of tarnishing the positive image of police officers and the La Porte Police Department.

Results from the surveys and research indicated that citizens for the most part were supportive of the LPPD and its officers, with a few exceptions. For instance, they felt that officers were capable of making unsubstantiated stops of citizens without sufficient reason. Other misconduct did not seem to be a major concern.

However, results from officers were surprisingly disturbing. There appeared to be a wanting of better supervision and some sense of undesirable feelings about law enforcement and how they treat the public. These results were not expected from the officers and were potentially alarming. It is believed other law enforcement agencies can benefit from the results of this research.

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## **Introduction**

Abuse by police officers has the ability to destroy the public's confidence and trust in its police force (McEwen, 1996). The police are sworn to protect the citizens they serve with courtesy, respect and equally fair treatment. When officers instead, treat citizens with discourtesy, verbal abuse, a lack of respect and a reticent attitude, they have the potential of seriously eroding the community's opinion of the department. For this reason, minor police misconduct should be taken seriously and addressed in an appropriate fashion. The question asked is: does minor police misconduct by a police department have a significant impact on police relations with the community it serves? If this is so, how can the problem be appropriately addressed so that there is a positive outcome? These questions will be examined specifically within the City of La Porte, Texas Police Department.

It should be pointed out that this type of minor misconduct includes: verbal discourtesy by officers or verbal rudeness, a poor attitude during police/citizen contacts, officers talking "down" to citizens, and a sense of not caring about a complainant's problem. Other citizens have complained that they did not mind so much the words that were used by officers, but simply how they were said. There are studies focused on other agencies across the nation that have presented a look at the more serious abuses carried out by the police that have been so dramatized on television and in other media venues, including excessive force and false arrest. However, most police work involves routine social services and assisting citizens, versus hardcore police work and law enforcement (Reynolds, 1993). But, it is believed that the minor abuses can be just as damaging in police/community relations over a period of time, particularly in small departments and communities similar to the La Porte Police Department.

The City of La Porte has a population of approximately 35,000 and serves an even higher daytime commuter population. It is located in Harris County, Texas and is a part of the Houston metropolitan area. It is the fourth largest municipal police department in the county, with a sworn complement of 73 officers. The total employment of the department is over 100 personnel.

As stated, it is suggested that minor police misconduct has a significant negative impact on police/community relations. When police go beyond the reasonably expected boundaries of behavior or language the public's confidence in its police force can erode (McEwen, 1996). The research to be conducted will assist in either proving or disproving this hypothesis. If the hypothesis is proven to be correct suggestions will be offered as to how the problem may be addressed. The community and the police will both gain from such information and it is suggested that other law enforcement agencies may benefit from this paper.

Methods of inquiry into this problem will consist of surveys presented to various police practitioners within the department including command staff, investigators of police misconduct, supervisors and police officers. This information will present the view of the topic from a police perspective. Additionally, surveys will be presented to the community, specifically citizens who have no connections with police officers as family members or close friends. Personal interviews will also take place with citizens in an effort to determine if those that have directly or indirectly suffered minor police misconduct have negative feelings concerning the experience. This is intended to obtain a civilian's perspective of the problem. The views of police and civilians are expected to contrast somewhat, and it will be interesting to examine the final results of these two groups.

Finally, research will be conducted from literary sources completed by various practicing

police and social experts in this field to determine how the La Porte Police Department fares as compared to national trends. It is expected, as preliminary reading has shown, that these sources will agree that this topic can present a significant challenge to police executives. Even more challenging will be finding the appropriate solutions to address this problem.

After the results from the surveys and interviews are gathered, as well as careful examination of literary research, it will be closely analyzed to determine findings. As previously stated, it is this researcher's hypothesis that the information will show that minor police misconduct does exist, causing damage to police/community relations and should not be taken lightly by police executives. It is suggested that the findings will lend support that this type of misconduct can be just as damaging to the reputation of the police department as the more serious types of police abuse.

It is this researcher's opinion that the primary difference is that the more serious abuse categories require only one or several instances to cause a community to explode or reach a point of total distrust with their police department. In comparison, minor misconduct can have the same effect over a period of time. If police executives take such problems seriously and carry out appropriate actions to correct these behaviors through various methods a much more positive, trusting and understanding relationship with the community can be developed and maintained.

### **Review of Literature**

The police department is not a stand alone entity. Rather, it exists through the authority of the public it is sworn to serve and protect (Dunham and Alpert, 1989). As such, it must be held accountable to the public. Most police agencies subscribe to the theories outlined in the Law Enforcement Code of Ethics. Professional careers hold their own policies and codes of ethics

dearly. If the police desire to be considered a profession, they too, must serve and act in this capacity to promote the highest level of discipline (Dunham and Alpert, 1989).

Most police officers report that they disapprove of poor or rude conduct. However, there appears to be a significant gap between attitudes and actual behavior. These officers do not believe in protecting wrongdoers within their profession but, they seldom report them to supervisors or authorities (Weisburd et al, 2001). A second survey of officers revealing the code of silence was alive and well in 2000 backed up this initial report (Weisburd et al, 2000). The Police Foundation took a national survey to reveal attitudes of police officers. It reflected that over 90 percent felt it was inappropriate to mistreat or verbally abuse citizens. However, almost 15 percent had seen this type of activity or engaged in it (Weisburd et al, 2001). Of those same officers, almost 50 percent believed that a bad attitude on the part of a citizen during a contact could result in an arrest or action by the officer (Weisburd et al, 2001). The surveys did show that the more serious the behavior or conduct was, the more likely officers were to report their colleagues for engaging in such behavior (Klockars et al, 2001). The code applies differently to some agencies. "For example, the code may apply to only low-level corruption in some agencies and to the most serious corruption in others (Klockars et al, 2001).

These concerns are not new. In 1968, the National Advisory Commission on Civil Disorders found that "contemptuous and degrading verbal abuse have a great impact" on police/community relations (Dunham and Alpert, 1989,274). As far back as 1971, A. J. Reiss found that citizens objected to the way police *used* language during contacts, and the habit police officers had of *talking down* to them (Dunham and Alpert, 1989). This included making light of citizens concerns, being sarcastic, and using inappropriate language. A 1991 Gallup poll asked

citizens if they had ever been mistreated by police. The response was: 5 percent said they had been and 20 percent reported knowing of someone who had been (McEwen, 1996).

The Police Foundation defined "policing for people", another term for community policing, in a 1999 paper. Of six key elements, the first was attentiveness to citizens, the third was responsive service, and the fifth element was proper manners during contacts (Mastrofski, 1999). Each of these elements are a part of the concern of this researcher. The study as conducted by the Police Foundation revealed that citizens desire and are appreciative of officers who are attentive to their needs, who make a good-faith effort to solve their problem, and who display good manners in the face of frustration and tribulation. Studies showed that citizens were more dissatisfied with how they were treated by police or how they were spoken to, versus what the police actually accomplished in its disposition of a contact (Mastrofski, 1999).

Supervisors and command staff members such as chiefs, assistant chiefs, captains, lieutenants and sergeants must be vigilant of wrongdoing and misconduct. They are the vanguard of protecting a departments reputation. "Chiefs are far more likely to lose their jobs...when they fall to police for the people" (Mastrofski, 1999, 10). Former Houston Police Chief Elizabeth Watson suggested the department's reputation and responsibility for integrity rests not with the line officers, but rather with the department's leadership and supervisors. She went on to state that the development and investment in strong supervisors is a strong solution to protecting line officers (Watson, 1997 as cited in Nat'l. Institute of Justice & Office of Community Oriented Policing Services, 1997). The chief is the guiding light of designing model street behavior. A 2000 Police Foundation survey revealed that almost 85 percent of officers agreed that a strong chief can make a decided difference in deterring misconduct or inappropriate behavior (Weisburd



et al, 2000).

Organizational make-up is thought to have some impact on police/community relations. A Journal of Criminal Justice paper released in 2000 suggested such a hypothesis. Analysis supported this finding that "both organizational behavior and organizational characteristics were related to the citizen's complaint rate" (Cao and Huang, 2000, 2). Proper and careful selection of officers is essential, along with close supervision and adherence to a professional code of ethics. In addition, good police/community relations means officers should be taught communications skills and develop empathy with the community (Carter et al, 1998). Officers must understand their department's policies and procedures and the core values of the organization (Nat'l. Institute of Justice & Office of Community Oriented Policing Services, 1997).

The interpretation of complaint rates is not dependable or as straightforward as might be thought. High complaint rates could be owed to high arrest or officer activity rates or citizen confidence in the complaint review system. "Conversely, low complaint rates could result from low police activity and/or policies that discourage citizens from filing complaints" (Pate and Hamilton, 1993, 154). It would not be unusual to find younger, less experienced officers receiving the majority of complaints. They are more likely to be assigned to patrol functions and experience more frequent contact with citizens (Pate and Hamilton, 1993).

In an effort to address these concerns many organizations and police executives/reformers attempted to introduce various tools and theories to lessen the consequences of police misconduct and discourtesy. The will was present to do a good job for the communities. All that was needed appeared to be the way. The International Association of Chiefs of Police introduced a sample policy for agencies regarding traffic stop contacts. It proposed such a policy to

recommend methods and procedures of contact for officers.

Citizen complaint procedures were designed and implemented. The allegation of a complaint implied that an officer had gone beyond acceptable boundaries. Police/citizen contacts are many times in conflict by nature. This sometimes leads to different expectations on the part of both parties. It was recommended that an officer "must learn to react to the situation and the individuals involved, keeping in mind the expected gains and losses for the department and the community (Dunham and Alpert, 1989,272). The open nature of the role of police invites criticism and complaints.

Early Warning Systems (EWS) were introduced as another tool of attempting to identify or predict unwanted behavior on the part of officers. By 1999, about one fourth of agencies had EWS in place (Walker et al, 2001). Early results seem to possibly show some success with EWS, although the jury is still out. Three major municipal departments involved in a study showed at least 50 percent reductions in the number of citizen complaints filed after implementing EWS (Walker et al, 2001). The significance of EWS conveyed to officers that undesirable behavior would be monitored and addressed, to supervisors that it was their responsibility to monitor officers identified by the program, and to the community that departments were proactive in addressing such concerns.

As police managers and government entities have attempted to allay the public's concerns regarding police misconduct, citizens and advocacy groups have responded in kind. Groups such as COPWATCH, NAACP, ACLU, LULAC, and many others are responding to the concerns of communities across the nation. They allege that police have not been responsive. Street Guidelines, a paper available on the internet, provides guidance and suggestions to citizens on

dealing with police contacts. A group called "Hispanic New Yorkers" conducts regular canvasses of the Citizens Complaint Review Board in New York City and serves as a watchdog for their constituency. In a recent survey by the Hispanic Federation, more than half of Hispanics in New York City reported NYPD officers using rude gestures, comments or offensive language in their presence (Hispanics of New York, 2002). Advice is offered by various groups on how to complain on police officers, how to insure their rights are not violated, and how to avoid unnecessary police contact. The citizens are becoming better informed and educated as to how have their concerns addressed and how to seek redress.

### **Methodology**

For the purpose of gathering relevant data for this research surveys were prepared in the form of questionnaires. One survey pattern was given to 67 officers of various assignments and grades in the rank structure of the La Porte Police Department. This included divisions consisting of Patrol, Support Services and Criminal Investigation, each with various units. Of the surveys distributed, 46 were returned. The grades included in the survey were Lieutenant, Sergeant and Police Officer. The rank structure of the LPPD is comprised of Chief, Assistant Chief, and then the grades mentioned above respectively. The assignment of Detective is carried out by Police Officer grade. These surveys were returned after several days to this researcher anonymously. However, some officers spoke with me directly, wanting to clarify or expand on some of their responses to the survey. Survey questions included data such as the officer's grade, law enforcement experience and their opinions on various community, law enforcement, and complaint issues.

Surveys were also completed by 125 citizens at community functions. Their questions

consisted of ethnic background, educational background, wage scale, gender, and their experiences with LPPD officers during police contacts. The possible contacts included traffic stops, pedestrian contacts, complaints/witnesses, etc. In addition to the questionnaires, another 25 citizens were interviewed in person.

These citizens were also asked about their experiences during those contacts and if they were familiar with the LPPD citizen complaint protocol. Citizens were not asked to identify themselves. Make-up consisted of 76 percent Caucasian and the remainder being minority. Almost 75 percent had completed high school or had attended college. Half earned more than \$35,000 a year. The gender mix was about even.

The personal interviews were conducted with various citizens from various parts of the city to include the three patrol zones making up the two patrol districts. These citizens were of a variety of ethnic, educational and financial mix. It was hoped that between the surveys and the personal interviews the results would provide as fair and impartial response as possible.

This researcher also interviewed the Detective assigned to address most formal citizen complaints made to the department. He is a part of the Public Ethics and Integrity Unit, reporting directly to the Office of the Chief of Police through the Assistant Chief. He was able to provide useful information as to the types of complaints that came across his desk, the makeup of officers that receive complaints, and his thoughts on the entire process.

It is important to explain the complaint process at LPPD. Citizen complaints have the potential of being addressed and solved by the officer's supervisor. However, if the complaining citizen is not satisfied with the disposition, or if they wish to file a formal complaint at the beginning, a formal citizens' s complaint form is completed and forwarded to the Assistant Chief.

The Assistant Chief then assigns a control number, logs the complaint, and assigns it to an appropriate detective for investigation.

If the complaint is administrative in nature the Public Ethics and Integrity Unit handles the assignment. An administrative complaint is one that is a possible violation of the policies and procedures of the department, but is not criminal in nature. If the complaint has the potential to be criminal in nature, a cm Detective conducts the investigation with possible referral to the District Attorney. On completion of the investigation, the complaint is forwarded back to the Assistant Chief. He then meets with the Chief with possible recommendations and the Chief reaches a final disposition. There are no appeals for complaining citizens within the department.

### **Findings**

Results of the survey as completed by citizens were mixed. Less than one percent surveyed reported they had never had any contact or did not know anyone who had ever had contact with the LPPD. Almost half of those that had experienced contact had done so during traffic stops. About 13 percent reported believing the officers to be unfair or discourteous. Results for attentiveness and responsiveness were also about 13 percent negative. Most felt safe when contacted. However, one-fourth believed LPPD officers were capable of making contact with a citizen without sufficient reason or probable cause. Three- fourths of those surveyed believed the LPPD was fair to *everyone* they made contact with. About half were aware that the LPPD had a complaint system in place.

The remainder of the questions were favorable for the La Porte Police Department. Most believed the department did a good job in protecting citizens and they felt the community was a safe place to live. It should be noted that the majority of those giving negative answers had

experienced police contacts that resulted in a citation, arrest or field interview card, or they knew someone who had.

Some citizens reported they had experienced contact with officers through calls for service with the citizen as a complainant. Some of these reported they felt the officer had not been sincere in his attempt to reach a disposition and merely took a report, or had not been attentive enough in the process. These were in the minority but still noteworthy.

Of concern were those reporting they felt officers would stop someone without sufficient reason or probable cause, or knew of someone who had experienced those circumstances. In further discussions with these participants they explained they felt the police had to do this at times to try to be effective, although they did not necessarily agree with it. Some of these interpretations were likely based on television or media origins and underscore some of the community's lack of understanding of police practices, as other researchers have experienced this problem (Barker, 1998).

Survey results from the officers were disturbing and worth noting. Almost half returning surveys had five years or less of law enforcement experience. Half said following the rules all of the time was not compatible with doing an effective job, sometimes the rules had to be broken to "get the bad guy". Forty percent replied that officers generally responded to verbal abuse from citizens with the same treatment in return, although they may not have personally done this but witnessed such actions from other officers. One good note was an overwhelming majority did not believe in the "Code of Silence" and felt "whistle blowing" was worth it in just cases. However, it was disappointing to find that 70 percent felt violating the "Code of Silence" would result in a "cold shoulder" from their comrades and three-fourths reported they had or would turn a blind

eye to minor improper conduct by fellow officers.

About half felt the LPPD had not taken a tough stance against improper conduct committed by officers. In response to the survey question of, "I am well aware of what discipline I may be subjected to if I violate the Rules and Procedures of the LPPD", several officers wrote in, "What discipline?" They did not feel the department had been tough enough on what they felt were substantiated complaints.

They wanted good, close, effective supervision available to them. They felt good supervisors were the key in lessening a complaint rate and making them good police officers. Some felt their supervisors were simply going through the motions, were not sincere, or had an, "I don't care attitude". The officers seemed to resent this and wanted effective supervision. They wanted the administration to hand out appropriate discipline when complaints were substantiated.

In regards to supervision in the LPPD, 85 percent felt that good supervisors were the key in preventing officers from committing improper acts against citizens. Practically all replied that if they were to commit improper acts or be discourteous or rude during a contact they should be complained on by a citizen. They also believed that under such circumstances they would indeed receive a formal complaint.

About half stated they were not aware of what discipline they would receive if they were found to have violated rules. Most added comments in regard to this answer that they did not perceive LPPD supervision as being, "tough enough", or effective in addressing improper acts by officers. Three-fourths did not believe the current system in place for addressing citizen complaints was effective. Sadly, 65 percent said their attitudes and expectations toward the

career of law enforcement had changed for the worse since becoming a police officer.

Detective J. McKown assigned to the Public Ethics and Integrity Unit advised that most complaints received were based on allegations of discourtesy, rudeness or inattention/insincerity during contacts (personal communication, July 10, 2002). These included contacts such as traffic stops, arrests, and field interviews of suspicious persons and with complainants and witnesses. Most of those receiving complaints were relatively young and inexperienced officers. It was reported that most officers felt the LPPD solicits citizen complaints and make it too easy to complain on petty issues. They felt most of the complaints filed could have been handled by first line supervisors informally. Most seemed to be resentful of receiving complaints for trying to do a good job in the field, that they had been signaled out and were discouraged.

Interpretation of the surveys could be taken several ways. However, this researcher had the privilege of being party to some of the verbal comments made by participants. It appeared the citizens for the most part were satisfied and happy with the job that the LPPD was doing and satisfied with the officers. Most of those giving negative answers appeared to do so based on a negative disposition from a contact, as most reported the officer was fair and made no disparaging comments. It did appear the department needed to do a better job of educating the public on the complaint system.

It seemed that most of the attention needed to be focused on the officers and their feelings and expectations. The vast majority of officers did not feel the LPPD had effective supervision in place. The supervisors appeared complacent and aloof. This had affected morale somewhat.

### **Discussion/Conclusion**

Does minor police misconduct have a significant impact on police/community relations?



The question can be elusive. So much depends on the translation and interpretation by both officers and the public. To examine this question further it seemed appropriate to compare the department with the national trends.

According to former Los Angeles Police Deputy Chief L. Reiter, the number one complaint across the nation was poor attitude or verbal abuse from officers (personal communication, April 10, 2002). The President's Crime Commission found that trends in disrespect from police toward citizens has been fairly constant for over thirty years (Mastrofski, 1999). The communities' educational and economic background played a role in the understandings of police practices (Sampson and Bartusch, 1999). Departments across the country, including those in Texas, have implemented policies in an attempt to prevent misunderstandings and lessen the complaint rates in this area of concern (Dallas PD, 2002).

Most of the officers receiving complaints were of the grade of police officer, as found in a national study by the New York City Civilian Complaint Review Board (New York City PD, 2002). That same survey found that in departments where an explanation or apology was offered for the stop or citizen contact the rate of complaints was lessened. In studies across the country including those by the New York City Police Department, the Dallas Police Department, the International Association Chiefs of Police, and the Police Foundation, all reported a significant number of complaints based on minor misconduct. All also reported a significant impact on police/community relations. This was substantiated by citizen's advocacy groups including the Hispanic Federation and Citizen's Complaint Review Board, to name but a few.

Although the vast majority of citizens in La Porte reported positive comments about the performance of the LPPD, the potential for a negative impact on relations always exists

according to the results of other agencies. The administration must be mindful and attentive to this concern. This includes significant support from the command staff of the LPPD, and most importantly from the first line supervisors who are closest to the line officers. The officers made it clear in their survey results they are desirous of close, effective, and supportive supervision. The result of such will be officers who are protected from even their own worst actions, and officers who can learn and grow in a positive light from mentoring and effective feedback.

Advice from experts and police practitioners on how to maintain positive police/community relations is plentiful. Citizen review board and advisory committees are popular in some cities. They serve as a watchdog for the community, particularly in Los Angeles and New York City. However, these are departments that have been ineffective in addressing the concerns of citizens. In addition, such boards or councils have "limited or unknown value for changing their practices because the most daunting challenges come from within the police departments" (Mastrofski, 1999,6).

Early Warning Systems to identify problem officers is one idea (Walker et al, 2001). A positive relationship must be re-defined to include factors such as, "respect and support for police, numbers of complaints against officers, and other quality indicators" (Carter et al, 65). Effective communication skills are vital for officers as they come in to contact with the public (Reynolds, 1993). The responsibility of building positive community relations does not rest with one special division, but rather with all officers, particularly those in closest contact with citizens (Reynolds, 1993).

Proper and complete documentation is vital to explain why persons were stopped, or to document the disposition of a call, so an accurate record is developed from contacts (Patton,

2001). All contacts should be documented in some manner. Improper or incomplete records will fall to properly establish probable cause (Patton, 2001). Proper and adequate documentation was suggested by Albert Reiss nearly thirty years ago (Reiss, 1971 in Mastofski, 1999). Police administrators remain blind as to what their officers do in the field if it is not documented in the form of a written warning, citation, report or field interview card. All they have to depend on in some instances is perhaps some notes in the Computer Aided Dispatch system.

Proper and careful selection of officer candidates is vital. "Police officers must be selected and hired in a spirit of service, not adventure" (Brown, 1997 as cited in Nat'l. Institute of Justice & Office of Community Oriented Policing Services, 1997, 26). Officers must be trained to see the community as its partner and regarded with respect. The police profession does not normally attract recruits who want to be brutal or disrespectful. It is the responsibility of supervisors and the administration to create an environment in which young, morally strong officers can see their idealism to reality (Nat'l. Institute of Justice & Office of Community Oriented Policing Services, 1997). Continued in-service training in cultural diversity, communications, and other areas is important.

An important aspect is effective supervision. Timely performance feedback is the control mechanism for effective supervisors and a key in educating young officers (Patton, 2001). It has been shown that effective supervision can decline the rate of citizen complaints (Cao and Huang, 2000). There must be a good investment in supervisors including selection, training and evaluation. They are the primary line of defense to protecting and disciplining the line officers (Watson, 1997 as cited in Nat'l. Institute of Justice & Office of Community Oriented Policing Services, 1997).

Police executives and command staff members must exercise leadership to their officers and educate the community. They must be prepared to lead a constructive community dialogue (Needle and Firman, 2000). Proactive measures must be implemented to address concerns that will assist in leading to increased community trust. The department must remain not only accessible to the public, but also responsive to their concerns. As this research has shown, it must also remain responsive to its officers.

As stated previously, this research has shown that the community of La Porte supports its police department and for the most part believes in and supports its force. A significant deterioration between the department and the community does not appear to have developed. The patrol force of the LPPD is young and relatively inexperienced. They have a sincere need for leadership and supervision by example.

Research shows that potentially, minor misconduct can negatively effect relations between a police department and its community. While this does not appear to have occurred in La Porte, police managers must remain vigilant. Constant maintenance and analysis is necessary.

While the potential for concern is present as reflected in the survey results of the officers, a worthy challenge and opportunity is present for the administration and the supervisory staff to act in leading and addressing the concerns of its line officers. A positive commitment will result in maintaining an effective police force and positive police/community relations for the City of La Porte. This is expected to become a serving example for other communities and agencies of similar makeup across the State of Texas and the nation.

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