

Race and the Relevance of Citizen Complaints Against the Police

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ABSTRACT

The historically contentious relationship between the black community and the police is one of the most enduring and seemingly intractable challenges facing law enforcement and public officials in the United States. Given this troubled history, many cities have established civilian oversight of police to address issues of police misconduct, which are often colored by race. This article uses Albert Hirschman's theory of exit, voice, and loyalty to explore the phenomenon of the willingness of blacks who have filed complaints against the police in the city of Cleveland to use the citizen complaint process again in the future, despite their overwhelming dissatisfaction with the complaint process, whereas whites and other minorities would not. This paper has implications for enhancing public officials' and police administrators' understanding of the relevance of the citizen complaint process for blacks and improving the oversight of police and police-community relations.

W.E.B. Du Bois's prophetic declaration that the major problem confronting American society in the twentieth century would be "the problem of the color line" still holds true at the end of the first decade of the twenty-first century. And as ominous as Du Bois's prognostic prediction about race relations may have been, one can still sense an element of optimism in his words. As Stivers notes, "Even where the visions are dark and the prophecies dire, its [prophecy's] impulse springs from some grain of hope about future possibilities that seems to make the speaking worthwhile" (2008, p. 225). As evidenced by the election of the country's first African-American president, significant racial progress has been made in the United States since the time of Du Bois (1868–1963), who passed away on the eve of the historic March on Washington at which Dr. Martin Luther King delivered his celebrated "I Have a Dream" speech. Yet, in spite of this incredible historic achievement

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and what it suggests about racial progress in this country, many of the racial divisions and inequalities that characterized the United States in the twentieth century are still present today.

In no sector of American society is this racialized reality more glaring than in the nation's criminal justice system. While racial/ethnic group disparities exist in other segments of American society, including the gap in academic achievement, income, homeownership, the accumulation of wealth, and disparities in health, the racial disparities in incarceration are of such a magnitude that it can be argued that the criminal justice system is the one area of national life in which blacks, and to a lesser degree other minorities, are the beneficiaries of uncontested affirmative action or a racial preference. As of 2008, 1 out of every 100 adults in the United States were in jail (Warren et al., 2008), and minorities, particularly blacks, are disproportionately represented at every stage of the nation's criminal justice system, from detainment to incarceration.¹ Blacks are arrested, prosecuted, convicted, and incarcerated at rates disproportionate to their percentage of the population and in comparison to whites. Blacks comprise 12.3 percent of the U.S. population yet represent 40 percent of the country's incarcerated population (Holder, 2010). Racial and ethnic minorities make up 64 percent of persons in prison (U.S. Bureau of Justice Statistics, 2001), and based on current first-time incarceration rates, black males have a 32 percent chance of being incarcerated during their lifetime compared to 17 percent for Hispanic males and 5.9 percent for white males.

The police are essentially the gatekeepers to the criminal justice system (Siegel & Senna, 1997). The first, and most frequent, contact that the average citizen has with the criminal justice system is usually with the police, and these contacts primarily come in the form of traffic stops (Durose, Smith, & Langan, 2005). Consequently, as Van Maanen asserts, the police "represents the visible aspect of the body politic and is that aspect most likely to directly intervene in the daily lives of the citizenry" (1978, p. 115). This is particularly true in African-American communities and communities of color across the country in which there is generally a high police presence. As Erik Luna succinctly states, "Police officers still embody the initial contact between African Americans and the criminal justice system" (2003, p. 185). It is through these contacts with police that the concepts of "democracy" and "citizenship" are operationalized, defined, and given concrete meaning for the segment of the American public with whom the police, as frontline administrators (Maynard-Moody & Musheno, 2003), regularly come into contact.

Despite the demographic shift in America, with its population becoming more racially and ethnically diverse, and Latinos having surpassed African Americans as the largest minority group in the country, which some scholars suggest will redefine the boundaries of the U.S. color line (for a full discussion of this topic, see Frank, Akresh, & Lu, 2010), race relations in the United

States are still, to a large degree, defined in terms of black and white. Although the concept of “race” has largely been discredited as a discrete biological fact (Jones, 1972) and social scientists have reached a consensus that race is a social construct “given concrete expression by the specific social relations and historical context in which they [racial categories] are embedded” (Omi & Winant, 1986, p. 60), race in America today is still acted on as if it were a strict biological determinant. Marvin Harris uses the principle of hypo-descent to describe the American use of the concept of race:

In the United States, the mechanism employed is the rule of hypo-descent. This descent rule requires Americans to believe that anyone who is known to have had a Negro ancestor is a Negro. We admit nothing in between. . . . Hypo-descent means affiliation with the subordinate rather than the superordinate group in order to avoid the ambiguity of intermediate identity . . . an invention which we in the United States have made in order to keep biological facts from intruding into our collective racist fantasies. (1964, p. 56)

As racial and ethnic diversity increases in American society throughout the twenty-first century, police–citizen encounters will increasingly take on greater importance because incidents involving cultural differences are likely to become more prevalent, particularly in light of the expanded role that local and state law enforcement agencies are being asked to fill in providing national security. David Harris argues that state and local police agencies have become “an adjunct force in the federal effort to fight the war on terror” (2005, p. 3) under the sweeping provisions of the USA Patriot Act enacted by Congress immediately after the terrorist attacks of September 11, 2001. In addition, local and state police in Arizona are also now being tasked with implementing and enforcing immigration policy under legislation² recently passed by that state, which critics, some legal scholars, and the Obama administration argue falls solely under the purview of the federal government. Similarly, a recent ruling by the Ohio Supreme Court significantly increased the discretion that police wield in the administration of traffic law enforcement by ruling that an officer’s “unaided visual estimation of a vehicle’s speed” is enough evidence to uphold a conviction for a speeding ticket in court even without the use of a radar detection device” (Fields, 2010). Although President Obama was referring specifically to the Arizona law, which he warned threatened “to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and our communities that is so crucial to keeping us safe” (Archibold, 2010), the same argument can be made for each of these and similar legal initiatives.

As the boundaries and use of police powers and discretion are expanded through such legal doctrine, the nation will likely witness a corresponding increase in the incidence of police–citizen encounters involving allegations

of racial/ethnic profiling, abuse of authority, and the unnecessary use of force by police, particularly among people of color. As Luna notes, “Negative confrontations become ‘race-making situations,’ constructing what it means to be black [or more broadly minority] through interaction with police—namely, second-class citizens under constant surveillance and subject to abusive enforcement” (2003, p. 185). And as Samuel Walker, one of the foremost authorities on policing, adds, citing a 1998 Human Rights Watch report, “Police brutality is one of the most serious, enduring, and divisive human rights violations in the United States” and “Race continues to play a central role in police brutality in the United States” (Walker 2001). Walker concludes, “The problem of police abuse is primarily a problem of race relations and is one of the most volatile aspects of the national race crisis.” Such negative police–citizen encounters were among the most contentious challenges faced by public officials and law enforcement in the last century and will likely become increasingly problematic in the twenty-first century, a time when the full support and involvement of all citizens, regardless of race/ethnicity or national origin, working along with law enforcement, are essential to the coproduction of public safety and national security.

While some political and social commentators have begun to suggest that the United States has now entered an era of postracialism with the election of Barack Obama, its first African-American president, ironically it was the arrest of President Obama’s close friend, prominent African-American professor at Harvard Henry Louis “Skip” Gates, Jr., at his home in Cambridge, Massachusetts, by a white police officer,³ a mere seven months after Obama’s inauguration, that served as the first conspicuous indication of the faultiness of this notion of a postracial America. Although the specific details of the incident involving Professor Gates and Sergeant James Crowley of the Cambridge Police Department were highly contested and considerable debate ensued in the media and political circles about the actions and culpability of both parties, there was very little disagreement about the appropriate actions that Gates or any other citizen for that matter should take if they believe a police officer has abused his or her authority, treated them unlawfully, or violated their rights in some manner. Law enforcement officials, policing scholars, and civil rights advocates alike agree that if a citizen has a grievance regarding the manner in which he or she has been treated by a police officer, a complaint against that officer should be filed with that police department’s civilian review board or internal affairs unit. While a citizen does have certain rights and may ask questions such as “Why am I being stopped?” when being detained, a citizen should not argue with a police officer at the scene of the encounter but should address the matter at a later time using the citizen complaint process (ACLU, 2006).

Leaving aside the particular circumstances surrounding the Gates incident, this article seeks to examine the potential satisfaction Gates or other citizens

are likely to receive from filing a complaint against police with a civilian review board. This article uses Albert Hirschman's (1970) theory of *exit, voice, and loyalty* to explore the counterintuitive willingness of blacks who had filed complaints against police with the Cleveland Police Review Board to use the citizen complaint process again in the future should the need arise, despite their overwhelming dissatisfaction with the citizen complaint process, as found in a survey of former complainants against members of the Cleveland Police Department. This willingness to use the complaint system again stands in contrast to that of whites and other minorities who were equally dissatisfied with the citizen complaint process yet would not go through the process again should the need arise in the future.⁴ Why is it that blacks would be more willing to go through the citizen complaint process again than other racial groups despite being equally pessimistic about the effectiveness of filing a complaint against the police?

To better understand this phenomenon, I first look at the origins of the relationship between the black community, the police, and the criminal justice system and its evolution within a sociohistorical context. I will then examine the application of Hirschman's exit, voice, and loyalty theory to citizen-consumer dissatisfaction with policing services in an urban context.

THE RELATIONSHIP BETWEEN BLACKS, THE POLICE, AND THE CARCERAL SYSTEM

While Du Bois's proclamation regarding the color line is revered as being provocative and profound, particularly given the time in which it was stated, it was essentially a pragmatic statement about the trajectory of race relations in this country given its past, the state of race relations at the time, and that of the foreseeable future. The use of race as the basis for the disparate treatment of blacks has been a pernicious and persistent problem throughout American history. From slavery, through the *de jure* segregation of the Jim Crow era, to the *de facto* segregation of the urban ghettos, race has been used as a means of social control against blacks (Wacquant, 2001). During slavery, Feagin notes (2000), the color and cultural differences of Africans made them easier for whites to identify for purposes of enslavement and control. And according to Wintersmith, the legal customs and practices on which slavery was predicated were enacted in the independent states and commonwealths in legislation known as "Slave Codes" after the Revolutionary War, but before the founding of the country (1974, pp. 12–13).

Paradoxically, during roughly the same period in the history of the West that the contours of the legal structures to control and regulate blacks in the New World were being erected, a shift was occurring in the modes of punishment and social control in Europe and throughout the broader society in the United States in the years preceding the Civil War, as Michel Foucault delineates in

his work *Discipline and Punish* (1977). Foucault describes what he refers to as “the age of sobriety in punishment” that began in the early nineteenth century with a turn away from the spectacle of physical punishment and the near complete disappearance of public executions and torture in Western societies by 1848 (p. 14). He refers to this coercive social control machinery within Western societies as the “carceral system,” in which the penal institution stands at the center. Foucault’s analysis of this carceral system examined the techniques utilized by it and associated agencies as well as the agents to *normalize* and control those elements within society deemed as *deviant*. Within the context of a racially stratified American society that contained the principles of white superiority and black inferiority within its founding documents, blacks were by definition deviant, and it was the patrollers, and later the police, that were charged with exerting social control over the black population.

Whereas Foucault traces his analysis of the evolution of punishment and the penal institution with historical accounts of public executions covering an 80-year period beginning around the time of modernity in the West (circa the late 1700s), the brutal social control measures used against blacks to institutionalize slavery had already been established during the hundred-year period between 1660 and 1760. It was during this period that the Slave Codes were enacted to regulate the growing black population and to define the relations between whites and the subordinate black population. According to Wright (1990), prior to this time, relations between the races were generally fluid, and blacks even had some legal rights with the courts, although this varied with time and place. There was no legal precedence for the early colonists to follow regarding slavery because English common law did not allow slavery. The emphasis placed on individual rights under English law precluded the sanctioning of slavery. However, the pressures of economic competition from other European expansionist nations facilitated the legal institutionalization of slavery with the support of the courts and its auxiliary agencies (Wright, 1990), which according to Foucault (1977) are appendages of the carceral. And as Foucault notes, “In a slave economy punitive mechanisms serve to provide an additional labour force—and to constitute a body of ‘civil’ slaves” (pp. 24–25).

During the period of slavery in America, the various laws, practices, and customs of the time regarding slaves resulted in the institutionalization of a white supremacy ideology. This factor was later reinforced by the 1857 Supreme Court ruling in *Dred Scott v. Sanford*, which held that blacks had no rights that whites were obligated to honor (Lineberry, Edwards, & Wattenberg, 1994, p. 161). This decision relegated the slave population to what Columbia University professor Manning Marable referred to as the “sub-proletarian class” (1983).

After slavery and the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, which were intended to end slavery and guarantee the rights and protections of citizenship to the former slaves (with the exception of suffrage for women), the Slave Codes were subsumed under Jim

Crow and the legal doctrine of “separate but equal” established by the Supreme Court ruling in *Plessy v. Ferguson* in 1896 (Wacquant, 2001; Wintersmith, 1974). Feagin (2000) traces the history of police violence against blacks to this period at the end of the Civil War when private and police violence were used to create and maintain the system of enforced segregation that resulted from white fears of the newly freed blacks and cites the historical role of white police officers as the principal agents of the violent repression of black Americans, particularly through the Jim Crow era. Ironically, as Marable (1983) notes, after emancipation, blacks were no longer protected by their status as slaves, that is, because slaves were considered the property of the slave owner and were capital-producing assets, it made poor business sense for a slave owner to destroy or greatly damage his own assets. “For these reasons, there were relatively few lynchings, public executions or imprisonment of blacks prior to the Civil War” (Marable, 1983, p. 109). However, after slavery, no longer protected by this paradoxical status, blacks were vulnerable to extreme levels of physical violence as the rate of lynchings and other types of abuses against blacks increased. There were 2,060 blacks lynched in the United States between 1882 and 1903 (Marable, 1983, p. 117). And according to Feagin (2000, p. 146), police were implicated in the 6,000 lynchings of black men and women that were recorded between the 1870s and the 1960s. It was also during the decades following the Civil War that high rates of black imprisonment became evident (Hawkins, 1985). In the years between Reconstruction and the beginning of the twentieth century, blacks made up between 70 and 95 percent of the prison population in the South (Adamson, 1983; Hawkins, 1985; Zimmerman, 1947).

The Supreme Court ruling in *Plessy v. Ferguson* circumscribed black life in America from the end of Reconstruction until the court’s ruling in *Brown v. Topeka Board of Education*, 1954, and the advent of the modern civil rights movement (Wacquant, 2001; Wintersmith, 1974). Despite the legal ruling in *Brown v. Board* and passage of the 1960s civil rights legislation banning racial segregation and discrimination in education, public accommodations, housing, and employment, the administration and enforcement of these laws were much more difficult to implement as many blacks who migrated to the country’s urban centers, particularly those in the North and Midwest, after World War II found themselves segregated to the austere living conditions of black ghettos with their dilapidated housing, inadequate schools, high unemployment rates, poor health care, and high crime rates. Black frustration and anger were further provoked by indiscriminate police bias and brutality, exacerbating racial tensions, which resulted in hundreds of race riots in cities across the country from the mid- to late 1960s, including two in the city of Cleveland in 1966 and again in 1968 (Bowen, Dunn, & Kasdan, 2010).

President Lyndon Johnson convened the National Advisory Commission on Civil Disorders (the “Kerner Commission”) in 1967 to determine the root

causes of the riots and the racial climate in America and to make recommendations to address them. The report warned, “Our nation is moving toward two societies; one black, one white—separate and unequal,” which appeared to substantiate Du Bois’s foreboding prediction regarding the color line uttered more than two-thirds of a century earlier. And although the Supreme Court’s ruling in *Brown* had ostensibly overturned the legal doctrine of “separate but equal,” the report cited “deep hostility between police and ghetto communities as a primary cause of the disorders surveyed by the Commission” (National Advisory Commission on Civil Disorders, 1968, p. 157). Evidence of this hostility and that the precipitating events that sparked urban rebellions were seeming police provocations was explicitly expressed in the words of the black nationalist leader at the center of a shootout with the Cleveland police in 1968 that sparked a riot in the city’s predominantly black Glenville neighborhood, who when asked the reason for the shootings upon his arrest stated, “You police have bothered us too long” (Moore, 2003, p. 87).

An outgrowth of the racial and social unrest of the 1960s and the demands for equality and racial and social justice embodied in the civil rights and black power movements were the increased efforts to achieve greater police accountability through civilian oversight of police. At present, there are an estimated 100 individual oversight agencies throughout the nation, roughly 80 percent of which are found in large cities. Concomitant with the increase in civilian oversight mechanisms across the country since the 1960s has been the growth of police unions that, outside the Southeast, have virtual universal jurisdiction and have adamantly opposed oversight efforts (Walker, 2001).

Despite the Kerner Commission’s recommendations to address the dehumanizing police violation of the civil and human rights of inhabitants of America’s black ghettos and the proliferation of civilian oversight agencies throughout the country since the 1960s, with the exception of the occasional incident involving a prominent African American such as a Professor Gates or the most egregious case of some anonymous black victim being beaten or shot by police that might happen to be caught on video, the issue of police misconduct has, for the most part, remained buried in the American consciousness and has not been addressed in a substantive and sustained manner as part of the nation’s public agenda. And although 28 states have enacted legislation prohibiting racial profiling by law enforcement agencies, the legacy of police misconduct has become an unfortunate yet enduring fact of life for most blacks and other people of color (Feagin, 2000; Harris, 2002; Milovanovic & Russell, 2001).

CIVILIAN OVERSIGHT AND POLICE ACCOUNTABILITY

Although reform efforts and attempts to provide greater police accountability have resulted in an increase in the prevalence of community policing and

citizen review mechanisms to address such concerns in police departments across the country, according to Walker, “There is a serious lack of research on the activities and effectiveness of oversight agencies” (as cited by Livingston, 2002, p. 1). He adds that “neither the law enforcement profession nor the new citizen oversight professional community have developed a set of professional standards for complaint procedures” (2005, p. 74). A review of the literature on the effectiveness of civilian oversight of police indicates that the results of such studies vary from jurisdiction to jurisdiction. And as Harris reports, civilian oversight systems “have a mixed record nationally . . . some have performed well, others have failed utterly, still others have hobbled along for years without being of much use to anyone” (2005, p. 104).

The primary objective of an external civilian oversight mechanism, such as a police review board, is to provide public accountability in the citizen complaint process by making the investigation of complaints of police misconduct and incidents involving the excessive and/or deadly use of force by police transparent and open to the public. As Greene notes, “oversight of the police must be accessible and transparent to the public and the police, and must be conducted independently from the police” (2007, p. 748). Oliver defines “transparency” as “a principle that allows those affected by administrative decisions . . . to know not only the basic facts and figures but the mechanisms and processes” and adds, “It is the duty of civil servants, managers and trustees to act visibly, predictably and understandably” (2004, p. 5).

Evaluation of the City of Cleveland’s Police Review Board

The city of Cleveland has one of the longest-standing contemporary civilian review boards in the country. Established in 1984, it was one of only 20 citizen oversight bodies in the United States in 1985 (De Angelis & Kupchik, 2007; Livingston, 2002; Walker, 2001), making Cleveland’s among the earliest. In addition, Cleveland was also the first major U.S. city to elect an African-American mayor, Carl Stokes, in 1967. Despite the city’s relatively long history of progressive politics, a comprehensive and systematic review and analysis of its Police Review Board’s records had not been conducted until the research cited in this article was initiated in 2007 (Dunn, in press).

As part of an evaluation to assess the effectiveness of the Cleveland Police Review Board, a 27-item survey instrument was mailed to a sample of 1,189 complainants who had filed complaints against members of the Cleveland Police Department between 2000 and 2007 and for whom a mailing address and a final disposition of their complaint was recorded in the agency’s database. Two months after the initial survey mailing, a second survey was sent to nonrespondents of the first mailing to generate a more complete response. A total of 163 completed surveys were returned, and 346 surveys were returned marked “nondeliverable.” Nonreturned surveys were assumed to have been

mailed to valid addresses and thus represent persons who chose not to respond to the survey. As Armstrong and Overton report in their research on nonresponse bias in mail surveys, “a total sample refers to persons who presumably were contacted, and those persons not contacted, primarily those whose surveys were returned undeliverable, should be excluded from the sample” (1977, p. 396). In addition, Pavalko and Lutterman’s (1973) research on the characteristics of respondents and nonrespondents to mail surveys found that those persons not contacted or whose surveys are returned undelivered are more similar to survey respondents than to nonrespondents. Thus, the 163 returned surveys out of the 843 surveys mailed to valid addresses represents a 19.3 percent response rate, which is considerable in comparison to similar studies that utilized mailed surveys to assess the citizen complaint process (Bartels & Silverman, 2005; Sviridoff & McElroy, 1989; Waters & Brown, 2000), and it can be concluded that the survey respondents in the study are comparable with the general complainant population.⁵

Along with collecting demographic data on the former complainants (Table 1), the survey examined four areas critical to the citizen complaint process (Walker, 2001): (1) the complaint intake process, (2) the complaint investigation process, (3) the complainant’s objectives in filing a complaint, and (4) the overall experience with the citizen complaint process.

EXIT, VOICE, AND LOYALTY AMONG CITIZEN COMPLAINANTS

The survey found that the former complainants held overwhelmingly negative views of their experience with the citizen complaint and Police Review Board process. Of the four dimensions of the citizen complaint process examined, only one, the complaint intake process, which was considered to be relatively open, was rated positively by a majority of the survey respondents. The majority of respondents (83 percent) did not view the investigation process, which includes the examination of all the relevant evidence, or the Police Review Board’s examination of the evidence as being thorough and unbiased. However, despite the survey respondents’ overwhelmingly negative view of their overall experience with the citizen complaint/Police Review Board processes and their doubt that the police are held accountable for their actions, a slight majority of the former complainants (44 percent compared to 42 percent) were willing to use the system again in the future to file a complaint against a police officer should the need arise.

While other studies of the citizen complaint process have had similar findings in this regard, they did not conduct further examination of this finding (Sviridoff & McElroy, 1989; Waters & Brown, 2000). Further analysis of the finding in this study revealed that race was the only demographic variable that

Table 1. Demographic Data for Survey Respondents (N = 163)**Gender**

Female	52.1%
Male	42.9%

Race/Ethnicity/Origin

	Black	White	Hispanic	Arab	Native American
	52.1%	37.9%	1.8%	1.2%	1.8%

Sex

Female	28.2%	20.8%	1.2%	1.2%	0.6%
Male	23.9%	17.1%	0.6%	0%	1.2%

Age

16–24	25–34	35–44	45–54	55–64	65–74	75 & above
6.1%	12.9%	27.6%	26.4%	13.5%	8.6%	1.2%

Education

Less than HS	HS grad/ GED	Vocational school	Some college/no degree	Bachelor degree	Postgraduate
3.9%	19.6%	6.5%	26.4%	21.5 %	14.3%

Occupational status

Employed FT	Employed PT	Others	Student	Stay-at-home parents	Unemployed	Retired
50%	0%	10.4%	7.8%	3.9%	3.9%	13.6%

Income

<\$20K	\$20–34.9K	\$35–49.9K	\$50–74.9K	\$75–99.9K	\$100–149.9K	\$150K
18%	19%	15.6%	18%	8.4%	7.8%	1.9%

* Total percentages may not equal 100% due to missing data.

** Race/Ethnicity/Origin reflects the categories used in the OPS Citizen Complaint database and the self-identified responses of the survey respondents.

had a significant influence on complainants' willingness to file a complaint again in the future.⁶ Race had a positive effect on blacks' willingness to use the complaint system again in the future, while it had a negative effect on whites' and other minorities' willingness to go through the complaint process

again. Fifty-one percent of blacks were willing to use the citizen complaint process again; in contrast, 32 percent of whites and 37.5 percent of other minorities were willing to use the process again or were undecided. Research on police misconduct, citizen complaints, and public opinion of the police has consistently shown that racial and ethnic minorities are overrepresented among persons alleging police misconduct and have less confidence and trust in the police than do whites (Bridenball & Jesilow, 2008; Seron, Pereira, & Kovath, 2004). The fact that a majority of the former complainants surveyed in this study were strong in their conviction that they would file another complaint in the future if the need arose in spite of their profound cynicism of the citizen complaint process suggests that the act of filing a complaint still holds some intrinsic value for this subset of citizens and provides law enforcement administrators and public officials with something on which to build to enhance citizens' satisfaction with, and public confidence in, the citizen complaint process.

Why would some dissatisfied former complainants, particularly blacks, given their troubled history with the police as an institution, be more loyal to the citizen complaint process than others? Economist Albert Hirschman's (1970) theory of exit, voice, and loyalty can help provide insight into the ostensibly counterintuitive willingness of former black complainants to use the citizen complaint system in the future despite their negative past experience and perception of the complaint process. Although Hirschman's theory is principally an economic model, it has been applied in a number of contexts, including political participation (Wilson & Taub, 2007), romantic involvements, and employee dissatisfaction within an organization (Saunders, 1992). Hirschman states that when consumers are dissatisfied with the quality of a business's product, the actions of their political party, or an organization's performance, they generally make their dissatisfaction known through two competing alternatives: exit or voice. According to Hirschman, under the exit alternative, "Some customers stop buying the firm's products or some members leave the organization" (1970, p. 4), resulting in a drop in revenues or a decline in memberships, and management is compelled to look for ways to correct whatever deficiencies have led to the exit. On the other hand, under voice, "The firm's customers or the organization's members express their dissatisfaction directly to management . . . or through general protest addressed to anyone who cares to listen" (1970, p. 4). At this point management tries to find the causes of and solutions to their customers' and members' dissatisfaction.

Using Hirschman's theoretical argument, the Police Review Board is the organization and the complainants are the consumers of the oversight services the board provides, which is a public service, that is, a public good. According to Hirschman, public goods are "consumed by all those who are members of a given community . . . or geographical area in such a manner

that consumption or use by one member does not detract from consumption or use by another,” and from which “there is no escape from consuming . . . unless one were to leave the community by which they are provided” (1970, p. 101). And he refers to “crime prevention,” that is, policing or public safety, as such a public good, which results from public policies and is enjoyed by everyone (1970, p. 101).

The very essence of a citizen complaint system is meant to give voice to the grievances of citizens. Citizen complaints against police are intended to serve as an *early warning system* to alert government officials and police administrators to potential problems in officer conduct, enabling administration to identify and address such problematic behavior before it reaches a critical stage (Luna, 2003; Walker, 2005). Correspondingly, Luna refers to “voice” in a law enforcement context as “the ability of affected individuals and groups to participate in the process of policy formulation and the review of specific actions, allowing their concerns to be aired and genuinely considered by law enforcement” (2003, p. 208), which he sees as fundamental to the development of a more democratic police force.

Hirschman explains that exit is the option of preference within the American tradition and that “the United States owes its very existence and growth to millions of decisions favoring exit over voice” (1970, p. 106). He points to the actions of the pilgrims, the settlers of the Western frontier, and the upward and corresponding outward social mobility patterns reflected in the physical relocation of individuals and groups away from their community of origin as they ascend the socioeconomic ladder of success in the United States as evidence of this preference for exit over voice within the American tradition. And as Sharp notes, exit and voice are of particular interest to scholars of urban politics, particularly exit, given the significance of residential relocation in “Tiebout’s model of the metropolis as a marketplace of local governments where citizens ‘vote with their feet’” (1984, p. 67).

Hirschman cites the black power movement, however, as an explicit rejection of this traditional American pattern of social mobility, which was deemed “unworkable and undesirable” by members of African-American communities that he described as the “most depressed group in our society” (1970, p. 109). As he states, “In the case of the minority that has been discriminated against a further argument can often be made: namely, that exit is bound to be unsatisfactory and unsuccessful even from the point of view of the individuals who practice it” (1970, p. 110). And in examination of how community membership affects people’s behavior in addressing social dilemmas, Tyler and DeGoey contend that “identification with the community is often proposed to reflect people’s psychological attachment to their community, which alters the basis for their behavior and leads them to be concerned about the needs of the community” (1995, p. 484). Accordingly, Hirschman argued that the black power doctrine’s open advocacy of the group process of upward mobility over

that of the individual “spurned and castigated a supreme value of American society—success via exit from one’s group” (1970, p. 112).

Sharp points out that in principle, exit and voice “are not the only options for dissatisfied citizens. Apathy, patient endurance, alienation, and substitution of private sector consumption for public goods are also possibilities” (1984, p. 67) that Sharp puts forth as behavioral alternatives to customer dissatisfaction. And in the present case, the willingness of the primarily black complainants to go through the process again in the face of their overwhelming pessimism regarding the complaint process seems not only counterintuitive, but *tragic* in the sense that Stivers refers to it as having “hope without optimism” (2008, p. 233). The alternative behaviors that Sharp (1984) cites as well as that expressed by the disgruntled citizens who would go through the complaint process again despite their cynicism, although on the surface may appear to be naïveté, are demonstrations of what Hirschman refers to as “loyalist behavior.” According to Hirschman, loyalty is “the extent to which customer-members are willing to trade off the certainty of exit against the uncertainties of an improvement in the deteriorated product” (1970, p. 77). He adds that “as a rule . . . loyalty holds exit at bay and activates voice” and “in the face of discontent with the way things are going in an organization an individual member can remain loyal without being influential himself, but hardly without the expectation that someone will act or something will happen to improve matters” (1970, p. 77). It is this expectation or “hope without optimism” that someone or something will change things that these loyalist complainants, who are predominately black, hold on to in their willingness to go through the citizen complaint process again.

In Hirschman’s consumer goods model under exit, once the customer leaves, they are not concerned about its future quality—they have moved on to a suitable substitute that satisfies their needs. Conversely, this same disregard is not so readily possible when dealing with a public good. Even if the member leaves the community, the public good—in this case, policing services—is still being provided, and they are still “a consumer of the article in spite of the decision not to buy it any longer, and a member of the organization in spite of formal exit” (Hirschman, 1970, p. 100). Consequently, although a sizable minority of former complainants is unwilling to use the citizen complaint process again, unless they “vote with their feet” (Sharp, 1984, p. 67) and move outside of the city’s police jurisdiction, they are nonetheless affected by the substandard quality of the police services provided in the city. As Hirschman explains in this instance, the complainant “is involved . . . in both the production and consumption of the organization’s output” (1970, p. 100); therefore, the collective effect of the alienated complainants’ exit from the citizen complaint process will add to the further deterioration of the quality of policing in the jurisdiction.

In contrast to Hirschman’s example of exit from a private consumer

good, where a decline in revenue as a result of customers' dissatisfaction gains the attention of management and induces it to act to resolve the deficiency causing the loss, a drop in the number of complaints filed against police can be misinterpreted by police administrators and city leaders to mean that the incidence of police misconduct has declined and citizens are generally satisfied with the quality of police services. A reduction in the number of complaints will not automatically indicate to administrators that a segment of the public is at odds with the citizen complaint process because of their negative past experiences and are deterred from using the system again.

This illuminates the high cost (Hirschman, 1970) the exit alternative has on the citizen complaint and police oversight process in that it deprives management of valuable feedback in the form of complaints, which are essential to any police oversight mechanism. Along with management's not having the benefit of the valuable information provided by the citizen complaints, which should be used to identify and address issues of police misconduct by informing training needs and providing policy guidance, the deficiencies within the citizen complaint process itself are not made evident to management and therefore go unaddressed. This missing feedback mechanism is referred to as the "learning" feature of a complaint procedure (Walker, 2001, p. 142), which makes it possible for administrators to address the deficiencies in both the complaint procedure and the conduct of problematic officers. Maguire and Corbett cite "providing information to managers with which to make improvements" and "to maintain discipline" as two of the principal goals of a police complaint system (as cited in Waters & Brown, 2000, p. 635).

The absence of this critical feedback component enhances the importance of the disgruntled complainants who are willing to file a complaint against the police to the citizen complaint process and the concept of police accountability. As Sharp notes in her application of Hirschman's theory in the context of local governmental problems such as that of the citizen complaint process, "Voice in its many forms provides corrective feedback that can help get faltering institutions back on track" (1984, p. 67). The very act of filing a complaint is an expression of "voice" for most people, all else being equal, and whether or not to go through the citizen complaint process again hinges on weighing the cost and the potential benefits against the expected outcome. The cost includes the time it takes to travel to the appropriate location to file the complaint, the transportation cost, and the physical, mental, and emotional energy it takes to file a complaint against a police officer, particularly considering the police bureaucracy and the cloistered nature of the police as an institution. In contrast, the benefits include an opportunity to voice one's grievance and the prospect of having the complaint sustained and the officer sanctioned, potentially affecting police procedure, policy, and training, and ultimately making an incremental improvement in the overall quality of policing in the jurisdiction.

CONCLUSION

While blacks express a greater propensity to exercise voice over exit than complainants of other races/ethnicities, this choice is likely related to the availability of each option to members of the respective groups. As noted by Hirschman (1970), in the United States, residential mobility is a function of socioeconomic class. Those who are able to leave distressed neighborhoods generally do. However, as Hirschman (1970) indicates, blacks have not historically had the freedom to exercise exit due to discrimination and are disproportionately among the lower socioeconomic class in America. Therefore, being left primarily with only the option of voice, segments of the black community, particularly those in low-income urban areas, have embraced the militancy of voice, which Hirschman has identified as a fundamental value in the Black Power movement's rejection of exit.

A recent Brookings Institution (Frey, 2010) study described Cleveland as "the fastest declining major city not hit by a hurricane" (Smith, 2010, p. B-1) as its population dropped by more than half over the past 50 years. During this time, its black population increased from 16 percent in 1950 to 54 percent today, while the white population has declined from 84 percent to 38 percent. Other racial groups only make up 8 percent of the city's population. Cleveland also has the dubious distinction of being among the most racially segregated and poorest big city in the country (Salling, 2001; Smith & Davis, 2002). Cleveland's median household income in 2006 was \$26,535, and 71 percent of blacks and 75 percent of other minorities in the survey reported annual income below \$50,000 compared to 43 percent of whites. Although these factors would suggest that blacks' greater propensity to use the citizen complaint system in the future is related to their inability to migrate from the city, the Brookings Institution study reported that "an exodus" of families of "all races and income levels is reshaping Cleveland," which has lost roughly 10 percent of its population since 2000, "and married couples with children have led the stampede" (Smith, 2010, p. A-1). Therefore blacks' willingness to use the citizen complaint process again in comparison to other racial groups cannot readily be dismissed as merely a reflection of a black urban underclass that is unable to leave the city.

This loyalty to the concept of public oversight of the police indicates the significance of the citizen complaint process to this traditionally marginalized segment of the population. Public officials and police administrators should build upon such loyalty to enhance the perceived legitimacy of the police in marginalized communities, and the effectiveness of and the public's confidence in the citizen complaint process. This can help improve police-community relations, particularly within low-income black communities where distrust of the police and the criminal justice system has helped create an environment where crime, violence, and intimidation are pervasive and

the “stop-snitching” culture holds sway over residents’ lives and public space (Anderson, 1999). Enhanced trust and mutual respect between police and the community can in turn help in the development of a partnership that will enable law-abiding citizens to work along with police to reduce crime in these marginalized communities. This could also potentially help abate the mass exodus from the city.

More broadly, this phenomenon of voice and the loyalist behavior exhibited primarily by blacks toward the citizen complaint process, coupled with the alarming prevalence of police-involved shootings of unarmed black males across the country and the “Skip” Gates episode (with its allegations of racial profiling), speak to the ongoing need for the nation to forthrightly address the persistent issues related to race and what the Kerner Commission described as the “abrasive relationship” (Nelson, 2000, p. 11) that exists between the police as an institution and African Americans as well as other minority groups in American society.

Further Research

Further investigation is needed into this phenomenon of *voice* among citizens to explore factors related to the use of exit, voice, and loyalty and to help determine ways in which public officials and police administrators can utilize it to (1) capitalize on this unwavering commitment to participation in the citizen complaint process and (2) enhance oversight of the police, helping to bridge the historical divide between the police and the African-American community.

NOTES

1. Although many of the dynamics within the criminal justice system that apply to blacks apply to Hispanics as well, state and federal data on Hispanics within the criminal justice system are often incomplete or inconsistent (Mauer, 2006)

2. Arizona SB-1070 makes it a criminal offense to not carry immigration documentation and gives police broad discretion and power to detain anyone suspected of being in the country illegally (Archibold, 2010).

3. Henry Louis “Skip” Gates, Jr., one of the most noted black scholars in the country, was arrested at his home near Harvard by a white Cambridge police officer, Sergeant James Crowley. Officer Crowley was investigating a report of a suspected break-in at Gates’s home. Upon Crowley’s arrival, he encountered Gates, who had forced his way into the house through a jammed front door. After some verbal exchange and reported resistance on the part of Gates, he produced identification verifying this was his home. Further verbal exchange ensued, and Gates was arrested for disorderly conduct. Gates argued this was a case of racial profiling (Goodnough, 2009).

4. This article summarizes the findings of a survey of citizens that had filed

complaints against members of the Cleveland Police Department. The survey examined the former complainants' experience and satisfaction with the complaint process and their perception of the board's effectiveness in providing public oversight and accountability of the police.

5. The racial composition of the universe of complainants and the data set the survey sample was drawn from are comparable. Of the complainants in the complaint database with race noted, blacks comprised 64.5 percent (379), whites 26.2 percent (151), Hispanics 8.2 percent (48), and Arabs 1 percent (6). Race was missing on 713 of the 1,189 cases in the complainant data set. Of the 476 cases in the sample data set with race noted, blacks made up 64.7 percent (308), whites 26.8 percent (128), Hispanics 7.4 percent (35), and Arabs 0.8 percent (4).

6. Statistical analysis of the effect of race on willingness to file a complaint against police in the future: $\chi^2 = 11.106$, $p < .025$ ($df = 4$, $n = 150$).

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