



Citizen Complaints and Misconduct— The 3 Career Paths

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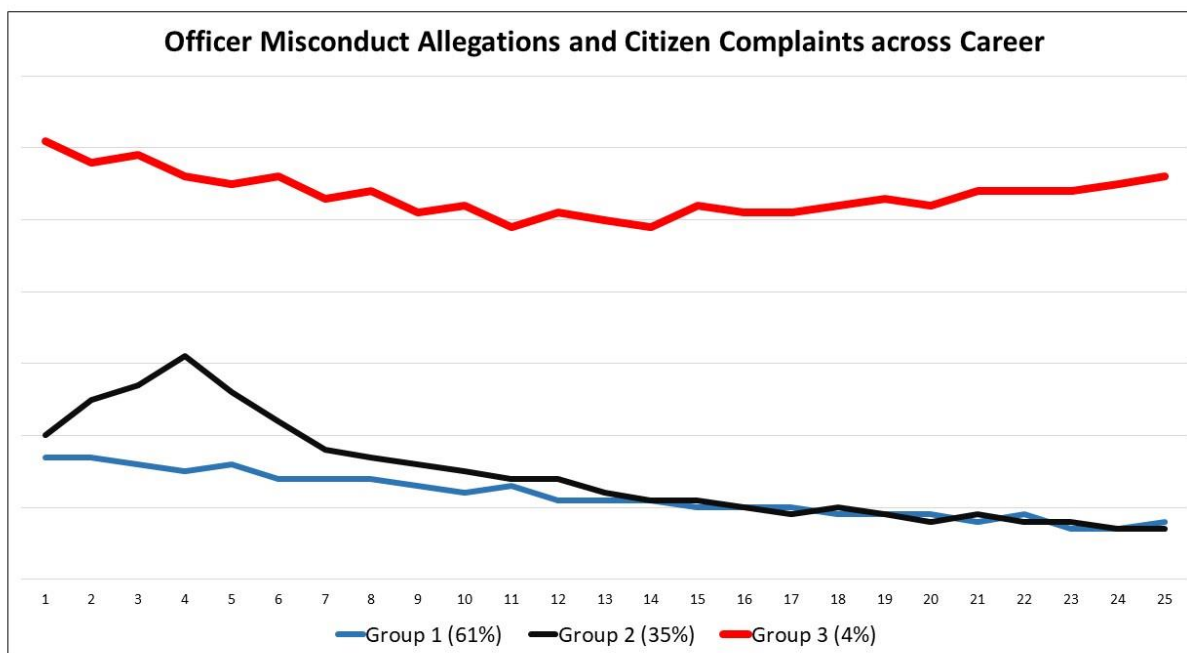
Most research on citizen complaints and rule violations shows that allegations against police officers generally happen within the first five years of that officer's career. If the officer is lucky enough to still have a job after these first five years, complaints and other career problems tend to subside for the rest of the officer's career. Most officers who receive a complaint or two as they learn the craft of policing have learned how to deal with the public, and have learned to fit in within their organization, by year six. For the rest of an officer's career, complaints and rule violations tend to be rare.¹

In our training courses on liability and management issues, however, we often hear a different story from police executives, first-line field supervisors, and human resources professionals. Quite often **we hear stories about a long-term toxic employee who wreaked havoc within the organization well beyond the first five years of their career.** Although few in number, these long-term toxic employees, who generate stress for fellow officers and supervisors, are such a distraction from the agency mission that supervisors and other employees seem to spend more time dealing with internal issues than they spend actually serving and protecting the public. Toxic employees tend to be perpetual plaintiffs who file baseless grievances, complaints, and lawsuits throughout their careers. As they generate citizen complaints and lawsuits, they also work to intimidate supervisors through threats of legal action.

How are these two perspectives reconciled? Recent research conducted by Dr. Christopher Harris, a professor of criminal justice at the University of Massachusetts – Lowell, has shed new light on the various career pathways of law enforcement officers with regard to citizen complaints and other misconduct allegations. Dr. Harris had the unique opportunity to examine almost two decades of data from the personnel files of a medium-sized city police department in the state of New York. Crunching the data on citizen complaints, he identified **three distinct career paths** among the officers employed by this law enforcement agency. These three career paths are illustrated in the graph below.²

Officer Career Paths

The first career path, what we will call **Group 1**, made up approximately 61% of the officers who served with the department. **Group 1 officers start their careers experiencing very few problems.** They may experience between zero and two citizen complaints or rule violations during their first six years of service, and even these are generally for minor issues. After that, their risk of accumulating further citizen complaints or rule violations declines steadily with further misconduct rarely to occur again. These are the officers who come to the career with a strong set of skills—especially interpersonal skills—and adapt quickly to the law enforcement work environment. **They never receive a large number of complaints or misconduct allegations and the low rate of incidents continually decreases as they become more seasoned officers.**³



The second career path, **Group 2**, makes up approximately 35% of officers. Members of this group experience a rough start to their careers, as they accumulate several citizen complaints or rule violations. During the first six years of their careers, Group 2 officers make mistakes and may average as many as two complaints a year as they find their footing and learn the craft of policing. Most of their rule violations and citizen complaints are still minor, but **progressive discipline and remedial training** may communicate the necessity for behavior change and help these officers improve their performance weaknesses. Those Group 2 officers who are able to make it to year six of their careers without being terminated because of their performance, **generally experience a steady decline in future performance problems.** This decline continues until, by mid-career, Group 1 and Group 2 officers are indistinguishable. **Group 2 officers needed to learn over the course of a few years what came naturally to Group 1.**⁴

Officers in the last group, Group 3, make up only about 4% of the officers on the department. They also experience a rough start to their careers. Many times (but not always), the seriousness of the allegations against them are more severe than what is encountered with Group 2 officers. Furthermore, **Group 3 officer misbehavior does not show much of a decline across the officer's career. Misbehavior starts high and decreases only slightly from the start to the middle of the officer's career,** if the officer is able to stay employed with the agency. **Progressive discipline, retraining, reassignment, and suspensions have no impact on these officers.**⁵

Dr. Harris' research also discovered another interesting finding. At roughly the mid-point of the officer's career, Group 3 misconduct begins to increase again. Perhaps when these officers are past the mid-points of their careers they feel impervious to lawsuits and departmental discipline. Somehow they have kept their jobs after ten or fifteen years of complaints, lawsuits, and internal allegations. It makes sense that they might feel untouchable. In addition to being a menace to the community, these officers are a drain on the morale of the organization. One study that surveyed officers from a number of law enforcement agencies in Arizona revealed patrol officers know the identities of the problem officers on their departments, and they are bitter that management has not gotten rid of these toxic officers.⁶

Dr. Harris' findings about these persistent problem officers coincide with a different study that examined a sample of police officers arrested for criminal offenses. In that study, a nationwide sample of police officers who ended up getting charged with a criminal offense was tracked for 10 years after arrest. The types of officer's offenses involved drunken driving, public drunkenness, domestic battery, stalking, simple battery, contributing to the delinquency of a minor, and solicitation for prostitution. Of these officers, 61% were terminated, but 36% were miraculously able to keep their jobs. Among those who remained employed as law enforcement officers, 79% ended up being re-arrested for a new criminal offense within 10 years. Severe lapses of judgement that lead to criminal charges tend to persist.⁷

Conclusion

It appears that termination is often the eventual appropriate outcome for Group 3 individuals. However, unless their early misbehavior is serious, such as a crime, it may take time to differentiate whether a new officer is exhibiting Group 2 or Group 3 behavior. The immediate response to misbehavior should be documentation and progressive discipline applied to correct performance. It may take time to develop sufficient documentation and justification to terminate the misbehaving officer. As part of this documentation, keep in mind that if misbehavior has occurred, the officer should not be receiving satisfactory performance evaluations because the officer's performance did not meet expectations if misbehavior was confirmed. An underserved satisfactory performance evaluation will also come back to bite your organization later if it is necessary to pursue the officer's termination. If corrective action fails to show signs of significant performance improvement by year six of the officer's career, termination may be overdue. Luckily, these types of employees tend to be rare – less than 1 in 20 officers in Dr. Harris' study.

References

¹ Harris, C. J. (2010). Problem officers: an analysis of problem behavior patterns from a large cohort. *Journal Criminal Justice*, 38(2), 216-225; Hassell, K., & Archbold, C. (2010). Widening the scope on complaints of police misconduct. *Policing: An International Journal of Police Strategies and Management*, 33(3), 473-489; Lersch, K., Bazley, T., & Mieczkowski, T. (2006). Early intervention programs; an effective police accountability tool or punishment for the productive? *Policing: An International Journal of Police Strategies and Management*, 29(1), 58-76.

² Harris, C. J. (2010). *Pathways of Police Misconduct*. Durham, NC: Carolina Academic Press; Harris, C. J. (2011). Problem behaviors in later portions of officers' careers. *Policing: An International Journal of Police Strategies and Management*, 34(1), 135-152.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Solomon, S. J., & Johnson, R. R. (2013). Subsequent arrests of previously arrested police officers: the influence of continued employment in policing. *Law Enforcement Executive Forum*, 13(1), 24-33.