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REVIEW OF THE POLICE?**

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**INTEGRITY, LEGITIMACY, EFFICIENCY, AND IMPACT: DO  
ALL THESE MATTER IN THE CIVILIAN REVIEW  
OF THE POLICE?**

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## **ABSTRACT**

Civilian Review Boards have become popular throughout the world as one of the agencies to control police misconduct and handle citizen's complaints against the police. In 1991, the Philippines established a body synonymous to a civilian review board known as the People's Law Enforcement Board (PLEB). This study analyzed the performance of PLEB from 1991-1997. It also examined the perceptions of the complainants and police officers about the boards in the National Capital Region of the Philippines. Specifically, the study analyzed the boards' integrity, legitimacy, impact, and efficiency and how these characteristics influence the satisfaction of client with the boards' performance overall and on the specific stages of their proceedings. The respondents indicated that the boards were imbued with characteristics of integrity and legitimacy. Likewise, the boards were perceived as efficient and having an impact on police behavior. As a consequence, the respondents were generally satisfied with the boards. However, there was a tendency for citizens to be outcome-oriented and the police to be process-oriented. Furthermore, the expectations of the respondents about the efficiency of the PLEB mattered more than the actual number of days the PLEBs resolved cases. Among the other factors studied, the legitimacy of the boards' processes elicit more satisfaction from the respondents rather than the possession of integrity. Finally, perceived policy changes in the department was a significant predictor of the respondents' satisfaction more than perceived changes in supervision and attitudes. The study recommended the creation of a mixed model of a civilian review board and the dissemination of the boards' procedures to its clients especially on the expected time needed to process cases.



## **PREFACE**

The People's Law Enforcement Board in the Philippines has not been systematically studied since its creation in 1991. At this time, the imperative is to assess the boards and how they are performing their functions. This study, therefore, serves as valuable document that may be used as reference for policy formulation and analysis by the legislators and government executives interested in controlling police misconduct. The findings in the study will provide opportunities for policy makers and implementers to strengthen the PLEB as well as institute reforms in the system.

Likewise, this study attempts to comprehensively study the civilian review board by simultaneously examining all the clients to the People's Law Enforcement Boards and analyzing almost all aspects of their proceedings. However, no matter comprehensive one tries to study a certain subject, several issues still will be left unanswered and unresolved. In this regard, this study provides the methodological framework for analyzing the PLEB as well as lays down the opportunities for future inquiries on the subject.

Aside from the major findings of the study, several sections in this paper are valuable references on the nature of civilian review boards around the world and the understanding of the universal issues affecting the civilian review of the police. Hopefully, this will help the reader appreciate the study. Also, the section on the history of the Philippine Police and the current policing system in the Philippines provide substantial information that may lead students of international policing to an understanding of the police in that region of the world.

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# CHAPTER I

## INTRODUCTION

Police misconduct is a perennial and serious concern in every democratic society (Rodgers 1970). The grave concern for the control of the police is borne by the fact that police officers can act with discretion in the performance of their functions (Klockars 1985). Despite the assertions of some scholars that police exercise of discretion is not a serious problem by itself or that the exercise of discretion or “discrimination” as Black (1980) would prefer to call it, is both necessary and beneficial in policing (Klockars, 1985; La Grange, 1993; Black, 1980), problems regarding police abuse persist and complaints about police abuse of discretion continue.

One consequence of this grave and universal concern for police misconduct and the potential to abuse power is the institution of disciplinary bodies to oversee the exercise of police power. Interestingly, however, the police appear to be subject to more accountability agencies than any other public servant. Along with the internal disciplinary measures, other external agencies such as the courts, legislative bodies, and prosecutorial offices exercise control over the police. Moreover, local, state, and national government executives exercise some control over the police. In addition, many if not most, police agencies and specifically their officers, are often further subjected to a control mechanism generically called “Civilian Review Boards” or CRB (Bayley, 1985). These conglomerations of control mechanisms are apparently additional offices in government performing duplicate functions (Locke, 1967) or contributing to lack of efficiency and economy in the bureaucracy.

Despite civilian review boards’ contribution to bureaucratic redundancy (Locke 1967), many countries have started forming these boards (See Gellhorn, 1966a; Goldsmith, 1991; Caiden and Hahn, 1979) to perform seemingly dual functions. The boards have been considered as necessary for the purpose of controlling the police (Loveday, 1988; Maguire, 1991; Office of the Complaints Commissioner, 1985) and for serving as grievance agencies for citizens (Carillo,

1991; Landau, 1994). The concept about civilian review of the police has become an international phenomenon (Walker and Bumphus, 1992; Gellhorn, 1966a; Goldsmith, 1991) as evidenced by the creation of such boards in countries such as Australia, England, Canada, the United States, and more recently, the Philippines.

When the Philippines reorganized its national police in 1991, the Philippine legislature introduced the concept of civilian control of the police through the creation of the People's Law Enforcement Board or PLEB. This new organization was ostensibly created to broaden the means for citizen control of the police who were then perceived by many as a closed and abusive organization. This concept was also introduced to try to instill back the principle of civilian supremacy among the police that many perceived as a principle that has been eroded by a lengthy martial rule (Gutang, 1993). The idea behind the creation of the PLEB, then, was to inject civilian participation and inputs into the police organization and its operations.

This study examined the performance of the People's Law Enforcement or PLEB in a highly urbanized metropolitan jurisdiction. This study pursued two general goals. First, the study endeavored to provide descriptions of the PLEB's operations. It analyzed the number and types of cases that have been filed in the PLEB since its creation in 1991 up to 1997 and the manner by which these cases were handled. The study examined the composition of its membership through the years. The study also described the types of complaints filed, types of officers and complainants who have been involved in cases, the outcomes of these cases and their disposition on appeal before an appellate board.

The second goal of the study was to analyze the perceptions of the complainants and police officers about the PLEB's operations in the aforementioned jurisdiction. Toward this effort, the study attempted to discover what impact the PLEB has had on police behavior and police agencies and which aspects and qualities of the PLEBs' operations elicit satisfaction from their clients. Specifically, the study tried to ascertain police and complainant perceptions of the PLEB's integrity and legitimacy and how these factors affect the satisfaction of its clients.

Before discussing further the details of the study, it is important to outline the issues and the state of the knowledge regarding the control of the police in general and civilian review boards in particular. The lack of Philippine literature concerning these police issues necessitates recourse to references from other countries that appear relevant to the Philippine context. The bodies of literature from the United States, Canada, and the United Kingdom are especially helpful for this purpose. Studies from these countries may be made as reference since most of the features of either their governments or policing theories, concepts, and practices are somewhat similar in various respects to the Philippines'. For instance, although the Philippines has a centralized form of government, most of its governmental structure and principles are patterned after the United States of America (de Leon, 1994). Likewise, the police system in the Philippines has been founded following the tradition of other democratic countries such as England and the United States (Campos 1983). Besides, the modern concept of the Philippine police system has evolved from concepts introduced by the colonizers of the islands such as Great Britain, Spain and the United States.

The discussions of the literature on these issues are found in chapters 2 and 3. In chapter 2, I underscore the issues surrounding the control of the police, as well as issues concerning institutions that have been established as grievance mechanisms where citizens can seek redress against police abuses. Chapter 3 is a review of the existing literature concerning civilian review boards. It outlines the issues and problems surrounding civilian review boards and how other scholars have studied these problems.

Chapter 4 aims to acquaint the reader with the setting where the study was conducted. The tasks include a brief description of the Philippine geography, the demographic composition of the country, its governmental system and structure, and its police system. This narrative is necessary in order for the reader to have a contextual understanding and appreciation of the assumptions that are made later in the study. This chapter also aims to justify the reliance on foreign literature that is used to establish the conceptual and theoretical frameworks of the study.



Chapter 5 outlines the research plan and purpose of the study. The importance and rationale for conducting a study on the Philippines and its civilian review boards are underscored. However, knowing that not everything and anything can be covered, the scope and limitations involved in the study are presented in this chapter. Finally, the discussion centers on the methodology that was used to conduct the research and the analytical techniques that were applied to analyze the data that were collected.

Chapters 6 and 7 present the findings and conclusions on the subject. Chapter 6 is a detailed discussion of the procedures for analyzing the data. The relevant findings will be presented and discussed relative to the hypotheses and models formulated for the study.

Chapter 7 provides the conclusions and implications that may be derived from the findings. Some recommendations are presented that aim to improve the civilian review system particularly in the Philippines as well as in other jurisdictions.

**CHAPTER II**  
**POLICE ACCOUNTABILITY AND CONTROL**  
**IN DEMOCRATIC SOCIETIES**

The principle of checks and balances is one of the foundations of democratic governments (Vanagunas, 1974). This principle means that the governmental institutions are so established that no one agency has a monopoly of governmental power. Under this principle, it has been a tradition that agency checks are located outside the domain of a particular agency. In other words, the sources of checks for any particular agency should be an external body. A basic example is the separation of powers and checks and balances that characterize democratic governments. The judiciary and the legislature can check the Executive Department. The legislature can enact laws outlawing executive acts and limiting their discretion. The judiciary checks the executive by declaring executive actions as contrary to constitutional or legal policies. Legislatures are checked through executive veto or through judicial judgments concerning the constitutionality of laws. The judiciary is checked through executive appointments of its members or through budget restrictions that the legislatures together with the executive may enact. These dynamics of checks and balances are contained in an over-arching principle of limited government that transcends all government agencies.

In democratic societies, there seem to be grave concerns for checking the exercise of the powers of the police (Smit and Botha, 1990). As a government agency, the police are subject to control by the executive, legislative, and judicial branches of government. The powers and mandates of the police are laid down by the legislature, the performance of the police function is supervised and controlled by the executive branch in matters involving personnel and police operations, and the courts serve as a body that checks the police with their observance of substantive laws and legal procedures.

Besides these external checks on the police, police officers are also accountable internally to their chiefs and supervisors. The existence of an internal control and accountability is a basic

and inherent feature for any organization. However, there are other external controls that have direct jurisdiction over the police. For instance, if an ombudsman's office is created, the police are often included within its jurisdiction. Thus, there seems to be an abundance of agencies that tend to provide checks on the police.

Indeed, other public service agents are controlled by the agencies or bodies mentioned above. However, there is one additional control agency that police are exclusively accountable to— civilian review boards. It is interesting to note that despite the abundance of checks, civilian review boards are still being advocated by the public and police scholars, both as an essential agency for handling citizen complaints, and as a control mechanism for police misconduct (American Civil Liberties Union, 1991; Armstrong and Wood, 1991; Carillo, 1991).

The following sections describe the reasons for the concern about controlling the police. The first section focuses on the bases for the concern about controlling the police. The next section will present an analysis on why complaints against the police arise. The emphases of the discussion are on what circumstances or incidents are most likely to result in citizen complaints against the police. The third section presents the various means that have been employed to control the police. Incidentally, the discussions in the section delve on the effectiveness and deficiencies of these mechanisms in controlling the police.

## **THE CAUSES FOR CONCERN ABOUT POLICE POWER**

The public concern for the control of the police may be justifiable because, of all the civil servants, the police are unique and "the police exercise powers which profoundly affect the lives of all citizens" (Reiner and Spencer, 1993: 6). Central to this uniqueness is the capacity of the police to coerce compliance from citizens (Bittner, 1970; Brown, 1981; Cohen and Feldberg, 1991; Klockars, 1985; Packer, 1968; Reiss, 1971) through the use of force, through negotiations<sup>1</sup>

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<sup>1</sup> Negotiation is not used in its pejorative meaning. It refers to the resolution of the police-citizen encounter that does not end up in formal action. Persuasion or counseling techniques are usually employed in these encounters. See Bayley and Garofalo (1989) for the detailed discussion of this police intervention technique.

Bayley and Garofalo, 1989; Sherman, 1992), or through threats of the use of coercive force (Bittner, 1990; Sykes and Brent, 1980). Thus, the public considers the police as society's "or else" which means the potential use by the police of coercive means to achieve the end intended (Bittner, 1990). Furthermore, the coercive use of force by the police is non-negotiable (Bittner, 1970), which means that police officers are permitted to use force that citizens are not permitted to resist (Cohen and Feldberg, 1991). Even the police are aware of this public perception about them and their non-negotiable use of coercive force.

In few extreme circumstances, police intervention may lead to the determination of life or death for an individual citizen. The police use of deadly force always brings out questions of not only whether it was necessary but also the debate as whether or not the police should be equipped with death inflicting paraphernalia. Thus, a number of commentators have already explored possibilities of not only controlling the use of deadly force but suggesting alternative non-lethal weapons for use by the police.

However, what really makes the police controversial is not only their power to take away life in certain circumstances, but also the vast array of circumstances where the use and abuse of their powers may be involved (Brooks, 1989; Lipsky, 1980). Thus, trivial incidents such as traffic stops or frisk may potentially lead to police-citizen conflict. In these regards, public concerns against police misconduct and how to minimize its occurrence appear to be justified.

## **THE SOURCES OF CITIZEN COMPLAINTS AGAINST THE POLICE**

Any police-citizen encounter may potentially end up in a complaint against the police (Hudson, 1970). Landau's (1994) study of complainants' views about the complaint process in Toronto demonstrated this fact. Analyzing data from his interviews of complainants to the Office of the Police Complaints Commissioner, Landau (1994) found that most complaints (44%) arise under very normal circumstances such as when a complainant is driving, walking down the street, in a mall, or attending a public event. He further observed that complaints more often arise in situations where police have been proactive and less supervised.

Likewise, Hudson (1970) came up with the same observation in his study of police-citizen encounters in Philadelphia. The data in Philadelphia revealed that citizen allegations of police abuse happen more often in situations where the police get involved proactively in situations such as traffic stops, stop and frisk, or altercations between citizens.

Several reasons may account for the emergence of a complaint. First, police officers get involved in situations where there may be no clear assignment of guilt or a definite violation of law (Goldstein, 1960). They come into situations where they start deciphering who among the actors in the situation are suspects, complainants, informants, offenders, or just simply bystanders (Hudson, 1970). Thus, they find themselves on a "regular basis into extremely difficult and often complicated situations in which the officer has potential to do harm or good" (Cohen and Feldberg, 1991: 3; See also Bittner, 1970). They are also expected to effect immediate, even though temporary, solutions to the situations in which they intervene (Bittner, 1970; Klockars, 1985). Furthermore, many of these situations are the ones where there is only limited supervision (Maguire and Norris, 1992; Sanders, 1993). In order to resolve the encountered situation effectively, police officers have to use their discretion and judgment (Cohen and Feldberg, 1991). However, police officers claim that they act based on instinct most of the time (Sanders, 1993) and because human beings are fallible, the courses of action police officers take in these encounters may not always be perfect. They may wrongly assess the responsibilities of the parties involved, misunderstand the source of conflict, or misapply the powers and discretion they possess. The results and choices in these encounters which fall squarely on the individual officer (Cohen and Feldberg, 1991), do not usually end up in peaceful and satisfactory settlements (Goldsmith, 1991). Thus, these encounters often result in complaints against the police.

Second, police officers are required to act in disputes of other people. They are often required to act for someone and against another. As a result, police officers always find themselves in situations where one party may not be pleased with the police action (Hudson, 1970; Wilson, 1969). As Langworthy and Travis (1994: 338) phrased it, "Misconduct, like

beauty, is often in the eye of the beholder." When this situation happens, someone who loses becomes a potential complainant against a perceived abusive and arbitrary police act.

This very same potential for the use and abuse of coercive power by the police often makes them a paradox in a democracy (Smit and Botha, 1994; Vanagunas, 1974) and their very existence is considered as an anomaly in a democratic society (Goldstein, 1977; Langworthy and Travis, 1994). They are supposed to restrain one's liberty to preserve another's exercise of such freedom. They also use force to restrain others from pursuing their cause with the use of force. As a consequence of their "or else" reputation and potential misuse of their authority, the police sometimes become the source of insecurity for citizens (Klockars, 1985). The public fear of the police is heightened. This insecurity is aggravated further by personal and media accounts that demonstrate how an encounter with a police officer may result in the abuse of exercise of his or her discretion even in the absence of sufficient provocation from the citizens. These apprehensions about potential police misconduct consequently inspire the public to demand a grievance body that is intended to control an armed group utilized by the state to control its citizens.

## **VARIOUS MEANS OF CONTROLLING THE POLICE**

Various mechanisms have been employed to control the police. In general, the formal control mechanisms may be classified into either external or internal depending on the locus of control. External controls are those that are established outside of the police department, while internal controls are those found within the police hierarchy. The external controls on the police are the courts, the executive, and legislative assemblies, the media and civilian review boards. Internal controls come in the form of bureaucratic controls such as through the promulgation of departmental rules and regulations, professionalization criteria, conducting training and seminars, and internal affairs bureaus or inspectorate divisions in some jurisdictions (Bayley, 1985; La Grange, 1993; Langworthy and Travis, 1994).

**Figure 1. Typologies of Police Control Mechanisms**

<b>P R O C E S S</b>	<b>Non- adversarial</b>	LEGISLATURES EXECUTIVES POLICE COMMISSIONS OMBUDSPERSON	RULES AND REGULATIONS PROFESSIONALIZATION SUPERVISION
	<b>Adversarial</b>	COURTS CIVILIAN REVIEW BOARDS	INTERNAL AFFAIRS INSPECTORATE
		<b>External</b>	<b>Internal</b>
<b>LOCATION OF CONTROL</b>			

These controls may be further classified according to the process observed by the controlling agency. In this regard, the controls may be according to whether the process involved is adversarial<sup>2</sup> or non-adversarial. Thus, the controls previously mentioned such as the courts, the internal affairs, and the civilian review boards are adversarial in nature. The executives, legislatures, professionalization efforts, and bureaucratic rules and regulations are all non-adversarial forms of police control. Given these characteristics of the control mechanisms, police controls may be classified into four. The interaction of these two characteristics produces classifications, which include internal-adversarial controls, internal-non-adversarial controls,

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<sup>2</sup> The adversarial system is exhaustively described in Goodpaster (1987). However, the discussion in his article relates to courts. Nevertheless, the reference is valuable since practices observed in courts are often likewise observed in quasi-judicial bodies and other adjudication bodies.

external adversarial controls, and external-non-adversarial controls. Thus, internal affairs investigations or inspectorate divisions are internal-adversarial controls. Rules and supervisions are internal-non-adversarial controls. External-non-adversarial controls include the executive and legislative branches of government and the media. External-adversarial controls are the courts and civilian review boards.

The adversarial controls are the foci of attention in this chapter and the next chapter. I have no intent to downplay the importance of non-adversarial controls by ignoring them in the discussion. In fact, research suggests that non-adversarial controls such as supervision and departmental rules and regulations contribute significantly to the control of the police (Binder, Scharf, and Galvin, 1982; Fyfe, 1979; Meyer, 1980; Sherman, 1983; Wilson, 1968). However, public participation in any process is one of the main principles observed in a democracy. In a complaint proceeding, such participation demands not only participation in a symbolic sense but in a more direct fashion. The adversarial system allows such participation in a direct manner, although, sometimes in a limited fashion. The observance of due process is another argument that stresses the relative importance of the adversarial systems over other controls. Due process requires that allegations be tried and proven under the crucible of the adversarial system (Goodpaster, 1987). Police misconduct is usually alleged. Therefore, these allegations of police misconduct must be resolved within systems that adhere to the rigors of due process and provide direct participation to both the accused and the accuser.

The final reason why I intend to focus on these adversarial systems has to do with the purpose of this research. Since most civilian review boards adopt the above-mentioned democratic procedures, it becomes imperative to review the literature on the effectiveness of the other means of controlling the police that use the adversarial system, such as police internal reviews and the courts. This discussion provides rationales on the emerging popularity of the civilian review boards to understand further why the public prefers the civilian review board more than any other adversarial control systems.



**Internal Review Systems.** Internal review systems usually take the form of internal affairs or the inspectorate bureaus. These offices are part of the police hierarchy. Usually, police officers within the department compose the membership of these disciplinary bodies. The offices receive, investigate, and adjudicate complaints against members of the force.

However, there appears to be a substantial amount of public distrust in these systems (Caiden and Hahn, 1979; Marin, 1976; Maloney, 1975; Stenning, 1981; Terrill, 1980; West, 1988). The foundations for this public distrust are threefold. The primary reason why the public does not trust internal disciplinary systems is that a "system in which those who are complained against investigate the complaints, contravenes the rules of natural justice and is, by definition, imperfect" (West, 1988:102; Marin, 1976; Maloney, 1975; See also Caiden and Hahn, 1979; Terrill, 1980). Indeed, a Commission in Canada found the existing internal disciplinary system to be inadequate. Thus, the Commission made a recommendation that the "Royal Canadian Mounted Police should adopt a complaint procedure that is operationally and functionally distinct from the [internal] disciplinary system" (Commission of Inquiry Relating to Public Complaints, 1976:73; Stenning, 1981).

The second basis for this distrust of the internal system is the documented police solidarity (Hahn, 1976; Powers, 1994; Skolnick, 1966; Walker and Bumphus, 1992; Watt, 1991), police cover-ups of each other (Cohen and Felberg, 1991; Landau, 1994), and the so-called "blue-wall" (Reiss and Bordua, 1967) or "conspiracy of silence" (Bayley, 1985; Reiss, 1976; Savitz, 1970; Stoddard, 1968) that characterize almost every police force. Extensive police literature in the United States has documented this close solidarity among officers (Bayley, 1985; Snow, 1992; Watt, 1991). Police officers are found to show greater regard for and trust in their peer group than with the public (Caiden and Hahn, 1979; Van Maanen, 1978; Westley, 1970). There is also a tendency for police officers to protect each other against outside scrutiny (Barker and Carter, 1986; Bittner, 1970; Chevigny, 1969; Davis, 1975; Knapp, 1972; Lundman, 1980; Manning and Van Maanen, 1978; Muir, 1978; Neiderhoffer, 1969, 1968; Punch, 1985; Reuss-Ianni, 1983; Shearing, 1981; Sherman, 1978; Ward, McCormack, and Bracey, 1987; Westley,

1970; Williams, 1984; Wilson, 1963). It is in this context of close camaraderie among the police that Blumberg (1994) suggested that departments cannot be trusted to police themselves. He believed that Internal Affairs investigations are bereft of the integrity that an outside agency possesses.

The third reason why the public does not trust internal disciplinary systems is that no one knows much about them (Bayley, 1985; Krajick, 1980). There is a common perception on the part of citizens that internal affairs are very protective of their own members in the police organization. In reality, however, internal affairs may be imposing sanctions and discipline to a greater extent than external review boards do (Geller, 1983). A comparison of Philadelphia's external and internal reviews showed that police officers got sanctioned more through the internal reviews than through the external system (Hudson, 1972). However, despite the apparent effectiveness of internal affairs in disciplining police officers, the public somehow still favors a civilian review board.

**Court Review.** Aside from democratic reasons and dictates of natural justice that one should not decide his or her own guilt, other factors explain the emergence of civilian review boards. One of these reasons is that the public believes civilian review boards are more efficient and convenient than other means of recourse, and particularly the courts.

Courts are usually time consuming and costly avenues for redress. As such, lower status groups who are policed more often than higher status people (Black, 1976; Chambliss, 1978; Cray, 1972; Goldsmith, 1991; Gordon, 1990; Hindelang, 1978; Sanders, 1993; Tittle, Villemez, and Smith, 1978) would be discouraged from seeking redress in the courts. Having no other efficient means of redress, disadvantaged groups are both potential clients and supporters of civilian review boards. In this case, civilian review boards will usually have captive clients.

Also, some observers have commented that courts are ineffective in controlling police misconduct (del Carmen, 1981; Goldstein, 1967). One reason courts fail to control police behavior is that court convictions in criminal and civil cases involving police officers are infrequent (del Carmen, 1989; Kappeler, 1993; Reiner, 1993). Contributory factors to this low

judgment rate against the police are the realities that most complainants who come to court have less than credible reputations (Landau, 1994) while police come to court with respectability because of the position they hold (del Carmen, 1981; Reiner, 1993).

Another factor for the low judgment rate in court actions against the police is that the police often operate in isolated conditions (Goldstein, 1967; 1977). More often, the only witnesses to the incidents are the police officers and the parties involved (Reiner, 1993). Complainants have a difficult time documenting their complaints (Landau, 1994). Also, it has been observed that police officers have the tendency not to testify to the prejudice of a fellow officer (Cohen and Feldberg, 1991; Dershowitz, 1991) or they try to cover each other's "ass" (Van Maanen, 1975). The "blue curtain" influences them to defend their fellow officers (Reiss and Bordua, 1967) that they are ready to reconstruct events in order to conform to the legal requirements (Manning, 1978; Skolnick, 1966). Furthermore, police officers are also socialized to define certain improper conduct as acceptable (Barker, 1991; Goldstein, 1960) and necessary for the accomplishment of their mission. All of these factors contribute to the ineffectiveness of the courts as a mechanism for controlling police misconduct.

## **SUMMATION**

The police have a tremendous amount of power over the lives of citizens. The public expects the police in a democratic society to exercise their powers with caution and sound judgment. Non-adversarial controls such as the legislature, executive directives, police rules and regulations, and the media have always been active participants in this control effort by making sure that police officers are provided with enough guidelines and are subject to official and public criticisms whenever they cross the lines of propriety in the exercise of their functions. Part of developing public trust and confidence in the police, however, is the institution of an effective accountability system where the public and the police themselves have active participation in the process.

Experiences of democratic societies in using traditional adversarial systems in controlling the police have been rather discouraging. The police have somehow successfully evaded being controlled by a traditional controlling agency-- the courts. Research suggests that internal systems might be effective in controlling the police. However, the secretive nature of their proceedings and the reputation of police officers for solidarity have eroded public trust in the internal disciplinary systems.

Therefore, civilian review boards are alternatives for controlling the police. Structurally, the boards do not discriminate against clients on the basis of class or status. In other words, even less affluent people can have access to the process. Functionally, the cases that are heard and tried in civilian review boards may be less confined to the trappings of a lengthy, expensive, and procedurally stringent litigations such as those processed in courts. The civilian review boards also project to the public an appearance of impartiality due to the public participation in its proceedings. Civilian review boards and how they have been evaluated, perceived, or have made an impact on policing will be the focus of discussion in the next chapter.

## **CHAPTER III**

### **CIVILIAN REVIEW BOARDS AND THE POLICE**

Related empirical Philippine literature directly relevant to the present study is hardly existent. This is not surprising since the PLEB or an external regulating body similar to the PLEB is a relatively new idea. Philippine literature that was reviewed in this chapter pertained mostly to police abuses and the inability of prevailing mechanisms to control the police. Literature from other countries provided more relevant references for putting this study into context.

The review provides the empirical background for the study. A review of the literature that examined board resolution time and client satisfaction, the issue of integrity and legitimacy of the civilian review boards, and finally the effects that boards have on police officers and police departments will be discussed.

The last section provides a summary of relevant variables that have been considered to be theoretically and empirically important for studies involving police review systems. These issues, variables, and measures provided the foundation for the research methodology.

#### **RESOLUTION TIME AND CLIENT SATISFACTION**

The amount of time that boards spend on cases is an important concern. Watt (1991) and Sloan (1978) observed that expeditiousness of the complaint proceeding is one of the factors that determine client satisfaction. Slow court proceedings in civil claims leave complainants frustrated (Terrill, 1982). Relative to the regular courts, the PLEB is intended to provide a much faster alternative redress of a complaint. This factor is an important consideration in the Philippines. A lengthy judicial process induces some complainants to seek some form of extra-legal justice. Richburg (1989) reported that based on independent interviews and surveys of citizens, the lengthy delays in court proceedings make complainants seek a swifter brand of

justice by going to the New People's Army (NPA).<sup>3</sup> Thus, the NPA is reputedly involved in the summary execution of abusive and corrupt public officials, especially police officers. To avoid the public's recourse to the NPA or other liquidation squads, it becomes imperative for the complaint board to act in a more timely fashion. An unreasonably delayed proceeding on the part of the civilian review board or the courts projects to clients an impression of disinterest to carry out justice. This condition leads to frustration and serves as a motivation for recourse to other means of obtaining justice.

Delays in the civilian review board process are not only the most common cause of dissatisfaction but also the most commonly cited reason why complainants withdraw their cases. In England, David Brown (1987) found that a lengthy complaint proceeding was one of the principal reasons for complaint withdrawal. A study by Maguire and Corbett (1991) in England found that a delay in the processing of complaints was the major cause of dissatisfaction among complainants. In New York City, it is claimed that the slowness of the Civilian Complaint Review Board (CCRB) was one of the reasons for the lack of trust and dissatisfaction of the citizens with the board (Subcommittee on Criminal Justice, 1984; Walker and Bumphus, 1992). Citizen dissatisfaction also was observed with the Independent Review Panel in Dade County, Miami due to delays in investigations (Kerstetter, 1985a; West, 1991). In Philadelphia, complainants were so discouraged by delays in the review process that many failed to follow through with their complaints (Lohman and Misner, 1973). Thus, a slow proceeding affects citizen confidence in the board and ultimately its effectiveness (Montana, 1992). Some jurisdictions in the United States were so concerned with the problem that they created agencies to oversee the timely investigation of complaints (Jolin and Gibbons, 1984).

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<sup>3</sup> New People's Army is the military unit of the Communist Party of the Philippines. This unit gained the reputation as the unit that conducts summary execution of individuals who committed "sins against the people." This is the group that citizens get in touch with if they want to even the score against an unjust or abusive public servant.

On the other hand, a speedy proceeding is no guarantee that clients will be satisfied. An unreasonably fast procedure may compromise the board's thoroughness. In fact, even if thoroughness is not actually compromised, a speedy proceeding affects client perceptions of thoroughness resulting in client dissatisfaction. Montana (1992) noted that in Prince George's County in Maryland, citizens were disappointed with the Citizens Complaint Oversight Panel (CCOP) because the board spent very little time on cases filed before it. There was a public perception of lack of thoroughness on the board's part due to its concern with time limits. However, findings such as Montana's are rare. Citizen satisfaction is more likely to increase with speedier board proceedings.

Finally, most studies only looked at the satisfaction of complainants with the board's resolution time (Brown, 1987; Lohman and Misner, 1973; Sloan, 1978; Subcommittee on Criminal Justice, 1984; Walker and Bumphus, 1992; Watt, 1991). Police officers' satisfaction was commonly neglected. Previous research had emphasized the point that the satisfaction of both clients, that is, civilians and police officers, is important for the board's success (Landau, 1994; Perez, 1978; 1994; Reiner, 1993). A speedy resolution might be important for police officers, too, because a delayed process produces greater anxiety. Kerstetter (1985a: 177) commented that accused police officers, just like complainants, also have "the right to a reasonably prompt disposition of the accusation" against them. Also, police officers complain that their involvement in lengthy complaint investigations takes away time from their work. In England, police officers complained that the formal procedure involved in civilian review boards made them spend "an increasing amount of their time completing bureaucratic exigencies and not doing 'police work'" (Freckelton 1991: 71). Therefore, resolution time is as important to consider for police officers as it is for complainants.

## **INTEGRITY: COMPETENCE AND INDEPENDENCE OF THE BOARD**

Terrill (1991), Walker and Bumphus (1992), and Kerstetter (1985a) contended that there are two types of civilian board independence. The first is independence in form; the second is

independence in function. These two types may also be referred to as independence in structure (form) and independence in operation (function).

Independence in Form. In form, independence has a dual nature. The first issue is whether or not the office is located in the police department building. The second issue involves a question of whether or not the board is administered solely by civilian personnel. These two concerns, as they relate to independence in form, have frequently been controversial issues in efforts to establish an external review board (See Brown, 1987; Gellhorn, 1966b; Goldsmith, 1991; Russell, 1976).

The composition of the board is a volatile issue in a police review system. A purely civilian body may not be acceptable to the police (Brooks, 1973; Lenzi, 1974; Loveday, 1988; Wagner and Decker, 1993). On the other hand, a purely civilian office seems to foster more confidence from the public (Perez, 1992; Schwartz, 1985). From the public's perception, a board dominated by law enforcement personnel quickly diminishes its appearance of independence. The experience of Maryland illustrates this point. In its evaluation of the Complaint Evaluation Board (CEB), the Maryland Committee to the U.S. Commission on Civil Rights (1980) recommended that the membership of the CEB be modified because the dominance of enforcement personnel on the board makes it unfair from the perception of the citizens. In England, nearly two thirds of the people in study conducted by Brown (1987: 20) "felt that the investigation of complaints must be biased as the police themselves conducted it, and roughly 15 per cent and 20 per cent respectively considered that the Police Complaints Board (PCB) did not provide adequate reassurance of fair outcome."

Competence is another issue that is related to the board's membership. In each case where police officers have opposed a civilian review board, lack of competence by the members of the board is at the heart of police officers' objections. Ideally, the competence of the board should be associated with whether or not the members possess the qualities to conduct investigations, administer proceedings, and impose the corresponding penalties. However, these objective criteria of competence are not the measure that police officers employ to determine board



members' competence. Police contend that lack of law enforcement experience by civilians makes them incompetent to investigate police officers (Caiden and Hahn, 1979; Maryland Advisory Committee to the United States Commission on Civil Rights, 1980; Snow, 1992; Terrill, 1982). In England, police officers and the police commission argued that the only people competent to investigate complaints are other police officers. It was the prime reason for the Police Complaints Board not to have autonomous investigative power when it was established under the Police Act of 1976 (Uildriks and van Mastrigt, 1991). Reiner (1993) explained that the constable's judgment about the best method of enforcing the law is a respected tradition in the administration of the English police. Ordinary citizen's lack of police experience inhibits their capability to interpret this doctrine.

As Goldstein (1977) elucidated, police officers argue that police work cannot be fully "done by the book." For instance, police officers sometimes have to violate laws of privacy (i. e., frisking, trespassing) in order to effectively effect an arrest or prevent the occurrence of crime. The police feel that the public does not understand these requirements and subtleties of police work (Bittner, 1970; Lenzi, 1974; Wilson, 1963). Therefore, they would be more confident if the board that investigates them is composed of people who appreciate the dynamics of police work. Thus, the "police want their conduct measured by the informal code by which they operate rather than the formal criteria that define their function and authority" (Goldstein, 1977: 326; West, 1988). Besides, "police are hardliners and have always taken the position that only police officers can adequately and justly evaluate the conduct of another police officer" (Robinson, 1976: 4; see also Wagner and Decker, 1993; Walker and Bumphus, 1992; Cantor, 1974).

In his study of the different review systems in the United States, Perez (1994) revealed this sentiment of the police officers. Likewise, in his survey of police officers in six jurisdictions, the data revealed that 64 percent of police officers think that police officers should investigate complaints. As to the preferred composition of hearing boards, 37 percent of responding officers believed that only police officers should be part of the hearing board. Thus, the majority (63%) favored a combination of civilians and police officers as hearing board members. A review board

composed of a combination of police and civilians is the ideal model according to Lenzi (1974). It would appear, therefore that for police officers to consider the board as competent, membership has to include individuals who have law enforcement background.

However, the irony about civilian review board competence is that the reason police officers contend the board lacks competence is at the same time the reason why citizens favor them. A civilian review board presents an absence of collusion by the board with the police (Fyfe, 1985). In other words, the board will have independence in form. When police officers or former police officers are involved in the review, the public perceives that the board lacks independence. For example, Walker (1983) observed that the independence of the Kansas board suffered due to the presence of a former police officer on the board.

The second issue concerning review board's independence in form is the physical location of its office. Experiences around the world reveal that a board situated in the same building with the police department is considered by the public as less independent than one which is situated in a separate building (Fyfe, 1985; Kerstetter, 1985a; Sloan, 1978). This is the situation that Lenzi (1974) emphasized, that is, there is a need for a review body to be insulated so far as possible from the chain of command. It is claimed that the Office of Professional Standards (OPS) in Chicago has doubtful credibility because of its physical proximity to the police (Kerstetter, 1985a; Letman, 1980; 1981; Loveday, 1988; Terrill, 1982). This public perception of the board's lack of independence was observed despite the purely civilian composition of the OPS because it was physically located in proximity to the Chicago Police Department's office (Knoohuizen, 1974). In Vancouver, Canada, Barton (1970) suggested that complainants are deterred by the fact that complaints must be made at the police station. Perez (1978) confirmed this finding in his study of complainants' perception of various police review systems. He found that the location of review board office at the police building has a deterrent effect on citizens filing complaints against the police. Thus, "unless the public is convinced that an agency is truly receptive to complaints, it will not participate in the process" (More, 1992).

As might be expected from the discussion of board composition, police officers oppose boards that function outside the police department. The experiences of New York's CCRB and Philadelphia's PAB illustrate this point. (Loveday, 1988; Gellhorn, 1966c). In each instance, police officers rallied against boards that were detached or completely independent from the police. This police opposition was responsible for the demise of the review boards in New York and Philadelphia, and also Rochester.

It is quite evident, therefore, that the criterion, independence in form, is still an unresolved issue. The police and the public hold positions that contradict each other. Each group's particular position appears to represent their fears and antagonisms about review boards. The police oppose a purely civilian and physically detached board. It increases the uncertainties of their job, one that is already replete with a number of uncertainties (McNamara, 1967). On the other hand, the public distrusts a board that is tainted with police personnel. The presence of a law enforcer on the board reinforces citizens' fear of the police who have wronged them. These opposing views, therefore, present a huge obstacle that any review board faces and at the same time must overcome.

Independence in Function. The second issue involving board credibility is independence in function, which is indicated by the extent of the board's reliance on the police department to carry out its duties. In the United States, research reveals that most boards rely on the police agency that is the subject of a complaint to perform the investigation of the complaint (The Hartford Institute of Criminal and Social Justice, 1980; Terrill, 1982). This particular functional relationship between the board and the police agency taints the apparent independence of the board. As a consequence, citizens express dissatisfaction and lack of confidence in boards that rely on police officer investigations (Subcommittee of Criminal Justice of the Committee on the Judiciary of the United States House of Representatives, 1984). Neiderhoffer (1968: 303) suggested that "an external review system is most feasible [when] there is no official connection with the police and no policemen assigned to the office where complaint is filed." In England, the independence of the Police Complaints Board (PCB) became an issue because of its lack of

autonomy in investigating complaints (Uildriks and van Mastrigt, 1991; Terrill, 1980). Brown (1987) found that two thirds of the respondent complainants were dissatisfied with the PCB. He attributed their less than favorable opinions to the fact that the police themselves conducted the investigations of complaints. As Fyfe (1985: 79) succinctly commented: "How can it [i. e., the board] be viewed as independent when it bases its judgments on the results of investigations conducted by employees of the department it is charged with monitoring."

Interestingly, the Police Advisory Board in Philadelphia, despite its reliance on the police department's investigation of citizen complaints, did not have a problem with integrity and independence (Lohman and Misner, 1973). This favorable assessment may have resulted because the board has an office separate from the police department. This might mean that the PAB's appearance of integrity overshadowed its actual dependence on the police. However, Gellhorn (1966c), Beral and Sisk (1964), and Lenzi (1974) argue that the PAB has a tainted independence due to its reliance on the police for investigations. Thus, there seems to be a disagreement among various authors concerning the relationship between the PAB's independence in function and citizen satisfaction with the board.

Independence in function is also indicated by the board's power to subpoena police officers or compel production of evidence possessed by the police. The absence of these powers cripples the operation of the board (Cooper, 1974). In his survey of thirty-one (31) civilian complaint systems in the United States, Montana (1992) observes that the greatest hindrance to their effectiveness is their lack of subpoena power. When the board cannot subpoena officers and evidence is not procured, its competence and integrity is held in question (Kerstetter, 1985b). In Philadelphia, Rochester, and New York, cases are mostly dismissed because of a lack of evidence (Gellhorn, 1966c). High dismissal rate is also the trend in Scotland and England (Uildriks and Mastrigt, 1991). Because of the high rate of dismissal and apparent leniency of the boards, there is an appearance of partiality and lack of fairness by the board (Perez, 1992). These latter issues are discussed in the next section.

## **LEGITIMACY: FAIRNESS, OBJECTIVITY, AND THOROUGHNESS**

In the previous section, the review focused on the appearance of the board and how it can affect its integrity. In this section, the review centers its attention on client perceptions of review board performance. The principal question is whether or not civilian review boards have been perceived to be fair, objective, and thorough in their handling of cases filed before them. Also, it examines the factors that appear to correlate with clients' perception of the board's legitimacy.

The importance of this criterion to the existence and success of the board can never be overemphasized. Legitimacy of the board is an important quality that boards must possess to inspire confidence in its clients because the public easily loses trust and confidence to a board that lacks legitimacy. A classic example is the CCRB in New York City where the proposal itself was defeated in a referendum because there was a wide perception of the board's inability to render fair and impartial decisions (Subcommittee on Criminal Justice, 1984). Police officers rallied against it; and the public did not vote for it (Abbot and Gold, 1968; Brooks, 1973). In Philadelphia, the Fraternal Order of the Police staged a collective action that led to the demise of the Police Advisory Board (Terrill, 1988; West, 1988). This police activism was due to police officers' perceptions that the board did not have the legitimacy to implement a fair, objective, and thorough process (Kerstetter, 1985a; Lohman and Misner, 1973; Ruchelman, 1973).

However, the use of legitimacy as a criterion may be both problematic and complicated. The reason for this complexity is that police and public perceptions are antithetical to each other. One group's perception of legitimacy is the other group's contention that the board lacks legitimacy. Thus, it is imperative for any study to determine the degree of disagreement between police and complainants concerning the board's legitimacy. Completely divergent opinions on the part of the police and complainants may indicate that these perceptions about the board's legitimacy happen because of the biased opinions of the groups. On the other hand, shared perceptions by both complainants and police officers are more reliable and credible indicators of the board's legitimacy.

Another problem with legitimacy as a criterion is that most of the time the police and the public seem to have difficulty isolating appearance from actual operation. For example, the Office of Professional Standards (OPS) in Chicago is perceived to lack objectivity and fairness by the public. Despite the fact that all board members are civilians, it was still perceived by the public as part of the police department (Knoohuizen, 1973; Kerstetter, 1985b). Loveday (1988), however, reports that police officers see the board as an objective and fair review panel. Consequently, police officers have a comfortable degree of confidence in the board.

The situation in Toronto stands in contrast to what was observed in Chicago. Here, the public appears to possess positive opinions towards the Office of the Public Complaints Commission while the police officers had less favorable attitudes because of the Commission's apparent impartiality and favoritism. Police officers specifically claim that the Commission had vague implementation of the rules, especially as to their rights to fair and thorough hearings. The most constantly violated rights of police officers are the right to present all relevant evidence and the right to cross-examine witnesses. In the aforementioned studies, clients seem to judge a board's legitimacy not by whether it has a close relationship with the police but whether its operations are done with fairness, objectivity, and thoroughness.

However, the literature provides some evidence that a board's exercise of fairness and objectivity can favorably influence any suspicions or antagonistic opinions that its client groups may have toward the board (Halpern, 1974; Perez, 1978). In some encouraging findings, police officers seemed to have developed confidence in the board once they perceived fairness in its operation. Halpern (1974) observed this phenomenon in both Baltimore and Buffalo.

The outcome of a specific case is another factor that highly affects the perception of clients as to the legitimacy of a review board. First, an unfavorable outcome usually casts doubt on the board's thoroughness. The losing party in a complaint decision may contend that the board's unfavorable decision was due to a lack of thoroughness in the board's handling of the complaint. This accusation may be true in some instances.

In a cross-sectional analysis of US civilian review boards, Montana (1992) found that greater percentages of cases were dismissed by the civilian review boards than by internal review systems. This finding was supported by Hudson's (1972) comparative study of the PAB and the internal review system in Philadelphia. Also, Snow's (1992) evaluation of the PAB revealed the same finding that the boards tended to be easier on accused officers than the internal police department processes. Montana (1992) attributes this low conviction rate of police officers in civilian reviews as a product of more rigorous evidentiary requirements. Police officers are exonerated more often due to the absence of clear and convincing evidence to convict police officers (Landau, 1994). This shortcoming is interpreted by the public as a lack of thoroughness on the part of the board. Consequently, a perceived lack of thoroughness affects people's confidence in the board as demonstrated in Philadelphia (Hudson, 1972) and New York (Subcommittee on Criminal Justice, 1984).

Human nature is the second reason why the case outcome is important. An unfavorable finding is usually a disappointing and humiliating experience. Respondents will have a natural tendency to evaluate the system unfavorably when the outcome is unfavorable to them. This natural human tendency may be the reason why there seems to be an inherent contradiction between the police and the public's perception of the legitimacy of the board. The accusations that the board was unfair, impartial, and incomplete in its procedure may be a form of rationalization for clients whose arguments are not found justifiable by the board. An unfavorable outcome is immediately tainted with lack of fairness, objectivity, and thoroughness. A study made by Brown (1987; 1988) supports this contention. He interviewed 105 complainants who filed charges against the British police. Results of the study revealed that case outcome had a significant influence on the satisfaction of complainants. Eighty percent of dissatisfied complainants had unsubstantiated complaints (Brown, 1987; 1988).

Another study (Perez, 1978) revealed how case outcome influences the public's perception of the board's legitimacy. Perhaps the most comprehensive study on the legitimacy of police review systems, Perez (1978) conducted a study involving six jurisdictions in the United

States. Using surveys of complainants, he examined the correlation between the outcome of the review and complainant satisfaction with the boards' objectivity, thoroughness, and fairness. In five of the six jurisdictions, Berkeley being the exception, he found strong negative correlations between case outcome and complainant satisfaction. This means that knowing the outcome of the case, one will be better able to predict in general the evaluation of the board by the respondents. Specifically, respondents tend to be dissatisfied with the board when the outcome of the complainant's grievance in the process was held to be unjustified. Complainants whose claims are found justified have more favorable attitude towards the board. This complainant evaluation may reflect respondent bias. Negative decision outcome does seem to have a negative effect on the perceptions of the board's legitimacy by complainants. Although a positive decision outcome usually produces more favorable attitude, it does not seem to have greater influence on complainant's attitude as compared to a negative decision outcome. However, one needs to be cautious with Perez's findings because the sample size (less than twenty) at each of the jurisdiction was quite small.

One interesting finding of Perez (1978) was that the case outcome was not correlated with the evaluation of the board in Berkeley. This finding becomes more interesting when the characteristics of the Berkeley review system (PRC) are closely examined. The PRC in Berkeley is the most independent civilian review system of the six review boards examined by Perez (1978). Berkeley's board is also a completely civilian review board. The implication from Berkeley is that a more detached and independent review board will have more legitimacy regardless of the outcome of the case.

In reference to the People's Law Enforcement Board (PLEB), this matter is important. The PRC in Berkeley that Perez (1978) studied closely approximates the power and structure of the PLEB. This means that in a structure such as that in Berkeley, boards may have legitimacy with at least one sector of its clients irrespective of case outcome. If the findings in Berkeley are replicated in the present study, it implies that appearance is important. The outcome of the case



becomes an insignificant variable in the presence of a fair and objective appearance on the part of the board, at least as far as Berkeley was concerned.

Perez (1978) also found that officer morale is not affected by the existence of such an independent adjudicatory body as that found in Berkeley. Aggressive policing is also not affected by civilian review boards. Lohman and Misner (1966) confirmed these findings in Philadelphia. Together, these findings contradict the belief that civilian review boards can undermine police morale and create some apprehensions among police officers when taking necessary actions (Stowell, 1977; Fyfe, 1985).

Unfortunately, Perez (1978) failed to consider several features, which are critical to a complete, thorough, and more rigorous evaluation of review boards. First, police officer perceptions were not included in his study. His decision to focus solely on complainants' perceptions of case outcomes is problematic. As most authors have argued, police acceptance of the board is crucial to the success of the board (Goldstein, 1977; Kerstetter, 1985a; Perez, 1978; Schwartz, 1985). Second, Perez also neglected other features of the complaint process such as the filing stage, the investigation stage, and the hearing stage. It is possible that clients' perceptions of the boards' actions and degree of participation in each of these stages of the complaint process may affect the clients' perception of the board's legitimacy (Khan, 1973; Terrill, 1980).

In conclusion, existing evaluations of external review board legitimacy appear to be lacking in rigor and they fail to examine all theoretically relevant factors that may influence review board legitimacy. A more thorough understanding of the board's legitimacy will emerge with the concurrent investigation of both the police and the public. The perceptions of external review board clients should be compared and contrasted to assess where they vary and why such variance exists. The failure to follow this course makes any evaluation of the board's legitimacy less complete.

## **LEARNING**

One possible impact of review board decisions is that they influence officer behavior. In other words, the extent that officers "learn" from the operations of the board may be a viable measure of the civilian board's impact. This impact of a program or agency on its client is an important criterion for its evaluation. Rossi and Freeman (1989) state that the impact of the program is the heart of any evaluation. The program's utility determines its continued existence and support from the public or program sponsors.

The adoption of a valid measure of impact is a difficult task. In most cases, official data such as the numbers of complaints are used. However, Walker and Bumphus (1992) contend that official data are sometimes inappropriate to use as a measure to evaluate the impact of a civilian review board. They argue that using measures such as number of complaints, incidences of police misconduct, or the official disciplinary acts are problematic. An increase in the number of complaints may indicate that the board is inspiring public confidence in the complaint procedure. Moreover, there is a counter-productive outcome that may be inferred from the increase of complaints. The antithesis of this indicator is that the board is ineffective in deterring police officer misconduct. In other words, whatever advantage the board seems to produce is juxtaposed with an equally damaging disadvantageous effect.

Also, causation is extremely complex to unravel in using official data. A greater number of complaints do not necessarily mean that there is a worsening police behavior. It may just be an increased mood for litigation by the public. Even a higher conviction rate may not be appropriate because such a phenomenon may have no connection with police officer misbehavior. The higher conviction rate may occur because present board members are simply more punitive.

Likewise, a lower number or rate of complaints may not indicate improved police conduct. This reduced complaint rate may also result because complainants are merely apathetic, apprehensive, fatalistic, public spirited, or simply unaware (Russell, 1978; Wagner and Decker, 1993). From all of these discussions, it is shown that "the interplay of complaint procedures and

the volume of and rate of complaints is, in short, highly complex and complicates any attempt at evaluation" (Walker and Bumphus, 1992:10).

These problems with official data were the catalyst for Perez (1978) to come up with "learning" construct as an alternative measure of the board's effectiveness. He argues that whether or not the board was able to influence police officer behavior is a measure that may well indicate the board as having a beneficial impact.

In his research, he concluded that the civilian review has little impact on the behavior of police officers. In fact, he commented that "behavioral impact is the Waterloo of civilian review" (Perez, 1992: 7). Perez (1994: 159) reported that of the Berkeley police officers he surveyed in 1978, "12 percent responded that they felt the PRC's operation had a positive effect on behavior on the street; 37 percent of the group felt that the PRC had no impact; and 38 percent believed it to be counterproductive (12 percent did not know about its impact)." He (Perez, 1994: 162) reasoned that

"learning does not develop for essentially defensive reasons because review systems are too lenient. Learning is also limited because civilian systems are seen to be run by and for people who know nothing about police work and therefore need not be listened to. And finally because they are formalized and removed from the individual police officer's street experience, civilian systems may limit and even inhibit informal learning channels from changing police behavior patterns."

These findings are significant because Berkeley's review board closely resembles the PLEB in composition and operation. Similar to PLEB, the PRC consists completely of civilians and functions independently from the police department.

Apart from Perez's (1978; 1994) conclusion of no impact, other observations on the impact of civilian review boards on police officer behavior in different jurisdictions have been conflicting. Some impacts are negative while others are positive. The negative effect of the board was manifested in Philadelphia where police officers exhibited a degree of reluctance to make

arrests during a riot because of the board's presence (Halpern 1974). This is precisely the type of dysfunctional behavior that police officers and opponents of civilian review predict will happen with the presence of an external review board. However, Barton (1970) suggests that claims of such timidity due to the presence of the boards have not actually been studied in detail.

On the other hand, civilian review boards may have a positive impact on the police officer's learning experience. Gellhorn (1966c: 9) suggests that complaints can serve as feedback on the appropriateness of police conduct. He said that "police officers learned that they need fresh guidance on when or when not to use handcuffs at the time of arrest," for example, in cases where handcuffing the offender would aggravate an injury or in instances where police officers handcuffing offenders too tightly might result in an injury on the offender.

A parallel observation was made by Spencer Coxe, the Executive Director of the Philadelphia Branch of the American Civil Liberties Union (ACLU). He mentioned that the board in Philadelphia has "contributed to the enlightenment of members of the force as to the limits of their authority, and has helped reveal and correct objectionable departmental practices and policies" (Coxe cited in Terrill, 1988: 84). In a more direct, but less concrete observation, Terrill (1988) used Detroit's Board of Police Commissioners (BPC) as an example where the civilian oversight was one of the significant factors that contributed to improvements in police conduct. Before Terrill (1988), Littlejohn (1981) found BPC to have produced an impact on deterring police misconduct. The BPC cannot be appropriately compared to PLEB, however, because the BPC can have operational control of the police. The PLEB does not have such control. In addition, the variable (possible deterrent effect) analyzed is not synonymous to the thrust of this present study. In fact, I have just pointed out the problematic nature of looking for the deterrent effect of the board.

In view of the arguments above, it is, therefore, possible and viable to use learning as an alternative to official data. It has become evident that the concept of learning is a more reliable indicator of the board's impact compared to official data.

## **SUMMATION**

The review of various literature reveals several important issues in the evaluation of police review boards. These important variables are considered in this present study for several reasons:

First, the investigation of resolution time is an important and serious concern because it tries to address the perennial concern of human beings that is captured in the cliché, "Justice delayed is justice denied." A study in England showed that long delays in the processing of complaints caused the complainants tensions and led them to withdraw their cases (Brown, 1987). Thus, this study provides policy makers with information on whether the time constraint imposed on the PLEB is a reasonable time frame that is acceptable to the board's clients. For example, this research may reveal that longer resolution time is more desirable than shorter time. Also, can it be possible to reduce the resolution time without sacrificing satisfaction and, thereby, resulting in a more economical operation for the PLEB? These are some of the questions that this research may be able to answer.

Second, it is also important to find out if the PLEB is an acceptable adjudicatory body for both the police and the public. If one of these client sectors could not perceive integrity in the system, such a disagreement would tend to foster greater animosity between the police and the public (Reiss, 1971). It may tend to aggravate the pariah status of the police, which is a primary problem of the police (Bittner, 1970; Wilson, 1963). Furthermore, the PLEB cannot perform effectively its supposed function of providing a grievance mechanism for the public and deterring possible police misconduct if trust in the PLEB is lacking. This debacle becomes eminent when a disciplinary body lacks integrity because it will not inspire citizens to report actively police misconduct. Likewise, police officers are less likely to be supportive of a discipline body when there is a perception that the board is delivering a partial and an oppressive system of justice. Police officers sometimes have a dysfunctional tendency to subvert a system or program that threatens their solidarity and job security (Brown, 1987; Ferraro, 1989; Sherman, Milton, and Kelly, 1973). Police officers have demonstrated that they have the capacity to

sabotage the operation of the board (Humphry, 1979) and even to bring about its abolition (Brooks, 1973; Lohman and Misner, 1973; Loveday, 1987; West, 1988).

The analysis of the congruence of police and complainant perceptions of the integrity of the boards will indicate the level of operational consistency that the board exercises. Perez (1978), Kerstetter (1985a), and Goldstein (1977) consider balancing the restraint of the police and the redress of citizen grievance as a sensitive role for the board to perform. The findings would be helpful for the board to assess whether any aspect of its operations tends to be viewed as unfair or impartial. On the basis of this information, policy makers and implementors may make decisions on how to direct future operations of the boards.

Third, the study of the board's legitimacy will have the same importance as that of the board's integrity. Common sense dictates that complainants will not seek recourse to a system that is perceived to be unfair, partial, and clumsy in its procedure. Likewise, police officers who are not convinced of the board's legitimacy will oppose such agency either overtly or subtly.

Fourth, the learning that occurs due to the operation of the PLEB will be useful for police departments. It can help managers plan for police training and supervision. Schwartz (1985) and Kerstetter (1985b) share the belief that civilian review will efficiently disclose problems both of policy and practices in the handling of citizen's complaints. In this case, an evaluation of the board's impact will have the same contribution. Such awareness about the learning process that may be attributed to the board will also help police officers assess the problems they may be encountering with the PLEB proceedings. Finally, the evaluation of the PLEB's operations is also a valuable tool for examining police policies and determining the rationality of police policies relative to police operations (Fyfe, 1985).

## CHAPTER IV

### THE PHILIPPINES

#### GEOGRAPHY, PEOPLE, GOVERNMENT, AND POLICE

To lay the foundation for the research, this chapter will describe the country where the study was conducted. The physical, demographic, social, economic, and political institutions and their characteristics of the Philippines will be described briefly. It will also provide an outline of the relationships that exist among these institutions. The police system and its brief history will also be discussed in this chapter. In the last section of the chapter, the discussion will focus on the People's Law Enforcement Board's (PLEB) creation, composition, jurisdiction, and functions.

#### THE PHILIPPINE GEOGRAPHY AND ITS POPULATION

A country's geography, people, and national character play an important part in the social, political, economic and religious life of a nation (Santiago, 1985). The demographic and geographic profiles of a nation lay the context within which political, social, religious, and economic institutions are analyzed. The following section aims to achieve the goal of providing context for the present study.

**The Physical Geography.** The Philippines is an archipelagic state located in Southeast Asia. It is composed of 7,100 islands with a total land area of 115,707 square miles. In terms of land area, it is almost as large as the state of Arizona. The largest island in the Philippines is Luzon (40,814 square miles) where the capital city, Manila, is located. The second largest island is Mindanao (36,906 square miles) found in the southern portion of the archipelago which is bigger than Austria (Zaide and Zaide, 1987).

"The Philippines is a rugged land of mountains and plains, bays and lakes, rivers and waterfalls, valleys and volcanoes. Its irregular coastline stretches 10,850 statute miles, twice as long as the coastline of the United States" (Zaide and Zaide, 1987: 5; Agoncillo, 1975).

Figure 2. Map of the Philippines



Source: [www.lib.texas.edu](http://www.lib.texas.edu)



Despite the country's state of underdevelopment, its urban centers measure up to other major urban centers in the world. Its cities have high-rise commercial buildings. Huge and modern shopping malls are major establishments manifesting the capitalistic and materialistic state of the nation. Modern communication and transportation facilities are also used in these urban centers. Entertainment and cultural centers also abound where western influence in theaters, fashions, and lifestyles are immediately apparent. However, these urban centers also exhibit the disadvantages that mark other urban centers in the world such as overpopulation, traffic problems, pollution, and a high crime rate.

**The People of the Philippines.** The total population of the Philippines at present is roughly 76 million. It is ranked 14th in the world with a population growth rate of 2.1 percent per year (Zaide and Zaide, 1987). About 50 percent of the population lives on the island of Luzon. Approximately 10 percent of the Philippine population is clustered in the Metropolitan Manila area. It is estimated that nearly one in eight Filipinos live in Metropolitan Manila.

The Philippines has a relatively young population with 40 percent of its population younger than 15 years of age. In 1990, the estimated median age of its population is 19.8 years of age. The average life expectancy of the population is 65 years of age.

Predominantly Malay in origin, the Filipinos are a mixture of races which is due to the Philippines' colonial history and its active contacts with foreign countries. The Philippines was colonized by Spain for three centuries from 1565 when Miguel Lopez de Legazpi proclaimed the Philippines as a territorial province of Spain until the First Philippine Revolution in 1896. The Spanish rule ended in 1899 with the United States establishing its sovereignty over the archipelago. The rule of United States was disrupted with the Japanese occupation in 1941. In 1945, the Americans returned and on July 4 of the following year, the Philippines gained its independence.

Prior to these colonization periods, the Filipinos maintained active contacts with neighboring countries that went as far as the Mediterranean. Foreign relations are mostly due to trade and economic relations (Agoncillo, 1975). Some of these foreign visitors settled in the

Philippines and begot offsprings. These intermarriages explain why Filipinos sometimes exhibit physical features resembling other nations.

Over 92 percent of the Filipinos are Christians making it the only Christian nation in Asia (Agoncillo, 1983; Zaide and Zaide, 1987). Of the Christian Filipinos, eighty three percent (83%) are Catholics and about nine percent (9%) are Muslims and other religions make-up eight percent (8%).

The Philippines is a nation of many languages. Its national language is Filipino (Art. XIV, Sec. 6, 1986 Constitution) which is based on a local dialect-- Tagalog. The major language spoken is Filipino and English. The Philippines is the third largest English-speaking nation in the world (Zaide and Zaide, 1987). Two major reasons account for this high percentage of English-speaking population in the Philippines. First, the English language is an important language skill for Filipinos to learn. English is used for commercial and government transactions. All laws are written in English. Formal government proceedings are carried out in English. For example, court hearings are conducted in English. Litigants who do not have sufficient skills in English have the proceedings translated for them in their native dialect. Also, forms and documents are drawn mostly in English. Seldom do you find a form where there is a local language translation. These realities of everyday living make Filipinos strive to learn English even at its most elementary level. Second, English is used as the medium of instruction in Philippine schools from early childhood education to post-graduate education. However, some universities in the Philippines (e.g., the University of the Philippines) are presently advocating for a bilingual classroom instruction using Filipino and English. Most universities, however, use English as the only medium of instruction. Spanish is still spoken by some Filipinos (2.1%) but mostly by the elite. Besides these national languages, there are about 142 dialects.

Although the people of the Philippines speak a variety of languages and are scattered across many islands, they have a relatively high degree of cultural homogeneity (Agoncillo, 1975). The long struggle for independence, the influence of Christianity, the use of Filipino and

English languages in the schools, and rural-to-urban migration have contributed to a sense of national identity for the Filipinos (Zaide and Zaide, 1987).

## **PHILIPPINE POLITICS AND GOVERNMENT**

The Philippines prides itself as the cradle of democracy in Asia. It was the first Asian nation to establish a republic (Zaide and Zaide, 1987). On the national level, the government principles and organization are patterned after the United States. However, there is one very important distinction between the two. The United States is a federal form of government while the Philippines is a centralized form of government. Being highly centralized, the Philippine national government has significant control over the administration of local affairs. It involves a situation where national government policies take precedence over local ones (Aruego, 1991). Also, there is a significant degree of dependence by local governments on the national government for almost every aspect of administration and service delivery such as transportation, infrastructure, communications, police and security, health, education, and other basic services.

The Philippines adopted the civil law system (de Leon, 1994; Patricio 1993; Tolentino, 1993). Thus, statutes are interpreted according to the letter of the law. The civil law system also requires that administrative and political actions be carried out according to the letter and spirit of the law. Tradition and common laws are used only in situations where the law is silent or when the application of the letter of the law would violate the spirit of the law upon which the rights are being invoked (Regalado, 1994).

The political history of the Philippines has been a stormy one. Over time, at least five republics have been established. Despite these changes in republics, the centralized form of government has been observed. The first republic was established in 1989 when the Philippines

declared its independence from Spain after three centuries of Philippine colonization. The second republic happened with the establishment of the Commonwealth government under the guidance and administration of the Americans. The Japanese ruled the Philippines for three years and the operations of the civil government were disrupted during the occupation. When the Japanese was conquered, it gave birth to the independence of the Philippines and the birth of the third republic.

A life of peace and calm in the Philippines ensued after Second World War until the turbulent years in the late 60's and the 70's when the communist insurgency problem got serious and student activism and protests heightened. These incidents led to the declaration of Martial Law by President Marcos in 1971. The proclamation of martial law also prompted the emergence of the fourth republic or what Marcos called the "New Society" or the "New Republic." The New Society introduced radical reforms in the governmental set-up of the Philippines including militarization of the Philippines. This militarization is evidenced by increased activity by the Armed Forces, especially in the south, and the militarization and nationalization of local police forces with their integration to a branch of service in the Armed Forces, the Philippine Constabulary (PC). With the integration of the police and the PC, local government officials lost control over the police and all military and law enforcement personnel went under the control of President Marcos.

The present and fifth republic is a product of the "people power" revolution in 1986 ending 25 years of authoritarian rule under President Marcos. The revolution restored democratic rule in the Philippines with the full enjoyment of political and civil rights that characterize most democratic governments. A new constitution was ratified by an overwhelming majority of the Filipino people in 1987 (de Leon, 1993). The provisions of the 1987 Constitution bear significant

resemblance to the 1935 Constitution which was patterned after the constitution of the United States (Nolledo, 1994).

**The National Government.** There are three principal branches of government: the executive, legislative, and the judicial department (Arts. VI, VII, VIII, 1987 Constitution). The President is the head of the executive branch as well as head of the state (Art. VII, Sec. 1, 1987 Constitution). He/She is elected directly by the people for a single term of six years (Art. VII, Sec. 4, 1987 Constitution). The President is also the Commander-in-Chief of the Armed Forces of the Philippines (Art. VII, Sec. 16, 1987 Constitution). These characteristics make the Philippines a presidential form of government.

To carry out the executive functions of government, departments, bureaus, commissions and other offices are created (Nolledo, 1995). All of these offices are under the control and supervision of the President. His or her power of supervision means overseeing or the power or authority of an office to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill these duties, the former may take such actions or steps as prescribed by law to make them perform their duties. On the other hand, control means the power of an officer to alter, modify, nullify, or set aside what a subordinate had done in the performance of duties and to substitute the judgment of the former for that of the latter (*Mondano v. Silvosa*, 97 Phil. 147). The distinction between these two types of presidential power is important because the President can exercise control over national governmental agencies only. The President's power over local government agencies is limited in the sense that he or she has merely supervisory power. However, the President retains control over the police that traditionally has been under the control of the local executives. Thus, due to its national character, the police organization comes under the control of the President.

The legislative function is performed by the Congress of the Philippines (Art VII Sec. 1, 1987 Constitution). It is a bicameral body with a Senate and a House of Representatives. The senators are elected nationwide while the members of the House are elected from legislative districts in the provinces. Each legislative district should have at least 250,000 population (Art VI Sec). Thus, the districts in the province may be composed of several towns and cities located within the province. A city with a population of at least 250,000 shall be considered a legislative district. A province which does not meet the minimum population requirement is considered a legislative district by itself (Section 5 (3) Art. VI, 1987 Constitution).

The judicial function is exercised by a fifteen-member Supreme Court of the Philippines. Aside from its judicial function, the Supreme Court administers the courts in the Philippines. However, the justices of the Supreme Court, the judges in the lower courts, the justices of appellate courts, and the prosecutors are appointed by the President. Although the Supreme Court have no power of appointment over lower court judges and prosecutors since the power is reserved to the President, the Supreme Court has the power to discipline judges and all members of the bar.

**The Local Governments.** Local government has been defined as a "political subdivision of a nation or state constituted by law, which has substantial control over local affairs including the power to impose taxes, the governing body of which is elected or appointed" (UN, quoted in de Guzman, Reforma, and Panganiban, 1988: 207). It "consists of all units of government under the national level in unitary states and under national and state levels in federal systems" (Alderfer, 1964: 2).

"Local government has been referred to in American and Philippine jurisprudence as municipal corporations" (de Guzman, Reforma, and Panganiban, 1988: 207). "A municipal

corporation is a public corporation, created by the government for political purposes and having subordinate and local powers of legislation. The essential elements or requisites of a municipal corporation are: (1) legal creation or incorporation, (2) corporate name, (3) inhabitants, (4) place or territory, (5) charter, and (6) legislative power.

Knowing these elements is necessary to understand the local government system in the Philippines. Five levels of local government exist, namely: (1) the barangay (formerly barrio), (2) the municipality, (3) the city which is categorized into a regular city or a highly urbanized city, (4) the province, and the (5) the regions. At present there are 16 regions, 74 provinces, 60 cities, 1,530 municipalities, and around 42,000 barangays. However, not all the regions may be considered local governments units in terms of meeting the criteria for being municipal corporations. Regions which do not exercise legislative functions and/or lacking corporate personality are not considered local governments (de Guzman, Reforma, and Panganiban, 1988). Of the 16 regions in the country, only 5 meet the criteria of being considered municipal corporations. These regions are the National Capital Region created by Presidential Decree No. 824 of 7 November 1975, the Cordillera Autonomous Regions created pursuant to Article XIV of the 1987 Constitution, and the Autonomous Region of Muslim Mindanao (Regions IX and XIII), and the Caraga Region.

Creation of local government units. There are several criteria for the creation local governments that include: (1) population, (2) average estimated annual income for the last three years, (3) land area, (4) approval of the majority of the votes cast in a plebiscite. These criteria for each local government units are presented in Table 1. The required populations for the barangay, municipality, city, highly urbanized city, and province are 1,000; 10,000; 100,000; 150,000; and 500,000 respectively. For the income requirements, a municipality should have at

least 200,000 pesos; a city needs 10 million pesos; a 30-million peso income is required for a highly urbanized city, and the province should have 10 million pesos. Only the province has a required land area of 3,500 square kilometers (Batas Pambansa Blg. 337, Secs. 83, 135, 164, 197).

**Table 1. Criteria for the Creation of Local Government Units in the Philippines**

Local Government Units	Population	Average Annual Income (in Philippine Peso)	Area (km <sup>2</sup> )
Barangay	1,000	None	None
Municipality	10,000	200,000	None
City	100,000	10 million	None
Highly Urbanized City	150,000	10 million	None
Provinces	500,000	30 million	3,500

**Source: Local Government Code (Batas Pambansa Blg. 337, dated 10 February, Secs. 83, 135, 164, 166, and 167.**

However, it should be noted that meeting the criteria will not, ipso facto, result in the creation of a local government entity. The proposal to create a new local government unit should emanate from a congressional act (Art. VI, Sec. 18, 1987 Constitution). The plebiscite follows only after the law creating a local government unit has been enacted.

The local government unit administration. Local governments exercise both governmental and administrative functions in the province. A local executive who is elected by the people heads each local government unit. The head of the province or a chartered region is the governor who supervises the affairs of the whole province under his or her jurisdiction. The municipalities and cities are each headed by an elected mayor. The mayor exercises executive power and supervises the affairs of the barangays in his or her jurisdiction. Finally, a barangay captain heads the barangays. He or she is responsible for the administration of the neighborhood blocks under his or her jurisdiction.



Local governments have local legislative assemblies composed of elected representatives from the local government jurisdictions. These local assemblies are responsible for the enactment of local laws or ordinances. The provincial assemblies are called Sangunian Panlalawigan (Provincial Assembly). Metro Manila, however, does not have local legislative assembly. It is the Chairperson of the Metro Manila Development Authority (MMDA) in consultation with the different mayors who issues orders and directives in Metro Manila areas. The number of members in the assembly varies according to the number of population. For provinces with a population of 1,000,000 or more, eight are elected, and for those with less than 100,000 only four are elected. Other provinces have six regular members.

The city and municipal assemblies are called the Sangunian Panlungsod (City Council) and the Sangunian Bayan (Municipal Council) respectively. The municipal assemblies have eight members. The membership in the city councils varies according to the number of residents in the city. In cities with a population of 100,000 to 200,000, there are eight members; for those with 200,000 to 300,000, ten members; and for those with over 300,000, twelve members. For cities with a population of less than 100,000, only six members are elected. The legislative assembly in the barangay is the Sanguniang Barangay (Barangay Council). It is composed of eight members including the barangay captain.

The administration of justice is wholly a national government function. Except in the barangay, the Supreme Court of the Philippines determines local courts and their jurisdictions. Courts hear both civil and criminal cases. The barangays have a judicial body known as the Katarungang Pambarangay (Barangay Justice) which is presided over by the barangay captain. Its function is to determine if minor cases such as less serious physical injuries or annoyance can be settled amicably between the parties and that the regular courts need not hear the case. If the barangay court fails to reconcile the parties, the case is referred to the local courts. Judges and local prosecutors in these localities are appointed by the President of the Philippines who continue to remain in office until they reach the mandatory age retirement of 70 or when they are

removed from office for official or criminal misconduct. Judges and prosecutors can only be removed by the President through the Secretary of the Department of Justice.

**Relationship Between the National and Local Government Units.** The 1987 Constitution provides that the "the State shall ensure the autonomy of local governments (Art. II, Sec. 25, 1987 Constitution). The influence of the President on the local government units is limited to general supervision over local governments (Art. X, Sec. 4). This supervisory power of the President appears to be immediate with respect to provinces only. Section 4 Article X of the 1987 Constitution expressly grants the power of supervision to provinces with respect to their component cities and municipalities; and the cities and municipalities will have supervision of the barangays within their jurisdiction.

Despite these constitutional provisions intended to provide local autonomy, the relationship of the local government with the national government can be characterized by dependency. "Studies on local finance have shown that 60-65 percent of the total revenue of most local governments comes from external or national government sources, notably from internal revenue allotments; only 35-40 percent comes from local sources. There are even local government units whose revenues from local sources amount to only 17-20 percent of the total income" (de Guzman and Padilla, 1986: 23). Also, although local governments have the power to tax, they simply do not have the objects to be taxed (de Guzman, Reforma, and Panganiban, 1988). Incomes are taxed nationally and not locally. Motor vehicle registration fees and motor licenses fees are collected by the national government. Most local incomes derived by local governments are from issuing licenses for local stores and slaughter houses (Diokno, 1983).

Basic governmental services are provided for by the national government. Police and fire service is a national undertaking. Local elections are also administered by the national government. This makes the local government less independent politically from the national government. The national government also has control over agricultural, industrial, infrastructure, and sometimes even water and electric service because budgets to undertake these projects are usually determined, prepared, released by the national government.

## **BRIEF HISTORY OF THE PHILIPPINE POLICE**

The introduction of the formal police organization in the Philippines happened during the Spanish period. At the beginning of colonization, policing was done by the Spanish army. After several years of colonial administration, the Guardia Civil (Civil Guard) was established by the Royal Decree of February 2, 1852 (Campos, 1983). The Guardia Civil was primarily created to suppress banditry and uprisings in the provinces. Over time, the Guardia Civil became permanently assigned in pueblos (towns) and were performing regular police functions of order maintenance and law enforcement. Although assigned to localities, the Guardia Civil remained under the command of the administrator of the colony known as the Governor General. Thus, the Guardia Civil is a national police force. However, the Guardia Civil officers committed atrocities and abuses on the citizens that they symbolized Spanish abuse in the Philippines (Kesler, 1989; Zaide and Zaide, 1987).

With the signing of the Treaty of Paris in 1898 ceding the Philippines to the United States by Spain, a new type of police force was established known as the Philippine Constabulary or the PC. It was again a national police force. However, unlike during the Spanish era where only Spaniards were members of the police force, Filipinos were recruited to serve as Native Scouts in the municipalities of the province (Linn, 1989). In each city and municipality, local police forces were organized to supplement the PC forces. These local police forces who were within the command of the civil authorities of the local government units gained reputations as private armies of local government units. Kessler (1989) noted that these local police forces were utilized by the oligarchies more as personal guards against bandits and thieves rather than as delivering police service to the community. In other words, they were utilized more as private police. As the oligarchs became more involved in the political arena, these local police forces became instruments for the pursuit and perpetuation of someone's political power (Davis, 1987). This political nature of local police forces ensued until the early 1970's

Concerned about this perversion of the police function by the local authorities, President Marcos remedied the matter by nationalizing the police force through the integration of the local

police with the Philippine Constabulary. However, Marcos had to do it in a subtle way so as not to antagonize the local government officials. Marcos presented two justifications for the nationalization of the police force. First, he argued that he needed to unify all the armed forces against the communists (Kessler, 1989; Wurfel, 1988). Second, he wanted to professionalize the local police forces that had become “puppets” of some local political lords in their area. Thus, in the name of professionalization and national security, Marcos decreed that the local police forces were to be integrated with the Philippine Constabulary (Gutang, 1993).

Unfortunately, this new arrangement ultimately exerted a negative impact on the delivery of police services. The integration led to the increased militarization of the local police units. The police absorbed the military image that was commonly perceived by the people as abusive and corrupt. Also, the police eventually lost its civilian and democratic ethos and gradually adopted the authoritarian ethos of the military (Kessler, 1989). This transformation by the police strained the relationship between the police and the public. Community influence over the police which was mostly exercised through the local officials was also lost. Local officials lost the power to hire and fire police personnel in their jurisdiction. The police came directly under the control of the Armed Forces of the Philippines and its Commander-in-Chief, the President.

This integration of the police with the PC continued until 1991 when the Philippine National Police (PNP) was established. When the integration was abolished, efforts to civilianize the police were undertaken. The police force was civilianized by not allowing future graduates of the military academies to join the new organization. The military ranks of the police were abolished and the police were given civilian ranks. The integration of the police with the PC was dissolved. The PC was also disbanded with its former members given the option of either joining the PNP or the Armed Forces. However, the new police organization remained a national police force under the Department of the Interior and Local Government (DILG).

Local governments have acquired only limited control over the police under the new arrangement. Local executives do not have the power to hire and fire police personnel. Sometimes, their prerogative to select the chief of police for the town or the police provincial

director is reduced to mere token courtesies. The PNP hierarchy and the President almost have a free hand in selecting key officials in the Philippine National Police.

### **THE PHILIPPINE NATIONAL POLICE (PNP)**

The Philippine National Police (PNP) was created through Republic Act Number 6975 or the PNP law. This law was passed pursuant to the mandate of the 1987 Constitution which states that the State shall have one police force national in scope and civilian in character administered and controlled by the National Police Commission (Section 6, Article XVI). This provision of the constitution has set the tone for the creation of a new police force after the EDSA revolution.

**Powers and Functions of the Philippine National Police.** The PNP shall have the following powers and functions (Section 24 R.A. No. 6975):

- (a) Enforce all laws and ordinances relative to the protection of lives and properties;
- (b) Maintain peace and order and take all necessary steps to ensure public safety;
- (c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- (d) Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- (e) Detain an arrested person for a period and beyond what is prescribed by law, inform the person so detained of all his rights under the Constitution
- (f) Issue licenses for the possession of firearms and explosives in accordance with law;
- (g) Supervise and control the training and operations of security agencies and issue licenses to operate security agencies, and to security guards and private detectives, for the practice of their professions; and
- (h) Perform such other duties and exercise all other functions as may be provided by law.

In addition, the PNP shall absorb the office of the National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, all the functions of the present

Philippine Air Force Security Command (PAFSECOM), as well as the police functions of the Coast Guard.

**Composition and Membership Requirements.** In a legal sense, the PNP is a young organization having been created only in 1991. Technically, the PNP is not really a new organization in terms of personnel. Police and civilian personnel who were member of the Integrated National Police (INP) and the Philippine Constabulary (PC) and several of their units were absorbed in the new organization. The composition of the PNP is contained in Section 23, Republic Act 6975 which states that:

"... the Philippine National Police, hereinafter referred to as the PNP, is hereby established, initially consisting of the members of the police forces who were integrated into the Integrated National Police (INP) pursuant to Presidential Decree No. 765, and the officers and enlisted personnel of the Philippine Constabulary (PC). For purposes of this Act, the officers and enlisted personnel of the PC shall include those assigned with the Narcotics Command (NARCOM) or the Criminal Investigation Service (CIS); and those of the technical services of the AFP assigned with the PC and the civilian operatives of the CIS. The regular operatives of the abolished [National Police Commission] NAPOLCOM Inspection, Investigation, and Intelligence Branch may also be absorbed by the PNP..."

For recruits entering the force after the promulgation of the PNP Law, recruits are either entry-level officers or lateral entry officers. Entry-level officers must at least meet the following minimum requirements enumerated under Section 30 of Republic Act 6975:

1. Philippine citizenship
2. A person of good moral conduct
3. Of sound mind and body
4. At least second year college or the equivalent of 72 collegiate units
5. Civil service eligibility which require passing a qualifying examination for police

officers

6. He or she must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government

7. He or she must not have been convicted by final judgment of an offense on crime involving moral turpitude

8. A height requirement of at least 1.62 meters for male and 1.57 meters for female

9. A weight requirement of no more or less than five kilograms of the standard weight corresponding to his or her height, age, and sex

10. He or she must be between 21 to 30 years of age.

Lateral entry officers are assigned a rank of inspector upon appointment. They must possess the minimum requirements for entry-level personnel. Those who are qualified for appointment to lateral entry include those with highly technical qualifications applying for PNP technical services, such as dentists, optometrists, nurses, engineers, and graduates of forensic sciences. Doctors of medicine, members of the Bar, and chaplains shall be appointed with rank of senior inspector in their particular technical service. Graduates of the Philippine National Police Academy (PNPA) shall be automatically appointed to the initial rank of inspector. Licensed criminologists may be appointed to the rank of inspector to fill up any vacancy after promotions from the ranks are completed (Section 33, R. A. No. 6975).

**Rank Classifications.** In an effort to pursue the constitutional mandate of civilianizing the police force (Section 6, Art. XVI, 1987 Constitution; Senate Committee Report No. 196), all police personnel are now accorded civilian ranks in place of the military ranks that were used prior to the passage of the PNP Law. The ranks under Section 28 of the PNP Law arranged from highest to lowest are: Director General, Deputy Director General, Director, Chief Superintendent, Senior Superintendent, Superintendent, Chief Inspector, Senior Inspector,

Inspector, Senior Police Officer IV (SPO4), Senior Police Officer III (SPO3), Senior Police Officer II (SPO2), Senior Police Officer I (SPO1), Police Officer III (PO3), Police Officer II (PO2), and Police Officer I (PO1). Table 2 provides details about the rank distribution of the PNP.

**Table 2. Rank Distribution in the Philippine National Police (PNP)**

**A. Star Ranks (Top Administration)**

Rank	Number	Office
Director General	1	Chief, PNP
Deputy Director General	3	Operation Administration
Director	11	Chief, Directorial Staff Staff Directors (10) National Capital Region Director (1)
Chief Superintendent	48	Regional Directors (14) Inspector General (1) National Support Units (16) NCR District Directors (5) NCR Deputy Regional Director (2) Deputy Staff Directors (10)

**B. Percentage rank distribution of uniformed members (Commissioned Officers)**

Rank	Percentage
Senior Superintendent	.23
Superintendent	.61
Chief Inspector	1.22
Senior Inspector	2.25
Inspector	4.10

**C. Percentage rank distribution of uniformed members (Non-Commissioned Officers)**

Rank	Percentage
Senior Police Officer IV	4.10
Senior Police Officer III	7.74
Senior Police Officer II	9.78
Senior Police Officer I	12.50
Police Officer III	14.95
Police Officer II	18.77
Police Officer I	23.75

**Source: National Police Commission Resolution No. 93-4.**



Police personnel with ranks of Inspector to Director General hold the so-called key positions (administrative) in the police hierarchy (Section 29, R.A. 6975). The key positions and the officers in command in these positions are contained in three documents--the PNP Law, the National Police Commission (NAPOLCOM) Resolution No. 92-36, and a Memorandum by the Philippine National Police Chief that relate to NAPOLCOM Resolution No. 92-36 (Note: This document will be referred to hereon as PNP Chief Memo). The PNP Law lays down the general framework of the police. The NAPOLCOM Resolution provides the finer details of the police organization pertaining to the general provisions of the PNP Law. The PNP memorandum provides more specific details of the organization pursuant to the NAPOLCOM Resolution. Integrating all these three documents together, the organizational framework of the PNP is outlined below.

**Organizational Framework.** The PNP is composed of a national office, regional offices, provincial offices, district offices, city police commands, and municipal stations. At the national level, the PNP maintains its office in Metropolitan Manila which houses the directorial staff, service staff, and special support units (Section 25, R.A. 6975). The head of the PNP with the rank of director general has the position title of Chief of PNP. The second in command of the PNP with the rank of deputy director general is the Deputy Chief of the PNP for Administration. The third in command with the rank also of deputy director general is the Deputy Chief of the PNP for Operations.

At the national office, the head of the directorial staff with the rank of deputy director general is known as the Chief of the Directorial Staff of the PNP. The heads of the various staff divisions in the directorial staff have the rank of director with the position title of Director of the Directorial Staff of their respective functional divisions. The head of the Inspectorate Division with the rank of chief superintendent assumes the position title of Inspector General. The heads of the administrative and operational support divisions have the rank of chief superintendent. Recently, an Internal Affairs Service was created (R.A. No. 8551). This new unit is manned by

civilians. Its head is called the Director who can reactively and proactively investigate police misconduct.

At the regional level, the PNP shall have the regional offices, including that of the National Capital Region, the Cordillera Autonomous Region and the Autonomous Region of Muslim Mindanao. Each of these regional offices is headed by a regional director for peace and order. The head of the region is known as the Regional Director who will have a rank of chief superintendent (Section 29, R.A. 6975).

The National Capital Region (NCR) which is the Metropolitan Manila Area is headed by a police officer with a rank of director who has a position title of NCR Director. The region is divided into five districts namely, Eastern, Western, Southern, Northern, and Central Police Districts. Each of these districts will be headed by a District Director with a rank of Chief Superintendent (NAPOLCOM Resolution No. 92-36).

At the provincial levels, there are PNP offices each headed by a provincial director with a rank of Superintendent or Senior Superintendent is under the direct command and control of the Regional Director (NAPOLCOM Resolution No, 92-36). In the case of large provinces, districts may be established by the National Police Commission to be headed by a District Director. Large provinces are those which have two or more legislative districts. One police district command shall be established per congressional district in the province (PNP Chief Memo). Based on the number of districts, provinces are categorized into Type A, Type B, and Type C . Types A provinces are those with 3 or more districts. Type Bs have 2 districts while Type Cs have no district command because the province is not divided into several legislative districts. The preferred rank for District Director is a Chief Inspector or Superintendent who is under the command and control of the Provincial Director (PNP Chief Memo). Currently, directorial offices in the provinces are not being implemented.

Provincial Mobile Force Companies (PMFCs) are also established in the province with the responsibility of policing remote areas of the province or add police strength to a province with unique security needs due special economic and socio-political considerations

(NAPOLCOM Resolution No. 92-36). For example, provinces with harbors or ports may need police patrol to guard against piracy acts. PMFCs are created for such special purpose. PMFCs are classified and manned as follows: 1) Type A with a strength of 80 personnel, 2) Type B with strength of 57 personnel, and 3) Type C with 33 personnel designed for small provinces (PNP Chief Memo).

At the city levels, there are City Police Commands and Component City Police Stations. Police Commands are established in highly urbanized cities under three categories--A, B, and C. These categories are arrived at by using population size and number of precincts as criteria. City Police Command As are those which have a city population of 500,000 and above with ten or more police precincts. City Police Command Bs are those which have a population of 300,000 to less than 500,000 and with 5 to 9 police precincts. City Police Command Cs are those which have a population of less than 300,000 and two to four police precincts. Each City Police Command is headed by City Director with a rank of Superintendent or Senior Superintendent who is under the command and control of the Provincial Director (PNP Chief Memo).

Non-highly urbanized cities in a province are called component cities and have Component City Police Stations. These stations that are headed by a Chief of Police with a preferred rank of either a chief inspector or superintendent have been categorized according to city population and number of police sub-stations as follows: 1) Type A with a city population of 100,000 and above and 4 or more sub-stations, 2) Type B with a city population of 75,000 to less than 100,000 and 2 to 3 sub-stations, and 3) Type C with a city population of less than 75,000 and one sub-station (PNP Chief Memorandum).

The municipalities have Municipal Police Stations headed by a Chief of Police with a preferred rank of Inspector to Chief Inspector. These Municipal Police Stations have been categorized according to population size and a number of sub-stations as follows: 1) Type A with a town population of 75,000 and above and 2 or more sub-stations, 2) Type B with a town population of 30,000 to less than 75,000 and one sub-station, and 3) Type C with a town population of less than 30,000 and no sub-station.

**Career Paths and Assignments.** The nationalization of the police creates a situation where police officers may be assigned to any jurisdiction in the Philippines. However, there is a prevailing practice that officers of lower ranks (PO1 to SPO4) are assigned as much as possible in the city or municipality of their residence. With respect to commissioned officers (Inspectors to Directors), they may be assigned in any part of the country.

Rank appointments in the PNP are effected in the following manner:

1. Police Officers I to Senior Officers IV are appointed by the PNP Regional Director of the region where they will be assigned. In cases where officers of these ranks are appointed for assignments in the National Headquarters, the PNP Chief shall make the appointment. All appointments must be attested by the Civil Service Commission of the Philippines.

2. Inspectors to Superintendents are appointed by the PNP Chief as recommended by their immediate supervisors and attested by the Civil Service Commission.

3. Senior Superintendents to Deputy Director Generals are appointed by the President upon recommendation of the PNP Chief with proper endorsement by the Chairperson of the Civil Service Commission.

4. The Director General shall be appointed by the President from among the roster of senior officers down to the rank of Chief Superintendent.

For command assignments, R.A. 6975 and other documents only provide for minimum qualifications to become a chief of police. The rank of inspector is the minimum rank requirement for such position (PNP Chief Memo) with additional requirement that he or she must be a bachelor's degree holder. If the prospective appointee has no college degree, he or she must have been a former member of the disbanded PC/INP command with minimum rank of captain and three years law enforcement experience in case of city assignment and a rank of lieutenant and two years law enforcement experience for municipal police stations (Sec. 34, R.A. 6975). Among the lateral entry officers, only Bar members who have had five years of active law practice and graduates of the Philippine National Police Academy (PNPA) may be assigned directly upon membership as chief of police of towns or cities.

Each rank has a tenure in grade. Maximum tenure in grades has been established for each rank. The tenure in grade determines both one's chances of being promoted or being booted out of the service. All police officers should be promoted after staying in their rank for ten years. Otherwise, any officer who fails to get promoted after reaching the maximum tenure in rank shall be separated from the service (R.A. 8551).

**Police control and accountability.** Just like the police in any democratic society, the PNP members are subject to various forms of checks and balances. There are controls and disciplinary measures exercised by the three branches of the national government, the National Police Commission, the governors and mayors of the local government units, internal or organizational controls, and the People's Law Enforcement Board.

Executive, Legislative, and Judicial Controls. The three major branches of government exercise varying degrees of control over the police organization. The executive primarily controls. The President can appoint and remove officers in key positions.

The judicial bodies exercise reactive control because they discipline officers when a wrongful act has been done. Courts hear, try, and decide criminal or civil cases filed against police officers. However, the executive and the legislative can also have reactive control measures in terms of their power to enact laws, allocate budgets, or issue directives.

The legislative controls the police through its power of appropriation. It can also conduct hearings in aid of legislation. These might be the only power of the legislature over the police but the body exerts significant influence over the police especially when it has the power to cut the appropriation of the agency.

The National Police Commission. The National Police Commission is the agency responsible for administrative control of the PNP. Its members are appointed by the President for a single term of four years. The National Police Commission exercises control on the police by issuing directives regarding the organization and operation of the police. On disciplinary matters, the National Police Commission exercises appellate jurisdictions over administrative cases

against police officers and disciplinary actions involving demotion or dismissal from the service imposed upon members of the Philippine National Police by the PNP Chief (Sec. 14, R.A. 6975).

Local Government Control. The governor of the province has the power to choose the provincial director from among a list of three eligibles recommended by the Regional Director. Mayors do not have such powers to choose the chief-of-police in their jurisdiction. However, they can recommend appointees to the Regional Director and they have operational control and supervision over the PNP units in their jurisdiction. Operational supervision and control shall mean the power to direct, superintend, oversee, and inspect the police units (Sec. 51, R.A. 6975).

The mayors also have disciplinary powers over members of the PNP while the governor do not have such direct power. This disciplinary power of the mayors over the members of the PNP is limited in the sense that they can only impose withholding of privileges, restriction to specified limits, suspension, forfeiture of salary, or any combination thereof, for a period from a minimum of 6 days to a maximum of 15 days. Also these penalties can only be imposed by the mayors incident to a citizen's complaint and not over breach of internal discipline of the members of the force which is reserved for the police hierarchy (NAPOLCOM Memorandum Circular No. 91-002).

Internal or Organizational Control. The police hierarchy has its own internal disciplinary measures. Discipline within the organization is usually carried out by the immediate supervisors in the local units. However, the gravity of the penalty imposed by the supervisor increases with the increase of supervisory responsibility. The chiefs-of-police can impose admonition, or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any combination of the foregoing which shall not exceed 15 days. The provincial directors, the regional directors, and PNP Chief can impose all of the above sanctions with the following limitations. The provincial director can only impose the penalties for a maximum of 30 days; the regional directors can impose a maximum of 60 days; and the PNP Chief can impose the penalties with a maximum of 180 days. In addition to the disciplinary powers, the PNP Chief and the regional directors can impose demotion in rank and dismissal from the service.

The People's Law Enforcement Board (PLEB). The People's Law Enforcement Board is a civilian board which receives, investigates, adjudicates, and decides cases involving members of the PNP. In a National Police Commission Memorandum Circular No. 91-002 where the rules and procedure for the discipline of PNP personnel are outlined, the PLEB can assume jurisdiction of any complaint filed by citizens to its office regardless of its nature (Sec. 6 Rule II, Memorandum Circular No. 91-002). However, for violations involving punishments of withheld privileges, restriction to specified limits, suspension or forfeiture of salary or any combination thereof, for a period exceeding thirty (30) days; or by dismissal (Sec. 41 No. 3, R.A. 6975), the PLEB will have original and exclusive jurisdiction. The specific offenses where the PLEB will have exclusive and original jurisdiction are those enumerated in Rule VI Section 2, C-H (See Appendix F). These cases that the PLEB has exclusive jurisdiction are considered under the circular as serious offenses.

The jurisdiction of each PLEB is local. In other words, complaints are required to be filed before the PLEB in the municipality or city where the offense was committed. In cases involving officers assigned in the provincial, regional, or other commands, the venue for the complaint will be in the municipality or city where the offense was committed (Sec. 3 Rule III Memorandum Circular No. 91-002). Thus, it is provided under the PNP law that there shall be at least one PLEB for each municipality and for each of the legislative districts in the city. Furthermore, the law provides for at least one PLEB for every five hundred (500) city or municipal police personnel (Sec. 43a, R.A. 6975).

The PLEB is a completely civilian board whose membership includes the following (Sec. 43b Nos. 1-3, R.A. 6975):

"(1) Any member of the sangunian panglungsod/bayan<sup>4</sup> chosen by his/her respective sangunian;

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<sup>4</sup> A sangunian panglungsod is the name of the local legislative assembly in a city. A sangunian bayan is the legislative assembly of a town.

(2) Any barangay captain<sup>5</sup> of the city or municipality concerned chosen by the association of barangay captains; and

(3) Three (3) other members who shall be chosen by the peace and order council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a member of the Bar, or in the absence thereof, a college graduate, or the principal of the central elementary school in the locality."

These members will have a term of office of two years and may continue until their successors have been chosen and have qualified. The National Peace and Order Council will have authority, however, to direct the replacement of PLEB members by persons in the locality who meet the statutory qualification on probity and integrity (Sec. 4c Memorandum Circular No. 91-002).

Service to the PLEB is a civic duty. Thus, monetary incentive is apparently lacking in its operation. However, the law provides that PLEB members may be paid per diem as may be determined by the city or municipal council from city or municipal funds (Sec. 43c R.A. 6975).

The PLEB shall proceed in a summary nature. Due process rights are expected to be observed, but without strict regard for technical rules of evidence (Sec. 43d (2), R.A. 6975). However, the PLEBs may seek legal services, assistance, and advise [sic] from the National Police Commission hearing officers, especially in those cases involving difficult questions of law (Sec. 43 (5), R.A. 6975).

**Philippine Problems of Police Misconduct.** Prior to the creation of the PLEB, police officers were disciplined through the courts, the National Police Commission (NAPOLCOM), and the police chiefs and police superintendents in the various localities. The worsening record

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<sup>5</sup> A barangay is the smallest political unit in the Philippines. It may be compared to a neighborhood block. This political subdivision is headed by a local captain who is elected by the residents of the barangay. The captain exercises executive powers over several neighborhood blocks in a municipality or a city.



of the police on the observance of human rights<sup>6</sup> since the imposition of Martial Law in 1972 documents the abusive character of the Philippine police. After the People Power revolution in 1986 when significant changes in government took place,<sup>7</sup> police misconduct worsened. The Christian Science Monitor (1989: 3) reports that the "Philippine Alliance of Human Rights Advocates reported to the United Nations that out of more than 2, 000 people held for political reasons in 1988, 363 were tortured, 368 were killed, and 73 had disappeared. Those accused of committing these acts were soldiers, police, and vigilante groups."<sup>8</sup> These abuses do not include other forms of "salvaging"<sup>9</sup> that are reported in the newspapers and are widely believed by the public to be perpetrated by law enforcement officers.

Perhaps the worst incidents of police misconduct began to appear at the start of the decade (McBeth, 1993) and continue to this day. The Philippine National Police was rocked with scandals, "revealing a deep seated corruption and indiscipline inside the country's law enforcement agencies" (Tan, 1995: 6). Police officers were suspected, and some have been found to have been involved in bank robberies (Wallace, 1995), kidnap for ransom (Shenon, 1992), murder, rape (McBeth, 1993), and intimidation. Data revealed that "from a yearly average of only 10 reported cases of kidnapping from 1989 to 1990, the incidence of kidnapping rose to 39

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<sup>6</sup> For more detailed accounts of human rights violations of law enforcement officers in the Philippines, Amnesty International publications will be valuable references.

<sup>7</sup> After the People Power Revolution in February of 1986, several changes in the government have been undertaken. First, the 1973 constitution which was used during the Marcos administration was changed under the Aquino administration. Significant changes in the 1987 Constitution the included provisions on increased safeguards against violations of human rights. Also, several reforms were undertaken involving the police organization with the intent of making the police more civilian in character. One of the most significant efforts toward this civilianization was the creation of the Philippine National Police where officers graduating from the military academies were barred from entering the police force. Also, the Public Safety College was established with the aim of providing a more civilianized police training for new recruits and current officers.

<sup>8</sup> Vigilante groups referred to in this study are the paramilitary units.

<sup>9</sup> Salvaging is a term for summary execution of alleged offenders by police and other law enforcement officers.

in 1991. The members jumped to 59 cases in 1993 and 96 kidnappings in 1994. In the first nine months of [1995], 105 cases were reported" (Tiglao 1995: 36). Aggravating the issue is the suspected involvement of the "top brass" in these illegal behaviors (Schmetzer, 1992). These reported incidents of police misconduct precipitated a massive firing of police officers and the reorganization of the police force (Boston Globe, 1992).

Not all of these kidnappings were perpetrated by the police, though some of them were. Former President Joseph Estrada who was also the former head of the Philippine Anti-Crime Commission, staged a televised arrest of a police major who was the head of the anti-kidnapping task force in Manila believed to be the mastermind of the kidnappings (Tiglao, 1992). Recently, a police superintendent was convicted by the regional trial court in the Philippines as a member of a kidnap for ransom gang (Tiglao, 1995). In fact, there was a widely publicized account of a kidnap victim who went to report to the police about her victimization only to be shocked that the police officer she was supposed to report the crime to was one of the kidnappers (Shenon, 1992).

It is in this milieu of police misconduct that Filipinos have lost confidence in the previously existing bodies (i.e., internal disciplinary systems, NAPOLCOM, the courts) that were authorized to impose police discipline. In a nationally circulated newspaper in the Philippines, "Mahar Mangahas, president of Social Weather Station, said frequent reports of crimes committed by policemen were [sic] one reason why people are reluctant to go to the [police]" (Philippine News, 1996: A6). The police are expected to provide law and order in every encounter with the public but "nowhere does a breakdown in law and order cut so destructively into the fabric of society than when it occurs within a law enforcement agency" (Rodgers, 1970: 34).

The PLEB was created in 1991 to address worsening police misconduct and the growing disenchantment of the public with the police (Senate Committee Report No. 196). These reasons for the board's emergence are not unique to the Philippines. Worldwide, there is compelling evidence to show that concerns about police abuses are often followed by the creation of civilian

review boards (American Civil Liberties Union, 1991; Armstrong and Wood, 1991; Stenning, 1981; Terrill, 1980). A widely publicized example of police abuse was responsible for the adoption of a review board in Ontario, Canada (Barton, 1970; McMahon and Ericson, 1984; Stenning, 1981). Similarly in England, publicized incidents of police abuse resulted in the emergence of a national review board (Brown, 1987; Russell, 1976; Scarman, 1981). In the United States, strained police-community relations and concerns about police abuse have also given rise to the emergence of external police review boards (Brown, 1983; Hartford Institute of Criminal and Social Justice, 1979; Montana, 1992).

Therefore, the PLEB may be the only legitimate agency where complaints against the police can be lodged. The Filipinos are unable to trust the internal disciplinary system (Philippine News, 1996). The solidarity that allegedly exists among police officers in the U.S. is no more evident than in the Philippine National Police. There is a common practice within police circles in the Philippines to protect and shield officers whom they fondly and publicly call as their "kabaro."<sup>10</sup> Philippine police officers seem to take pride in their camaraderie. This phenomenon is not surprising since Filipinos, in general, are noted for their strong sense of "pakikisama"<sup>11</sup> (Agoncillo, 1983). The embrace of this solidarity by police officers can be a serious threat to their accountability to the public because it may be practiced to a fault where mistakes are covered-up (Landau, 1994). In addition, it creates an organizational climate where a "whistle-blower" is ostracized by the members of the force (Treater, 1975).

As internal control mechanisms are likely to be suspected by the public to be biased in favor of the police, the public, on the other hand, is also upset with the external checks due to the

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<sup>10</sup> "kabaro" is a Tagalog word which literally means having the same type of clothes. Connotatively, it means that two or more persons who are "kabaro" have the same interest in terms of occupation, aspiration, or objective. More often it is used to refer to close relationships that exist among individuals who wear the same type of uniform such as the military or the police.

<sup>11</sup> "pakikisama" is a Tagalog word which means the intent to go along with whatever is happening. It also means the intention of looking out for other's welfare by not rocking the boat. A more thorough discussion of this unique Filipino value is found in Agoncillo (1983).

slow resolution of cases in the regular courts (Richburg, 1989). It is common knowledge that court cases in the Philippines drag on for years before a decision is handed down. "In the Philippines where court postponements are an integral part of the judicial system, some trials have been known to drag on for more than a decade" (Richburg, 1989: A26).

In the Philippines, the financial cost of court proceedings is another hindrance for citizens to seek recourse in the judicial system. Complainants are required to pay a filing fee, transcript fee, attorney's fees, and other miscellaneous expenses. Furthermore, a prolonged trial may also mean accumulated number of days where complainants have to forfeit wages because of hours or days spent in court and off work. This combination of costs and delay in court proceedings is a potent factor that discourages citizens from filing lawsuits against police officers.

The People's Law Enforcement Board (PLEB) established under the PNP Law appears to be an answer to the citizen concerns mentioned above. First, the PLEB is an entirely civilian body. Second, PLEB members are appointed by local authorities, specifically by the local legislative assembly. Police authorities have no power to appoint or remove members of the PLEB. These considerations project an appearance of the PLEB not being partisan to police officers. It also frees itself of the suspicion that it is bound by occupational loyalty to the police.

Second, the board is mandated by law to resolve a case within sixty (60) days after the filing of a complaint (Sec. 43(d) 2, R.A. No. 6975). Thus, compared to the regular courts in the Philippines where cases may drag on for years, it is expected that PLEB will resolve cases in a much shorter time. Speeding up the PLEB process by mandating a 60-day decision period is intended to serve as an incentive to complainants. In the United States, Gellhorn (1966b) observes that complainants are sometimes discouraged from filing grievances for fear of becoming involved in a lengthy process. This complainant apprehension about getting involved in a lengthy process may also be true for Filipinos. In general, most people would like to have a speedy resolution of their cases.

## **SUMMATION**

Although ethnically diverse, the Philippines remains politically homogeneous. The centralization of government has contributed significantly to this political homogeneity. Thus, the government has seen fit to maintain one national police force.

Philippine history helps explain this principle of a centralized and national police force. The fundamentals of policing in the Philippines are based on the concepts and practices of other countries that colonized the Philippines such as England, Spain and the United States. Early colonizers, however, prohibited the local folks to join the police service. It was only when the Americans came did the Filipinos enjoy the opportunity to become law enforcers but their services were limited to the local level only.

After the independence, the police became virtually attached to the local politicians. The police had been controlled by local politicians until demands of peace and order and political reforms transferred this control and supervision to the national government and the police were integrated with a military unit known as the Philippine Constabulary.

It has been shown in Philippine history that the police have been a potent force to gain undue economic and political advantage especially if they have been utilized for illegal purposes. Indeed, the police when insufficiently controlled can be an effective instrument of private interests. Knowing the importance of controlling the police, the present Philippine police system needs to be checked by an independent civilian adjudicatory body. This vision was carried out through the creation of the People's Law Enforcement Board in 1991 under Republic Act 6975. Its civilian orientation is intended to inject civilian control of the police and eventually make the civilians active participants in the control of the police. This new body also intends to bring back the community's loss of control over local police forces brought about by the militarization of

the Philippines and its police units. Whether or not the PLEB has been a practical and viable means of controlling the police will be the subject of this study. One thing is sure, the PLEB is a product of a long history of police abuse and the search for effective means to prevent or control these police abuses.

## **CHAPTER V**

### **METHODOLOGY**

This chapter outlines the study's research plan. The first section discusses the study. This section includes discussions on the importance of the problem and its rationale including its limitations and generalizations. The second section describes the study site and includes a brief description of the police in the area. The third section addresses the study's data collection methods. More specifically, it explains sources of data for the study and how these data were collected. It also discusses the sampling methods used to select respondents. The fourth section enumerates the variables and discusses how they were operationalized. The last section explains the data analysis strategies, the hypotheses that were tested, and the statistical techniques used to analyze the data.

#### **THE PRESENT STUDY**

This study evaluated and described the People's Law Enforcement Boards (PLEB) in the National Capital Region (NCR) in the Philippines using both official data and perceptions of complainants and police about PLEB processes. Two research questions were established for this study. First, the study aimed to describe the performance of the boards in the NCR. This part of the study included inquiries as to the prevalence of complaints filed by citizens, the prevalence of complaints filed against a particular police officer, the types of cases filed before the board, the manner in which the cases were decided, and the disposition of cases on appeal to the Regional

Appellate Board (RAB).<sup>12</sup> This part also contained a description of the composition of PLEB boards.

Second, the study conducted an assessment of PLEBs' performance using the perceptions of complainants and police officers regarding the operations of the PLEB. The evaluation of the board involved the use of three criteria that have been adopted from Perez's (1978; 1992; 1994) comparative studies of different police review systems in the United States. These three criteria were integrity, legitimacy, and learning.

Besides the overall gathering of respondents' assessments of the entire complaint process, the present study elaborated on Perez's methodology by studying the board's integrity and legitimacy at several stages of the complaint process. These stages included the filing of the complaint, the investigation of the complaint, the hearing, and the disposition of filed complaints. This approach of examining the various stages of the complaint process gained importance, particularly, due to the possibility that global attitudes of participants toward the system or process might differ from their attitudes toward specific aspects of the complaint process (Brandl, Frank, Worden, and Bynum 1994). Thus, it was possible that complainants or police officers might be very satisfied with the whole process until the decision was handed down or that clients may be dissatisfied with the investigation but were pleased with the decision made by the board. Barton (1970), Kahn (1973), and Kerstetter (1985b) claimed that the legitimacy and the integrity of the board in all stages of the complaint process were essential to examine as they may reveal empirical relationships that define clients' perceptions toward the PLEBs.

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<sup>12</sup> The Regional Appellate Boards were established as appellate bodies that review cases involving police officers. Each Region in the Philippines has one of these boards.



Perez (1994) conceptualized integrity as the independence that the board exhibits in handling complaints. As previously discussed, integrity referred to the apparent and actual or functional independence of the board. Therefore, integrity was synonymous with independence. In terms of function, "independence [of the board] has been operationalized in terms of the amount of power [that the board possesses] with respect to investigation, adjudication, and discipline" (Landau, 1994: 10). This definition suggests concerns with the structure and operations of the review board.

Legitimacy focuses on perceptions regarding the board's fairness, thoroughness, and objectivity in its operation. Obviously, the concept of legitimacy is more subjective than integrity in several respects. First, the elements measuring legitimacy such as fairness, objectivity, and thoroughness are subjective terms. Second, complainant and police evaluations are also equally subjective. Perceptions can be shaped not only by past experiences but also by existing beliefs about the legitimacy of the review process. Although subjective in nature, police's and complainants' evaluations of the agency's legitimacy are important areas of inquiry. Literature on police review systems in the U.S. suggests that both the police and complainants' perceptions of the board's legitimacy define the success and effectiveness of the boards (Perez, 1994). As shown in the literature, the police can subvert the operations of the board if they dominate aspects of the proceedings. On the other hand, complainants will stop supporting or patronizing review board that lacks legitimacy. Therefore, variations in police and citizens perceptions were also explored in this particular evaluation.

The last criterion involves the learning that occurred for police officers and police departments as a result of the review board's operations. Specifically, the question that needs to be addressed is whether the decisions and performances of the board have been perceived to

have an impact on police officers' behaviors and the departments' policies. This inquiry involved the analysis of police officers' and complainants' perceptions about the effect of the boards on the emergence of policies, changes in supervisory practices, and modifications in individual police behaviors and decisions on the street.

**Importance of the Problem.** The PLEB was a legislative creation in 1991. After ten years without a systematic study about the subject, an assessment of the PLEB becomes a paramount undertaking. Questions involving the boards' operation and impact will provide significant reference information for policy makers and policy implementors to fine-tune the operation of the agency. In addition to this local relevance, the study also contributes to the knowledge base about police review systems. First, this study introduced a significant departure from the current methodology of examining simply decision outcomes and how they relate to the satisfaction of clients. It is the contention of this study that several stages of the review process produce various impressions on the clients about the board that may be untapped by simply examining client perceptions about the board's decision. The different stages in the complaint process are as important as the decision because these stages contribute to the total impression of the clients about the board. This study, therefore, unraveled the effect of the behavior and characteristics of the PLEB in these various stages in the process on the perceptions of its clients.

Second, the study provided a more complete evaluation strategy. Most studies on police review systems focus only on either the complainants or police officers. These two important groups are seldom simultaneously studied. By excluding one of these groups, researchers have only described a partial picture of how the review board is functioning or is having an impact. Various authors have suggested that maintaining a balance between police and public satisfaction is crucial for the success of any board (Kania, 1979; Kerstetter, 1985a; 1985b; 1985c; Perez,

1978; Williams, 1979). In this regard, an effective control mechanism has to convince both the complainants and police officers of the external review's utility, fairness, and integrity (Bayley, 1983; Reiner, 1993).

Third, the study provided new criteria and approaches to the evaluation and analysis of review boards and its clients. The study drew out theoretically and empirically important variables that are suggested by the existing literature on the subject. These variables and approaches were isolated, refined, and tested to determine their importance for the civilian review process. In short, the study elaborated on the current variables and methodology in the study of civilian review boards.

These contributions to the literature are crucial because the study laid down a more complete methodology and more adequate criteria for evaluating police review boards. Any study that does not significantly address the methodological and theoretical issues enumerated earlier will continue to produce partial and ambiguous assessments of the empirical evidence concerning police review boards.

**Rationale for the Problem.** Traditional criteria for evaluations have involved studies about efficiency, effectiveness, and costs. These constructs are considered to be ideal and appropriate (Isaac and Michael, 1990). However, ideal and appropriate variables for the operationalization of these constructs are not always readily available. Thus, evaluations must sometimes resort to other measures that are "good enough" (Rossi and Freeman, 1989) or what Sherman (1992) calls the best available evidence.

The criteria for evaluation in this study were adopted for the following reasons:

1. The deterrent effect of the board on police misconduct is a problematic evaluation criterion (Walker and Bumphus, 1992; Perez, 1978). First, deterrence cannot be assessed relative

to a base rate. In the case of the PLEB's evaluation, a reasonable comparison cannot be made since an external agency was nonexistent prior to its establishment. Secondly, how do we assess if the process is deterring people? Perez (1992) and Walker and Bumphus (1992) illustrate the problems of measuring deterrence. They argue, for example, that the frequency of complaints will not be appropriate since it may not necessarily measure deterrence. A higher number of complaints measure the aggressiveness of citizens but not necessarily deterrence of misconduct. An increase in complaints may mean that citizens become bolder with the presence of the board. Police officers may be offending at the same rate and the board is merely serving as an encouragement for citizens to file complaints. In the same vein, a decline in the number of complaints may not be attributed to the deterrent effect of the board. The decline may be due to the apathy, public spiritedness, or even intimidation of complainants (Goldstein, 1977). The problematic nature of using the number of complaints as a measure influenced this research to not use it as an index for effectiveness.

Instead, the study used the learning that resulted from the operation of the PLEB. This measure of effectiveness tried to assess how the PLEB affects police departments and their officers. Although the PLEBs do not have the power to recommend policies for police departments to adopt, it may be presumed that their case decisions and handling of complaints will somehow impact police officer behavior and departmental policies. For instance, police officers who previously would inflict injuries to apprehended suspects and have been punished by PLEB may somehow avoid inflicting unnecessary injuries to suspects in order not to avoid receiving complaints. Thus, the degree and nature of the board's influence on officer behavior and police department policies were studied. In other words, the question was whether or not the decisions and operations of the board influence department policies and behaviors of the police.

2. Resolution time is an appropriate measure of efficiency. It is interesting to note that this concept is neglected in most studies. Most commentaries on dissatisfaction of police officers and complainants with review boards center on the delays that the boards incur in their operation (Brown, 1987; Maguire and Corbett, 1991; Russell, 1976). Speedy resolution of cases is an important factor in a quasi-judicial body. Also, longer resolution time is associated with more costs for the board, police officers, and complainants. These costs may also affect the degree of satisfaction by political influential with the boards. Hence, the PNP law and the PLEB procedures stated various resolution time frames which the board is expected to meet. Thus, considering the importance of resolution time, it became imperative that this issue was addressed in this study.

3. The remaining criteria--legitimacy and integrity--are not direct measures of effectiveness, though they define and/or influence the success and effectiveness of the board. The clients may resist a board that does not inspire confidence. When this happens, interventions in its operations may come in the form of legislative amendments or withdrawal of financial and moral supports from political constituents. Therefore, these concerns have to be examined and seriously considered in all research involving police review systems.

**Limitations and Generalizations.** The study was limited to the operation of the People's Law Enforcement Board in the National Capital Region. Logistical demands precluded a more comprehensive study of the PLEBs in the entire Philippines. However, this limitation of the study should not severely affect the generalizability of the findings that emerged from this study. The following are the reasons for this assumption:

1. The laws and rules of procedure governing PLEB operations are national in scope. It is the intention of Memorandum Circular No. 91-002 that PLEB operations in the entire Philippines be uniform.

2. The problems that the provincial PLEB may encounter are likely to be encountered in any typical PLEB jurisdiction in relatively urbanized areas. Citizens will always be concerned with police misconduct such as criminality, verbal and physical abuse, corruption, harassment, intimidation, or neglect of duty, along with other forms of misconduct.

3. The site where the study will be conducted consists of eleven cities and six municipalities. The National Capital Region includes almost all aspects of geographic and demographic characteristics of the other highly urbanized areas of the Philippines. People of different religions, language, and culture populate the metropolis. Thus, if there is a microcosm of the whole Philippines, it would be the selected study site.

4. There is also a degree of confidence that the possible complainants and police officers in the site represent the entire population. Residents of the metropolis are predominantly Christian (about 90%). This proportion of Christians is consistent with the population of the Philippines except in the Muslim dominated jurisdictions in Mindanao. Likewise, the police are national in scope which provides that the police officers were trained to enforce relatively similar laws. Also, police officers may be assigned anywhere in the country which makes the present composition of officers akin to different social and cultural environments in the Philippines.

However, some caution should be exercised about the generalizability of some of the findings. A degree of caution about the generalization of the findings should be observed in reference to highly Muslim areas, cultural minority areas and rural areas. Due to the unique culture of the Muslim and minority areas, a study set in a predominantly Christian jurisdiction

may not capture the variation that may be found in some other areas. The Philippines is known to have cultural diversities that may be unique in each locality (Zaide and Zaide, 1993) and, thus, conclusions in this study may not be applicable to certain population centers.

Finally, whether the findings from this study are generalizable to certain review boards in the United States or other foreign countries naturally remains an empirical question. However, where the review process is similar to the operation of review boards in the United States or other foreign jurisdictions, one might expect similar results. This expected similarity is due to the fact that the fundamental concerns about policing appear to be universal. In any country in the world, "the same features of the police role--danger, authority, and the mandate to use coercive force--are everywhere present" (Skolnick and Fyfe, 1993: 92). There is also a concern in every democratic society to make the police accountable for the exercise of their power (Reiner and Spencer, 1993). Therefore, the study is likely to have implications for understanding the control of the police and the role that civilian review boards play in the administration of the police.

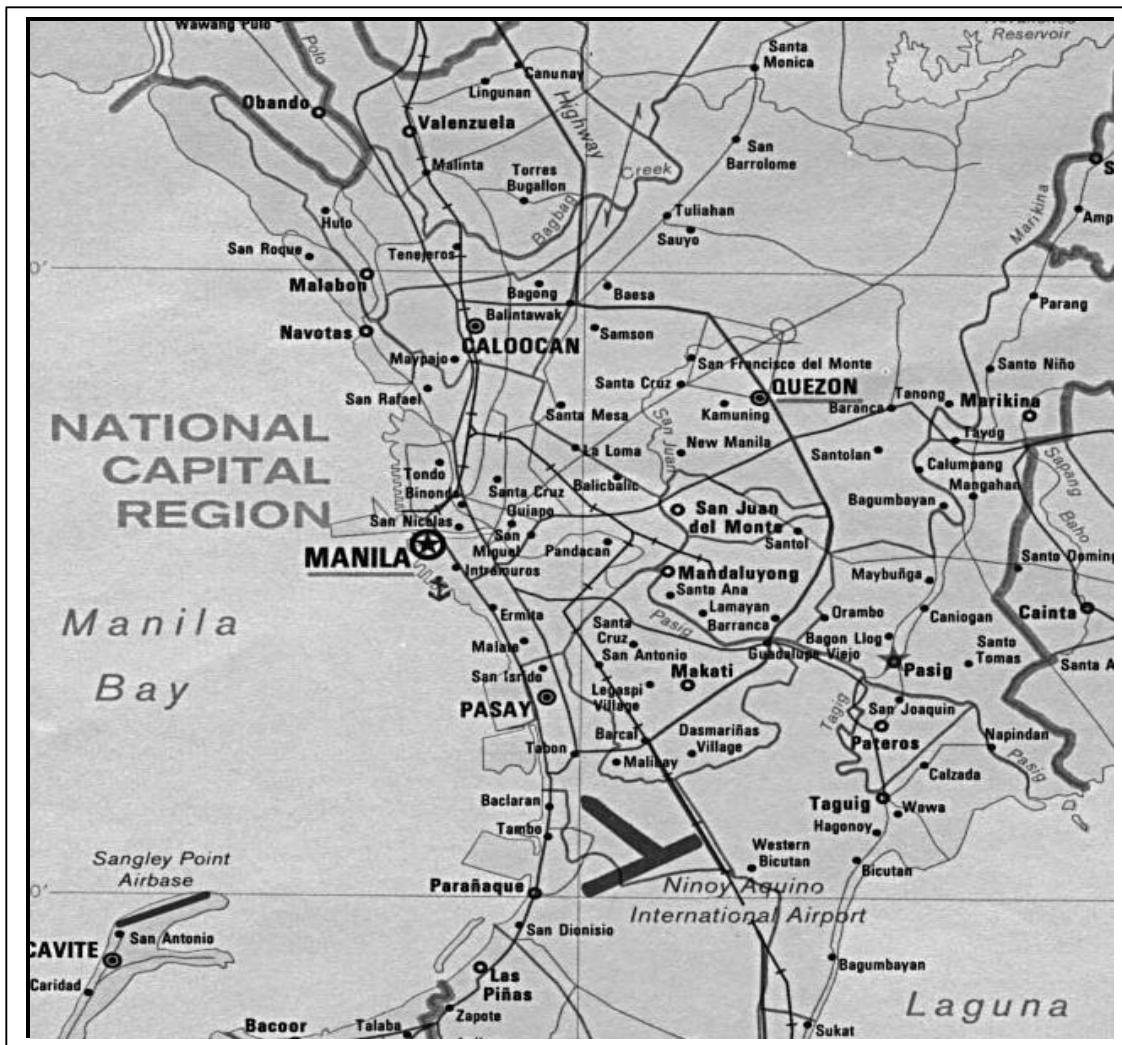
## **THE STUDY SITE**

The National Capital Region was the site of the study. Since it is a relatively huge metropolitan area in terms of population, the findings may possibly be extended to other big-city jurisdictions of the world. Problems in a big city and the police interaction with diverse populations make the study significant for large urbanized areas. It may therefore serve as a cross-cultural reference that may be used in other studies about civilian review boards.

By a presidential decree, the National Capital Region was established in 1975. It was created in order to provide integrated services such as water supply, police and fire protection, and transport and to permit central planning for simultaneous and unified development. The

region is composed of 11 cities and 6 municipalities. One of the eleven cities is the country's capital, Manila, which has an estimated population of 2 million. The metropolitan area covers approximately 246 square miles with a population of close to 8 million. The National Capital Region is the banking, financial, industrial, and commercial center of the Philippines. It is also the center of publication, communication, education, and culture in the nation.

**Figure 3. Map of the National Capital Region.**



Source: [www.lib.texas.edu](http://www.lib.texas.edu)



About 90 percent of the people living in Manila are Christians, mostly Catholics. Tagalog or Filipino (the national language) is the predominantly spoken language in the area. Since most people in the region come from provinces throughout the Philippines, other dialects are spoken in various enclaves of the city. English, however, is predominantly used since it is the language used in government, business and education. Major schools in the Philippines use English as the primary medium of instruction.

The National Capital Region Police Office (NCRPO) is in charge of police activities in the area. This National Capital Region Command is headed by a director and is divided into five major districts: the Northern Police District, the Southern Police District, the Western Police District, the Central Police District and the Eastern Police District. The Western Police District handles the policing of the city of Manila while the Central Police District is in charge of the entire Quezon City area. The other districts are responsible for composite cities and municipalities. Table 3 provides the cities and municipalities covered by each police district.

Each city and municipality has a police station under a chief of police. The police officers in the cities or municipalities are deployed in various precinct stations and some even have block station. The total number of police personnel for the entire area is more or less twenty thousand. However, the actual number of police officers deployed in all of the local police stations is approximately five thousand. The rest of the officers are assigned to National Headquarters, Regional Headquarters, or District Offices. The National Headquarters of the PNP is also located in the National Capital Region with the National police offices and support units located at Camp Crame.

**Table 3. Police Districts in the National Capital Region and the Cities and Municipalities in Their Jurisdictions.**

<b>Police District</b>	<b>City/Municipality</b>
Northern Police District	Valenzuela City Caloocan City Malabon Navotas
Central Police District	Quezon City
Southern Police District	Makati City Pasay City Paranaque City Las Pinas City Muntinlupa City
Eastern Police District	San Juan Mandaluyong City Pasig City Marikina City Taguig Pateros
Western Police District	Manila City

**Source: National Police Commission**

There are 28 PLEB jurisdictions in the region (see Table 4). These PLEB offices are likewise located in the city or municipality of each jurisdiction. The number of PLEBs does not match the number of cities and municipalities because of the legal provision that each legislative district in the city will have at least one PLEB office (Section 27, R.A. 6975). For example, the city of Manila has six PLEB offices since there are six legislative districts in the city.

## DATA COLLECTION METHODS

This section outlines the study's data collection methodology. Data gathered from several sources were collected to describe and evaluate the operations of the PLEBs. This section focuses on how the data were collected. Each of the discussions explains why a particular type of data was collected as well as the rationale for the collection method. Finally, this section also describes the procedures observed in the selection of samples for the surveys.

**Official Reports.** Official data concerning the PLEB are located at two sources: the National Police Commission and the field offices of the PLEB. Data from the National Police Commission are quarterly reports submitted by the PLEB field offices to the Commission. The information from the field offices are collated and are filed in a database containing the number of cases handled per jurisdiction, the rank profile of officers charged in the PLEB, the summary of the decisions of the board, and the outcomes of appealed cases to the Regional Appellate Board.

Data from the field offices are the actual logs of the cases the PLEB has adjudicated. The data consist of names and addresses of complainants, the names and ranks of officers charged, the types of offense charged, and the case decisions. A review of these logs indicated that they were incomplete or contained missing data as some documents were either burned, destroyed, or lost. Thus, reliance on the field office data was not possible due to missing data and a decision was made not to use this data source. Data from the National Police Commission (NAPOLCOM) formed the basis of the findings section. However, the data from the actual logs provided significant information about the complainants' names and addresses and were utilized for contacting the study respondents.

A copy of NAPOLCOM's summarized data about the PLEB activities was retrieved for this dissertation. Information about the PLEB from 1991 to the first quarter of 1997 was personally requested by the researcher from the Office of the Executive Officer of the NAPOLCOM through a formal letter. The data retrieved provided information on the number of PLEB offices per jurisdiction, the ranks of officers involved in cases, the decisions handed out, the dispositions of appeals made to the RAB and an educational profile of PLEB members.

**Personal Observations and Police Chief Interviews.** Personal observations of the PLEB offices and interviews with police chiefs in the stations surveyed were conducted. Although the interviews conducted were informal and unstructured, some of the comments are included in the following chapters. This strategy was done to clarify some of the quantitative data. The interview also aimed to gain first-hand knowledge about what the police supervisors think about the PLEB, its processes and composition. Finally the interview was used to inform the police chiefs of the goals and purposes of this study and to inform the chiefs that police officers from their jurisdictions would likely be included as respondents in the study.

**Questionnaire.** Three survey questionnaires were prepared--one for police officers who have received complaints, another set for police officers who have never received complaints, and another for complainants. Three separate samples were selected because they represent three different clients of the PLEBs. While some police related demographic questions about police officers were not appropriate for complainants, most of the questions were the same for all respondent groups.

The first part of each questionnaire involved collecting demographic information common to respondents such as the respondent's age, gender, marital status, level of education, and monthly household income. For the police officer samples, questions also asked about the

officer's rank. For complainants, additional information about the number of times they filed a case before the PLEB, the resolution of the board on their complaints, and their working status during the complaint process were also included in the survey.

The second part of the questionnaire was divided into five sections. The first section collected data concerning the satisfaction of the respondents with the time it took the board to decide the case. It also included a question seeking information about the actual number of days it took the PLEB to resolve their cases. Likewise, information on the respondents' perceptions about PLEB's timeliness in the resolution of their cases was collected (a discussion of the actual survey items appears later in the chapter). The second section tapped respondents' perceptions about the board's integrity and their satisfaction with the various integrity issues while the third section solicited information on the respondents' perceptions of the board's legitimacy and their satisfaction with the investigation, hearing, and decision of the PLEB. Questions in the fourth section addressed respondents' perceptions about the learning processes that occurred among the police that are related to the operations of the PLEB. The final portion of the survey asked about the respondents' overall satisfaction with the PLEB. Additional questions were added to the sets of questionnaire items for the police respondents to gather their attitudes towards civilian review and perceptions of their work environment.

The questionnaires were modified versions of the questionnaire used by Perez (1978). However, instead of asking general questions about a PLEB's overall integrity and legitimacy, respondents were asked about their perceptions of the board's legitimacy and integrity at the different stages of the complaint process. This process was done because Barton (1970), Kahn (1973), and Kerstetter (1985b) claim that integrity and legitimacy of the board in all stages of the complaint process are important to fully comprehend the value of PLEB as a police control

mechanism. For example, complainants that are dissatisfied with the investigation (Kahn, 1973) may be satisfied with the outcome of the case. Therefore, an analysis that merely examines the satisfaction of clients with the result might produce misleading conclusions about the board's evaluation.

As previously noted, one category of survey respondents was the complainants to the PLEB. The questionnaire for complainants was administered either through a structured interview or through a self-administered type. This dual method was necessary to accommodate those respondents who have difficulties reading or understanding the questionnaire. The interview method allowed for any translation or explanations about specific questionnaire items.

The questionnaires for police officers were written in English and administered in written form. Since most police officers are college graduates and have been exposed to English as a medium of communication from their early through higher education, the form and language posed no difficulty for the respondents.

Before conducting the actual survey of police officers, the prepared questionnaires were pre-tested using ten police officers in one city to identify any difficulty that the respondents may encounter with the questions. Respondents were provided the opportunity to make comments concerning their impressions of the questionnaire particularly as to the language and content of the questions. Since the pre-test individuals did not make any adverse comments about the questionnaire, the questionnaires were reproduced for distribution to the targeted respondents.

**Selection of Samples.** Three groups of respondents were chosen as samples for the study. The first group consisted of complainants to the PLEB in the National Capital Region. The second group consisted of police officers who have received complaints from citizens and have had their cases processed by the board during the study periods. The third group consisted

of police officers who have not been charged in the PLEB are assigned to one of various police stations of the National Capital Region. The details of the sample selection process for each group are discussed below.

Complainants. A list of complainants with their addresses was requested from the local PLEB offices through the National Police Commission (NAPOLCOM). The list that was provided to the researcher covered the years 1991 to 2000 and included the names and addresses of the complainant, the names and rank of the officer charged, the type of complaint filed, the date the complaint was filed, and the resolution of the case. Since the PLEB offices do not have a uniform system of encoding their cases, all of the information mentioned above was not contained in some of the retrieved documents. Also, lists of possible sample subjects were not arranged in a singular pattern. While most jurisdictions arrange their complainants alphabetically by year, others simply list their cases in the order they arrive.

Employing the aid of trained researchers, complainants were traced using the lists provided by the PLEB offices. The lists were divided by districts and the survey researchers were assigned to cover particular jurisdictions in each district. The researchers were instructed to pick every *tenth* name on the list starting from the top of the list. This procedure was carried out until a total sample of 150 participants per district was selected for a total sample of 750. If the picked respondents were not available, the researchers were instructed to select the next *tenth* respondent at the bottom of the list.

The researchers were instructed to secure a permit from the mayor, barangay captain, or the PLEB before actually conducting the interview. The endorsement of any of the above officials was necessary for the researchers to gain the confidence of the respondents. This element of respondent confidence is necessary because people have the tendency to be hostile

toward or non-cooperative with strangers for a number of reasons. Using people familiar with respondents as referrals tends to alleviate this problem.

After obtaining the endorsement, the researchers personally contacted the complainants. Once respondents were located and introductions were made, complainants were presented a letter requesting their participation in the study (See Appendix C). If necessary, the content of the letter was explained to the respondents orally and in the vernacular. The letter and the oral explanation emphasized that the research was independent from any government agency and that their participation was voluntary. The researchers also explained to the respondents that any information they provide would be kept confidential and that it will not be used against them later (See Appendix C). Once agreement was reached, the questionnaire was immediately administered. Some respondents requested that the questionnaires be retrieved at a later date and the researchers complied with the requests.

After several weeks, the survey researchers were only able to contact 692 (92.3%) of the target respondents to the survey. Only 515 of the 692 surveys were completed in sufficient fashion to be used in the analysis. The remaining 177 contained extensive amounts of missing data and are not included in the analysis. This leaves the researcher with a usable response rate of 68.7 percent.

Police Officers. Two police officer samples were drawn. The police respondents involved in cases were randomly selected by targeting two hundred police officers per district who were parties to cases in the PLEB. As such, a total of 1,000 officers with cases were targeted for the study. Making use of the same lists as used with the complainants, the officers were tracked through the chiefs of police in each district. A letter requesting for the conduct of the survey of police officers in the jurisdiction was presented to the chief of police in the area



prior to the administration of the survey (See Appendix B). The police contacts of the researcher were then requested to distribute the questionnaires to the 200 selected officers in their units. Unfortunately, only 289 (28.9%) officers agreed to complete the survey and only 206 (20.6%) of their surveys were useable. Respondents who failed to respond to the critical aspects of the survey were excluded.

This low response rate resulted for a variety of unexpected reasons. A large number of officers were either transferred to another jurisdiction, retired, dead, or physically and mentally incapable of responding to the survey. Also, due to the revolution that happened during the time of the survey, a large turnover of command personnel resulted. Many of the contacts of the researcher prior to the revolution were relieved as chiefs of police in the jurisdictions being surveyed. Because of this event, the amount of cooperation from the police officials was not at the level expected. Finally, a number of officers who were contacted refused to participate because they saw no utility in a survey about the PLEB. These latter officers believed that no amount of study is going to change the way PLEB is doing its business. Despite the low response rate, these respondents represent important group in studying the behavior of review boards.

The second samples of police officers were those who never had a case with the PLEB. These respondents were randomly chosen from the roster of each district. One thousand officers were targeted as total respondents stratified by district. Thus, two hundred questionnaires were distributed per district. A total of 635 were retrieved. This represents a response rate of 63.5% out of which only 514 (51.4%) were usable due to missing data.

In summary, the respondents were divided into three major categories, namely, complainants, police with cases, and police without cases. These categories were employed to

examine possible variation in responses that may be due to the circumstances involving the position of the respondent before the PLEB.

In several studies, prior researchers have shown that the public and the police have differing opinions regarding how, and by whom, police actions should be reviewed (Brooks, 1973; Lenzi, 1974; Loveday, 1988). The police believe that civilians do not understand the nature of police work. Officers do not think civilians should be members of review boards as it is difficult to come to terms with being judged by someone who does not understand the intricacies of their job (Brown, 1987; Goldstein, 1977; Schwatz, 1985; Wagner and Decker, 1993; West, 1988). On the other hand, the public does not trust the police and that often believes their complaints will receive no justice under a police leaning or police dominated review institution (Fyfe, 1985, Kerstetter, 1985a; Sloan, 1978; Walker, 1983).

The distinction between the police as to whether or not they have been subjected to a PLEB proceeding may also produce variation on the perceptions and attitudes of the police toward the PLEB. For this reason, the effect of being subjected to PLEB proceedings may be a useful distinction to unravel the specific effects of the PLEB on the perceptions and attitudes of the police.

## **VARIABLES AND MEASURES**

The review of existing research revealed several variables critical for the study of civilian review boards. The sub-sections below identify and explain these variables and measures.

**Demographic Variables.** Demographic information was collected from the respondents. These demographic data will be used to describe further the operations of the PLEB and will

serve as control variables in most of the analyses. The demographic data also provide characteristics of the sample.

The respondents' age was collected and measured in years. Respondents' gender was collected as a nominal variable with “male” or “female” used as categories. Respondents' "monthly household income" is the combined earnings of the family in terms of pesos and is collected as discreet data. The level of respondents' "education" is a nominal measure with the following categories: a) “elementary education,” b) “high school,” c) “some college,” d) “college graduate,” e) “graduate.” Finally, the respondents' "marital status" was also collected and categorized as a) “single,” b) “married,” c) “separated,” d) “divorced,” and e) “widow/widower.”

Also, complainants were asked to provide information on their work status at the time when they filed their complaint. Responses to this question were collected as a nominal measure that included: a) “employed or self-employed,” and b) “unemployed.” Police officers were requested to provide their rank at the time of the complaint process. Response categories to this question correspond to the present rank system used by the Philippine National Police arranged from lowest to highest, namely, police officer 1 (PO1), police officer 2 (PO2), police officer 3 (PO3), senior police officer 1 (SPO1), senior police officer 2 (SPO2), senior police officer 3 (SPO3), senior police officer 4 (SPO4), inspector, senior inspector, chief inspector, superintendent, senior superintendent, chief superintendent, director, deputy director general, and director general.

**Resolution Time.** Resolution time is the number of days that elapsed from the time the complaint was filed to the time the board rendered or arrived at a decision. This information was collected as a continuous measure using the question: "How many days have elapsed from time the complaint was filed to the time the board reached a decision?"

**Client Expectation.** An additional question asked about the expectations of respondents concerning the amount of time spent by the board on their case. Respondents were asked: “How do you perceive the amount of time the board spent on your case?” Responses to this question included the following: a) “faster than expected,” b) “slower than expected,” and c) “quickly as expected.”

**Integrity.** Integrity is a concept that was operationalized as the degree of independence of the board from the police department. Four variables were used to measure the board's independence.

*a. The physical location where the board conducts its business.* Two variables were devised to measure the integrity of the location where the PLEB conducts its business. The first question involved asking the respondents about the filing venue. The second question asked respondents about the hearing venue. Responses for both questions consisted of: a) “police department building,” b) mayor's office,” c) “PLEB office outside the police department building,” and d) “other.”

*b. Police participation.* This variable is measured by asking respondents, “Who conducted the investigation of the complaint?” Responses to this question included: a) “the police alone,” b) “the members of the board alone,” c) “both the PLEB and the police,” and d) “other.”

*c. Board composition.* The samples’ perceptions of the composition of the board were determined by asking complainants and police with cases: “What was the composition of the board that handled your cases?” For police without cases, the question asked was: “What is the composition of the board in your jurisdiction?” Responses to this question consisted of: a) “all police,” b) “some police and some civilians,” and c) “all civilians.”

**Legitimacy.** For the assessment of the board's legitimacy, the measures consisted of three items adopted from Perez (1978).

*a. Fairness.* This variable was measured by asking respondents whether they perceived the board as fair. The following questions were asked:

1. "Do you think the PLEB is fair in its investigation of cases?"
2. "Do you think the PLEB conducts fair hearings?"
3. "Do you think the PLEB is fair in its decisions?"

A four-point Likert scale was used to determine perceptions of fairness with the following response choices: a) "very fair," b) "fair," c) "unfair," and d) "very unfair."

*b. Objectivity.* This variable was measured by asking respondents whether they perceived the board as impartial in its proceedings. The following questions were asked:

1. "Do you think the PLEB is objective or impartial in its investigations?"
2. "Do you think the PLEB conduct objective and impartial hearings?"
3. "Do you think the PLEB shows partiality (favoritism) in its decisions?"

A four-point Likert scale was used with the following response options: a) "very impartial," b) "impartial," c) "partial," and d) "very partial/playing favorites."

*c. Thoroughness.* This variable was measured by asking respondents whether or not the board considered all circumstances and contexts involved in the case. The respondents were asked the following questions:

1. "Do you think PLEB conducts complete and thorough investigations?"
2. "Do you think the PLEB conducts complete and thorough hearings?"
3. "Do you think PLEB considers all the circumstances relevant to a case before it reaches a decision?"

Possible responses to the questions consisted of four items that included: a) “very complete and very detailed,” b) “complete and detailed,” c) “incomplete and lacking in detail,” and d) “very incomplete and not detailed.”

**Learning.** Learning was operationalized as the perceived changes of behavior among police officers, changes in police supervision, and changes of police policies. It was measured using three variables.

*a. Stricter supervision.* This variable was measured by asking respondents if they perceived stricter supervision of police officers as a result of the PLEB operations. Response options for this question included: a) “yes,” and b) “no.”

*b. Attitude change.* Respondents were asked if they perceived a change of attitude among police officers as they work in the street due to the PLEB operations. Possible responses to this question included: a) “a positive change (police officers became more respectful and courteous with citizens),” b) “a negative change (the police were worse than before),” and c) “no change was noticed.”

*c. Policy change.* This variable was operationalized by asking respondents whether they noticed policy changes as a result of the operation of the PLEB. Response options to this question included: a) “yes,” and b) “no.”

**Client Satisfaction.** This variable was measured by asking respondents how satisfied they were with various aspects of the board's operations. Respondents were asked the following questions:

1. “How satisfied are you with the venue where complaints are filed?”
2. “How satisfied are you with the investigators of the case?”
3. “How satisfied are you with the venue where the hearing was held?”

4. "How satisfied are you with the hearings conducted by the board?"
5. "How satisfied are you with the time the board spent on your case?"
6. "How satisfied are you with the decisions of the PLEB?"

Response options for questions 1 to 4 consisted of five items, namely, a) "very satisfied," b) "satisfied," c) "neutral," d) "dissatisfied," and e) "very dissatisfied." Responses to the last two questions consisted of four choices: a) "very satisfied," b) "satisfied," c) "dissatisfied," and d) "very dissatisfied." Besides the specific attitudes of the respondents, the respondents' overall satisfaction toward the board was determined by asking respondents: "In general, how satisfied are you with the PLEB?" The same response categories as mentioned for the last two questions above were used for this question.

**Case Outcome.** Case outcome was a nominal variable where respondents were asked: "What was the outcome of the complaint?" Police officer responses to this question included: a) "I was exonerated," b) "I was found guilty," and c) "on-going." Complainant responses to the same question included: a) "my complaint was found justified," and b) "my complaint was found unjustified/dismissed," and c) "on-going."

## **ANALYSES**

Frequencies and proportions were used to summarize the data on the different variables. Means, range, and standard deviations were reported for the continuous data in the study. Inferential statistics were used to determine the relationships of various variables in the study. Factor analysis was also used to determine if the variables identified could be reduced into a limited set of variables. Factor analysis becomes appropriate in order to make the models more parsimonious and also to determine what highly correlated independent variables may be

reduced as a single factor or variable. The discussion below outlines the explored relationships among the variables for the study.

**Resolution Time and Satisfaction.** Two hypotheses were formulated for this part of the analysis.

*Hypothesis 1. There is a significant relationship that exists between the board resolution time and the satisfaction of police officers.*

*Hypothesis 2. There is a significant relationship that exists between board resolution time and the satisfaction of complainants.*

*Hypothesis 3. There is a significant relationship that exists between board resolution time and the satisfaction levels of all the respondents.*

Using Ordinary Least Squares (OLS), coefficients were calculated for hypotheses. Control variables were introduced in the regression models for testing hypotheses. These control variables include age, sex, number of times complaint filed, education, and monthly income. Measures of integrity, legitimacy, and impact were also included in the model. Finally, measures involving performance and expectations were included in the model. Specifically, the outcomes of cases and expectations about the resolution time were introduced in the model. Analysis was conducted on the respondents as a whole and the complainants and police with cases separately.

**Integrity and Client Satisfaction.** It was contended that a board that conducted business within police department buildings were less independent than those conducted separate from the police. Thus, the board will have more appearance of independence when its business is conducted outside the police department building.

The place where the board conducts its business involved the investigation of two stages of the process--the filing stage and the hearing stage. These two stages are important because it is



in these stages where clients may form an opinion on the whole process. It has been found that filing offices within the police department building give the appearance to citizens that the board does not have independence.

*a. The filing stage.* The objective in this analysis was to find out the level of integrity that the boards possess and whether the filing venue is important for the respondents. The hypotheses in this part of the study will be:

*Hypothesis 4. There is a significant difference among police officers without cases in their mean levels of satisfaction on the venues where complaints are filed.*

*Hypothesis 5. There is a significant difference among police officers with cases in their mean levels of satisfaction on the venues where complaints are filed.*

*Hypothesis 6. There is a significant difference among complainants in their mean levels of satisfaction on the venues where complaints are filed.*

*Hypothesis 7. There is a significant difference among all respondents in their mean levels of satisfaction on the venues where the complaint was filed.*

The mean levels of satisfaction of the respondents with the filing venue were computed. Analysis of variance technique was used to determine if there were significant differences in their mean levels of satisfaction with the filing venue. A critical region of  $\leq .05$  was established to reject the null hypotheses.

*b. The hearing stage.* The next aspect that might influence police officers' and complainants' perceptions about the independence of the board is the place where board conducted the hearing of the case. It is expected that hearings conducted within police department buildings will again be intimidating to complainants. Police officers, on the other

hand, might exhibit a certain degree of comfort with hearings taking place inside police buildings.

The intent of the analysis was to determine the level of the integrity of PLEB's hearings and the influence of this measure on the satisfaction of the respondents. The place of hearing was determined by asking the respondent where the hearings of the case took place. Responses to the hearing venue question used the same categories as with the filing stage.

The hypotheses in this part of the study are:

*Hypothesis 8. There is a significant difference among police officers without cases in their mean levels of satisfaction on the venues where hearings are conducted.*

*Hypothesis 9. There is a significant difference among police officers with cases in their mean levels of satisfaction on the venues where hearings are conducted.*

*Hypothesis 10. There is a significant difference among complainants in their mean levels of satisfaction on the venues where hearings are conducted.*

*Hypothesis 11. There is a significant difference among all respondents in their mean levels of satisfaction on the venues where hearings are conducted.*

The mean levels of satisfaction of the respondents with the hearing venue were computed. Analysis of variance technique was used to determine if there were significant differences in their mean levels of satisfaction with the hearing venue. A critical region of  $\leq .05$  was established to reject the null hypotheses.

*c. Police participation.* The third indicator of the board's integrity was the participation of the police in the process. Police participation in the complaint process primarily takes place during the investigation stage. As noted in the literature review, the participation of the police is a variable that influences client perceptions of the integrity of civilian review boards. Police

officers regard police boards as having integrity when police themselves conduct the investigation. However, citizens view boards less favorably when police officers themselves conduct the investigations. Thus, it is important to find out if this variable would be significant to the operation of the PLEB.

The variable on police participation in investigation was related to the respondent's level of satisfaction with the investigation of the case. The hypotheses in this part of the study are:

*Hypothesis 12. There is a significant difference among police officers without cases in their mean levels of satisfaction with the investigators of the case.*

*Hypothesis 13. There is a significant difference among police officers with cases in their mean levels of satisfaction with the investigators of the case.*

*Hypothesis 14. There is a significant difference among complainants in their mean levels of satisfaction with the investigators of the case.*

*Hypothesis 15. There is a significant difference among all the respondents in their mean levels of satisfaction with the investigators of the case.*

The mean levels of satisfaction of the respondents with the investigators of the case were computed. Analysis of variance technique was used to determine if there were significant differences in their mean levels of satisfaction with the investigators. A critical region of  $\leq .05$  was established to reject the null hypotheses.

*d. Board composition.* The last measure of the board's independence is the composition of the board. Although PLEB membership is completely civilian, some board members may have been former police officers. Several studies suggest that civilian boards which are composed of former police officers are considered by the public as having greatly diminished integrity and legitimacy. The hypothesized relationship is that police officers will tend to be satisfied with a

board with former police officers as members. Complainants, on the other hand, will have less satisfaction with such a board. Thus, the research hypothesis shall be:

*Hypothesis 16. There is a significant difference among police officers without cases in their mean levels of satisfaction on the composition of the board.*

*Hypothesis 17. There is a significant difference among police officers with cases in their mean levels of satisfaction on the composition of the board.*

*Hypothesis 18. There is a significant difference among complainants in their mean levels of satisfaction on the composition of the board.*

*Hypothesis 19. There is a significant difference among all the respondents in their mean levels of satisfaction on the composition of the board.*

The mean levels of satisfaction of the respondents with the membership composition of the PLEB were computed. Analysis of variance technique was used to determine if there were significant differences in their mean levels of satisfaction with the composition of the board. A critical region of  $\leq .05$  was established to reject the null hypotheses.

**Legitimacy of the Board: Police vs. Complainants.** The means for each group's perception about the board's legitimacy in every stage of the process were computed. A mean value that is more than 2 indicated that there is legitimacy in the PLEB process. The differences on the perceptions of the respondents about the board's legitimacy were analyzed using chi-square. The critical level to reject the null hypotheses was  $\leq .05$ .

The following groups of research hypotheses were tested:

*Hypothesis 20. The respondents have significantly different views as to the fairness of the PLEB in the investigation of cases.*

*Hypothesis 21. The respondents have significantly different views as to the thoroughness of the PLEB in the investigation of cases.*

*Hypothesis 22. The respondents have significantly different views as to the objectivity of the PLEB in the investigation of cases.*

*Hypothesis 23. The respondents have significantly different views as to the fairness of the PLEB in the hearing of cases.*

*Hypothesis 24. The respondents have significantly different views as to the thoroughness of the PLEB in the hearing of cases.*

*Hypothesis 25. The respondents have significantly different views as to the objectivity of the PLEB in the hearing of cases.*

*Hypothesis 26. The respondents have significantly different views as to the fairness of the PLEB in the decision handed.*

*Hypothesis 27. The respondents have significantly different views as to the thoroughness of the PLEB in the decision handed.*

*Hypothesis 28. The respondents have significantly different views as to the objectivity of the PLEB in the decision handed.*

The perceived legitimacy of the board was cross tabulated with the satisfaction of the respondents on the investigation, hearing, and decision of the case. The legitimacy and satisfaction measures were collapsed into two categories to allow for the analysis of the data using chi-square statistics. A significance level of  $\leq .05$  was established to reject the null hypotheses.

The hypotheses for this analysis were:

*Hypothesis 29. There is a significant difference among complainants who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy.*

*Hypothesis 30. There is a significant difference among police officers with cases who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy.*

*Hypothesis 31. There is a significant difference among police officers without cases who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy.*

**Impact Analysis: Learning.** Data collected on the learning variables were analyzed using chi-square with a  $\leq .05$  level of significance as the critical region. The hypotheses for this part of the analysis were:

*Hypothesis 32. The respondents have significantly different perceptions on the changes in the degree of supervision of police officers,*

*Hypothesis 33. The respondents have significantly different perceptions on the changes in attitudes among police officers.*

*Hypothesis 34. The respondents have significantly different perceptions on policy changes in the police department.*

**Overall Satisfaction with the PLEB.** The overall satisfaction of the clients is an important measure in the analysis of the PLEB operations. The prior literature suggests that specific attitudes of citizens may affect their global attitudes toward the police (Brandl, Frank, Worden, and Bynum, 1994). However, there is reason to suspect that global perceptions about the PLEB operations may not be parallel to specific attitudes towards the different aspects of the

PLEB's operations. The respondents may be satisfied with the specific aspect of the proceedings but they may not have a favorable attitude overall (Easton, 1965; White and Menke, 1982).

Overall satisfaction was correlated with the other variables in the study using regression techniques. The following variables were regressed with overall satisfaction: 1) age, 2) sex, 3) income, 4) education, 5) integrity measures (filing venue, hearing venue, investigators, composition), 5) legitimacy, 6) impact measures (supervision, attitude, policies), 7) resolution time, 8) expectations about the resolution time, and 9) case outcome. These variables are suggested by Perez (1978) as significant variables influencing clients' perceptions towards the board. Specifically, Perez (1978) found that an unfavorable outcome of the case is strongly correlated with an unfavorable perception of the board. This correlation, however, does not hold in situations where boards possess characteristics of independence and legitimacy (Perez, 1978; 1992). Thus, it is necessary to determine the effect of the outcome of the case on the overall satisfaction of respondents on the PLEB.

Coefficients were derived to determine the degrees of influence each independent variable exerts over the dependent variable. A critical region of  $\leq .05$  will be used to reject the null hypotheses that the independent variables have no significant relationship with the dependent variable.

## **SUMMATION**

The evaluation of a civilian review board is complex and challenging. The challenge lies in one's creativity and ingenuity to derive relevant measures of the board's effectiveness and efficiency. Efficiency seems easier to operationalize using the element of time or case resolution rates as measures. However, the measurement of effectiveness requires careful and serious

review of past research on the subject. The review of the literature implies the scarcity of concepts to measure the effectiveness of the board. Thus, the current proposal has to rely on the best, available, and empirical measures such as integrity, legitimacy, and learning.

The analyses of the study are also complex. The complexity of the study lies on the nature of the operation of the organization being studied. The analysis of organizations such as civilian review boards demands examinations of the various stages of their processes. The former methodology of simply analyzing the overall satisfaction of clients with civilian review boards would be insufficient for policy and program formulation. There may be intricacies within the board's proceedings that need to be independently addressed and analyzed. Finally, individual analysis of client attitudes and perceptions satisfaction may prove to be inadequate since the simultaneous satisfaction of all client groups have been shown to be critical for the continued existence of the board. Therefore, the study seeks to contribute to these research gaps.



## CHAPTER VI

### ANALYSIS OF DATA AND PRESENTATION OF FINDINGS

This chapter presents the analyses performed on the collected data. The chapter first presents analyses using official data collected by the PLEB offices throughout the Philippines. Next, it uses data collected through three surveys to examine citizen and officer perceptions of PLEB operations.

#### THE OFFICIAL DATA: THE PLEB THROUGH THE YEARS

Using official PLEB data, this section outlines the performance of the PLEB as an institution for controlling police behavior. More specifically, this section presents information on the number of PLEB offices, a description of the locations of these offices, the number of cases the boards have adjudicated through the years, the educational profiles of PLEB members, the ranks of officers involved in cases, the outcomes or decisions made by the PLEB boards, and the outcomes of appealed PLEB decisions to the Regional Appellate Board.

**PLEB Offices.** As shown on Table 4, there are twenty-eight (28) PLEB offices in the National Capital Region. PLEB offices are created based on the population of the city or municipality. Thus, the most populated jurisdictions in the metropolis are, likewise, the jurisdictions with the most number of PLEB offices. Consequently, Manila which is the largest city also has the most PLEB offices (6). Quezon City has five PLEB offices with the rest of the jurisdictions having only one PLEB office each except for the cities of Makati and Caloocan which have two each.

**Table 4. Number of PLEBS and Cases Handled by Jurisdiction, 1991-1997**

(N = 2,791).

<b>City/Municipality</b>	<b>No of PLEB Offices</b>	<b>Number of Cases Handled</b>
Caloocan	2	265
Makati	2	233
Manila	6	662
Marikina	1	63
Mandaluyong	1	237
Navotas	1	15
Pasay	1	232
Pasig	1	12
Pateros	1	13
Malabon	1	49
Paranaque	1	83
Las Pinas	1	63
Muntinlupa	1	119
Quezon City	5	502
San Juan	1	40
Valenzuela	1	114
Taguig	1	89

**Source: National Police Commission**

It should also be noted that the most populated jurisdiction and the jurisdiction with the most PLEB offices also is the location where the largest number of cases have been filed.

Among those with only one PLEB office, the cities of Mandaluyong and Pasay registered the highest number of cases handled between the periods being considered. Although not small towns compared to the other municipalities, Pasig City and Pateros registered the lowest number of cases handled.

**PLEB Membership.** The backgrounds of PLEB members are quite varied. The most notable consideration is that members of PLEB offices come from a mixture of professions. Table 5 presents the PLEB members' educational background and profession. A cursory examination of their educational qualifications gives one the impression that members of the PLEBs are knowledgeable in their work. This

**Table 5. Educational Profile of PLEB Members Per Term by City/Municipality, 1991-1997.**

City or Municipality	First Term (1991-1993)	Second Term (1994-1996)	Third Term (1997-1999)
Caloocan *			
I	1 Law Graduate 1 Undergraduate (BSEd) 3 College Graduate (BSEd, AB, BA)		2 Law Graduate 1 M.D. 2 College Graduate (BA, BSE)
II	1 Law Graduate and Med. Tech 1 Law Graduate 1 MA Graduate 1 College Graduate 1 Undergraduate		2 Law Graduate 1 MA Graduate 1 College Graduate (Chem. Enggr.) 1 Undergraduate (Customs Adm.)
Las Pinas	2 Law Graduate 1 College Graduate 1 Vocational (Nautical) 1 Undergrad (HS)	Same Members	Same Members
Makati			
I	1 Pilot 1 College Graduate (AB) 1 Teacher 2 Accountants	1 Pilot 1 Teacher 1 Accountant 1 Law Graduate 1 Undergraduate	Same Members as the second term
II	1 Law Graduate 1 College Graduate (Chem. Enggr.) 1 Graduate (M.D.) 2 College Graduate (BA, AB)	Same Members	Same Members
Malabon	2 Law Graduate 4 College Graduate (BA, BS Crim., AB, CE)	Same Members	Same Members

**Table 5. continued...**

City or Municipality	First Term (1991-1993)	Second Term (1994-1996)	Third Term (1997-1999)
Mandaluyong	2 Law Graduate 2 College (BSE, AB) 1 Undergraduate	Same Members	Same Members
Manila			
I	1 Law Graduate 3 College Graduate (AB, BA, BS Crim.) 1 Undergraduate	Same Members	Same Members
II	1 Law Graduate 3 College Graduate (BA, Commerce, AB) 1 Undergraduate (Associate Degree)	Same Members	Same Members
III	1 Law Graduate 2 College (Ed., AB) 2 Undergraduate (AA, Auto Mechanic)	Same Members	Same Members
IV	5 College Graduates (BSE, Commerce, AB CE)	Same Members	Same Members
V	2 Graduate (L.B., MBA) 1 College Graduate (BA) 1 Undergraduate (AA)	Same Members	Same Members
VI	No data available for the district		

**Table 5. continued...**

City or Municipality	First Term (1991-1993)	Second Term (1994-1996)	Third Term (1997-1999)
Marikina	4 Law Graduate 1 College Graduate (Commerce)	Same Members	Same Members
Muntinlupa	1 Law Graduate 3 College Graduate (ME, Crim.) 1 Undergraduate	1 Law Graduate 3 College Graduate (ME, BS Stat, BS Crim.) 1 Undergraduate	1 Law Graduate 2 College Graduate (ME, Crim.) 1 Undergraduate
Navotas	3 Graduate (Ll.B., MA) 1 College Graduate (BA) 1 Undergraduate	Same Members	Same Members
Paranaque	2 Law Graduate 3 College Graduate (BA, CE)	2 Law Graduate 3 College Graduate (AB, BA, Arch.)	2 Law Graduate 3 College Graduate (AB, BA, Md. Tech)
Pateros	2 Law Graduate 1 College Graduate 1 Undergraduate	2 Graduate (LIB, MA) 1 College Graduate (BA) 2 Undergraduate	1 Graduate (MA) 3 College Graduate (BA,BS,ME) 1 Undergraduate
Pasay	2 Graduate (Ph.D.) 4 College Graduate	3 Graduate (Ph.D.) 3 College Graduate	Same Members as the Second Term
Pasig	3 Law Graduate 2 College Graduate (BA, AB)	Same Members	Same Members

**Table 5. continued...**

City or Municipality	First Term (1991-1993)	Second Term (1994-1996)	Third Term (1997-1999)
Quezon City			
I	2 Law Graduate 3 College Graduate	3 Law Graduate 2 College Graduate	Same Members as the Second Term
II	4 Law Graduate 1 College Graduate (CE)	Same Members	Same Members
III	4 Law Graduate 1 College Graduate (CE) 1 Undergraduate (Marine Enggr.)	Same Members	Same Members
IV	1 Law Graduate 4 College Graduate 1 Undergraduate	Same Members	Same Members
V	3 Graduate (LIB, MD) 1 Undergraduate	Same Members	Same Members
San Juan	3 Graduate (LIB, MA) 4 College Graduate (Crim, Chem, Math)	2 Graduate (LIB, MA) 3 College Graduate (Crim., Math, BA) 1 Undergraduate (Marine Tech)	Same Members as the Second Term
Taguig*	1 Graduate (MBA) 3 College Graduate (AB, BS, CE)		1 Graduate (Defense Studies) 2 College Graduate (Commerce, Ed.,) 2 Undergraduate
Valenzuela	3 Graduate (LIB, MD, Ed.D) 1 College Graduate (Criminology) 1 Undergraduate	Same Members	Same Members

\* The terms are divided into two, 1992-1995 and 1995- 1999.

**Source: National Police Commission**

impression is derived from the fact that most of the members are either law or criminology graduates. The official data reveal that most members of the PLEB have Bachelor of Laws (Ll.B.) degrees. A Bachelor of Laws degree requires four years of study after receiving a bachelor's degree in college. Several members have graduate degrees in education and the social sciences (MA and PhD), while others completed course work in areas such as chemistry, business and engineering. Only a relatively few members are not college degree holders.

Most PLEB offices have not changed members since 1991. Where there have been changes, they usually involved only one or two of the members. This means that the PLEB is relatively stable in terms of its membership.

**Police Officers Charged.** Table 6 provides the ranks of officers who have been involved in cases before the PLEBs. The range of officers who have had cases before the PLEB is quite broad. Except the top administration (i.e., from the rank of senior superintendents to director general), all possible officer rank levels are represented in the official data. Non-commissioned officers (PO1 to SPO4) are the subjects of the greatest number of complaints (91.2%) while the commissioned officers (Inspector to Superintendent) receive far fewer complaints (8.8%). Among the non-commissioned officers, those holding the rank of SPO1 receive the most number of complaints (24.0%) while SPO4s receive the fewest complaints (6.9%) from the public. Among the commissioned officers, those with the rank of Inspector received the most complaints (5.4%) while the superintendents received the least complaints (1.8%).

From these data, an apparent pattern seems to emerge. Among the commissioned officers, rank appears to influence one's susceptibility to being the focus of a complaint, that is, higher-ranking officers receive fewer complaints than lower-ranking officers. Among the non-

commissioned officers, no apparent pattern seems to emerge. Factors that may account for these variations are discussed in the following sections of this chapter.

**Table 6. Frequencies and Percentages of Types of Police Officers Charged in the PLEB, 1991-1997 (N = 3,506).**

Rank	Frequencies	Percentages
PO1	536	15.3
PO2	354	10.0
PO3	651	18.6
SPO1	842	24.0
SPO2	385	11.0
SPO3	241	6.9
SPO4	189	5.4
INSPECTOR	129	3.7
SENIOR INSPECTOR	90	2.6
CHIEF INSPECTOR	63	1.8
SUPERINTENDENT	26	0.7
SENIOR SUPERINTENDENT	0	0
CHIEF SUPERINTENDENT	0	0
DIRECTOR	0	0
DEPUTY DIRECTOR GENERAL	0	0
DIRECTOR GENERAL	0	0

**Source: National Police Commission**

**PLEB Performance.** The performance of the PLEB appears to be laudable. The board appears to be efficiently handling citizen complaints against the police. By the end of the first quarter of 1997, the board rendered decisions on 2,096 cases out of the 2,791 cases filed. The board, therefore, resolved 75 percent of the filed cases.

As seen in Table 7, the two most common types of PLEB case dispositions are exoneration of officers (18.2%) and dismissal of the cases filed by citizens (62.2%). Out of more than two thousand cases decided within the period considered, the PLEB acquitted 80.4 percent of the time. When a case was decided in favor of a citizen, the penalty of choice of the PLEB



was suspension. Specifically, it issued 262 (12.5%) suspension orders out of the total decided cases. These suspensions ranged from a minimum of 5 days to a maximum of 30 days. The next most common case disposition (6.2%) was dismissal of the involved officers from the service. Dismissal from the service is the most severe penalty that the PLEB can impose. Thus, it can be concluded that the data appear to confirm the general findings of some observers that civilian review boards seldom find the police guilty of misconduct (See: Chevigny, 1995; Kerstetter, 1985a).

**Table 7. Frequencies and Percentages of All Possible Dispositions of Decided PLEB Cases, 1991-1997 (N= 2,096)**

<b>Disposition Alternatives</b>	<b>Frequency</b>	<b>Percentage</b>
Exoneration	382	18.2
Reprimand	2	0.1
Withholding of Privileges	0	0.0
Restriction to Specified Limits	0	0.0
Forfeiture of Salary	6	0.3
Suspension	262	12.5
Demotion	11	0.5
Forced Resignation	0	0.0
Dismissal from the Service	130	6.2
Case Dismissed	1303	62.2

**Source: National Police Commission**

Table 8 provides data on the number of PLEB cases appealed to the Regional Appellate Board and the decisions of the appeals board. The data are presented using police districts as categories to show the number of appeals coming from each of these districts and the manner the cases were decided per district.

**Table 8. Frequencies and Percentages of the Types of Disposition of Appealed PLEB Cases to the NCR Regional Appellate Board by Police District, 1991-1997 (N= 91)**

Police Districts	Types of Disposition									
	Affirmed		Reversed		Modified		Remanded		Others	
	freq.	%	freq	%	freq	%	freq	%	freq	%
Northern Police (n = 14)	7	50.0	3	21.4	1	7.1	0	0.0	3	21.4
Central Police (n = 17)	7	41.2	1	5.9	2	11.8	2	11.8	5	29.4
Southern Police (n = 17)	13	76.5	0	0.0	4	23.5	0	0.0	0	0.0
Eastern Police (n = 27)	12	44.4	4	14.8	9	33.3	0	0.0	2	7.4
Western Police (n = 16)	5	31.3	3	18.6	1	6.2	0	0.0	7	43.8
<b>Total</b>	<b>44</b>	<b>48.4</b>	<b>11</b>	<b>12.0</b>	<b>17</b>	<b>18.7</b>	<b>2</b>	<b>2.2</b>	<b>17</b>	<b>18.7</b>

**Source: National Police Commission**

The greatest number of appeals came from the Eastern Police District (29.7%) and the most common disposition was affirming the district PLEB decision (44.4%). Only 14.8 percent of cases from this District were reversed, while 33.3 percent were modified. The fewest number of appeals arose from the Northern Police District (15.3%) with fifty percent of its cases being affirmed, while 21.4 percent and 7.1 percent were reversed and modified, respectively.

The Southern Police District received the highest number of affirmations among the Districts (76.5% out of 17 appealed cases). There were no reversed decisions from this district, though 23.5 percent of the case decisions were modified. The Central Police District received the second lowest affirmation rate (41.2%), only 1 (5.9%) was reversed and 11.8 percent of PLEB decisions were modified. Likewise, the only two remanded cases for the entire region came from this district. Finally, the Western Police District showed the lowest affirmation rate (31.3%), with only one decision modified (7.1%) and three decisions (18.6%) reversed. Of course, because of the limited number of cases from this district the figures must be taken with caution.

Overall, there is substantial variation in the extent to which these appellate boards affirm PLEB decisions. Across police jurisdictions, the Regional Appellate Board affirmed the decision of the PLEB from 31.3 to 76.5 percent of the time. For all appeals, affirmed cases reached a total of 44 or 48.4 percent. The overall reversal rate of PLEB decisions was 12 percent, while the rate for modified PLEB decisions was 18.7 percent. Very few appeals were remanded back to the PLEB (2.2%). Regional Appellate Board decisions involving referrals to other agencies such as the court or administrative units were lumped into the “others” category by the Commission. Since modified decisions may still be considered an affirmation, the rate of decisions adverse to the PLEB on appeal is a mere 12 percent.

**Summation.** In summary, the official data suggest that the PLEBs handle cases involving a broad range of police officers. PLEB members are highly educated with presumably sufficient background in law, criminal justice, or criminology. Their membership compositions show relative stability in all jurisdictions. The official data also suggest that the PLEBs are performing

credibly. It can be observed that they seem to be performing efficiently in deciding cases and their decisions are rarely reversed on appeal.

While the official data project an efficient PLEB, there are other factors that are equally important about the operations of the PLEB. Integrity, legitimacy, impact, and client satisfaction are factors that may be more important than the actual performance of the civilian review boards. These factors have been portrayed by academics as determinants of success or failure of civilian review boards (Brooks, 1973; Knoohuizen, 1973; Kerstetter, 1985b; Subcommittee on Criminal Justice, 1984; Ruchelman, 1973) in various jurisdictions all over the world. These issues are addressed in the following sections.

#### **THE SURVEY DATA: THE PLEB AS PERCEIVED BY ITS CLIENTS**

This section presents the analyses of the perceptions of the PLEB's clients. The analyses consist of uncovering the perceived integrity, legitimacy, impact, and efficiency of PLEB and how these perceptions affect client satisfaction with the PLEB. Also, the analyses examine differences in the perceptions of its clients and determine whether or not such perceptions may be validly used to evaluate the performance of PLEB.

**Respondent Demographics.** Table 9 provides the demographic characteristics of the respondents to the three surveys. Age and average monthly income were collected as continuous data but were categorized after deriving the distribution of raw data and looking at the mean, median values and the range of values for each variable. The data indicate that the respondents have a mean age of 35 and that the range of their ages is

**Table 9. Demographic Information on the Respondents**

Characteristics	Complainant (n = 515)		Police With Case (n = 206)		Police Without Case (n = 514)	
	freq	%	freq	%	freq	%
<b>Age</b>						
Below 25	133	25.8	1	0.5	55	12.2
25 – 35	197	38.3	55	27.5	193	42.7
36 – 45	108	21.0	99	49.5	115	25.4
46 – 55	61	11.8	45	22.5	89	19.7
Above 55	19	3.6	0	0.0	3	0.7
	Mean = 33.56		Mean = 39.55		Mean = 35.29	
<b>Sex</b>						
Male	345	67.0	184	94.8	386	83.5
Female	170	33.0	10	5.2	76	16.5
<b>Monthly Household Income*</b>						
Below 400	186	56.5	68	39.8	96	23.7
400 – 800	114	34.7	87	50.9	105	42.7
801 – 1,200	26	7.9	15	8.8	115	25.4
more than 1,200	3	0.9	1	0.5	89	19.7
	Mean = 313.393		Mean = 265.28		Mean = 149.83	
<b>Work Status</b>						
Employed	350	69.4	N/A		N/A	
Unemployed	154	30.6	N/A		N/A	
<b>Education</b>						
Grade School	14	2.9	0	0	0	0
Secondary School	142	29.2	0	0	3	0.6
Some College	43	8.9	31	15.1	28	5.7
College Graduate	283	58.4	158	77.1	415	84.2
Graduate School	3	0.6	16	7.8	47	9.5
<b>Marital Status</b>						
Single	214	41.6	10	4.9	133	26.7
Married	254	49.3	185	90.2	347	69.7
Separated	29	5.6	4	2.0	11	2.2
Widow/er	15	2.9	2	1.0	6	1.2
Divorced	3	0.6	4	2.0	1	0.2

\* The amount of monthly household income is translated from Philippine peso to US dollar using the current exchange rate of 50 pesos for every dollar.

from 14 to 70 years old. Knowing this and considering that a career in law enforcement starts at the age of 21 and ends at mandatory retirement age of 56, it was determined that the best interval for every category would be 10 years starting with 25 years old and the last category would be those in the age range of 55 and above.

The raw data for income reflects the household income per month in Philippine pesos. These amounts were transformed into U.S. dollars using the current exchange rate of fifty pesos for every dollar. The categories for income were derived based on an interval of 400 dollars starting with a category for those earning below 400 dollars with the last category for those earning more than 1,200 dollars a month. The categories derived reflect the economic situation in the Philippines. Individuals earning below 400 dollars are the upper-lower class, those earning more than 400 but not more than 800 are the middle-class, those earning more than 800 but less than 1,200 are the upper-middle class, and those earning more than 1,200 are the upper class. The poverty level in the Philippines is a monthly household income of at least 200 dollars (8,000 pesos) a month for a family of five. The categories for the other variables in this table are the actual response categories used in the survey.

Complainants. Complainants are mostly male (67%) and their mean age is 33.56 years with most of them belonging to the age bracket of 25-35 (38.3%). A majority of the complainants are employed (69.4%) and have a mean monthly household income of \$343.39. They are mostly college graduates (58.4%) while a few of the complainants hold graduate degrees (0.6%). At the same time, a substantial number of the complainants are not college graduates (41%). Most of the complainants are either married (49.3%) or single (41.6%). The rest of the complainants are either separated (5.6%), widowed (2.9%) or divorced (0.6%).

Police with cases. Police who had cases with the PLEB are predominantly male (94.8%). They are the oldest among the three samples with a mean age of 39 (mean = 39.55). Most of them are between the ages of 46 to 55 (49.5%) though there were also a good number of officers from both the age categories of 25 to 35 (27.5%) and 55 years old and above (22.5%). There was only one (0.5%) police officer with a case under the age of 25. A majority of these police officers would be considered middle class people earning a monthly household income between \$400-\$800 (50.9%). However, about 40 percent of them are in the upper-lower class with a monthly household income of less than \$400 (39.8%). The remainder of the officers with cases reports earning more than 800 dollars a month (9.3%). A very substantial majority of these respondents are college graduates (77.1%). Some have graduate degrees (7.8%) but the rest only have some college education (15.1%). As regards their civil status, 90.2 percent are married while the rest (9.9 %) are either single, separated, widow/widower or divorced.

Police without cases. With a mean age of 35 (mean = 35.29), police without cases are relatively younger than the police with cases. Most of the respondents from this group are within the age of 25 to 35. They are predominantly male (83.5%) and the modal income category for this group is between \$400 to \$800 per month (42.7%). However, compared to the police with cases, this group has more respondents whose income is more than \$1,200 (19.7%) per month. Most of the respondents are college graduates (84.2%) with some possessing graduate degrees (9.5%). While close to 70 percent are married (69.7%), there are more single respondents (26.7) than for the police with cases (4.9%).

Rank Distribution. Table 10 displays the data concerning the ranks of police respondents. The distribution of ranks among the police respondents with cases reflects the same pattern as the official data. Specifically, more than 80 percent of the non-commissioned officers

in the sample have had PLEB complaints lodged against them (88.1%). The distribution of the respondents for the police without cases also indicates the similar percentage pattern that reflected in the official rank distribution of the PNP (See Table 2) as 84.7 percent of the sample consists of non-commissioned officers and the rest are commissioned officers (15.3 %). Fifty percent of police officers who do not have cases occupy the ranks of Police Officer 1 or Police Officer 2. As regards the propensity of police officers to receive complaints, the same trend in the official data is observed in the sample for police without cases. Among the non-commissioned officers who have cases, lower-ranking officers seem more prone to receive complaints than higher-ranking ones while the distribution of complaints filed against the commissioned officers does not seem to reflect any pattern relative to their ranks.

**Table 10. Ranks of Police Officer Respondents**

Ranks	Police with Cases (n= 206)		Police Without Cases (n =514)	
	freq	%	freq	%
PO1	12	5.9	146	31.1
PO2	25	12.3	101	21.5
PO3	22	10.8	61	13.0
SPO1	35	17.2	30	6.4
SPO2	32	15.8	16	3.4
SPO3	32	15.8	18	3.8
SPO4	21	10.3	26	5.5
INSPECTOR	2	1.0	19	4.0
SR. INSPECTOR	9	4.4	10	2.1
CHIEF INSPECTOR	4	2.0	13	2.8
SUPERINTENDENT	9	4.4	28	6.0
SR. SUPT.	-	-	2	0.4

**PLEB Performance.** Two groups of survey variables tap PLEB performance. The first group includes information about the types of complaints handled by PLEB and the outcomes of



cases filed. The second group includes information about resolution time, which is the actual number of days it took PLEBs to resolve particular cases and the perceptions of respondents concerning the resolution time (whether or not cases were resolved slower than expected, faster than expected or as quickly as expected).

Types of Complaints and Case Outcomes. Table 11 presents the general types of complaints against the respondents before the PLEBs and the outcomes of these cases. To solicit the type of case filed before the PLEB, complainants were asked the question: “What was your complaint to the PLEB?” For police with cases, the question asked was, “What was the complaint filed against you?” There were a broad variety of responses given specifying the complaint filed or charged. To understand the information better, the responses were categorized according to the classifications of offenses found in the PLEB Manual (See Appendix C). Classification categories that received no values (no respondents was charged or filed a complaint) were omitted from the table.

As shown in Table 11, the results for these data indicate that grave misconduct was the most common complaint filed by complainants (39.6%). The least filed complaints were oppression (0.4%) and simple neglect of duty (0.6%). This information is also true for police respondents. Grave misconduct was the most common complaint filed against them (38.8%) while oppression (0.5%) and simple neglect of duty (0.5%) were each filed only once.

The reported outcomes of the cases for complainants do not confirm the official data on this matter. Whereas the official data show that PLEBs often dismiss cases or exonerate police officers, the complainants claim that their cases were upheld most of the time (60.2%). Only 39.4 percent indicated that their cases were dismissed or that the officer charged was not found guilty. On the other hand, the police respondents follow the same pattern as that indicated by the

official data. They report that they were found guilty only 15.5 percent of the time and that their cases were dismissed or they were exonerated 83.2 percent of the time.

**Table 11. Types and Outcomes of Respondents' Cases in the PLEB**

Characteristics	Complainants (n = 515)		Police With Case (n = 206)	
	freq	%	freq	%
<b>Types of Complaints</b>				
Dishonesty	33	6.4	4	1.9
Grave Misconduct	204	39.6	80	38.8
Less Grave Misconduct	76	14.7	33	16.1
Oppression	2	0.4	1	0.5
Serious Irregularity in the Performance of Duty	9	1.7	-	-
Simple Misconduct	52	10.1	26	12.6
Simple Neglect of Duty	3	0.6	1	0.5
Violation of Law	135	26.4	61	19.6
<b>Outcome of Cases</b>				
Guilty/Case Upheld	306	60.2	32	15.5
Not Guilty/Case Dismissed	200	39.4	159	83.2
Ongoing	2	0.4	-	-

Resolution Time and Respondent Expectations. Table 12 presents the number of days PLEBs took to resolve cases. In addition, respondent perceptions of the speed of the board in resolving cases are also provided (whether or not the time it took the PLEB to resolve cases are within their expectations). The responses for this measure are continuous data. For clarity, the responses concerning the number of days were reduced into categories using a 90-day interval for each category. The frequencies for the expectation measure reflect the choices found in the survey.

**Table 12. Number of Days Cases Were Resolved and the Perceptions of the Respondents on the Resolution Time of Cases Filed Before the PLEB**

Characteristics	Complainants (n = 515)		Police W/ Case (n = 206)		Police w/o Case (n = 514)	
	freq	%	freq	%	freq	%
Number of Days to Resolve Cases						
1 – 91	406	79.1	129	62.9	-	-
91 – 180	53	10.3	46	22.4	-	-
181 – 270	19	3.7	5	2.4	-	-
271 – 365	24	4.7	10	4.9	-	-
more than 365	11	2.1	15	7.3	-	-
	Mean = 79.93		Mean = 136.05			
	Range = 1-1350		Range = 2 – 1095			
Expectation on the Resolution Time						
Slower than Expected	324	63.0	126	61.8	240	47.4
As Quickly as Expected	72	14.0	17	8.3	94	18.6
Faster than Expected	118	23.0	61	29.9	172	34.0
	Chi-square = 33.963*					

\* Significant at  $p \leq .05$  level

Complainants responded that their cases were primarily resolved within 1 to 90 days (79.1%). Also, they report that relatively few of their complaints (2.1%) were decided after a year. However, the mean resolution time of 79 days is 19 days over the resolution time of 60 days that is mandated in the PLEB Manual. Meanwhile, the police respondents report that their resolution time was longer than the complainants (mean = 136 days). However, a majority of the officers with cases indicated that their cases were, likewise, resolved within 90 days (62.9%). From this information, it can be concluded that PLEB is relatively fast in its disposition with most cases being resolved within a 90-day period. Only about 2 to 7 percent of the cases were resolved after more than a year.

The responses concerning the number of days to resolve a case appears somewhat contrary to the responses concerning the three samples' expectations concerning response time. Specifically, the single largest category of responses for each sample was that the response time was "slower than expected". The highest proportions of respondents who think that cases are being resolved slower than expected (63.0%) were complainants. This complainant perception is similar to the responses of the police with cases, as 61.8 percent of these individuals indicated that their cases were resolved slower than they expected. Although the greatest proportion of police without cases also think that cases are being resolved slower than expected, they register the lowest percentage in this response category relative to the other group categories (47.4%).

Cross tabulating the categories and the perceived speed of the PLEB, the chi-square statistic shows that the groups of respondents have significantly different perceptions about the speed of the PLEB (chi-square = 33.963). Suspecting that the split categories of the police might be causing the significant difference, the police categories were collapsed and compared with the complainants. The relationship weakened as indicated by a lower chi-square value of 17.612 but the difference between the two categories remained statistically significant at .001 probability level. These results indicate that police and complainants have significantly different perceptions of the board's efficiency in resolving cases.

**Integrity of the PLEB.** Integrity has been defined as the actual or apparent independence of the PLEB in the performance of their functions. Four integrity measures were used on the surveys and they refer to the filing venue, hearing venue, investigators for the PLEB, and the composition of the PLEB that heard the case. The responses are interpreted in such a way that the more civilianized the PLEB composition and operations the higher the degree of integrity, while a police dominated PLEB represents less integrity.

Table 13 presents the distribution of the respondents' perceptions regarding the degree of independence of the complaint process and PLEB board. It is evident from the data that the PLEB is seen as having a relatively high degree of independence on all measures except for investigators and composition of board membership. First, the general consensus of all samples is that the PLEB process is not solely within the control of the police. Second, over 80 percent of each sample viewed the filing venue and hearing venue as separate from the police.

Third, the complainants indicate that the investigation of their case is police dominated. Complainants claimed that the police alone investigated 12.6% of their cases and another 40.1% indicated that the police participated in the investigation of their cases in cooperation with the PLEB. Altogether, more than fifty percent of the complainants reported that the police had roles in the investigation of their cases (52.7%). In contrast, the police respondents see PLEB investigations as civilian dominated. More than seventy percent of police with cases indicated that their cases were investigated by PLEB members alone (71.4%), while police without cases reported that cases in their jurisdiction were investigated by the PLEB alone (63.7%).

Fourth, the complainants said their cases were mostly handled by a completely civilian PLEB (48.3%) (See Table 13). In contrast, both of the police samples indicated that a PLEB that is police dominated handled a majority of their cases. More than fifty percent of the police with cases were processed by boards with mixed composition (53.9%) and an additional 1 percent claimed a PLEB composed of all police members heard their cases. About sixty percent of the police without cases reported that the PLEB in their jurisdictions is composed of both civilians and the police (60.2%) and only three and a half percent claim that their board is composed of all police members.

**Table 13. Frequencies and Percentages of the Respondents' Perceptions on the Integrity of the Board**

Characteristics	Complainants (n = 515)		Police w/ Case (n = 206)		Police w/o Case (n = 514)	
	freq	%	freq	%	freq	%
<b>Filing Venue</b>						
Police Department	81	15.8	4	2.0	26	5.1
Mayor's Office	38	7.4	24	11.8	64	12.5
PLEB Office	375	73.0	175	86.2	412	80.6
Other	20	3.9	0	0	9	1.8
<b>Investigators of Cases</b>						
Police alone	65	12.6	1	0.5	5	1.0
Both PLEB and police	206	40.1	58	28.2	174	34.2
PLEB alone	220	42.8	147	71.4	324	63.7
Other	23	4.5	0	0	6	1.2
<b>Hearing Venue</b>						
Police Department	74	14.5	1	0.5	23	4.5
Mayor's Office	51	10.0	18	8.7	70	13.7
PLEB Office	368	72.2	185	89.8	407	79.8
Other	17	3.3	1	0.5	10	20.0
<b>Composition of the PLEB</b>						
All police members	19	3.7	2	1.0	18	3.5
Both police and civilians	245	47.9	111	53.9	307	60.2
All civilians	247	48.3	92	44.7	185	36.3

**Integrity and Satisfaction.** The literature suggests that clients will be more satisfied when they believe that the PLEB acts independently of the police. This proposition however, is doubted by some scholars who claim that satisfaction with the PLEB is determined by one's group affiliation (Goldstein, 1977; Perez, 1994; Reiner, 1993). In this regard, it is hypothesized that:

1. Complainants will be more satisfied with a review board that is more civilian and independent in operation and composition than with a board that is more dominated by the police (active or inactive in service), and
2. Police will be less satisfied with a review board that is more civilian in operation and composition than with a board that is dominated by the police.

Therefore, based on the frequencies provided in Table 13 one might expect that complainants will have a higher level of satisfaction with PLEB integrity than the police. In contrast, one might anticipate that police officers will be less satisfied with every aspect of the proceedings except for the composition where the police officers reported that the boards that processed their cases were composed of both civilians and police instead of being composed solely of civilians.

Satisfaction of the respondents with each part of the process and the satisfaction of the respondents with the final PLEB decision was collected as part of the survey instrument. Four satisfaction measures used a five-point Likert scale with the lowest value of 1 indicating that a respondent is “very dissatisfied” to a high of 5 where the respondent is said to be “very satisfied” (See Table 14). The measure for satisfaction with the decision used a four-point scale and the neutral category was eliminated. The distribution of responses is provided in Table 14.

The results were mixed. The satisfaction of complainants with the PLEB process was as predicted in the literature. Complainants were relatively more satisfied than dissatisfied with every aspect of the process. Furthermore, only a limited number of individuals indicated that they were dissatisfied or very dissatisfied with the stages of the process. This finding was

**Table 14. Distribution of Respondents' Satisfaction with the Integrity of the PLEB and Tests of the Differences on the Group Means**

Characteristics	Complainants (n = 515)		Police With Case (n = 206)		Police w/o Case (n = 514)	
	freq	%	freq	%	freq	%
<b>Satisfaction with Filing Venue</b>						
Very satisfied	17	3.3	18	8.7	61	11.9
Satisfied	234	45.5	112	54.4	281	55.0
Neutral (Don't care about venue)	157	30.5	62	30.1	109	21.3
Dissatisfied	91	17.7	11	5.3	49	9.6
Very Dissatisfied	15	2.9	3	1.5	11	2.2
F = 25.410*	Mean = 3.29		Mean = 3.64		Mean = 3.65	
<b>Satisfaction with Investigators</b>						
Very satisfied	20	3.9	15	7.3	60	11.8
Satisfied	234	45.5	117	56.8	192	37.6
Neutral (Don't care)	144	28.0	52	25.2	89	17.5
Dissatisfied	103	20.0	13	6.3	155	30.4
Very Dissatisfied	13	2.5	9	4.4	14	2.7
F = 7.774*	Mean = 3.28		Mean = 3.56		Mean = 3.25	
<b>Satisfaction with Hearing Venue</b>						
Very satisfied	21	4.1	18	8.8	48	9.4
Satisfied	215	42.0	102	49.8	300	58.6
Neutral (Don't care about venue)	195	38.1	68	33.2	85	16.6
Dissatisfied	74	14.5	13	6.3	66	12.9
Very Dissatisfied	7	1.4	4	2.0	13	2.5
F = 13.338*	Mean = 3.33		Mean = 3.57		Mean = 3.59	
<b>Satisfaction with Composition of PLEB</b>						
Very satisfied	70	13.7	5	2.4	118	23.0
Satisfied	128	25.0	25	12.1	77	15.0
Neutral (Don't care about members)	249	48.6	71	34.5	163	31.7
Dissatisfied	59	11.5	56	27.2	136	26.5
Very Dissatisfied	6	1.2	49	23.8	19	3.7
F = 6.302*	Mean = 3.38		Mean = 3.27		Mean = 3.58	
<b>Satisfaction with the Decision of the PLEB</b>						
Very Satisfied	38	7.4	19	9.2	56	11.0
Satisfied	245	47.8	128	62.1	260	51.3
Dissatisfied	182	35.5	43	20.9	167	32.9
Very Dissatisfied	48	9.4	16	7.8	24	4.7
F = 7.653*	Mean = 2.53		Mean = 2.73		Mean = 2.69	

\*Significant at  $p \leq .05$  level



especially true for composition of the PLEB where only 12.7 percent of the complainants were dissatisfied. More specifically, almost the same proportion of complainants was satisfied with the filing venue (48.5%), investigation (49.4%), and hearing location (46.1%), while their lowest level of satisfaction was with the composition of the PLEB (38.7%). These results suggest that civilian dominated PLEB operations and composition elicit more satisfaction from the public than a board that is not completely independent from the police.

The pattern of responses for police officers does not conform to what was expected. Police with cases were predicted to show dissatisfaction with all the measures but they were generally satisfied with four out of the five measures. Their dissatisfaction with the composition was the only measure that conformed to the anticipated direction of their satisfaction (51% dissatisfied). Findings for police without cases showed a different pattern. Despite the overly civilian nature of the PLEB operations, these officers (without cases) generally reported being satisfied across all of the integrity measures. For example, the proportion of this sample that was satisfied is highest with the hearing venue (68%), while their satisfaction with the composition of the PLEB was the lowest among the integrity measures at 38 percent.

The sample mean levels of satisfaction also did not confirm the expectations from the existing literature. The police have higher mean levels of satisfaction with the filing and hearing venues than the complainants despite the PLEBs civilian nature. The police with cases have the highest mean level of satisfaction with the investigation of their cases despite the fact that 71.4 percent indicated that the PLEB alone investigated their cases. Lastly, it is interesting to note that the police respondents showed the highest mean levels of satisfaction with the composition of the PLEB despite the group's claim that the board lacked integrity when compared to the complainants who had the lowest mean level of satisfaction with the composition of the PLEB.

There was a central tendency to respond using the neutral response category provided for the integrity questions. A substantial proportion of respondents stated that they did not care about the venues and composition of the PLEB and its investigators. In three out of twelve cell groups, the neutral response was the modal response among the three groups. In those cases where the neutral response was not highest, it was the second most likely response for the respondents. Thus, the means generated from the analyses that range from 3.25 to 3.59 indicate this central tendency. Suspecting that the neutral responses were masking the true levels of satisfaction of the respondents, especially where neutral was the modal response, the neutral responses were coded as missing and new means were computed for each category. The same pattern as that noted when the neutral responses were included emerged as when they were excluded. The police have relatively higher mean levels of satisfaction on almost all aspects of integrity compared to the complainants.

The analysis of variance on these mean levels of satisfaction reveals significant differences among the three groups on all measures. To identify where the differences exist, Bonferroni's multiple comparison test was used as a single test to detect the significantly different groupings. Using individual t-tests for each group combination is an alternative test but "when you make many comparisons involving the same means, the probability increases that one or more comparisons will turn out to be statistically significant, even when all the population means are equal" (Norusis, 1995: 291).

Table 15 presents the results of the tests for the significant differences between group combinations on the four measures of integrity. The significant difference detected among the respondents in their satisfaction with filing venue is between complainant and police with cases (mean difference = .35) and between complainant and police with cases (mean difference = .36).

The mean difference between police with cases and the police without cases is not significantly different at the customary .05 level (mean difference = .01). This same pattern is present with comparisons concerning the hearing venue. Namely, the complainant means are significantly different than the police means, while the two police sample means are not significantly different from one another.

**Table 15. Multiple Comparisons Tests of the Respondents' Mean Levels of Satisfaction with the Integrity of the PLEB**

Group Combinations	Mean Difference	Std. Error	Sig
<b>Filing Venue</b>			
Complainant and Police Without Case	.35	.072	.001*
Complainant and Police With Cases	.36	.055	.001*
Police With Cases and Police Without Cases	.01	.072	1.00
<b>Investigators of Cases</b>			
Complainant and Police Without Case	.03	.062	1.00
Complainant and Police With Cases	.28	.082	.002*
Police With Cases and Police Without Cases	.31	.082	.001*
<b>Hearing Venue</b>			
Complainant and Police Without Case	.26	.054	.001*
Complainant and Police With Cases	.24	.071	.002*
Police With Cases and Police Without Cases	.02	.071	1.00
<b>Composition of the PLEB</b>			
Complainant and Police With Case	.11	.066	.253
Complainant and Police Without Cases	.19	.087	.081
Police With Cases and Police Without Cases	.31	.087	.001*

\* Significant at  $\leq .05$  level

This pattern, however, does not repeat with the remaining two integrity measures. Specifically, the mean difference between complainants and police without cases concerning their mean levels of satisfaction with the investigation is not significantly different (mean

difference = .03). Significant differences on this measure occur between the mean levels of satisfaction for complainant and police with cases (mean difference = .28, significance = .002) and between police with cases and police without cases (mean difference = .31, significance = .001). Finally, the mean levels of satisfaction of the complainants with both of the police samples are not significantly different for composition of the PLEB. However, the mean difference between police with cases and police without cases is significantly different at the .001 level (mean difference = .31) for this measure of integrity.

The results of the multiple comparisons tests suggest that complainants and police have significantly different views on three of the four measures. Complainants and police do not have significantly different satisfaction levels concerning the composition of the board. The significant difference for this measure exists between the police with cases and police without cases. In other words, the assertion that police and the public have significantly different perceptions is not supported as regards the composition of the PLEB. However, the former view is supported by the data as regards filing and hearing venues. Furthermore, the hypothesis is supported with the investigation measure, but only for the police with cases and complainants, but not between complainants and police without cases. Finally, the notion that police have a homogenous view for or against civilian review is not supported in this analysis. Police without cases and police with cases have significantly different satisfaction levels on two of the four measures, namely, investigation and composition.

Combined Effects of Group Affiliation and Integrity on Satisfaction. Two statistical procedures were performed to determine the effect of integrity on satisfaction. The first was to determine significant differences within groups by using a one-way analysis of variance. This procedure is used to determine significant differences among those who believed they underwent

a civilian dominated proceeding as compared to those who were responded that a police processed their cases dominated board. The second procedure was to determine the combined effects of group affiliation and integrity on satisfaction. In other words, this test will determine if membership in one of the samples and board integrity will together produce significantly different satisfaction levels. A two-way analysis of variance was used for this latter analysis.

**Table 16. Analysis of Variance on the Satisfaction of the Respondents with the Integrity of the PLEB**

Integrity Measures	<u>Complainant</u> (n = 515)			<u>Police With Case</u> (n = 206)			<u>Police Without Case</u> (n =514)		
	Mean	St. D.	F	Mean	St. D.	F	Mean	St. D.	F
Filing Venue									
Police Building	3.30	.84	.114	3.75	1.26	3.062*	4.0	.69	5.345*
Mayor's Office	3.38	.92		3.29	1.0		3.39	1.0	
PLEB Office	3.31	.88		3.70	.71		3.69	.85	
Investigation									
Police Alone	3.22	.94	2.517	3.0	.95	.557	2.80	1.30	39.776*
Both PLEB and Police	3.40	.90		3.60	.71		2.96	1.09	
PLEB Alone	3.21	.91		3.48	.89		3.82	.87	
Hearing Venue									
Police Building	3.26	.88	.467	5.0	-	2.334	3.83	1.11	2.761
Mayor's Office	3.29	.90		3.33	1.08		3.39	.95	
PLEB Office	3.35	.80		3.57	.78		3.62	.88	
Composition									
All Police	3.32	.95	.510	2.50	.71	1.340	3.22	1.56	1.002
Mixed	3.35	.91		3.54	1.16		3.21	1.16	
All Civilians	3.43	.90		3.65	.92		3.37	1.20	

**\*Significant at  $p \leq .05$  level**

The results for the one-way analysis of variance are presented in Table 16. The data indicate that the integrity measures have no significant effect on the satisfaction of complainants.

None of the F-scores were statistically significant. In other words, the levels of satisfaction of those complainants who underwent a civilian dominated process and those who underwent a police dominated process were not statistically different.

Police officers with cases showed significant differences only with the filing venue. Where the PLEB office is located is related to the level of satisfaction for these officers. The mean satisfaction levels are not significantly different for the other integrity measures (Table 16). Finally, for police without cases, there are significantly different mean satisfaction levels for both filing venue and case investigation but no significant differences in their mean levels of satisfaction with the hearing venue and composition of the PLEB (See Table 16).

More specifically, police without cases have the highest mean level of satisfaction with the filing venue in a police building and this is producing the difference in satisfaction levels between those who claim their cases were being filed somewhere else. This indicates that police without cases are expected to demonstrate differences in their satisfaction levels with the PLEB depending on where the case is filed. This same observation is true among police respondents with cases. Both of these groups of respondents indicated higher satisfaction levels with a filing venue that is within the police department. The relationship between filing venue and satisfaction is insignificant for the complainants.

The mean levels of satisfaction among police with cases on the investigation measure are not significantly different from each another. Police without cases tend to favor an investigation performed by the PLEB alone (mean = 3.82) as their mean level of satisfaction is highest in this response category. The mean levels of satisfaction among the police without cases are significantly different. It means that police without cases indeed favor more the conduct of an investigation where purely the PLEB is involved. The police with cases and the complainants

indicated that they are most satisfied with a mixed composition of PLEB investigators. The mean levels of satisfaction among the three respondent groups are not, however, significantly different.

None of the groups showed any significant difference in their levels of satisfaction with the hearing venue. Even the PLEB’s composition was something that did not seem to affect the group’s satisfaction. Thus, it seems that the respondents’ satisfaction did not really depend on the hearing venue and the composition of PLEB.

A two-way ANOVA was also carried out to examine the effects of group affiliation and integrity combined on satisfaction. The first task in a two-way ANOVA is to show the interaction effect of the different factors. The presence of an interaction effect suggests that the main effects of either the group or integrity measures are not reliable indicators to describe the population. In this case, generalizations about the effect of integrity on satisfaction have to be made relative to the two factors (group affiliation and integrity). The results for the two-way ANOVA are presented in Table 17. The table shows the main effects of group affiliation and integrity and the interaction effect of group affiliation and integrity on satisfaction.

**Table 17. Two-Way Analysis of Variance of the Mean Levels of Satisfaction Among Respondent’s with Perceptions of Integrity Combined**

Stages	Group Affiliation Effects	Integrity Effects	Interaction Effects
	F score	F score	F score
Filing	8.474*	3.36*	2.12
Investigation	0.179	4.49*	18.58*
Hearing	4.305*	1.81	1.14
Composition	0.376	2.53	0.53

**\*Significant at  $p \leq .05$  level.**

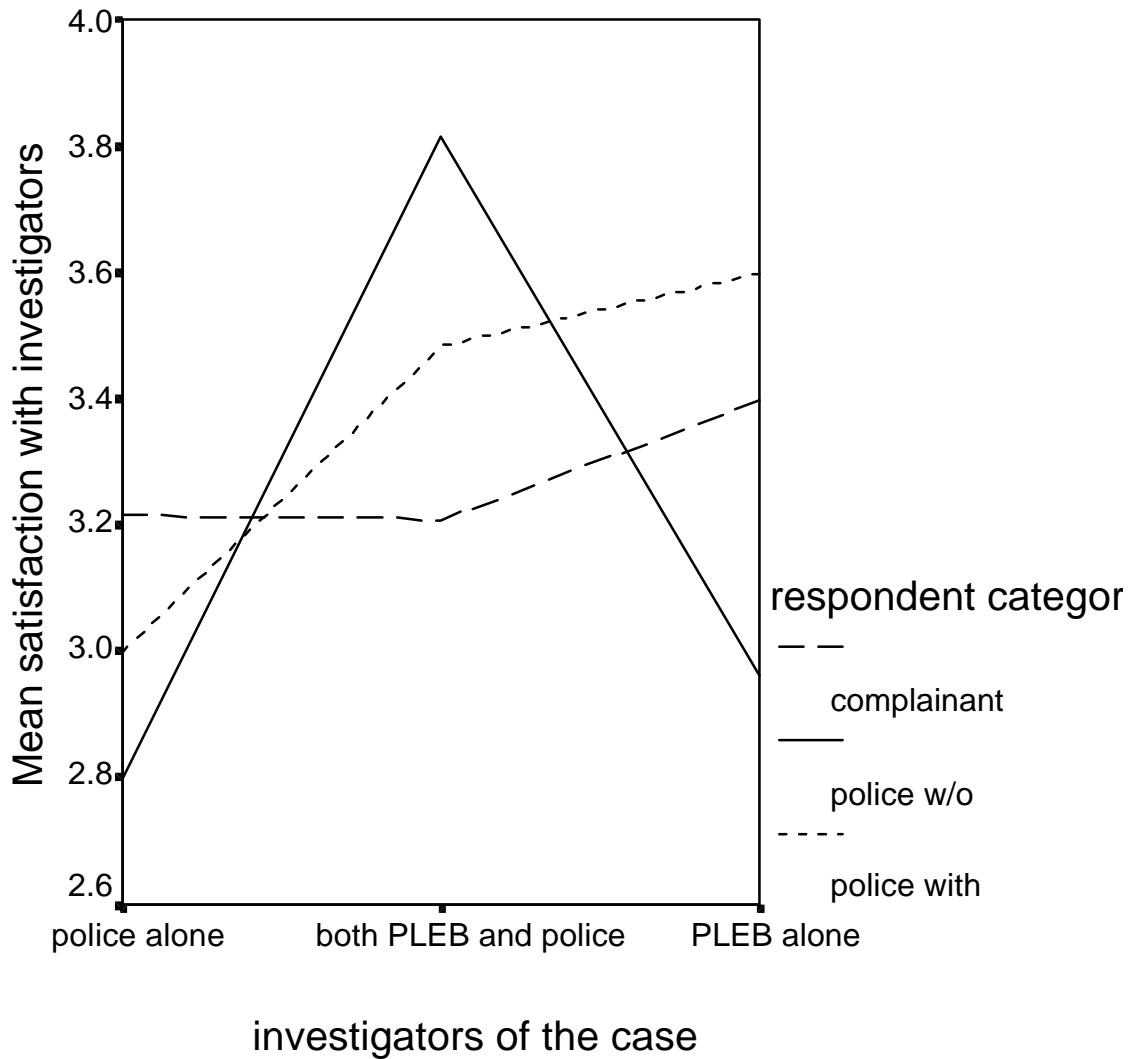
The data indicate that there is an interaction effect only with the investigation process ( $F=18.58$ ). The rest of the measures do not show significant interaction effects. Therefore, the main effects of group and integrity should not be used to derive conclusions about the investigation process for all samples. For filing venue, the main effects of both groups ( $F=8.474$ ) and integrity ( $F=3.356$ ) have reached significance. Therefore, group mean levels of satisfaction are different just as there are significantly different mean levels of satisfaction for various levels of integrity among the respondents.

Concerning membership composition of the PLEB, the fact that the PLEB is composed mostly of civilians, or police, or, mixed was not producing a significant difference in the satisfaction levels of the respondents. Likewise, group affiliation had no significant effect on the mean satisfaction levels of the respondents relative to the composition of the PLEB. Group effect was significant at the hearing stage ( $F=4.305$ ) but the venue where the case was heard had no significant effect ( $F = 1.808$ ) on the mean satisfaction level of the respondents.

Finally, there were significant differences in the satisfaction levels of the respondents when the group and integrity measures were combined for the investigation measure. Figure 3 illustrates these differences. From the figure, it can be concluded that when the police alone conduct the investigation, complainants have the highest mean level of satisfaction and police without cases have the lowest mean level of satisfaction. When police and PLEB investigate, police without cases have the highest satisfaction level while the complainants have the lowest level of satisfaction. Finally, when the PLEB alone investigates, police with cases have the highest mean level of satisfaction while police without cases have the lowest satisfaction mean.



**Figure 4. Graph Presentation of the Interaction Between Respondent Group's Affiliation and Investigators of the Case on the Mean Satisfaction Levels of the Respondents**



**Legitimacy.** Legitimacy has been defined as the fairness, objectivity, and thoroughness of the board in handling cases. Respondents' perceptions of the fairness, objectivity, and thoroughness of the board were measured for each stage of PLEB adjudication process. These stages involve the investigation, hearing, and decision.

Table 18 provides the findings for the perceptions of the respondents concerning the legitimacy of the board. The data suggest that the PLEB appeared to project a sense of legitimacy to its clients in the processing of cases. It was perceived as fair, objective, and thorough in almost all aspects of the proceedings by each of the respondent categories. The following observations can be made about the data on the perceived legitimacy of PLEB. First, for all but two of the frequency distributions (out of the 27 provided) respondents voiced favorable or positive attitudes concerning the legitimacy of the PLEB boards. Both of these two situations arose relative to police officers who did not have cases filed against them and concerned measures of board objectivity. More specifically, a majority of respondents voiced unfavorable attitudes toward “objectivity during the hearing” (53.1% said that the board was partial versus impartial) and “objectivity of the decision” (54.3% said the decision was partial). For all other situations, the majority of the respondents voiced favorable satisfaction levels.

Second, the most positive attitudes concerned the measures of PLEB fairness. In general, respondents across the three groups believed the PLEB was “very fair” or “fair” in its investigation, hearing, and decision processes. At the same time, respondents had less positive beliefs about PLEB objectivity, though as noted in most situations, a majority of respondents still voiced favorable attitudes on this measure (Table 18).

Third, complainants’ perceptions of board actions were not quite as positive as those of the police with and without cases. The only exception was with the objectivity of the board during the hearing and the decision situations mentioned above. At the same time, officers that had cases tended to voice more positive perceptions than those officers who were not involved with cases.

**Table 18. Frequencies and Percentages of the Respondents' Perceptions Regarding the Legitimacy of the Board with a Chi-square Tests of Their Perceptions**

Characteristics	Complainant (n = 515)		Police W/ Case (n = 206)		Police W/o Case (n = 514)		Chi-Square
	freq.	%	freq.	%	freq.	%	
Fairness in Investigation							6.015*
Very fair	54	10.5	27	13.6	91	19.1	
Fair	331	64.6	137	68.8	292	61.2	
Unfair	120	23.4	22	11.1	69	14.5	
Very Unfair	7	1.4	13	6.3	25	5.2	
Objectivity in Investigation							1.429
Very Impartial	24	4.7	10	5.1	68	14.4	
Impartial	306	60.4	115	58.4	252	53.4	
Partial	161	34.9	59	29.9	119	25.2	
Very Partial	16	3.2	13	6.6	33	7.0	
Thoroughness in Investigation							25.305*
Very Complete	43	8.4	20	10.2	71	13.8	
Complete	317	62.2	130	66.0	205	43.5	
Incomplete	130	25.5	38	19.3	175	37.2	
Very Incomplete	20	3.9	9	4.6	20	4.2	
Fairness in Hearing							24.280*
Very fair	45	8.8	25	12.3	91	18.0	
Fair	343	66.6	141	69.1	238	47.0	
Unfair	117	22.8	29	13.2	159	31.4	
Very Unfair	9	1.8	11	5.4	18	3.6	
Objectivity During the Hearing							31.780*
Very Impartial	27	5.3	14	6.8	55	10.8	
Impartial	289	56.4	121	59.0	184	36.1	
Partial	179	35.0	57	27.8	231	45.4	
Very Partial	17	3.3	13	6.3	39	7.7	
Thoroughness in the Conduct Of the Hearing							28.379*
Very Complete	40	7.8	21	10.3	61	11.9	
Complete	320	62.6	140	68.6	242	47.6	
Incomplete	129	25.2	38	18.6	188	37.0	
Very Incomplete	22	4.3	5	2.5	17	3.3	
Fairness in the Decision							9.045*
Very fair	44	8.6	24	11.7	93	18.3	
Fair	328	64.3	141	68.8	315	61.9	
Unfair	127	24.9	30	14.6	83	16.3	
Very Unfair	11	2.2	10	4.9	18	3.5	
Objectivity in the Decision							28.024*
Very Impartial	28	5.5	10	4.9	54	10.6	
Impartial	268	52.7	123	60.3	179	35.1	
Partial	178	35.0	56	27.5	149	29.2	
Very Partial	35	6.9	15	7.4	128	25.1	
Thoroughness in Decision							19.323*
Very Complete	34	7.7	16	7.9	64	12.6	
Complete	309	60.6	139	68.5	239	47.0	
Incomplete	146	28.6	39	18.9	187	36.7	
Very Incomplete	21	4.1	9	4.4	19	3.7	

\* Significant at  $p \leq .05$ . level

Chi-square statistics were computed to examine differences across the three groups' perceptions regarding the legitimacy of the board. For this analysis, the responses were collapsed into two categories. The "very fair" and "fair" responses were coded as "fair" and the "unfair" and "very unfair" responses were coded as "unfair." For objectivity, the "very partial" and "partial responses" were coded as "partial" and the "impartial" and "very impartial" responses were coded as "impartial." Finally, the thoroughness measures were collapsed with the "complete" and "very complete" coded as "complete" and responses of "incomplete" and "very incomplete" coded as "incomplete." Dichotomous categories seem more appropriate for an assessment of PLEB legitimacy as it is more convenient and definite to know that the PLEB either is perceived as legitimate or not.

The results of the analysis showed that the respondent samples have significantly different perceptions of the legitimacy of the PLEB on eight of the nine measures. Group variation accounts for the differences in the opinions of the respondents in the measures of the legitimacy of PLEB proceedings. It was only on the objectivity of the investigation where no significant difference across the samples was detected.

Arguments could be offered regarding the spuriousness of the observed significant variations in the assessments of the legitimacy and the conclusion that these variations are due to group affiliation. For the spuriousness argument to prosper, it must be shown that other variables may be accountable for the variation. There are two possible sources of variation which when present in this study will explain away the significant differences found among the groups. The first factor is variation in the membership of the PLEB. It is expected that differences in handling cases may exist over time when there is variation in membership of the review board. Variation in PLEB membership as a factor is a rare occurrence. The data in Table 4 suggest that

PLEB membership was very stable throughout the years of this study. Seldom did the membership of the PLEBs change.

The second source of variation is when there is bias in the selection of the sample. In order to avoid bias in this study, stratified random sampling was done. Therefore, not a single jurisdiction can be assumed to account for the variation in the perceived legitimacy of the PLEB. Complainants and police officers were randomly selected and stratified to make sure that each police district in the National Capital Region was represented. It is in this light that any bias due to the specific operation of a particular PLEB office has been minimized by the research design. Thus, the responses to the survey can be presumed to be a fairly representative portrayal of the aggregate operations of the PLEB.

After testing the significant differences among the groups on the legitimacy of the PLEB, the analysis proceeded to determine whether or not there is a significant difference in the satisfaction of the respondents on the various legitimacy measures. The chi-square statistic was used to unravel this relationship. The dichotomized responses for the nine legitimacy measures were cross-tabulated with the dichotomized satisfaction responses of the respondents. The satisfaction measures were dichotomized by collapsing responses of “very satisfied” and “satisfied” into a single category and coded as “satisfied.” “Dissatisfied” and “very dissatisfied” responses were collapsed and coded as “dissatisfied.” Neutral responses were eliminated from the analysis. Table 19 presents the chi-square statistics derived from the cross tabulations of the satisfaction responses of the respondents and their perceptions of the legitimacy of PLEB processes.

**Table 19. Chi-Square Distribution of the Legitimacy of the PLEB and Satisfaction of the Respondents**

Legitimacy	<u>Satisfaction of the Respondents</u>		
	Complainant (n = 515)	Police With Case (n = 206)	Police W/o Case (n = 514)
<b>INVESTIGATION</b>			
Fairness	121.941*	116.455*	65.887*
Objectivity	31.285*	22.014*	0.700
Thoroughness	171.670*	88.698*	254.367*
<b>HEARING</b>			
Fairness	146.893*	77.735*	52.305*
Objectivity	36.926*	16.686*	2.858
Thoroughness	173.380*	64.227*	55.098*
<b>DECISION</b>			
Fairness	92.905*	57.549*	39.304*
Objectivity	52.904*	14.817*	53.117*
Thoroughness	107.882*	58.637*	222.063*

**\* Significant at  $p \leq .05$  level**

The results contained in Table 19 indicate that there is a significant difference among those who believed that PLEB actions related to the investigation, hearing, and case decisions were legitimate and their satisfaction with each stage of the process. This relationship was true for 25 of the 27 relationships presented in Table 19. Two relationships involving police without cases (perceived objectivity of the investigation and objectivity of the hearing) were not significant. Thus, variation in the satisfaction of respondents is related to variation in the perceived legitimacy of PLEB.

It should also be noted that thoroughness before arriving at the decision appears to be greatly emphasized by the complainants (chi-square = 107.88) and the police without cases (chi-square = 222.06) as having an effect on their satisfaction. In other words, they want the PLEB to consider all the circumstances of the case when the PLEB makes a decision.

**Learning.** This concept refers to the impact of the PLEB on police behavior. To measure this concept, respondents were asked whether they believe changes in supervision, attitudes, and police policies resulted because of the actions of the PLEB. The data in Table 20 shows that majority (54.6%) of the complainants perceived that stricter supervision of the police resulted because of the operations of the PLEB. Also, a majority of each of the police samples (police with cases, 67.8% and police without cases, 51.8) believes that stricter supervision of the police occurred due to the PLEB actions. The police respondents (police with cases, 85.9% and police without cases, 64.6%) also see positive changes in the attitudes of police officers and believe that certain policy changes have been made affecting police operations due to the operations of the PLEB (police with cases, 85.9% and police without cases, 67.8%). In contrast, a majority of complainant responses indicate that there has been either no change (38.2%) or a negative change (21.1%) in police attitudes. Similarly, less than half (43.1%) of these complainants believe PLEB actions have resulted in policy changes.

Chi-square statistics were also used to determine if there were differences across the groups concerning their perceptions of the impact of PLEB actions on the police. As noted in Table 20, there are significant differences among the groups on each of the three measures of police learning. Looking at the data in Table 20, one notices marked differences in the responses for police with cases in all the measures. Therefore, suspicion arises that the significant difference detected among the three groups is being accounted for by those police officers with cases. To check the differences among police officers, a cross tabulation for police officers without cases and those with cases and changes in supervision and attitudes was constructed. All the chi-square scores derived were statistically significant. Another cross tabulation was constructed for police with cases and the complainants. Again the differences between the two

groups on all measures are statistically significant. Finally, a cross tabulation was conducted for police without cases and the complainants. The results of the chi-square statistics indicate that there are no significant differences on their responses for supervision and attitude changes but perceptions about changes in policies are significantly different between the groups.

**Table 20 Frequencies and Percentages of the Respondents’ Perceived Impact of the Board on the Police and Chi-square Tests on Their Responses.**

Characteristics	Complainant (n = 515)		Police With Case (n = 206)		Police Without Case (n = 514)	
	freq	%	freq	%	freq	%
<b>Stricter Supervision</b>						
Yes	279	54.6	139	67.8	264	51.8
No	232	45.0	66	32.2	246	48.2
Chi-square = 15.618*						
<b>Change of Attitude Among Police</b>						
Negative Change	108	21.1	24	11.7	171	35.2
No Change	195	38.2	0	0	1	0.2
Positive Change	208	40.7	177	85.9	314	64.6
Chi-square = 256.247*						
<b>Change in Policies Due to Operation of the PLEB</b>						
Yes	221	43.1	177	85.9	343	67.8
No	292	56.9	27	13.1	163	32.2
Chi-square = 135.374*						

**\* Significant  $p \leq .05$  level**

The literature suggests that the public and the police have opposite views regarding how civilian reviews should be conducted. Having previously established that differences between complainants and police without cases resulted because of the responses from the police with



cases sample, both police samples were combined to determine if indeed, police officers and complainants have the same polarized views as suggested in the literature. The chi-square statistics indicated that police and the complainants have significantly different views concerning the impact of PLEB on police policies. Therefore, complainants are more likely than the police to state that the PLEB has no effect on the policies of the department. The respondent groups did not differ significantly on both of the other impact measures.

The rationale for collapsing the responses procedure was carried out to see if complainants and the police have indeed significant differences in their views regarding policing. Indeed, the dichotomy in the police categories was masking the true relationship as regards the assessment of the respondents on the impact of PLEB. Since the literature suggests that there is a relatively high degree of homogeneity among police officers on their beliefs and attitudes on how policing should be done, the police categories were collapsed into a single variable. The assumption therefore is that police with and without cases have similar perceptions about the impact of PLEB. Therefore, it might be reasonable to collapse the two categories of police in the study and see if their perceptions still differ from those of the complainants. Also, due to the low number of responses on the “no change” category for the attitude variable, responses involving “no change” were excluded in the analysis. Thus, a two by two group comparison is created.

The results revealed no significant relationships for supervision and attitudes among the categories. The significant relationship for perceived effect of PLEB on changes in policies remained unchanged. With these findings, one can be confident the PLEB is indeed having an impact on the intensity of supervision and attitude change among the police. However, impact of the PLEB on the emergence of relevant policies should be taken with caution.

**Efficiency and Satisfaction.** Efficiency of the PLEB is measured by the number of days it took to resolve cases. The data from Table 12 suggest that cases are being resolved in a timely fashion. The majority of the cases reported by the complainants are being resolved within 90 days. Specifically, seventy-nine percent (79.1%) of the complainants claim that their cases were resolved within the 90-day period and about 63 percent (62.9%) of the police claim that their cases were also resolved within the same period. However, the police reported that cases, on average, are being resolved within five months.

The study collected information on respondents' perceptions about the number of days it took the PLEB to resolve cases. The survey asked the respondents, "How do you feel about the amount of time the board spent on your case?" Responses to this question included, a) faster than expected, b) slower than expected, and c) as quickly as expected. As shown in Table 12, the results are interesting. The modal response of the respondents across categories is that the PLEB is slower than expected in resolving cases (complainants, 63% and police with cases, 61.8%). Thus, it appears that the 90 day or 150 day periods are perceived to be relatively long time frames for the PLEB to resolve cases.

To more clearly assess this perception about resolution time, a four-point satisfaction scale on the resolution time was devised by asking the respondents, "What is your overall satisfaction with the amount of time the PLEB spent on your case?" The results show that the respondents are generally satisfied with the resolution time (See Table 21). This incongruence between perceived speed of the PLEB and their satisfaction with the resolution time is somewhat puzzling. Generally, people are satisfied with speedy resolutions of their cases. The respondents' perceptions that cases are being resolved in a slower than expected fashion should be related to less positive satisfaction levels. However, the initial findings show the opposite. It

is in this light that the association between perceptions the resolution time and satisfaction with speed of resolution was explored by deriving the gamma statistics for the two variables. The gamma statistics show that the variables are not significantly correlated either within the groups or between the groups. Thus, perceived efficiency is not significantly affecting the respondents' satisfaction with the resolution time.

**Table 21. Frequencies and Percentages of the Respondents' Satisfaction with Resolution Time, Complainants and Police With Cases**

Variable Names	Complainant (n = 515)		Police With Case (n = 206)	
	freq.	%	freq.	%
Satisfaction with Resolution Time				
Very satisfied	14	2.7	28	13.6
Satisfied	259	50.5	126	61.2
Dissatisfied	189	36.8	38	18.4
Very Dissatisfied	51	9.9	14	6.8
	Mean = 2.46		Mean = 2.82	
t = 6.532*				

\* Significant at  $p \leq .05$  level

**Multiple Regression Analysis – Resolution Time.** To examine the impact of a series of factors on respondents' satisfaction with resolution time, a multiple regression model was computed. Variables representing integrity, legitimacy, impact, performance, and demographic characteristics were included in the model. Models were estimated first for all respondents (Table 22) and then for complainants and police with cases separately (Table 23).

Factor analysis and tests for multicollinearity were conducted for the integrity and legitimacy measures to make sure that there was no overlap in the dimensions being tapped by

the various measures. Results for the bivariate correlations of the different independent variables indicated that problems of multicollinearity with the legitimacy measures existed. All of the independent variables were highly correlated. The range of Pearson's correlation coefficients for the bivariate relationships ranged from .361 to .825. The bivariate correlations among the integrity measures presented no problems for multicollinearity. The coefficients ranged from .009 to .247.

Since the measures of legitimacy have multicollinearity problems, two options exist. First, some of the variables could be dropped from the analysis. Second, factor analysis could be used to reduce the number of variables assuming that the separate measures are tapping the same dimensions. Principal components factor analysis indicated that the questions on legitimacy tap two separate dimensions, in that two factors were produced, one with an eigenvalue of 5.714 and a second one with an eigenvalue of 1.113. The remaining factors all had an eigenvalue of less than .719. Since the eigenvalue of the second component was close to 1, a decision was made to create a single legitimacy scale (Cronbachs Standardized Alpha = .924). Each of the nine legitimacy measures were coded values of 1 = very unfair/very partial/very incomplete, 2 = unfair/partial/incomplete, 3 = fair/impartial/complete, and 4 = very fair/very impartial/very incomplete. Adding the response values of all variables, the new values for the legitimacy scale ranged from 9 to 36. A low scale score indicates a low perception of board legitimacy and a high scale score indicates that the respondents perceive a high level of legitimacy. Based on this new scale, new means were computed for each category. The results show that the respondents perceived the board as legitimate (complainant mean = 24.57; police without cases mean = 24.42; police with cases mean = 25.16).

No new scales were created for the integrity measures because of the lack of multicollinearity. However, the fourth response category in each of the integrity measures where the respondents answered “other” was excluded from the analysis. The impact and outcome variables were transformed into dummy variables with “yes” or “positive change” coded as 1 and the rest coded 0. Sex is also dummy-coded with “male” as 1 and “female” as 0. Finally, education is dummy coded with college graduate and above coded as 1 and all else coded as 0.

The results for the first model are presented in Table 22. Five variables were significant predictors of satisfaction with the resolution time of PLEB. Among the integrity variables, only the composition of PLEB membership is significantly correlated with the satisfaction of the respondents. Perception of legitimacy about the PLEB is also a significant predictor of the satisfaction with resolution time. Among the impact measures, perceived changes in policy has a significant and positive influence on the respondents’ levels of satisfaction. Respondents’ gender is the only demographic variable that is significant. Specifically, being male has a positive influence on their beliefs about resolution time. Finally, the relationship between respondents’ expectations of resolution time and satisfaction is significant and positive. In other words, respondents who view the process as faster than expected, also report higher levels of satisfaction.

Throughout this study, the analysis of the data indicated a significant difference between the complainants and the police. In order to see if the variables exert different influences for each group, the samples were disaggregated. Table 23 presents the results of the regression models in comparing complainants and the police with cases.

**Table 22. Ordinary Least Squares Regression of Respondents' Satisfaction with Resolution Time of PLEB on Integrity, Legitimacy, Impact, PLEB Performance Measures and Demographics (n = 721)**

Variable Names	Coefficient	Beta	Sig
Constant	.311		
<b>Integrity</b>			
Filing Venue	.011	-.010	.869
Investigators	.098	.079	.116
Hearing Venue	.099	.084	.166
Composition	.151	.112	.015*
Legitimacy	.024	.143	.014*
<b>Impact</b>			
Stricter Supervision	.168	.110	.060
Change of Attitude	.074	-.050	.429
Change of Policies	.315	.207	.001*
<b>Performance</b>			
Number of Days to Resolve Cases	.001	-.053	.252
Outcomes of Cases	.054	.036	.448
<b>Demographics</b>			
Age	.004	.052	.259
Sex	.189	-.105	.023*
Number of Times Charged /Complaint Filed	.048	.040	.380
Education	.098	.055	.222
Monthly Income	.001	.049	.275
Expectations on Speed of Resolution	.111	.131	.010*
$R^2 = .191$			

\* Significant at  $p \leq .05$  level

As shown in Table 23, there are indeed differences in the effects of predictor variables for each group. For complainants, only three out of fifteen variables turned out to be significant predictors of their satisfaction with resolution time. Outcomes of cases, expectations of speed of

the PLEB in handling their cases, and perceived changes in policies are significant predictors of their satisfaction with resolution time.

**Table 23. Ordinary Least Squares Regression of Respondents' Satisfaction with Resolution Time of PLEB on Integrity, Legitimacy, Impact, PLEB Performance Measures and Demographics, Complainants and Police With Case**

Variable Names	Complainant (n = 515)			Police W/ Case (n = 206)		
	Coeff.	S.E.	Sig	Coeff.	SE	Sig
Constant	1.395			-2.513		
<b>Integrity</b>						
Filing Venue	-.053	.072	.458	-.089	.175	.338
Investigators	.074	.071	.246	.205	.158	.049*
Hearing Venue	.082	.076	.275	.189	.241	.045*
Composition	.070	.070	.203	.345	.171	.007*
Legitimacy	.001	.012	.986	.308	.021	.005*
<b>Impact</b>						
Stricter Supervision	.064	.107	.378	.116	.170	.272
Change of Attitude	-.055	.105	.431	-.300	.319	.011*
Change of Policies	.144	.096	.028*	.275	.375	.025*
<b>Performance</b>						
Number of Days to Resolve Case	-.086	.001	.123	-.162	.001	.085
Outcomes of Cases	.244	.098	.000*	.025	.163	.764
<b>Demographics</b>						
Age	.006	.004	.914	-.045	.010	.654
Sex	-.067	.089	.231	.142	.265	.076
Number of Times Charged /Complaint Filed	-.104	.076	.064	.241	.081	.008*
Education	.090	.092	.108	.066	.162	.423
Monthly Income	.070	.001	.211	.140	.001	.147
Expectations on Speed of Resolution	.190	.054	.003*	.078	.079	.456
	R <sup>2</sup> = .176			R <sup>2</sup> = .262		

\* Significant at  $p \leq .05$  level.

For the police with cases sample, seven out of the fifteen factors are significant predictors. Except for filing venue, all of the integrity variables significantly influence their satisfaction with case resolution time. The findings suggest that police officers do not really have misgivings about a review board that is predominantly civilian in nature. Likewise, legitimacy is positively and significantly correlated with resolution time satisfaction. Two of the three impact measures also exert significant influences on the satisfaction of police officers. Specifically, perceived changes in attitudes and policies significantly influence satisfaction with resolution time.

In a sense, the police seemed more concerned with issues of integrity and legitimacy than complainants. While complainants show more concern for the outcomes and whether or not their expectations about resolution time are met, the police are more concerned with the process of handling complaints rather than on the outcome of the case and how quickly they expected their cases to be resolved.

Thus, it can be stated that the police are process or system-oriented whereas the complainants are outcome-oriented. This is a very important distinction that has implications for future policies regarding cases filed before the PLEB.

**Multiple Regression Analysis - Overall Satisfaction.** Before reporting the regression results involving overall satisfaction it is first necessary to examine the frequency distributions for this survey item. Overall satisfaction was measured using a four-point Likert scale with 1 as “very dissatisfied” to 4 as “very satisfied.” Respondents were asked the question: “In general, are you satisfied with the PLEB in your jurisdiction?”

Table 24 shows the frequency distributions for all three samples for their overall satisfaction with the PLEB. The majority of the respondents across the categories state that they



are satisfied over-all with the PLEB. More than sixty percent of the complainants are satisfied with PLEB (68.5%). Police officers with cases (80%) have higher satisfaction rate than police officers without cases (64.2%). Among the categories, police with cases have the highest mean level of satisfaction at 2.95. Complainants have the lowest mean 2.72. The mean for the police without cases is 2.74.

**Table 24. Frequencies and Percentages of the Overall Satisfaction of Respondents with the Performance of the PLEB**

Characteristics	Complainants (n = 515)		Police W/ Case (n = 206)		Police w/o Case (n = 514)	
	freq	%	freq	%	freq	%
Over-all Satisfaction						
Very satisfied	43	8.4	41	20.0	69	13.5
Satisfied	309	60.1	123	60.0	259	50.7
Dissatisfied	139	27.0	30	14.6	162	31.7
Very Dissatisfied	23	4.5	11	5.4	21	4.1
	Mean = 2.72		Mean = 2.95		Mean = 2.74	
F = 8.598*						

\* Significant at  $p \leq .05$  level.

Although the data in Table 24 show that respondents are generally satisfied in the overall performance of the PLEB, the analysis of variance on the mean responses of the group suggests that there is a significant difference among the three categories with an F value of 8.598 significant at .001 level. The ANOVA results suggest that group affiliation may be affecting the respondents' mean level of satisfaction. However, the literature suggests that various factors significantly influence the satisfaction of police and complainants with a civilian review. Thus, a regression model using the same variables and values as that in the analysis of satisfaction with resolution days was created this time regressing overall satisfaction with several independent

variables. The same independent variables used in the previous regression regarding resolution time will be used as predictors of overall satisfaction. Similarly, two models were created -- one for the entire sample and the other separating the complainants from the police officers with cases.

**Table 25. Ordinary Least Squares Regression of Respondents' Overall Satisfaction with PLEB on Integrity, Legitimacy, Impact, PLEB Performance Measures and Demographics (n = 721)**

Variable Names	Coefficient	Beta	Sig
Constant	.078		
<b>Integrity</b>			
Filing Venue	.032	-.031	.446
Investigators	.035	.031	.374
Hearing Venue	.054	.052	.223
Composition	.033	.027	.392
Legitimacy	.090	.591	.001*
<b>Impact</b>			
Stricter Supervision	.057	-.042	.307
Change of Attitude	.072	.054	.221
Change of Policies	.255	.187	.001*
<b>Performance</b>			
Number of Days to Resolve Cases	.001	-.065	.047*
Outcomes of Cases	.004	.003	.927
<b>Demographics</b>			
Age	.004	-.059	.067
Sex	.030	.019	.559
Number of Times Charged /Complaint Filed	.067	.062	.048*
Education	.039	-.024	.441
Monthly Income	.001	-.025	.431
Expectations on Speed of Resolution	.133	.176	.001*

$R^2 = .604$

\* Significant at  $p \leq .05$  level.

Table 25 presents the aggregate model on the regressing over all satisfaction with the different independent variables. The model turned out to be quite adequate with more than 50 percent of the variation being accounted for by the model. Analyzing all the samples groups, the results show that only five out of sixteen predictor variables turned out to have significant influence on the respondents' over-all satisfaction with the PLEB. Legitimacy of the PLEB was significantly correlated with overall satisfaction of clients with the PLEB. Furthermore, the legitimacy of the PLEB is the strongest predictor of overall satisfaction the samples ( $b = .591$ ). No other variables in the equation have this relatively high beta coefficient.

Perceived changes in policies also have a positive and significant effect on the overall satisfaction of respondents ( $b = .187$ ). This finding means that respondents when there is a perceived PLEB impact on departmental policies. The two other impact measures have no significant effect on the over all satisfaction of the respondents.

Consistent with other research, the number of resolution days has negative and significant relationship with the overall satisfaction of the respondents. This last relationship suggests that respondents will have less satisfaction with delayed PLEB proceedings. Thus, it was not a surprise that one's expectation about the resolution time was also positively and significantly related with the overall satisfaction of respondents.

Finally, the number of times one complains or one is charged is producing significant effect on overall satisfaction. This may be a unique finding. It would be strange to find that as a police officer receives more charges, he or she becomes more satisfied with the PLEB. This finding is something that cannot be explained by this current research.

Interestingly, none of the integrity variables significantly influenced the overall satisfaction on the respondents. Outcomes of cases and the rest of the demographic variables do not significantly influence the overall satisfaction of the samples with the PLEB.

Again, the current study has shown that police and complainants have significantly different views on almost all aspect of the board proceedings. Thus, a regression model analyzing the effects of the independent variables on each of the samples overall satisfaction was constructed.

Table 26 shows the regression results of disaggregating complainants and police responses. The findings for the disaggregated data did not differ much from the aggregated data.

However, there were only three significant predictors of satisfaction among police with cases compared to five significant predictor variables for complainants. Perceived legitimacy, changes in department policies, number of resolution days, outcomes of cases, and expectations about the resolution time have significant influence on complainants' overall satisfaction.

Among police officers, legitimacy, education and expectations on speed of resolution have significant influences on their satisfaction. However, the effect of perceived policy changes became insignificant for the police. In fact, police seem unconcerned with the impact that the PLEB is having on their attitudes, about supervision, and changes in department policy. Education was a significant factor influencing the satisfaction of the police. However, this relationship between education and satisfaction is negative. This finding means that higher educated officers tend to be more dissatisfied with the PLEB than lower educated ones.

Expectations on the perceived speed of PLEB still remains significantly related to the satisfaction of both the police and complainants. Interestingly, case outcome which was not a significant variable in the aggregated analysis turned out to be a significant factor for

**Table 26. Ordinary Least Squares Regression of Respondents' Overall Satisfaction with PLEB on Integrity, Legitimacy, Impact, PLEB Performance Measures and Demographics, Complainants and Police With Case**

Variable Names	Complainant (n = 515)			Police W/ Case (n = 206)		
	Coeff.	S.E.	Sig	Coeff.	SE	Sig
Constant	.269			-1.103		
<b>Integrity</b>						
Filing Venue	-.045	.045	.368	.018	.117	.790
Investigators	.022	.045	.625	.104	.106	.179
Hearing Venue	.030	.048	.563	.112	.161	.111
Composition	.072	.044	.060	.034	.114	.718
Legitimacy	.575	.007	.001*	.579	.014	.001*
<b>Impact</b>						
Stricter Supervision	.018	.067	.725	.114	-.215	.062
Change of Attitude	.028	.066	.560	.016	.214	.858
Change of Policies	.141	.061	.002*	.121	.251	.185
<b>Performance</b>						
Number of Days Cases were Resolved	-.092	.000	.018*	.020	.001	.774
Outcomes of Cases	.124	.062	.006*	.059	.109	.348
<b>Demographics</b>						
Age	-.066	.003	.092	-.090	.007	.231
Sex	.017	.056	.660	-.001	.178	.990
Number of Times Charged /Complaint Filed	.036	.048	.351	.060	.054	.372
Education	.012	.058	.755	-.123	.108	.047*
Monthly Income	-.024	.000	.540	.025	.000	.728
Expectations on Speed of Resolution	.109	.034	.016*	.300	.053	.001*
	R <sup>2</sup> = .599			R <sup>2</sup> = .586		

**Significant at p ≤ .05 level**

complainants' satisfaction. The police remain significantly unaffected by the outcome of the complaint. This trend in the finding is also true with the number of days it took for PLEB to resolve cases. Police officers are not significantly affected by the number of days it took the board to resolve cases. On the other hand, complainants are concerned with the length of resolution time. Relative to the overall satisfaction of respondents, the results mean that complainants continue to be result-oriented while the police are more process-oriented.

## CHAPTER VII

### SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the summary of the findings, the conclusions and the implications from the findings of the study. The summary of the findings discusses the question: “Does integrity, legitimacy, efficiency or impact matter in a civilian review of the police?” The last part of the chapter includes the recommendations regarding the operations of civilian review boards in general and the People’s Law Enforcement Board in particular.

### SUMMARY OF FINDINGS

Generally, the study attempted to answer whether integrity, legitimacy, impact, efficiency, or other variables matter in civilian reviews of the police. Three respondent groups were compared and their levels of satisfaction on all the aspects of the PLEB’s proceedings as well as the overall satisfaction of the respondents were analyzed relative to these various factors about civilian review. The sub-sections below present the summary of the findings for each of the variables and they provide answers to whether or not the factors mattered in the civilian review of the police.

**Does integrity matter?** The respondents generally indicated that the PLEBs have relatively independent operations in every stage of their proceedings. The respondents reported that PLEBs venues for filing and hearing of cases, operations, and membership compositions were relatively unattached to the police department. Rarely did the respondents indicate that the police dominated the PLEBs’ proceedings. Likewise, the official data indicated that the PLEBs have integrity. The examination of their memberships revealed that no PLEB is dominated by members with either police or military backgrounds. Also, the official data indicated that PLEB

members are relatively highly educated, thus, they project an image of competence. These factors will lead an observer to conclude that the PLEBs are imbued with the necessary characteristics of integrity. Likewise, these integrity characteristics somehow contribute to the PLEBs' reputation as viable agencies for controlling the police.

The findings on the analysis of the respondents' satisfaction levels indicated that the respondents of whatever group affiliation were generally satisfied with the PLEBs' manifestations of integrity. However, the findings showed that the police were relatively more satisfied than the citizens. Thus, the grave concern about issues of venues and police participation in the process of civilian review that were found problematic in most jurisdictions in the United States (Brown, 1987; Gellhorn, 1966; Goldstein, 1977; Goldsmith, 1991; Robinson, 1976; Russel, 1976; Wagner and Decker, 1993; Walker and Bumphus, 1992) appear not to present any problems for the clients of the People's Law Enforcement Board.

Despite the apparent similarities of the respondents' mean satisfaction levels, the statistical tests showed that they have significantly different perceptions about the integrity of the PLEB. As revealed in the analysis, differences in opinions were more pronounced between complainants and the police rather than within the police samples. This fact lent credence to most scholars' contention that, indeed, the police and the public have differing notions about who should control the review boards (Caiden and Hahn, 1979; Fyfe, 1985; Goldstein, 1977; Lenzi, 1974, Perez, 1992; Schwartz, 1985; Walker, 1983). This reality regarding the polarized views of the police and the public about the composition of the board has been documented in other studies (Brooks, 1973; Fyfe, 1985; Lenzi, 1974; Loveday, 1988; Wagner and Decker, 1993; Walker, 1983) and has also been found in this study.



However, characteristics of integrity were not statistically significant predictors of satisfaction. In the first place, the analyses of the differences of the mean satisfaction levels of complainants on the integrity of the boards were not statistically significant. This complainant indifference toward the integrity of the boards was evident throughout the analysis. The hypotheses that complainants will have significant differences in their mean levels of satisfaction with the integrity measures were not supported in the statistical tests conducted. The regression analysis also showed that satisfaction levels of complainants either overall or with resolution time were not significantly affected by the integrity of the board. Furthermore, the complainant group has also been shown to possess the lowest mean level of satisfaction with all the measures as compared to the police samples. The complainants were not significantly influenced by the nature of PLEBs' integrity.

Among the police samples only the filing venue and investigators mattered more than the hearing venue and the composition of the PLEB. Similar to the findings among complainants, the integrity measures were also poor predictors of police satisfaction. These factors became significant only with respect to the satisfaction of the police with the PLEB resolution time. However, the police were more likely than complainants to approve of a civilian review process that possesses apparent integrity. Thus, integrity measures matter among police officers but their effects vary for different samples and for the different stages of the proceedings.

Table 27 shows the tabulated results of the findings regarding the hypotheses of the study involving the integrity of the PLEB. As the table shows, police and complainants have significantly different views about the integrity of the PLEBs. Within each sample groups, only the police showed significant differences on their perceptions especially with investigators (police without cases) and venue (police with cases).

**Table 27. Results of the Tests of Hypotheses in the Study Regarding the Respondents' Perceptions on the Integrity of the PLEB**

<b>Hypotheses</b>	<b>Results (Rejected/Not Rejected)</b>
<i>Hypothesis 1.</i> There is a significant difference among police officers without cases in their mean levels of satisfaction on the venues where complaints are filed.	Not Rejected
<i>Hypothesis 2.</i> There is a significant difference among police officers with cases in their mean levels of satisfaction on the venues where complaints are filed.	Not Rejected
<i>Hypothesis 3.</i> There is a significant difference among complainants in their mean levels of satisfaction on the venues where complaints are filed.	Rejected
<i>Hypothesis 4.</i> There is a significant difference among all respondents in their mean levels of satisfaction on the venues where the complaint was filed.	Not Rejected
<i>Hypothesis 5.</i> There is a significant difference among police officers without cases in their mean levels of satisfaction on the venues where hearings are conducted.	Rejected
<i>Hypothesis 6.</i> There is a significant difference among police officers with cases in their mean levels of satisfaction on the venues where hearings are conducted.	Rejected
<i>Hypothesis 7.</i> There is a significant difference among complainants in their mean levels of satisfaction on the venues where hearings are conducted.	Rejected

**Table 27. continued...**

<b>Hypotheses</b>	<b>Results (Rejected/Not Rejected)</b>
<i>Hypothesis 8.</i> There is a significant difference among all respondents in their mean levels of satisfaction on the venues where hearings are conducted.	Not Rejected
<i>Hypothesis 9.</i> There is a significant difference among police officers without cases in their mean levels of satisfaction with the investigators of the case.	Not Rejected
<i>Hypothesis 10.</i> There is a significant difference among police officers with cases in their mean levels of satisfaction with the investigators of the case.	Rejected
<i>Hypothesis 11.</i> There is a significant difference among complainants in their mean level of satisfaction on the investigators of the case.	Rejected
<i>Hypothesis 12.</i> There is a significant difference among all the respondents in their mean levels of satisfaction with the investigators of the case.	Not Rejected
<i>Hypothesis 13.</i> There is a significant difference among police officers without cases in their mean levels of satisfaction on the composition of the board.	Rejected
<i>Hypothesis 14.</i> There is a significant difference among police officers with cases in their mean levels of satisfaction on the composition of the board.	Rejected
<i>Hypothesis 15.</i> There is a significant difference among complainants in their mean levels of satisfaction on the composition of the board.	Rejected
<i>Hypothesis 16.</i> There is a significant difference among all the respondents in their mean levels of satisfaction on the composition of the board.	Rejected

**Does Legitimacy Matter?** The evaluation of the PLEBs' operations by the respondents showed that the boards have legitimacy in the conduct of their business. The respondents considered the boards as fair, objective, and thorough in all aspects. The number of those who said that the boards are fair, objective, and thorough was relatively greater than those who state that the boards are unfair, partial, and incomplete in the processing of cases. However, the respondents still had significantly differing opinions regarding the legitimacy of the PLEBs.

The question whether legitimacy matters for the respondents was also answered in the affirmative. Except for the satisfaction with resolution time where the legitimacy variable showed no effect among the complainants' satisfaction levels, legitimacy significantly affected the satisfaction levels of respondents overall and with all the aspects of the PLEB proceedings. Specifically, the police samples' satisfaction was significantly affected by the legitimacy of the board. Thus, legitimacy matters. It matters in all the different levels of the proceeding and in the overall satisfaction with the respondents with the PLEBs.

These findings also support some of the previous conclusions regarding the significant relationships of legitimacy and satisfaction with the boards operations (Halpern, 1974; Perez, 1978). Indeed, the way the board handles cases has a significant impact on the satisfaction of the clients. Characteristics of fairness, objectivity, and thoroughness are important for the PLEBs to possess.

Table 28 shows the results of the tests of the various hypotheses for this aspect of the board's characteristic. As the table indicates, police and complainants have significantly varying perceptions about the legitimacy of the PLEBs' operations. The objectivity of the investigation was the only measure where the respondents did not show significantly different views.

**Table 28. Results of the Tests on the Hypotheses Regarding the Respondents' Perceptions on the Legitimacy of the PLEB**

<b>Hypotheses</b>	<b>Results (Rejected/Not Rejected)</b>
<i>Hypothesis 1.</i> The respondents have significantly different views as to the fairness of the PLEB in the investigation of cases.	Not Rejected
<i>Hypothesis 2.</i> The respondents have significantly different views as to the thoroughness of the PLEB in the investigation of cases.	Rejected
<i>Hypothesis 3.</i> The respondents have significantly different views as to the objectivity of the PLEB in the investigation of cases.	Not Rejected
<i>Hypothesis 4.</i> The respondents have significantly different views as to the fairness of the PLEB in the hearing of cases.	Not Rejected
<i>Hypothesis 5.</i> The respondents have significantly different views as to the thoroughness of the PLEB in the hearing of cases.	Not Rejected
<i>Hypothesis 6.</i> The respondents have significantly different views as to the objectivity of the PLEB in the hearing of cases.	Not Rejected
<i>Hypothesis 7.</i> The respondents have significantly different views as to the fairness of the PLEB in the decision handed.	Not Rejected
<i>Hypothesis 8.</i> The respondents have significantly different views as to the thoroughness of the PLEB in the decision handed.	Not Rejected

**Table 28. continued...**

<b>Hypotheses</b>	<b>Results (Rejected/Not Rejected)</b>
<i>Hypothesis 9.</i> The respondents have significantly different views as to the objectivity of the PLEB in the decision handed.	Not Rejected
<i>Hypothesis 10.</i> There is a significant difference among complainants who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy.	Not Rejected
<i>Hypothesis 11.</i> There is a significant difference among police officers with cases who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy.	Not Rejected
<i>Hypothesis 12.</i> There is a significant difference among police officers without cases who are either satisfied or dissatisfied from those who perceive the PLEB as either having legitimacy or no legitimacy	Partly not rejected. Objectivity hypotheses for investigation and filing were rejected

**Does Efficiency Matter?** Efficiency was measured in terms of the number of days it took for PLEB to resolve cases. The respondents indicated that PLEBs were resolving cases in a relatively fast manner. The cases filed were being resolved within an average of ninety to 150 days. These time frames might be longer than the mandated 60-day period but the mean resolution times of the boards are relatively fast compared to other adjudicatory agencies in the Philippines.

The respondents, however, overwhelmingly evaluated the PLEB process as slower than they expected. This may be explained by the fact that they expected the PLEB to resolve cases in 60 days as mandated by the PLEB manual. The resolution time contained in the PLEB probably

increased their expectations about the PLEB. Thus, they evaluated the PLEB as being slower than expected in resolving cases. The regression analysis showed that their expectations were significantly correlated with their satisfaction with resolution time. They became more satisfied as PLEB resolved cases faster than they would have expected. Thus, ninety-day or 150-day average periods of resolving cases are inadequate to meet the expectations of respondents.

Correlating the actual number of days with the respondents' satisfaction with resolution time, there were no significant relationships detected. However, the number of days PLEB spent to resolve cases had a significant influence on the respondent's overall satisfaction. The respondents became more dissatisfied as resolution time was prolonged. Specifically, complainants are more likely to be dissatisfied with a relatively slow process than the police. Likewise, the police are somehow negatively affected by the resolution time of the PLEB. Thus, efficiency matters. Furthermore, efficiency must be within the expectations of clients in order to elicit satisfaction from them. It is not the actual number of days that matter but the expectations of the clients regarding how long the PLEB should process cases. The data on the respondents' perceptions about the PLEBs' efficiency provided a clue that a 90-day minimum period to resolve cases is not the desirable length of time that would produce satisfaction among the respondents. The respondents desire a shorter resolution period.

Table 29 presents the outcomes of the hypotheses tested for this part of the study. The hypotheses in this part of the study are all supported. Thus, it shows that actual number of days is not an important consideration among the respondents. Expectations were the factors that mattered and should probably be the focus of PLEBs in their processing and adjudication of cases.

**Table 29. Results of the Tests of Hypotheses Regarding the Respondents' Perceptions on the Efficiency of the PLEB**

<b>Hypotheses</b>	<b>Results (Rejected/Not Rejected)</b>
<i>Hypothesis 1.</i> There is a significant relationship that exists between the board resolution time and the satisfaction of police officers.	Rejected
<i>Hypothesis 2.</i> There is a significant relationship that exists between board resolution time and the satisfaction of complainants.	Rejected
<i>Hypothesis 3.</i> There is a significant relationship that exists between board resolution time and the satisfaction levels of all the respondents.	Rejected

**Does Impact Matter?** Police and complainants again had differing views regarding the impact the boards were having on the police. While the police thought that the PLEBs were having impacts on the all the aspects (i.e., on the supervision, attitudes, and policies of the department), the complainants believed that the PLEBs were having impacts only on supervision and attitudes but not on the policies of the department. The correlation analyses of these perceived impacts of the PLEBs with the respondents' satisfaction with resolution time and overall satisfaction showed that the perceived changes in policies that the PLEBs exerted over the police department was the only variable that had significant effects on the satisfaction levels of the respondents.

Disaggregating the respondents, perceived changes in policies continued to show a significant influence on the satisfaction of the complainants. The police, however, were significantly unaffected by whether the PLEBs were having impacts on the police or not. None



of the impact variables seemed to significantly influence police respondents' satisfaction with the PLEBs. Furthermore, perceived changes in police attitudes are providing an interesting revelation about the police sample. The police samples are dissatisfied with resolution time of PLEB whenever they perceived worsening police attitudes. This finding indicates that police are somehow attributing this worsening attitude with longer resolution time. This attribution of worsening police attitude to PLEB operations may be misplaced but this was what the data implied. Thus, impact matters but only with respect to changes that pertain to policies in the department. These findings somehow indicate the degree of importance that concrete changes in policies contribute to the perceptions of the respondents on the performance of the PLEBs. The importance of this specific impact was more pronounced among complainants. Complainants want something concrete to indicate that these changes in the department are indeed happening (Gellhorn, 1966). They are somehow unaffected by the appearances that the police are putting forward by intensifying the level of strictness in the supervision of officers and the apparent changes their attitudes toward the public. The respondents seem to be aware of the utility of reducing practices to policies. A clear policy provides directions to the police and thereby avoid being subjected to varying degrees of supervision depending on how the PLEB resolved cases and how the supervisors felt about the decision.

Table 30 shows the results of the tests of the hypotheses for this aspect of the boards' operation. Police and complainants again show differing opinions on the amount of impact the PLEBs have over the police or the department. However, they were relatively unanimous in stating that PLEBs had been having impacts on the police except for complainants who perceived that PLEBs had no impact on the policies of the police department.

**Table 30. Results of the Tests of Hypotheses Regarding the Respondents' Perceptions on the Impact of PLEB**

<b>Hypotheses</b>	<b>Results (Rejected/Not rejected)</b>
<i>Hypothesis 1.</i> The respondents have significantly different perceptions on the changes in the degree of supervision of police officers.	Not Rejected
<i>Hypothesis 2.</i> The respondents have significantly different perceptions on the changes in attitudes among police officers.	Not Rejected
<i>Hypothesis 3.</i> The respondents have significantly different perceptions on policy changes in the police department.	Not Rejected

**Do other things matter?** The study collected information about the demographics of the respondents. Although there were only cursory tests of these variables in the study, they provide further understanding about the respondents' perceptions about the characteristics and behaviors of the boards.

Rank. The distribution of the ranks of officers who received complaints before the PLEB projected a certain pattern. Examinations of the rank profiles of officers both from the official data and the survey data reveal that a police officer's susceptibility to receiving complaints decreases as one goes up in ranks. As noted in the findings, lower ranking officers appear to receive more complaints than higher-ranking ones.

There are several factors that may explain the variation in the rank distribution of officers charged in the PLEB as well as the inverse relationship that exists between rank and number of complaints received. The first factor may be due to the nature of their job assignments. Lower ranking officers are more often in direct contact with the public. They answer calls for service,

perform traffic duties, and conduct field operations. Thus, they get the brunt of the citizen's ire whenever there is a perception from the public that the police officer did not satisfactorily performed his or her job or that the officer abused his or her authority and discretion in the process. Thus, lower-ranking officers who are most directly deal with the public get the brunt of the complaints.

Strikingly, some higher-ranking officers have received complaints that, presumably, have less contact with the public. Again, the nature of one's assignment may explain this occurrence. Higher-ranking officers assigned in operating units require them to participate in actual operations. In other words, these officers are also as exposed as the other operatives to receive complaints from the public. Thus, a higher-ranking officer assigned, for example, in drug enforcement is more exposed to receiving complaint than one who has been assigned to an administrative job in a planning division of the force. In the case of the narcotics personnel, the police chiefs interviewed for this study were claiming that drug money is being used by apprehended suspects who were arrested either for dope dealing or using to harass police personnel. Arrests and encounters in these drug related cases are often volatile and, thus, abuse of authority and lack of courtesy by the police are often alleged by apprehended persons. Likewise, there is a tendency for arrested persons in drug cases to claim irregularity in the performance of police function due to the extremely high penalty attached to drug trafficking cases. Death is the attached punishment for drug pushers in the country. Establishing irregularities in police actions is one of the ways to exclude evidence as well as mitigate one's offense in courts.

The second factor is the character of the officer. There are officers who really have the propensity to use violence or have the tendency to abuse their authority (De Lattre, 1981). These

incidents of abuse happen regardless of rank. Likewise, an officer with a “gung-ho” attitude may increase his or her risk of receiving complaints. Thus, a high-ranking officer who voluntarily joins in the operations of his or her department exposes himself or herself to the public and the possibility of receiving complaints that may arise due to the conduct of the operation. These contacts with the public expose an officer to potential complaints as compared to other officers who have less contact (Cohen and Feldberg, 1991; Hudson, 1970; Wilson, 1969).

The third factor is simply a function of numbers. The lower-ranking officers are more in numbers. The non-commissioned officers make-up about 90 percent of the force. Thus, their ranks are expected to dominate the logs for those officers receiving complaints.

Two things, therefore, determine one’s susceptibility to complaints. First, the amount of one’s contact with the public increases this chance of being subject to a complaint. Second, one’s defect in character results to more complaints. These two explanations about the distribution of ranks and propensity to receive complaints was suggested by the data but has not been tested in this study. Perhaps, these propositions could be tested in forthcoming studies.

Age, Marital Status, Income, Sex and Education. Age has not been shown as significant either as a predictor of satisfaction. No pattern seems to emerge from the demographic data except that police with cases are a little older than the police without cases. Sex, income, and marital status also showed no effect on satisfaction. Due to the skewed gender distribution of the police population, this study dares not to conclude anything regarding the effect of the sex of officers since the population where the samples are drawn are extremely skewed towards the inclusion of the males.

Likewise, policewomen in the Philippines are also mostly assigned to do desk jobs. Thus, if the proposition about the relationship of exposure and number of complaints were

tenable, one would expect the policewomen to rarely receive complaints. For these reasons, sex cannot offer any significant explanation for the pattern of offending as well as on the overall satisfaction of the police.

Education of the respondents exerts no influence except on the overall satisfaction of police without cases. For police officers with cases, gaining more education would mean that one will be more dissatisfied with the board. This finding presents a contrast to what has been found in the literature that younger officers tend to be more frustrated with their jobs because of the inabilities to grapple with the uncertainties, the moral contradictions, and the realities of police work (Van Maanen, 1975). The high educational achievements of police officers would have been able to brace them in their struggles of reconciling the anomalous situation where the police are controlled by a civilian body that presumably has less appreciation of the nature of police work. However, the effects of education on the ability of officers to cope with this specific dilemma of the job have not been examined in this study or in other studies involving the Philippine police.

Caseload. A certain trend emerges as regards caseload and outcome of appealed cases. The data seem to suggest that caseloads may be having an effect on the PLEB's assessments of cases. Perhaps, the board may have been overwhelmed with cases thereby sacrificing thoroughness for efficiency. The cities of Manila and Quezon lend credence to this proposition. In both jurisdictions, they have the most number of cases adjudicated. The amount of decisions appealed to the Regional Appellate Board is not different from the other districts. However, the affirmation rate of these jurisdictions is low compared with the other jurisdiction. Most decisions coming from these cited jurisdictions were either reversed, revised, remanded, or decided some other way. This illustrates how thoroughness of the board can be an important

issue. However, the number of cases is too small for one to come up with a more definite conclusion on this matter. Also, the current data provide no opportunity to explain the effect of caseload on performance.

Case Outcome. The results of the study suggest that outcome is important only with respect to the complainants to the boards. This finding confirms the findings of other researchers that case outcome determine one's satisfaction with the civilian review process (Brown, 1987; Hudson, 1972; Montana, 1992; Perez, 1978). The police, however, are not so much affected by the outcome of the case. Thus, the outcome of the case matters for the complainant but not for the police.

Another thing the study confirmed was that the boards have relatively low conviction rate of police charged before civilian review boards. This finding concurs with the findings of other studies. Thus, there appears to be merit in the contention that civilian review boards acquit officers most of the time (Landau, 1994; Montana, 1992; New York Sub-committee on Criminal Justice, 1984; Snow, 1992).

## **CONCLUSIONS**

Several conclusions are derived from this study. First, there is indeed a significant difference about the way the police and complainants view civilian reviews and their processes. Although, the respondents assessed the boards favorably with respect to their integrity, legitimacy, or impact, their levels of assessments are significantly different. Likewise, their levels of satisfaction are significantly different on most aspect. Thus, the noted differences between the police and the public about civilian reviews (Barton, 1970; Gellhorn, 1966c; McNamara, 1967; More, 1992) are supported in this study.

Second, the police are process-oriented while the complainants are outcome-oriented. It is interesting to note that police officers emphasized how decisions are arrived at and not the outcome of the complaint. They consider the fairness, objectivity, and thoroughness as significant characteristics that the boards should observe in the handling of their cases. In contrast with the police, complainants do not show the same degree of emphasis about the process. They showed more concerns about being found justified in their complaints against the police. Indeed, Brown (1978; 1988) found that a great majority of complainants whose claims are not substantiated are in turn dissatisfied with the civilian review board. The regression models in this study indicate that complainants are most satisfied when their cases are found justified. As some studies suggest, being confirmed by the board brings a sense of achievement for complainants (Walker, 1998).

This divergent emphasis about outcome between the two groups may be an influence of time. Fairness, objectivity, and thoroughness sometimes require so much time on the part of PLEB that complainants' work and other activities are affected. Thus, they expected to derive at least the consolation that the time they invested in filing the complaint and attending the proceedings will have significant outcomes. When complaints are found unjustified, the perception that complainants have wasted their time is heightened.

Third, actions of the PLEBs and not their appearance of independence matter. The respondents placed less emphasis on the appearance of the PLEB. This finding contradicts most of the findings that apparent and actual independence influence the perceptions and satisfaction of clients with civilian reviews (Barton, 1970; Gellhorn, 1966c; Knoohuizen, 1974; McNamara, 1967; More, 1992; Neiderhoffer, 1968; Perez, 1978; Sisk, 1964). In turn, the respondents of study did not show any significant concern over venues, investigation, and composition. This is a

finding similar to what Lohman and Misner (1979) found in their study of complainants to the civilian review board in Philadelphia. Thus appearance of functional and structural independence should not be the ultimate goal of civilian review boards.

This uniformity of perceptions of the respondents about the boards' integrity has positive implications. It somehow shows that at least police and the public have no prejudiced notions that one party is perennially biased against the other. They are not overly concerned that PLEB is either civilian or police dominated. A mixed type of civilian review board is possible in this particular case. In this study, the police showed their leaning towards police participation in the process but they remained satisfied and somehow show appreciation to a mixed model of a civilian review board. Thus, composition and venues are not statistically significant predictors of satisfaction but how the boards' legitimacy is statistically significant in eliciting satisfaction among clients with the boards. Therefore, the boards must show fairness, objectivity, and thoroughness in their proceedings.

Fourth, expectations, not efficiency, matter. The respondents do not care about the actual number of days but they are more concerned that the boards resolve cases on the expected time frame. In other words, the boards should deliver what they promise. They should be strict with the specified time for them to resolve cases, that is, within sixty days. Also, the board should be consistent in the satisfaction of these expectations for it to gain the support and respect of its clients. It must be understood, however, that these two factors may really be different components. In some cases the delay may have been necessary and was, therefore, understandable. In this case, the length of time for PLEB to resolve cases will not be a significant factor that is affecting the satisfaction of the respondents.



## **RECOMMENDATIONS**

The following are recommendations that may be used to formulate future policies and studies involving civilian review boards. First, there should be more emphasis on policy changes with inputs from PLEB. PLEBs should not merely collect quantitative information about their operations but their reports should include qualitative information about the problems or agenda that administrators should address. In this manner, the civilian review process can be an effective means for the public to provide inputs to the police. The comments, suggestions, and inputs about the PLEB process and about the police should be considered in the information that PLEB offices should gather. Civilian review boards must serve as an instrument of the community's symbolic controls over the police. The knowledge that their complaint has made a difference with the way policing is conducted gives them a sense of fulfillment that they have made a difference and delivers a message that they are in control of the police.

In the same vein, the police appreciate the impact that PLEBs have over the policies of the department. The police seem to appreciate policies that provide them specific guidelines on how to deal with and conduct business with the public. I believe that the lack of policy regarding standards of behavior to conform to the requirements of the PLEB brings about lack of understanding among the police on the expected behavior that the public demands from them. Thus, PLEB decisions and inputs should be incorporated in clear policy terms so that police officers will have a clearer view on how the public expects them to behave.

Second, maintain the integrity of the board. Although the respondents showed that this factor was not statistically significant, the appearances of independence of the boards should be maintained. Caution should be exercised with the findings of the study regarding the lack of influence of integrity with the satisfaction of the respondents since there appears to be lack of

variation in the responses as to the integrity of the board. Apparently, there was a predominance of cases where the respondents were either processed by boards with moderate or high integrity. Very few respondents indicated that their cases were processed by boards with low integrity. Thus, the satisfaction of the respondents appears to be relatively high and that the association between respondents' satisfaction with the review boards' integrity as described in the literature was not statistically shown in the results of the study.

Thus, prudence dictates that what appear to be moral and legal actions must be observed. Furthermore, respondents may not really care about the venues, investigators, and composition of the PLEB but it would be morally appalling to start being insensitive to how the PLEBs appear before its clients. However, composition should be considered more closely. Police seem a little sensitive to this issue and they indicate that they should be at least judged by those who understand their job. In this regard, perhaps, the mixed model of a civilian review board that has been suggested by various authors should be considered by the administrators as an alternative to the current practice of trying to completely civilianize the review boards.

Third, maintain the legitimacy of the PLEB. Legitimacy is an important factor. The unintended consequence about the over emphasis on legitimacy might lead to the compromise of efficiency. Resolution time deadlines should be seriously considered as non-conformity to this requirement would severely erode the confidence of the respondents with the PLEBs. The PLEBs should be able to provide justice swiftly but maintain the legitimacy of their proceedings at the same time. Several approaches have been made in various countries to address the incompatible demands of time and justice. One of the things done was to adopt the court procedure of stipulating the facts before the hearing. The other method was to adopt the initial investigation of the police about the case and include it into the record. This arrangement again

necessitates the serious consideration of adopting a mixed model of civilian review. The next approach is to maintain full-time board members. As of this moment, PLEB members only receive per diem. This fact severely handicaps the board members who need to attend to their main occupation. When these demands of adjudicating police cases and earning a living stand in conflict with each other, the legitimacy of the board may suffer.

Fourth, the PLEBs should try to reduce the number of days cases are being resolved. Civilian review boards must live up to their mandate of issuing decisions within 60 days after the complaint was filed. This adherence to the 60-day period will satisfy the expectations of the clients and at the same time contribute to the efficiency of the board. People do not have time for a lengthy adjudication that take them away from work and suffer from loss of income and thereby also reduce their interest in pursuing cases against the police. This is an important characteristic that has been pointed out by various researchers (Brown, 1987; Lohman and Misner, 1991; Maguire and Corbett, 1991; Montana, 1992; Walker and Bumphus, 1992). Likewise, police officers also desire a shorter trial and thereby decrease the uncertainty in future. The police face too many uncertainties about their jobs (Kerstetter, 1985a; Freckelton, 1991) that any added stress will surely be unwelcome.

Another option that may be employed to meet the expectations of the PLEBs' clients is to lower their expectations. A new rule should be promulgated that cases should be resolved within 120 days. In this way, PLEB boards will continually meet the mandate required for them to adjudicate cases and at the same time satisfy the expectations of its clients.

The next strategy that may be undertaken for PLEB to meet the requirements of the mandated rule on resolution time is to extend the doctrine of inherent powers to the boards. This granting of inherent powers to the boards will be similar to powers that are granted to regular

courts. These inherent powers may include powers to issue subpoena, declare someone in contempt, or other powers necessary to enforce the PLEBs rules and maintain their credibility and prestige.

The last option might be to establish a monitoring body to determine the speed of PLEB on cases. The PLEB must be pressured to at least meet the deadline for the resolution of cases. Jolin and Gibbons (1984) report that several jurisdictions in the United States have established monitoring agencies to oversee the timely investigation of the complaints filed. This monitoring function need not be directly funded by the government but may be undertaken by non-governmental organizations, some cause-oriented groups, or even by the police associations. They must ensure that PLEB boards are faithfully meeting their obligation to decide on cases within 60 days or whatever new deadline set.

Fifth, educate the citizens regarding the PLEB process. Complainants to the PLEB should be properly briefed about the proceedings of the PLEB and the importance of their observance of rules in the conduct of their business. When complainants are not educated about the value of having legitimacy in the proceedings, they will continually look only to the outcome of the case. In a democratic society, how the decision is arrived at becomes as important as the decision itself. This is important for citizens to understand so that they will appreciate the value of civilian review. These information and education strategies are also important for the PLEBs so that these agencies would not be perceived not as instruments for the persecution of the police. Also, the parties involved in PLEB cases should be informed of the time frame within which their cases are expected to be resolved in consideration of the circumstances of the case. This information should also be accompanied by an explanation as to why the process should take that amount of time.

Historically, the civilian review boards have been the products of strained relations between the public and the police. Thus, they are perceived by many as mostly public relations tools and as agencies to make the lives and jobs of police officers more difficult. The People's Law Enforcement Board and any civilian review for that matter can rise above these preconceived notions about who they are and what they really contribute to the control of the police. Civilian review boards must show that they are not merely agencies for public relations with the main objective of trying to appease the public. Neither should the boards strive to project the image that they are the swords of Damocles intended to scare the police. Rather, the boards should strive to be instruments where justice may be obtained not only by the citizens but also by the police. When civilian review boards start living up to this demand of providing satisfactory justice to clients, they will soon be considered instruments for harmonizing the relations of the police and the public rather than contributing to the further polarization of their clients' views.

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## Appendix A

**Republic of the Philippines**  
**Department of the Interior and Local Government**  
**NATIONAL POLICE COMMISSION**  
**Makati, Metro Manila**

MEMORANDUM CIRCULAR NO. 91002

SUBJECT: PROCEDURE IN THE INVESTIGATION AND DISPOSITION OF  
ADMINISTRATIVE COMPLAINTS AGAINST MEMBERS OF THE  
PHILIPPINE NATIONAL POLICE (PNP) BEFORE THE PEOPLE'S LAW ENFORCEMENT  
BOARD (PLEB).

Pursuant to Section 43 (d) (4), of Republic Act No. 6975, otherwise known as the Department of the Interior and Local Government Act of 1990, "the following Rules of Procedure governing the investigation and disposition of administrative complaints filed against members of the Philippines National Police (PNP) before the People's Law Enforcement Board are hereby adopted and promulgated:

### **RULE I** **PURPOSE AND SCOPE**

Section 1. Purpose. To insure uniformity in the conduct of investigation and disposition of administrative complaints against PNP members before the People's Law Enforcement Boards (PLEBs), as organized under RA No. 6975, the following Rules of Procedure set forth and circumscribe the specific policies and rules to be observed in the conduct of such investigation.

Sec. 2. Scope. These rules and regulations delineate the organization, jurisdiction, powers, duties and procedure to be observed by PLEBs in investigating and adjudicating cases against members of the PNP.

### **RULE II** **POLICE ADMINISTRATIVE DISCIPLINARY MACHINERY**

Section 1. Citizen's Complaint. This pertains to any complaint initiated by a private citizen or his duly authorized representative on account of an injury, damage or disturbance sustained due to an irregular or illegal act committed by a member of the PNP.

Section 2. Jurisdiction over Citizen's Complaint. A citizen's complaint against any member of the PNP shall be brought before any of the following disciplinary authority:

Disciplinary Authority

Administrative Penalty

a. Chiefs of Police

Withholding of privileges, restriction to specified limits, suspension or forfeiture

salary, or any combination thereof, for a period of not exceeding fifteen (15) days.

b. City/Municipal Mayors

Withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period from sixteen (16) days to thirty (30) days.

c. People's Law Enforcement Boards (PLEB)

Withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days, demotion in rank or dismissal from the service.

Sec. 3. Breach of Internal Discipline. This refers to any offense committed by a member of the PNP involving and affecting order and discipline within the police organization.

Sec. 4. Jurisdiction over Breach of Internal Discipline. In dealing with offenses involving breach of internal discipline found to have been committed by any regular member of their respective commands, the duly designed supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers, as follows:

Disciplinary Authority

Administrative Penalty

a. Chiefs of Police or equivalent supervisors

Admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of or suspension; or any of the combination of the foregoing; Provided, That, in all cases, the total period shall not exceed fifteen (15) days.

b. Provincial directors or equivalent supervisors

Admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days.

c. Police regional directors or equivalent supervisors

Admonition or reprimand; restriction to specified to specified limits; withholding of privileges; suspension or forfeiture of salary; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed sixty (60) days. Dismissal from the service and demotion in rank may also be imposed.

d. Chief of the PNP

Admonition or reprimand; restriction to specified limits; withholding of privileges; suspension thereof for a period not exceeding one hundred eighty (180) days. Also, dismissal from the service and demotion in rank.

Sec 5. Minor Offense. This refers to an act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not limited to:

- a. Simple misconduct to negligence;
- b. Insubordination;
- c. Frequent absences or tardiness;
- d. Habitual drunkenness; and
- e. Gambling prohibited by law.

Sec. 6. Exclusive Jurisdiction. A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplinary authority who first acquired original jurisdiction over the case, notwithstanding the existence of concurrent jurisdiction as regards the offense: Provided, That, offenses which carry higher penalties referred to a disciplinary authority shall be referred to the appropriate authority which has jurisdiction over the offense.

Sec. 7. Summary Dismissal Authority. The Chief of the PNP and regional directors, after due notice and summary hearings, may immediately remove or dismiss any of the following cases:

- a. when the charge is serious and the evidence of guilt is strong,
- b. when the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and
- c. when the respondent is guilty of conduct unbecoming of a police officer.

### **RULE III ORGANIZATION, JURISDICTION COMPOSITION, TERM OF OFFICE, AND QUORUM OF PLEB**

Section 1. Organization. Within thirty (30) days from the issuance of this implementing Rules and Regulations by the Commission, there shall be created by the Sanguniang Panglunsod/ Bayan in every city and municipality such number of People's Law Enforcement Boards (PLEBs) as may be necessary: Provided, That, there shall be at least one (1) PLEB for every municipality and for each of the legislative districts in a city. There shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel.

In the case of a city which has two (2) or more legislative districts the Sanguniang Panglunsod concerned shall organize at least one (1) PLEB for each district.

Sec. 2. Jurisdiction. The PLEB shall have jurisdiction to hear and decide citizens' complaints for offenses committed by officers and members of the PNP, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (3) days, or by demotion in rank or dismissal from the service.

Should the penalty of suspension which automatically carries forfeiture of salary and allowances be imposed by the PLEB on a respondent member of the PNP, the period shall not exceed three (3) months; and in case of forfeiture of salary, the amount shall not exceed the equivalent of one (1) month pay.

All police officers appointed by the President shall enjoy their status as presidential appointees and may be suspended or removed only for cause and by order of the President. The PLEB concerned shall investigate administrative cases involving such officers in accordance with the procedure prescribed under the Rules; Provided, however, That the Report of Investigation shall be submitted to the President thru NAPOLCOM for appropriate adjudication.

Sec. 3. Venue. Citizen's complaints against erring members of the PNP shall be filed with the PLEB of the city/municipality, or legislative district. In case respondent PNP member is assigned at the provincial, regional or national headquarters, such complaint shall be lodged with the PLEB of the city/municipality. Provided, however, That the Commission through its Executive Officer may, in the interest of justice, and upon proper petition filed, authorize a change or transfer the venue of investigation.

Sec. 4. Composition. The PLEB shall be composed of the following:

a. Any member of the Sanguniang Panglunsod/Bayan chosen by his respective sangunian;

b. Any barangay captain of the city or municipality concerned chosen by the Association of Barangay Captains; and

c. Three (3) other members who shall be chosen by the Peace and Order Council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a member of the Bar or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality; Provided, however, That the Chairman of the National Peace and Order Council (NPOC), by himself or through authorized representatives, shall closely oversee the CPOSS/MPOCs in the selection and screening of PLEB members representing the community and, where warranted, may direct the replacement of said PLEB members by persons in the locality who meet the statutory qualification on probity and integrity. The chairman of PLEB shall be elected from among its members.

Sec. 5. Oath of Office. Before assuming the duties of their office, the chairman and members for the PLEB shall take the following oath or affirmation before an administering

officer, which shall be filed with the office of the National Police Commission in the region where the PLEB is situated. Any change in membership will necessitate a new oath of office.

"I, \_\_\_\_\_, do solemnly swear (affirm) that I will faithfully and conscientiously discharge my duties as chairman for member of the People's Law Enforcement Board in the city/municipality of \_\_\_\_\_ ; that I will perform the duties imposed upon me in the accordance with the pertinent provisions pf law and regulations promulgated pursuant thereto; that having in view the best interest of the police service, I will administer justice without partiality, favor or affection; that I will keep the deliberation of the Board with strictest secrecy and confidence, and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion. SO HELP ME GOD.

Sec. 6. Term of Office. The term of office of the members of the PLEB shall be for a period of two (2) tears from assumption of office. Such members shall hold office until his successor shall have been chosen and qualified.

Sec. 7. Compensation. Membership in the PLEB is a civic duty. However, PLEB members may be paid per diem as may be determined by the city or municipal council from the city or municipal funds.

Sec. 8. Quorum. The presence of the majority of all the PLEB members shall constitute a quorum. The Board shall determine, by a majority vote of its members and its chairman, whether or not the respondent officer or member of the PNP is guilty of the charge upon which the complaint is based.

Any member of the PLEB who is related to the complainant or respondent by affinity or consanguinity within the fourth civil degree shall by disqualified from participating that there is sufficient number to constitute a quorum. In the event that the PLEB could not proceed with the investigation for lack of quorum, the existing Peace and Order Council of the municipality/city concerned shall appoint temporary members/s to try and decide the specific case only.

Sec. 9. Nature of proceeding. Investigation conducted by the PLEB shall be summary in nature and without strict regard to the technical rules of evidence, but, in accord with the rudiments and requirements of due process.

Sec. 10. Filing of Complaint before PLEB. The PLEB shall receive complaints referred to, or filed with it, by any citizen or resident of the Philippines personally aggrieved by and offense committed by a PNP member, or by the former's authorized representative. A citizen's complaint filed directly with the National Police Commission or of any agency of the government shall be transmitted immediately by the head of the agency concerned to the proper PLEB, copy furnished the superior of the respondent.

Sec. 11. Powers and Duties. The PLEB shall have the power to investigate and adjudicate all administrative charges formally filed with, or referred to it, against any member of the PNP, and to impose the corresponding penalty.

For this purpose, the PLEB, acting through its chairman is empowered to administer oaths, summon witnesses, and require the production of documents, records, books. etc., under a subpoena duces tecum.

#### **RULE IV PROCEDURE**

Section 1. Complaint. All proceedings must be commenced by a complaint in writing and under oath, by the aggrieved party or his duly authorized representative or guardian against any member of the PNP who appears to be responsible therefore.

Said complaint shall be filed in at least three (3) copies with the Office of the PLEB of the city/municipality where the respondent is assigned.

Sec. 2. Formal Requirements of a complaint. The complaint shall be drawn in clear, simple, brief and concise language and must contain the name of the respondent, his rank and address, the designation of the offense complained of, the place, date and time of commission of the offense, and a brief statement of relevant and material facts.

Sec. 3. Notification. Within five (5) days from the filing of the complaint, the PLEB shall cause the issuance of summons, together with a copy of the complaint, upon the respondent, requiring the latter to file his answer and/or responsive pleading within five (5) days from receipt thereof.

Sec. 4. Answer. The answer shall be in writing and must contain material facts, which may either be in specific denial or affirmation of the allegations in the complaint and shall be accompanied by documentary or other evidence, if there be any, in support of the defense. It shall also contain a list of witnesses and their individual addresses. Failure to file an answer shall be considered as a denial of the averments of the complaints.

It shall be filed, in at least three (3) copies, either personally or by registered mail. The answer is deemed filed on the date and hour of receipt stamped by the post office on the envelope, if filed by registered mail, said envelope to be kept and made an integral part of the records of the case.

Sec. 5. Hearing Proper. The PLEB shall proceed with the hearing proper of the case within ten (10) days from receipt of the answer.

When the respondent in his answer pleads guilty or admits responsibility to the charge, the PLEB shall nevertheless proceed with the hearing in order to determine the degree of responsibility of the respondent and the appropriate penalty to be imposed.

The parties and their witnesses shall be duly notified of the scheduled hearing at least three (3) days before the date thereof, specifying the date, time, and place of hearing.



Sec. 6. Certification of Readiness. At the start of the hearing, the Chairman of the PLEB shall ask for the appearance of the parties and inquire if they are ready to proceed with the presentation of their evidence.

Where the parties are represented by their respective counsels, the latter shall be made to sign and/or file a certificate of readiness to proceed with the hearing. In said certification, the dates of hearing (from the commencement up to the termination of the investigation) agreeable to both counsels, but within the period prescribed by these rules, shall be clearly indicated so as to avoid delay in the proceedings brought about by motions for postponements due to conflict of schedule with other cases handled by counsels.

On the scheduled dates of hearing agreed upon and signed by the counsels, the PLEB shall proceed with the hearing as scheduled in spite of absence of one or both counsels. The certification ties and binds both parties and their counsels to the agreement, and absence of either party or his counsel shall not be considered a justifiable cause for postponing the case, except for highly meritorious grounds.

Sec. 7. Proceedings in the Absence of Counsel. If the respondent at the start of the proceeding appears without any counsel to assist him in the investigation, the chairman of the PLEB shall inform him of his right to avail of one, if he so desires. This right may, however, be waived by the respondent expressly or implied.

In cases where either of both of the parties cannot afford the services of counsel or such counsel is not available, it shall be incumbent upon the PLEB as a fact-finding body to propound questions, interrogate witnesses and examine material and relevant evidence which are necessary in the determination of the issues and in arriving at a just and fair conclusion.

Sec. 8. Submission of Testimonies in Affidavit Form. As far as practicable, direct examination of witnesses shall be dispensed with in the investigation conducted by the PLEB. In lieu thereof, the PLEB shall require each party and his witnesses to submit their testimonies in affidavit form duly sworn to subject to the right of cross examination by the other party or by the members of the PLEB. Cross-examination shall be confined only to material and relevant matters. Prolonged argumentation and other dilatory tactics shall not be entertained.

Sec. 9. Preventive Suspension. Should it be established by convincing evidence at any time during the investigation of the administrative case, that respondent is exerting efforts to harass, intimidate, coerce, or unduly influence complainant or any of his vital witnesses into withdrawing his complaint or retracting his sworn statement against the former, the PLEB, through its chairman shall recommend to the respondent's station commander, or appropriate PNP commander, the placement of the respondent under suspension in order to maintain the integrity and objectivity of the investigation.

Section 10. Effect of Failure or Refusal of Complainant to Prosecute. The Failure or refusal of the complainant and/or his witnesses to appear and prosecute the case during the investigation, despite due notice, as reflected in the Proof of Service of administrative processes, shall be a sufficient ground to drop the complaint, provided, that the action is in personam where

the culpability of the respondent cannot be established or proven without the testimony of the complainant. Prior to such action, however, the Board shall exert efforts to locate complainant and witnesses and verify the reason(s) for their failure or refusal to testify and to pursue the complaint.

However, in cases where the culpability of the respondent could be secured by other evidence outside of the testimony of the complainant, nonappearance of the latter shall not be aground to terminate the proceedings. As far as practicable, the Board concerned shall endeavor to pursue the investigation by securing the attendance of other vital witnesses, to avoid miscarriage of justice.

Sec. 11. Effect of Death. Death of the respondent during the pendency of the investigation terminates the administrative case, and has the effect of exoneration.

Sec. 12. Postponement. Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, such as illness of a party or his counsel and/or other similar unavoidable causes. A request for postponement on the ground of illness should be supported by a duly sworn medical certificate.

Regardless of the grounds invoked, not more than two (2) postponements of investigation shall be granted by reason of unavailability or illness of any party, counsel or witness. In such a case, the third scheduled hearing shall be considered intransferable in character and the projected investigation thereon shall proceed with or without the presence of the person concerned.

Sec. 13. Stenographic Record of Proceedings. The testimony of each witness, and the manifestation of the chairman and members of the PLEB, parties and counsel, during an investigation shall be taken in shorthand or stenotype, if there is a stenographer. Clerks and stenographers employed to take down sworn testimony during the hearing shall, before entering upon the discharge of their duties, be required to take an oath that they shall well and truly report and certify in the matter then to be submitted to them in their respective capacities and will keep the deliberation of the case with strictest secrecy and confidence.

A transcript of the records made by the official stenographer or stenotypist, and certified as correct by him, shall be a prima facie correct statement of such testimony and proceedings.

Sec. 14. Where Services of Stenographer not Available. Where the services of a stenographer cannot be availed of, a typewritten substantial account of the proceedings duly certified as correct by the chairman of the PLEB, shall suffice.

Sec. 15. Solemnity of Proceedings. The investigation shall be conducted with solemnity and proper decorum and the chairman and members of the PLEB shall comport themselves with impartiality and dignity befitting their position that of discoverer and gatherer of facts. They should always bear in mind that their main duty is to determine the facts of the case as presented by the parties during the investigation, judiciously evaluate the evidence adduced, and thereafter, impose the appropriate penalty based on the submitted evidence.

Sec.16. Nature and Contents of Decisions. Decision, as used in these rules, is the written finding by the PLEB that the respondent is guilty or not guilty of the offense charged, and the imposition of the appropriate penalty in case of conviction. It shall contain the charge, name of respondent, his rank, his office, or police unit, a brief statement of the material and relevant facts, findings, offense committed and the penalty imposed, if found guilty, and a disposition portion thereof.

The Decision shall be signed by all the members who participated in the proceeding stating clearly who voted for or against the same.

Sec. 17. Reglimentary Period for Rendition of Decision. Each case shall be decided within sixty (60) days from the time the case has been filed with the PLEB.

Sec. 18. Finality of Decision. The decision of the PLEB becomes final after ten (10) days from receipt thereof by the parties or after the lapse of the reglimentary period for perfecting a Petition for Reconsideration/Appeal and no petition/appeal is filed. If a Petition for Reconsiderations is filed within the prescribed period, the decision becomes final and executory only upon receipt of the resolution of the Board on said Petition.

Where the decision of the Board involves the penalty of dismissal from the service, the same shall be immediately executory, and should be implemented upon receipt of the decision by the respondent. The filing of a Petition for Reconsideration or Appeal, as the case may be, within the reglimentary period to ten (10) days shall not suspend the implementation thereof.

Sec. 19. Motion for Reconsideration. Either party may file a motion for reconsideration from a decision rendered by the Board within ten (10) days from receipt of a copy of the decision based on the following grounds:

- a. New evidence has been discovered which materially affects the decision rendered, or
- b. Errors of law or irregularities have been committed prejudicial to the substantial rights and interests of movant.

Only one (1) motion for reconsideration shall be allowed and considered by the Board.

Sec. 20. Appeal. In cases where the decision of the PLEB imposes a penalty of demotion in rank or dismissal from the service, respondent may file an appeal with the Regional Appellate Board concerned within ten (10) days from receipt of a copy of the decision.

Sec. 21. Service of Decision. Copies of the decisions, orders and resolutions issued by the Board shall be referred to the Station Commander concerned for service to the parties.

Sec. 22. Period to Act on Appeal Filed. The Regional Appellate Board shall, within a period of sixty (60) days from receipt of the notice of appeal, decide the appeal.

Sec. 23. Effect of Failure to Decide Appeal. Failure of the Regional Appellate Board to decide the appeal within the reglimentary period shall render the decision final and executory

without prejudice, however, to the filing of an appeal by either party with the Secretary of the Department of the Interior and Local Government.

Sec. 24. Maintenance of Docket Books by PLEB. The PLEB shall keep a Docket Book for administrative complaints, in which all complaints shall be properly entered and given their corresponding number in the order of their receipt. The Docket Book shall contain a record of the number and title of the case, rank and name of the respondent, place of assignment, date the respondent received copy of the complaint, date the answer of respondent is received, date subpoena or subpoena duces tecum is issued, date investigation of the complaint is actually commenced, date investigation thereon is terminated, date decision is promulgated, indicating whether respondent is exonerated, or, if found guilty, the penalty imposed and date the decision was served on the respondent; date when motion for reconsideration/appeal was filed, if any, and its status.

## **RULE V DUTIES OF NAPOLCOM HEARING OFFICERS**

Section 1. Duties of Napolcom Hearing Officers. Pending the constitution of the PLEB, the present Napolcom Hearing Officers shall, in holdover capacity, continue the investigation of all police administrative cases.

Sec. 2. Effect of Constitution and Organization of PLEB. Upon the organization of the mandated city/municipal PLEB, the Napolcom Hearing Officer concerned shall immediately cease functioning, and turn over to said PLEB all the police administrative cases pending in his office, except those where the investigation had already been completed.

Thereafter, the functions of the Napolcom Hearing Officers shall be confined to the following:

- a. to assist in the orientation and training of PLEB members in the conduct of administrative investigation;
- b. To act as legal consultants of the PLEBs in hearing and deciding administrative cases against PNP members;
- c. To monitor the activities and performances of PLEBs within their respective jurisdictions, and submit monthly report thereon to the Napolcom regional director concerned;
- d. To investigate claims for benefits arising from service connected death, permanent total disability and temporary disability.
- e. To perform such other related function as may be directed by the Chairman of the Commission.

**RULE VI**  
**ADMINISTRATIVE OFFENSES**

Section 1. Offenses Punishable. The following are the offenses for which a member of the PNP may be charged administratively.

- a. Neglect of duty
- b. Irregularity in the Performance of Duty
- c. Misconduct
- d. Incompetence
- e. Oppression
- f. Dishonesty
- g. Disloyalty to the Government
- h. Violation of Law

and are defined as follows:

a. Neglect of duty or Nonfeasance is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; it implies a duty as well as its breach and the fact can never be found in the absence of a duty.

b. Irregularities in the Performance of Duty is the improper performance of some act which might lawfully be done.

c. Misconduct or Malfeasance is the doing, either through ignorance, inattention or malice, of that which the officer had no legal right to do at all, as where he acts without any authority whatsoever, or exceeds, ignores or abuses his powers.

Misconduct generally means wrongful, improper or unlawful conduct, motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; it does not necessarily imply corruption or criminal intention but implies wrongful intention and not mere error of judgment.

d. Incompetence is the manifest lack of adequate ability and fitness for the satisfactory performance of police duties. This has reference to any physical, moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of a peace officer.

e. Oppression imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of the unlawful powers or other means, in depriving an individual of his liberty or property against his will, is generally an act of oppression.

f. Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office, or connected with the performance of his duties.

g. Disloyalty to the Government consists of abandonment or renunciation of one's loyalty to the Government of the Philippines, or advocating the overthrow of the government.

h. Violation of Law presupposes conviction in court of any crime or offense penalized under the Revised Penal Code or any special law or ordinance.

Sec. 2. Classification of Offense. For the purpose of the application of penalties, administrative offenses are classified into light, less grave and grave.

A. The following are LIGHT OFFENSES:

SIMPLE NEGLIGENCE OF DUTY. This is incurred by any member of the Philippine National Police who shall:

a. fail to supervise, inspect and control subordinates directly under his command as to their punctuality, attendance, prescribed attire, proper use and maintenance of equipment, preparation and submission of reports. efficient performance of their duties and responsibilities, and the observance of good order, conduct behavior, and discipline;

b. fail to take corrective action by way of warning, advise, admonition or suggestion to a subordinate, or to report such conduct when such subordinate is committing or has already committed a dereliction, irregularity or violation or depart mental rules and regulations;

c. fail to order of cause the investigation of a subordinate reported to him as absent without leave;

d. fail to disseminate any order, directive or instruction;

e. fail to coordinate or cooperate with other law enforcement agencies and their personnel;

f. absent oneself from office without having filed the necessary application for leave, either prior to the enjoyment of the leave or immediately thereafter;

g. fail or refuse to give his name and badge number when properly requested;

h. fail to report for duty in prescribed uniform with badge, identification card, , service firearm and other required equipment, except those not required to wear the prescribed uniform by reason of the exigency of the service.

i. fail to keep an official appointment with a complainant, informer or crime witnesses without lawful justification;

j. fail to submit a written report to his commanding officer immediately or within a reasonable time after accidental firing of his firearm, time and circumstances would permit;

k. fail to take custody of government issued property from a member under his command who is suspended, separated, retired or dead;

l. fail to respond to or expedite action without sufficient justification on a complaint brought to the attention of the department in person, by telephone, or by letter;

m. fail to conduct within a reasonable period, proper, thorough and complete investigation when assigned to do so;

n. fail to thoroughly search for, collect, preserve and identify evidence in any arrest or investigation conducted by him;

o. fail to take proper custody, record, tag and identify property entrusted to him as evidence;

p. be delayed unnecessarily in attending to or in performing a duty;

q. appear and testify in court, prosecutor's office, PLEB, RAB and NAB or any other quasi-judicial body while not in proper uniform, except those duly exempted therefrom;

r. fail to report to his commanding or superior officer his inability or incapacity to report for duty, attend a conference, general inspection, or participate in an operation;

s. fail to inform his superior as to the result of action taken in a call or dispatch;

t. fail to report to his commanding or superior officer a hazardous condition or dangerous situation;

u. fail to prepare and submit properly written reports within the prescribed period of time, if required by standing regulations; and

v. fail to perform any other act analogous to the foregoing.

**SIMPLE IRREGULARITY IN THE PERFORMANCE OF DUTY.** This is incurred by any member of the Philippine National Police who shall:

a. be found to have the odor or smell of alcohol in his breath while in duty, or possess alcoholic beverages on his person, police vehicle, post of office;

b. drive a marked police vehicle while not in prescribed uniform, except those who are not required to do so by reason of the exigency of the service;

c. use siren and/or red blinker light while not responding to an emergency or not in hot pursuit of a fleeing criminal or law violator;

d. malingering, loaf or consort with others while on duty or arrange with another member to take his place during his tour of duty, without prior approval of his superior;

e. allow unauthorized members of the police force to drive marked or unmarked police vehicles;

f. interfere or obstruct the work of other members or change the assignment or tour of duty of subordinates not belonging to his command; and

g. commit any other act analogous to the foregoing.

**SLIGHT OR SIMPLE MISCONDUCT.** This offense is incurred by any member of the Philippine National Police who shall:

a. fail to salute officials, dignitaries, superior officers and other officials entitled thereto or the national colors during the playing of the national anthem;

b. fight, threaten or quarrel with any member of the police force; provided, that when the member being challenged or threatened is one of higher rank, the charge shall be that of Grave Misconduct;

c. read newspapers, books of periodicals while in uniform and on street duty;

d. be untidy or slothful in his personal appearance and behave in an ungentlemanly or undignified manner;

e. fail to recognize and satisfy any just debt;

f. engage in any remunerative or gainful occupation or activity during off duty hours without approval of proper authority;

g. solicit attorneys, bondsmen or guarantors for arrested or confined persons;

h. fail to be home or to be at the place of confinement without legitimate reason after having reported sick or injured;

i. use rude or insulting language or exhibit similar rudeness in conduct to the public;

j. mislead or deceive his superiors, directly or indirectly, in regard to absence on account of sickness;



k. fail to report for record with the Complaint or Desk Officer a case prior to its investigation;

l. allow or tolerate idlers, fixers and persons of questionable character to stay or loiter in his office, post or place of assignment without and legitimate reason or purpose;

m. fail to maintain cleanliness and orderliness in his office, premises, post or surroundings;

n. sell tickets to a benefit show, beauty contest, boxing promotion, charity show and the like unless authorized by proper authority;

o. use official forms, letterheads, seals and stamps privately or in violation of protocol; provided, that when they are used for committing a fraud, the charge shall be Grave Misconduct; and

p. commit any other act analogous to the foregoing.

. The following are LESS GRAVE OFFENSE:

LESS GRAVE NEGLECT OF DUTY. This is incurred by any member of the Philippine National Police who shall:

a. fail to execute lawful orders from higher authority or tolerate any subordinate to ignore or ridicule any order, rule or regulation;

b. fail to make immediate correction or take appropriate action when a dereliction, irregularity or violation of law or duty is being committed or has been committed in his presence by a subordinate under his command or fail to report the same to his commanding officer within twenty-four hours;

c. fail to prepare disciplinary or administrative complaint or take such other disciplinary action as may be necessary against a subordinate under his command who has committed a serious dereliction, violation irregularity;

d. fail to comply with any lawful order or instruction of a commanding officer or the Chief of Police;

e. fail without justifiable reason, to appear and testify in court or in the prosecutor's office or before the PLEB, RAB or NAB when duly notified or subpoenaed;

f. fail to report immediately to his commanding or superior officer or to the Chief of Police the injury, illness, death or escape of a prisoner who is under his custody;

g. fail to communicate to the Chief of Police, through channels, any valuable information that will lead to the apprehension of a wanted person, or furnish clues for the solution of a case, or for the recovery of stolen property.

h. fail to issue a Traffic Citation Ticket (TCT) or Temporary Operator's Permit (TOP to an offending driver whose license is already confiscated.

i. fail to turn in the used Traffic Citation Ticket or Temporary Operator's Permit together with the confiscated driver's license at the end of his tour of duty or within twenty four hours, or fail to account for the TOT's or TOP's issued to and used by him;

j. fail to report as a peace officer any incident, condition, or occurrence witnessed by or reported to him which calls for immediate police action;

k. fail to properly patrol his beat, sector or post or to leave or abandon the same without being properly relieved; fail to take appropriate action concerning vice conditions in his beat and/or give written report of the same to his superior;

l. fail to report to his commanding officer within a reasonable period, injury inflicted by him to a person or animal, damage or loss of government property while on or off duty;

m. fail to comply with the order of a court of competent jurisdiction;

n. willfully violate office regulations and/or refuse or neglect to comply with said provisions;

o. be unavailable at his given address for an unreasonable length of time during a general emergency call, or for service to him of court processes and subpoena of the PLEB, RAB OR NAB;

p. sleep on his post while performing patrol or guard duty; and

q. fail to perform any other act analogous to the foregoing.

**LESS GRAVE IRREGULARITIES IN THE PERFORMANCE OF DUTIES.** This is incurred by any member of the Philippine National Police who shall:

a. apply for and serve a search or seizure warrant in any establishment or private house without the knowledge or approval of the chief of police;

b. use traffic violation reports which are not duly validated by the Land Transportation Office or by the Metro Manila Authority;

c. use traffic violation reports duly validated the Land Transportation Office (LTO) but are not issued to him for traffic enforcement work;

d. use the official insignia, markings and seal of the police force in any privately owned vehicle, without the authority of the chief of police;

e. disregard or violate traffic rules and regulations while driving a police vehicle when not in hot pursuit and not responding to an emergency call; and

f. commit any other act analogous to the foregoing.

**LESS GRAVE MISCONDUCT.** This is incurred by any member of the Philippine National Police who shall:

a. take advantage of his position by procuring goods and commodities at a losing price to an unwilling seller, or partake of food, drinks and cigarettes free of charge;

b. engage in gambling or games of chance, regulated or prohibited, while on duty, or in prohibited games of chance while off duty;

c. loiter in gambling joints, narcotics, dens, prostitution houses, hotels, motels, mahjong joints, cockpits, night clubs, cocktail lounge, bars, bookie corners, and in other questionable places when not in the performance of police duty;

d. be drunk and disorderly while on or off duty, or drunk while off duty and in uniform or in recognizable uniform of the force, when the same has no connection with the performance of police duty;

e. maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit another member;

f. exhibit marked discourtesy in the course of official duties or use profane or insulting language to any superior officer;

g. associate or consort with known gamblers, vagrants, smugglers, vice maintainers and crime syndicate heads, not in pursuance of police objectives;

h. serve as escort or security officer, whether on foot or by motor vehicle, for any private individual regardless of his status in social or religious circles on any occasion, unless authorized by the chief of police or the appropriate officials authorized to do so;

i. take a trip abroad without proper leave or approval of the authorities concerned;

j. borrow or solicit money or any valuable from his subordinates; and

k. commit any other act analogous to the foregoing.

**C. The following are GRAVE OFFENSES:**

SERIOUS NEGLECT OF DUTY. This is incurred by any member of the Philippine National Police who shall:

- a. fail or refuse to take command in an emergency in order to carry out police duty, being the officer present with the highest rank, grade or position;
- b. fail to prevent or suppress the criminal act of a subordinate being committed in his presence or fail to report the same to the chief of police within twenty-four hours after discovery;
- c. fail to apprehend and/or arrest under circumstances where it is his duty to do so;
- d. fail to return personal effects of released prisoners or other property used in evidence the release of which is ordered by competent court or authority;
- e. fail to perform his assigned mission or fail to participate in an operation for the security of the President, or other high ranking officials of the Philippines or foreign heads of state;
- f. fail to administer first aid when able and/or convey to the hospitals, victims of traffic accidents, persons shot or stabbed, persons electrocuted, and others who are dying and need urgent medical or surgical attention;
- g. fail to quell a disturbance or to protect a person from death or injury when able to do so;
- h. fail to help a brother peace officer in apprehending or arresting a violator who resists, or in subduing one assaulting the arresting officer, or in disarming an armed violator or in coming to the succor of another officer who is wounded, injured or outnumbered; and,
- i. fail to perform any other act analogous to the foregoing

SERIOUS IRREGULARITIES IN THE PERFORMANCE OF DUTIES. This is incurred by any member of the Philippine National Police who shall:

- a. engage directly or indirectly in partisan political activities or take part in any election except to vote;
- b. act as bodyguard or security guard for any public official or candidate for any elective public office or position or any other person within three (3) months immediately preceding any election and within one (1) month thereafter, unless authorized or deputized by the Commission of Elections;
- c. act as bodyguard or security guard for the person or property of any public official, or private person unless approved by the proper authorities concerned;
- d. prevent any arrested person or detention prisoner to have the right of counsel;

e. reveal secret or confidential police matters and information which jeopardize police missions and operations, or which cause injury or damage to citizens;

f. establish a checkpoint in any public thoroughfare for the purpose of stopping vehicles or persons and searching them without search warrant or without legal grounds;

h. deliberately or through gross negligence, destroy, damage or lose government property entrusted to him for official use;

i. mutilate, deface or destroy any driver's license; traffic citation ticket or temporary operator's permit issued in lieu thereof;

j. inflict physical injuries upon a suspect to force the latter to give a confession;

k. bring an apprehended or arrested person to a hotel or motel or to any secluded place before turning him over to the police station.

l. sell, pawn, rent, or loan his government issued service firearm, vehicle, or police equipment to another person or establishment;

m. act as mediator or fixer for the return of any stolen vehicle or other property whether held for ransom or not;

n. countermand the order of the mayor, chief of police, or any commanding or superior officer when such order is lawful;

o. be employed as a bouncer, security guard, watchman or lookout in a gambling den, narcotics dens, prostitution house, biniboy joint, or any other dubious establishment;

p. perform the duties and functions of customs or immigration authorities without proper deputation in accordance with law;

q. escort or allow other members to escort detention prisoners outside the jail in order to attend a funeral, visit a sick relative, or solicit a bond without an order of the court of proper jurisdiction; and,

r. commit any other act analogous to the foregoing.

**GRAVE MISCONDUCT** This is incurred by any member of the Philippine National Police who shall:

a. maltreat or abuse any prisoner or detained person under his custody;

b. join a strike or refuse to report for duty in order to secure changes in terms and conditions of his employment, or to oust the chief of police or any other officer from office;

c. publicly consort with women of ill repute and/or scandalously cohabit with or maintain a wife other than his legitimate spouse;

d. fail or refuse to surrender or deposit his service firearm, badge, identification card and police vehicle, if any, to his commanding officer upon demand during the period of suspension;

e. willful failure to pay debts or obligations due the government; and

f. commit any other act analogous to the foregoing.

#### D. OPPRESSION:

Any member of the police force who shall abuse his authority in a tyrannical, cruel, and highhanded manner shall be guilty of Oppression.

#### E. GROSS INCOMPETENCY:

When the offense or negligence is committed by reason of manifest lack of adequate ability and fitness on the part of the respondent member for the satisfactory performance of police duties, the erring member shall be guilty of Gross Incompetence.

#### F. DISLOYALTY TO THE GOVERNMENT:

Any member of the police force who shall abandon or renounce his loyalty to the government of the Republic of the Philippines, or shall advocate the overthrow of its government, shall be guilty of Disloyalty to the Government, in which case, the maximum penalty of dismissal shall be imposed.

#### G. DISHONESTY:

Any member of the police force who shall conceal, alter or, distort the truth in a matter of fact relevant to his office, or connected with the performance of his duties shall be guilty of Dishonesty. The following acts constitute Grave Dishonesty:

a. any member who shall knowingly enter in his information sheet or CSC 212 Form, or in his Individual Police Profile, facts which are not true, or conceal or distort damaging facts;

b. makes a false report or entry in the police blotter or in any departmental record;

c. give deliberate false testimony against or in favor of a person facing a criminal, administrative or disciplinary charge;

d. destroy, conceal, or tamper physical evidence to be presented in court by exchanging, altering, damaging or diluting as to affect its original appearance, composition and content.

e. appropriate for his or another is personal use any stolen property which is recovered, found, or abandoned; and

f. solicit money or valuable for the amicable settlement of cases under investigation

#### H. VIOLATION OF LAW:

When a member of the police force is convicted in court of any crime or offense punishable under the Revised Penal Code or special law or ordinance, said member shall be charged before the PLEB for Violation of Law.

The administrative investigation by the PLEB shall be separate from and independent of the criminal proceedings in court for the same offense. The nature of the crime committed and the penalty prescribed therefore by the Revised Penal Code or special law shall determine the classification of the offense as light, less grave or grave.

The following are instances of Violation of Law: Any member of the Philippine National Police who shall:

a. maliciously refrain, in dereliction of the duties of his office, from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of criminal offense (Art. 208, RPC);

b. agree to perform an act constituting a crime, in connection of any offer, promise, gift or present received by such officer, personally or through the mediation or another; or accept any gift in consideration of the execution of an act which does not constitute a crime; or receive a gift in consideration of refraining from doing something which it was his official duty to do (Direct Bribery - Art. 210, Ibid);

c. accept gifts offered to him by reason of his office (Art. 211, Ibid);

d. appropriate public funds or property, or shall take or misappropriate or shall consent or through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially (art. 217, Ibid);

e. apply any public fund or property under his administration to any public use other than for which fund or property were appropriated by law or ordinance (Illegal Use of Public Funds or Property - Art. 220, Ibid)

f. consent to the escape of a prisoner in his custody or charge (Conniving with or Consenting to Evasion - (Art. 223, Ibid);

g. allow through negligence the escape of a prisoner under his custody (Evasion through Negligence - Art. 224, Ibid);

h. remove, destroy or conceal documents or papers officially entrusted to him (Infidelity in the Custody of Documents - Art. 226, Ibid);

i. fail, upon demand from competent authority, to lend his cooperation towards the administration to justice or the public service ( Art. 233, Ibid);

j. overdo himself in the correction or handling of a prisoner or detention prisoner under his charge, by the imposition of punishment not authorized by the regulations, or by inflicting such punishments in a cruel and humiliating manner (Maltreatment of Prisoners - Art. 235. Ibid);

k. abandon his office, before the acceptance of his resignation, the detriment of the public service (Art, 238, Ibid);

l. solicit or make immoral or indecent advances to a woman interested in matters pending before him for decision or with respect to which he is required to submit a report to or consult with a superior officer; solicit or make immoral or indecent advances to a woman under his custody (abuses Against Chastity - Art. 245, Ibid);

m. intentionally mutilate another, (Art. 262, Ibid);

n. wound, beat, or assault another, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, or blind or if in consequence of the physical injuries inflicted, the person injured shall have lost the use of any member, or shall have become incapacitated for the work in which he was therefore habitually engaged, or if in consequence of the physical injuries inflicted, the person injured shall have become deformed, or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he is habitually engaged for more than thirty (30) days (Serious Physical Injuries - Art. 263, Ibid);

o. inflict upon another physical injuries which shall incapacitate the offended party for labor for ten (10) days or more, or shall require medical attendance for the same period (less Serious Physical Injuries) - Act. 265, Ibid);

p. inflict physical injuries which shall incapacitate the offended party for labor from one (1) to nine (9) days or shall require medical attendance or ill-treated another by deed without causing any injury (Slight Physical Injuries - Art. 266, Ibid);

q. arrest or detain another in any case other than those authorized by law or without reasonable ground thereof for the purpose of delivering him to the proper authorities (Unlawful Arrest - Art. 269, Ibid);

r. threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime (Grave Threats - Art. 283. Ibid);

s. threaten to commit a wrong not constituting a crime (Light Threats - Art. 283. Ibid);



t. threaten another with a weapon, or drew such weapon in a quarrel, unless it be in lawful self defense , or orally threaten another, in the heat of anger, with some harm not constituting a crime, although subsequent acts show that he did not persist in the idea involved in his threat, or orally threaten to do another any harm not constituting a felony (Other Light Threats -- Art. 285, Ibid);

u. without authority of law, prevent another, by means of violence, from doing something not prohibited by law, or compel him to do something not prohibited by law; or compel him to do something against his will, whether it be right or wrong (Grave Coercions -- Art. 286, Ibid);

v. seize, by means of violence, anything belonging to his debtor for the purpose of applying the same to the payment of the debt (Light Coercions -- Art. 287, Ibid);

w. perform, under pretense of official position, any act pertaining to any person in authority or public office without being lawfully entitled to do so (Usurpation of Official functions (Art. 177, Ibid);

x. publicly and improperly make use of insignia, uniforms or dress pertaining to an office not held by such person or to a class of persons of which he is not a member (Illegal Use of Uniforms or Insignia -- Art. 179, Ibid);

y. detain another, without legal grounds (Arbitrary Detention-- Art. 24, Ibid);

z. detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of: twelve (12) hours, for crimes or offenses punishable by light penalties or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties or their equivalent, and thirty six (36) hours, for crimes or offenses punishable by afflictive or capital penalties, or their equivalent (Delay in the Delivery of Detained Persons to the Proper Judicial Authorities -- Art. 125, as amended by Executive Order No. 272 dated 25 July 1987);

aa. delay for the period of time specified therein the performance of any judicial or executive order for the release of a prisoner or detention prisoner, or unduly delay the service of notice of such order to said prisoner or the proceedings upon any petition for the liberation of such person (Delaying Release - Art. 126, Ibid);

bb. Enter, without being authorized by judicial order, any dwelling against the will of the owner thereof, search papers or other effects found therein without the previous consent of such owner or having surreptitiously entered said dwelling and being required to leave the premises, shall refuse to do so (Violation of Domicile -- Art. 128, Ibid);

cc. procure a search warrant without just cause, or having legally procured the same, shall exceed his authority or use unnecessary severity in executing the same (Search Warrant Maliciously Obtained and Abuse in the Service of those Legally Obtained -- Art. 129, Ibid); and

dd. search the domicile, papers, or other belongings of any person, in the absence of the latter, any member of his family, or in their default, without the presence of two (2) witnesses residing in the same locality (Searching Domicile Without Witnesses -- Art. 130, Ibid).

## **RULE VII ADMINISTRATIVE PENALTIES**

Section 1. Imposable Penalties. - The following are the penalties that may be imposed by the PLEB in police administrative cases:

- a. Withholding of privileges
- b. Restriction to specified limits
- c. Suspension
- d. Forfeiture of salary or fine
- e. Demotion (of not more than one rank)
- f. Dismissal

Sec. 2. Schedule of Penalties. - The penalties for light, less grave and grave offenses shall be made in accordance with the following schedule:

A. For light offences:

- a. Withholding of privileges or restrictions to specified limits or suspension or forfeiture of salary, or any combination therefor from one (1) day to ten (10) days (minimum period):
- b. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from eleven (11) days to twenty (20) days (medium period);
- c. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from twenty-one (21) days to thirty (30) days (maximum period).

B. For less grave offenses:

- a. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from thirty on (31) days to forty five (45) days (minimum period);
- b. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from forty-six (46) days to sixty (60) days (medium period);

c. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from sixty on (61) days to ninety (90) days (maximum period).

C. For grave Offenses:

- a. Suspension for three (3) months (minimum period);
- b. Forced Resignation/Demotion of not more than one (1) rank (medium period);
- c. Dismissal (maximum period)

Sec. 3. Limitation in the Imposition of Penalties. - If the penalty of suspension is imposed by the PLEB, the same shall not exceed three (3) months suspension; and in case of forfeiture of salary (fine) the amount shall not exceed the equivalent of one (1) month pay.

On the other hand, the penalty of "Withholding of Privileges" shall be confined to deterrent of vacation leave privileges, availment of loan privileges and participation in training grant or programs and such other similar privileges normally enjoyed by civil service employees.

Sec. 4 Qualifying Circumstances. - In the determination of the penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense shall be considered.

A. The following are mitigating circumstances:

- a. physical illness
- b. good faith
- c. length of service in the government
- d. analogous circumstances

B. The following are aggravating circumstances:

- a. taking advantage of official position
- b. taking undue advantage of subordinate
- c. undue disclosure of confidential information
- d. use of government property in the commission of the offense
- e. habituality
- f. offense is committed during office hours and/or within the premises of the working office or building
- g. employment of fraudulent means to commit or conceal offense

h. analogous circumstances

Sec. 5. Guidelines in the Application of Penalties. - The imposition of the penalty shall be made in accordance with the manner herein below provided:

a. Like penalties shall be imposed for like offenses and only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts;

b. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;

c. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present

d. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present;

e. Where aggravating and mitigating circumstances are present, rule (a) shall be applied where there are more mitigating circumstances present, rule (b) shall be applied where the circumstances equally off-set each other; and rule (c) shall be applied when there are more aggravating circumstances; and

f. If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstance.

Sec. 6. Administrative Disabilities Inherent in Certain penalties. -- the following are the administrative disabilities inherent in certain penalties:

a. The penalty of dismissal, which results in the separations of the respondent from the service, shall carry with it that of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for re-employment in the police service;

b. The penalty of suspension, which consists in the temporary separation or cessation of work of the respondent for the duration of the sanction, shall carry with it that of disqualification for promotion correspondent to the period of suspension.

c. The penalty of forfeiture of salary, which consists of an amount not exceeding one (1) month salary, shall carry with it that of disqualification for promotion corresponding to the penalty imposed.

**RULE VIII**  
**FINAL PROVISIONS**

Section 1. Repealing Clause. -- All rules and regulations and other issuance, or portions thereof, inconsistent with this Rules of Procedures are hereby repealed or modified accordingly.

Sec. 2. Separability Clause. -- In the event that any of the provision of this Rules is declared illegal, the validity of the other provisions shall not be affected by such declaration.

Sec. 3. Effectivity. -- This Rule of Procedure shall take effect upon approval.

(Sgd.) LUIS T. SANTOS  
Secretary, Department of the Interior and  
Local Government and  
Chairman, National Police Commission

(Sgd.) DR. TEODULO C. NATIVIDAD  
Commissioner and Vice Chairman

(Sgd.) VIRGILIO M. DAVID  
Commissioner

(Sgd.) EDGAR DULA TORRES  
Commissioner

Attested by:

(Sgd.) REYNALDO JD CUADERNO  
Executive Director III

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD  
\_\_\_\_\_  
(city/municipality)

\_\_\_\_\_  
(Date)

The Chairman  
People's Law Enforcement Board

\_\_\_\_\_  
City/Municipality and Province

Sir:

**COMPLAINT**

I, \_\_\_\_\_, of legal age, married (or single), Filipino and with  
(Name of Complainant)

residence at \_\_\_\_\_ do hereby charge Mr. \_\_\_\_\_

a \_\_\_\_\_ in the police station of \_\_\_\_\_  
(State the Rank) (City/Municipality and Province)

with \_\_\_\_\_ committed as follows:  
(State the Offense)

(State the facts of the case)

In support of the above charge(s), I am submitting the following:

- a) Affidavits of corroborating witnesses
- b) Enumerate other documentary evidence with a brief statement of the substance of each (to be attached)

In view thereof, it is respectfully prayed that after due investigation respondent  
\_\_\_\_\_ be found guilty as charged, and meted appropriate penalty.

\_\_\_\_\_  
Complainant

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
complainant exhibiting to me his/her Residence Certificate No. A- \_\_\_\_\_  
issued at \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
(Person authorized to administer  
an oath; or Chairman, PLEB)

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
(City/Municipality)

\_\_\_\_\_  
Complainant,

Adm. Case No. \_\_\_\_\_

-versus-

For: \_\_\_\_\_

\_\_\_\_\_  
Respondent(s).

(Offense Charged)

**S U M M O N S**

To: \_\_\_\_\_  
\_\_\_\_\_

GREETINGS:

You are hereby notified that a formal administrative complaint against you, copy attached, has been filed with this Office for the aforesaid offense under the provision of Section 41 of Republic Act No. 6975 ("Department of Interior and Local Government Act of 1990") in relation to NAPOLCOM Memorandum Circular No. \_\_\_\_\_ dated \_\_\_\_\_ 1991.

Wherefore, you are hereby required to answer in writing the above-mentioned charge(s) within five (5) days from receipt hereof, and to file said Answer under oath in three (3) copies to the board. Attach therewith such documentary evidence as you wish to present in your defense.

Given this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ at \_\_\_\_\_,  
\_\_\_\_\_, Philippines.

\_\_\_\_\_  
Chairman  
People's Law Enforcement Board

The Chief of Police  
\_\_\_\_\_

Sir:

Please give due course to the herein summons and to return to this Office the original of the same with your proof of service endorsed at the back hereof.

Very truly yours,

\_\_\_\_\_  
Chairman  
People's Law Enforcement Board

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
(City/Municipality)

\_\_\_\_\_  
(Date)

The Chairman  
People's Law Enforcement Board

\_\_\_\_\_  
(City/Municipality and Province)

**A N S W E R**

Sir:

I, \_\_\_\_\_ now a \_\_\_\_\_ in the police station of  
(Name of Respondent) (State Rank)

\_\_\_\_\_ after having been furnished a copy of the charge(s) filed  
(City/Municipality and Province)

against me by \_\_\_\_\_, hereby deny (or admit) the said charge(s)  
(Name of complainant)  
against me.

In support thereof, I wish state that I deny the allegation in paragraph 1, etc., the truth of the matter being

\_\_\_\_\_  
(State briefly the detail of the defense, attaching any

\_\_\_\_\_ or all evidence available at the time of the answer)

In the formal investigation of the above charge(s) against me, it is requested that the following witnesses in my favor be called upon to testify threat and/or that the following documents be required to be brought by

\_\_\_\_\_  
(State Name and Address of Witness and Documents to be Produced)

\_\_\_\_\_ before that Board as evidence for my defense.

In witness hereof, I hereunto sign my name this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
in \_\_\_\_\_, Philippines.

(Place of Investigation)

\_\_\_\_\_  
Name of Respondent

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_,  
in the City/Municipality of \_\_\_\_\_, affiant exhibiting to me her/his Residence Certificate  
No. A- \_\_\_\_\_ issued at \_\_\_\_\_ on  
\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Person authorized to administer an oath;  
or the Chairman, PLEB)



Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
(City/Municipality)

**SUBPOENA**

\_\_\_\_\_,  
Complainant

Adm. Case No. \_\_\_\_\_

-versus-

For: \_\_\_\_\_  
(Offense charged)

\_\_\_\_\_,  
Respondent (s)

To: \_\_\_\_\_  
\_\_\_\_\_

**GREETINGS:**

You are hereby required to appear and be present at the hearing if the above-captioned case before this Board at \_\_\_\_\_ a.m./p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, then and there to testify in the above-entitled case pending therein.

**FAIL NOT UNDER PENALTY OF LAW.**

Given this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Chairman

**\PROOF OF SERVICE**

I have this day served a copy of the foregoing subpoena upon Mr. \_\_\_\_\_ personally (or by registered mail No. \_\_\_\_\_).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Serving Party

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD  
\_\_\_\_\_  
(City/Minicipality)

\_\_\_\_\_  
Complainant

Adm. Case No. \_\_\_\_\_

- versus -

For: \_\_\_\_\_  
(Offense Charged)

\_\_\_\_\_  
Respondent(s)

**DECISION**

I. PRELIMINARY STATEMENT:  
(Brief Statement of the Case)

II. FACTS OF THE CASE:  
(Give summary of relevant and material facts)

III. EVIDENCE:  
During he investigation, the following pieces of evidence were introduced and admitted for evaluation:

1. For the complainant.  
(State the nature and substance of documentary evidence submitted with their respective markings arranged alphabetically in the order of presentation; names and addresses of witnesses and substance of the testimony of each; nature of other types of evidence submitted.)

2. For the respondent.  
(Same as III-1 only that the markigs should be in arabic numerals)

IV. FINDINGS:  
(State the facts of the case as determined by the Board from the evaluation of evidence submitted.)

V. CONCLUSION/DISPOSITIVE PORTION:  
(State on whether respondent is guilty or not guilty of the charge; the imposable penalty if culpable; and a pronouncement of exoneration in case of non-culpability.)

So ordered.

\_\_\_\_\_  
(Date of Issue)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Form 6 - Letter of Implementation  
(Decision)

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD  
\_\_\_\_\_  
(City/Municipality)

The Chief of Police  
\_\_\_\_\_

Sir:

Enclosed herewith for service to the parties/implementation is the decision of the People's Law Enforcement Board dated \_\_\_\_\_ in Administrative Case No. \_\_\_\_\_ for \_\_\_\_\_ entitled:

" \_\_\_\_\_

Complainant(s)

- versus -

\_\_\_\_\_

Respondent(s)

disposing/deciding the case as indicated opposite the names of the respondent(s) hereunder:

RANK AND NAME

DISPOSITION/DECISION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A copy each of the decision and this implementing letter-directive shall be served upon the complainant and respondent within five (5) days from your receipt hereof. Thereafter, return to this Board within three (3) days the attached Proof of Service (NAPOLCOM Form No. 9) duly accomplished.

Very truly yours,

\_\_\_\_\_

Chairman

If the respondent is meted the penalty of dismissal from the service he should be suspended immediately upon his receipt of the decision. If he neither files a petition for reconsideration nor appeals the case direct to the Regional Appellate Board within ten (10) days from his receipt of the decision, his dismissal shall be final and unappealable; and if he files a petition or appeals within the aforesaid 10-day reglementary period, he shall nevertheless remain under suspension pending resolution of his appeal. (Section 18, Rule IV, NAPOLCOM Memorandum Circular No. \_\_\_\_\_ dated \_\_\_\_\_ 1991)

Upon the otherhand, the penalty of demotion in rank becomes effective only upon receipt of the decision of his appeal from the Regional Appellate Board, if one has been filed within the reglementary period of ten (10) days; if no appeal is filed, the same becomes immediately executory after ten (10) days from receipt of the original decision of the People's Law Enforcement Board.

If respondent is penalized with withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days, he shall be made to serve the penalty after ten (10) days from his receipt of the decision, if no petition for reconsideration is filed within said period. If he files the petition within the ten (10) days period, the penalty imposed shall be held in abeyance pending resolution of the petition by the Board.

Copy furnished:

1. The Chairman  
National Police Commission  
Makati, Metro Manila
2. PNP Provincial Director  
\_\_\_\_\_  
\_\_\_\_\_
3. PNP Finance Center  
Camp Crame, Quezon City
4. Complainant

Form 7 - Letter of Implementation  
(Resolution-Modification)

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
(City/Municipality)

The Chief of Police

\_\_\_\_\_

Sir:

Enclosed for implementation is the resolution of this Board dated \_\_\_\_\_ in  
Administrative Case No. \_\_\_\_\_ for \_\_\_\_\_ entitled:

" \_\_\_\_\_

\_\_\_\_\_

Complainant(s)

- versus -

\_\_\_\_\_

\_\_\_\_\_

Respondent(s)

modifying its decision dated \_\_\_\_\_, in the manner indicated opposite the respondent(s) names,  
hereunder:

RANK AND NAME

PENALTY MODIFIED TO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent whose penalty is modified from \_\_\_\_\_ to \_\_\_\_\_ shall be ordered  
to serve the same upon his receipt of the resolution and a copy of this implementing letter directive. Service of the  
above-mentioned papers and issuance of orders for suspension should be complied within five (5) days from your  
receipt hereof. Thereafter, return to this Board within three (3) days, the corresponding Proof of Service  
(NAPOLCOM Form No. 9), duly accomplished.

It is informed that under NAPOLCOM Memorandum Circular No. \_\_\_\_\_ dated \_\_\_\_\_  
1991 (Rule III, Section 19), only one Petition for Reconsideration shall be considered.

Very truly yours,

\_\_\_\_\_

Chairman

Copy furnished:

1. The Chairman  
National Police Commission  
Makati, Metro Manila
2. PNP Provincial Director  
\_\_\_\_\_
3. PNP Finance Center  
Camp Crame, Quezon City
4. Complainant

Form 8 - Letter of Implementation  
(Resolution-Affirmation)

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
(City/Municipality)

The Chief of Police

\_\_\_\_\_

Sir:

Enclosed for execution is the resolution of this Board dated \_\_\_\_\_ in Administrative Case No. \_\_\_\_\_ for \_\_\_\_\_ entitled:

" \_\_\_\_\_

Complainant(s)

- versus -

\_\_\_\_\_

Respondent(s)

affirming its decision dated \_\_\_\_\_, on respondent(s) as hereunder indicated opposite their names:

RANK AND NAME

AFFIRMED DECISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Herein resolution affirming the decision of board dated \_\_\_\_\_ should be implemented immediately upon receipt by respondent a copy of said resolution, Service of the above-mentioned papers should be complied within five (5) days from your receipt hereof. Thereafter, return to this Board within three (3) days, the corresponding Proof of Service (NAPOLCOM Form No. 9), duly accomplished. Under NAPOLCOM Memorandum Circular No. \_\_\_\_\_ dated \_\_\_\_\_ 1991 (Rule III, Section 19), only one Petition for Reconsideration shall be considered.

Very truly yours,

\_\_\_\_\_  
Chairman

Copy furnished:

1. The Chairman  
National Police Commission  
Makati, Metro Manila
2. PNP Provincial Director  
\_\_\_\_\_
3. PNP Finance Center  
Camp Crame, Quezon City
4. Complainant

Republic of the Philippines  
Province of \_\_\_\_\_  
PEOPLE'S LAW ENFORCEMENT BOARD  
\_\_\_\_\_  
(City/Municipality)

\_\_\_\_\_  
Complainant, Adm. Case No. \_\_\_\_\_  
-versus- For: \_\_\_\_\_  
\_\_\_\_\_  
Respondent(s). (Offense Charged)

**PROOF OF SERVICE**

\_\_\_\_\_  
Date

hereby certify that the Decision/Resolution of the People's Law Enforcement Board dated \_\_\_\_\_  
in the above-entitled case was served upon the complainant/respondent(s) as hereunder indicated:

1. Date of the Decision/Resolution by Complainant/Respondent(s):

\_\_\_\_\_

2. Receipt of the Decision/Resolution by Complainant/Respondent(s):

PRINT NAME AND SIGN

DATE AND TIME RECEIVED

a. \_\_\_\_\_

b. \_\_\_\_\_

3. Action Taken If Any:

4. Remarks:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Rank and Name

\_\_\_\_\_  
Designation

PEOPLE'S LAW ENFORCEMENT BOARD

\_\_\_\_\_  
City/Municipality

\_\_\_\_\_  
QUARTER 19 \_\_\_\_\_

- A. Number of Administrative Cases Received .....
  - a. Case carried over from previous quarter.....
  - b. Cases received within the quarter .....
  
- B. Number of cases investigated during the quarter.....
  
- C. Number of cases pending investigation .....
  
- D. Number of cases decided during the quarter.....
  - a. On the merits.....
    - 1. Penalized.....
      - i. Withholding of privileges.....
      - ii. Restriction to specified limits.....
      - iii. Suspension.....
      - iiii. Forfeiture of salary.....
      - iiiii. Combination of the foregoing.....
      - iiiii. Demotion.....
      - iiiii. Dismissal from the service.....
    - 2. Exoneration.....
  
- E. Number of respondent charged.....
  
- F. Number of petition for reconsideration filed/resolved.....
  - a. affirmed.....
  - b. denied.....
  - c. modified.....
  - d. reversed.....

\_\_\_\_\_  
Chairman



## **APPENDIX B**

### **LETTER FROM AUTHOR ADDRESSED TO THE CHIEF OF POLICE**

**University of Cincinnati  
Division of Criminal Justice**

#### **SURVEY OF OFFICERS ON THEIR PERCEPTIONS ABOUT THE PLEB**

Dear Sir/Madam:

I would like to ask if you would be prepared to help me with a study of the People's Law Enforcement Board which I am undertaking at the University of Cincinnati, Division of Criminal Justice.

As you know, the PLEB has been in operation for at least ten years now. It would be important to study what police officers think about the operation of the PLEB in your jurisdiction. This information is obviously important in deciding whether the PLEB has been performing satisfactorily and with integrity. It is also important to find any impact that the board has had on your department and police officers.

In the interests of confidentiality, the identity of your officers will not be revealed in the research. Your department will also be assigned a fictitious name in the study. For your consideration, I have attached the proposed questionnaire to this letter.

Should you decide to help me with the study, as I hope very much you will, would you kindly complete the short form attached to this letter and return it to me in the reply paid envelope provided. I will then contact you to arrange for a convenient time to administer the questionnaire to your police officers.

I would like to emphasize that I am working independently of the police and any information that you and officers will give me about your perceptions about the PLEB will be treated in strictest confidence.

Should you have further question, you could get in touch with me personally at my home address at 574 Antipolo St., Sampaloc, Manila or by phone at 740-9588 or at cellular phone number 0919-332-5121.

With thanks in anticipation of your help

Yours sincerely,

Melchor C. de Guzman

## APPENDIX C

### LETTER OF AUTHOR TO COMPLAINANTS

University of Cincinnati  
Division of Criminal Justice

#### **SURVEY OF COMPLAINANTS WHO HAVE FILED COMPLAINTS WITH THE PLEB**

Dear Sir/Madam:

I would like to ask if you are willing to help with a study of PLEB operations in your town/city. This study is being done as a requirement for my doctoral degree at the University of Cincinnati.

As you know, the PLEB has been in operation since 1991. It is therefore imperative that PLEB's operation and impact be assessed. It aims to gather information about the views of complainants with the system and how satisfied they are with the operation of the PLEB.

As someone who has himself/herself made a complaint about the police, your views are obviously important. I would therefore like to ask you if you would be willing to be interviewed about your experiences with the PLEB.

In the interest of confidentiality, your name and address will not in anyway appear in the research. I would like to assure you that I am working completely independent of the police department and that any information you give me about the PLEB or the police department will be treated with strictest confidence. I will not be informing any office which complainants have been contacted and have agreed to take part in the survey. The report of the research will at no point attribute your answers to you by name.

Thank you very much for your help.

Sincerely,

Melchor C. de Guzman

**Appendix D**

**SURVEY FORM FOR COMPLAINANTS**

*Part I. Demographic Information.*

Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Monthly Household Income: \_\_\_\_\_

Work status during the time of complaint process:     employed/ self-employed         unemployed

Highest Grade of School Completed: \_\_\_\_\_

Marital Status when you filed your complaint:

Single         Married         Separated         Widow/Widower         Divorced

*Part II. Please answer the following questions concerning your experience, knowledge and opinion about the People's Law Enforcement Board in your jurisdiction and its operations.*

1. How many times have you filed a case with the PLEB? \_\_\_\_\_

2. What was/were your complaint/s to the board? (Please state each case)

\_\_\_\_\_

3. How many days did it take the PLEB to resolve the case or cases (please state the different number of days for each case)?

\_\_\_\_\_

4. Are you satisfied with the number of days that the PLEB resolved your particular case? If you have more than one case, state your overall satisfaction with the amount of time the PLEB spent on all your cases. (Please put a check in one box only)

Very dissatisfied         Dissatisfied         Satisfied         Very satisfied

5. How do you feel about the amount of time the board spent on your case?

faster than expected         slower than expected         as quickly as expected

6. Where did you file your complaint/s to the PLEB? (Please check a box.)

- police department building
- mayor's office
- PLEB office located outside of police building
- other (please specify) \_\_\_\_\_

7. How satisfied were you with the place where you filed your complaint? (please check one box)

- very satisfied
- satisfied
- neutral (do not care about the venue)
- dissatisfied
- very dissatisfied

8. Who conducted the investigation of your complaint/s? (Please check a box.)

- the police alone
- the PLEB members alone
- both the PLEB and the police department
- other (please specify) \_\_\_\_\_

9. How satisfied are you with the investigators of your case/s? (Please check a box.)

- very satisfied
- satisfied
- neutral (I was not concerned about the investigators)
- dissatisfied
- very dissatisfied

10. Where were the hearings for your case held? (Please check a box.)

- police department building
- mayor's office
- PLEB office located outside of police building
- other (please specify) \_\_\_\_\_

11. How satisfied were you with the hearings held? (Please check one box.)

- very satisfied
- satisfied
- neutral (I do not care about the venue)
- dissatisfied
- very dissatisfied

12. What was the composition of the PLEB that handled your case?

- all police (active or inactive/retired)
- some police and some civilians
- all civilians

13. Are you satisfied with the membership of the PLEB that handled your case? (Please check a box)

- very satisfied
- dissatisfied
- neutral (I do not care about the composition of the board)
- dissatisfied
- very dissatisfied

14. Do you think the PLEB was fair in its investigation of your complaint/s? (Please check a box.)

- very fair
- fair enough
- unfair
- very unfair

15. Do you think the PLEB was objective or impartial in its investigation of your complaint/s? (Please check a box.)

- very impartial
- impartial
- partial
- very partial/shows favoritism

16. Do you think the PLEB conducted a complete investigation of your complaint? (Please check a box.)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

17. Do you think the PLEB conducted fair hearings? (Please check a box.)

- very fair
- fair enough
- unfair
- very unfair

18. Do you think the PLEB conducted objective or impartial hearings in your case? (Please check a box.)

- very impartial
- impartial
- partial
- very partial/shows favoritism

19. Do you think the PLEB conducted complete or thorough hearings? (Please check a box.)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

20. Do you think the PLEB was fair in its decision on your case? (Please check a box)

- very fair
- fair enough
- unfair
- very unfair

21. Do you think the board showed partiality (favoritism) in its decision on your case? (Please check a box)

- very impartial
- impartial
- partial
- very partial/shows favoritism

22. Do you think the board considered all the circumstances before it reached a decision in your case/s (In other words, was the board thorough in its deliberation?) (Please check a box)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

23. Do you see a stricter supervision of the police as a result of the PLEB's operations? (Please check a box)

- yes
- no/same as before

24. Due to the operation of the PLEB, do you see a change of attitude among police officers as they work in the streets? (Please check a box.)

- positive change (police officers became more respectful and courteous with citizens)
- negative change ( the police were worse than before)
- no change was noticed

25. Do you know if a policy in the department was changed as a result of the PLEB operations? (Please check a box)

- yes
- no

26. In general, how satisfied are you with the PLEB? (Please check a box)

very satisfied           satisfied           dissatisfied           very dissatisfied

27. What was the outcome of your complaint?

- My complaint was found unjustified (dismissed)
- My complaint was found justified (sanction imposed)

28. Are you satisfied with the decision that was handed out?

very satisfied           satisfied           dissatisfied           very dissatisfied

29. Do you think the police should be investigated by civilians like the PLEB?

- yes           no

30. In the future, will you file a complaint before the PLEB when the situation arises?

- yes           no

31. If you answer no to the prior question, where will you file your case? (Please check all that apply)

- the inspectorate of the PNP
- the NAPOLCOM
- the ombudsman
- the mayor
- the courts

**END OF QUESTIONNAIRE**

**THANK YOU**

**Appendix E**

**SURVEY QUESTIONNAIRE FORM FOR POLICE WITH CASES**

**Thank you for participating in this survey. Please note that no information in this questionnaire will be tried to be associated to any specific respondent. Any information is confidential and no part thereof shall be used to evaluate any personnel of the police department. It is important that you respond to the questions as accurately and truthfully as possible.**

*Part I. Please answer the following questions concerning your experience, knowledge and opinion about the People's Law Enforcement Board and its operations in your jurisdiction.*

1. How many times was a case filed against you with the PLEB? \_\_\_\_\_

2. What was the complaint against you? (Please list all the complaints against you.)

a. \_\_\_\_\_ b. \_\_\_\_\_

How many days did it take the PLEB to resolve your case (i.e., number of days from the time the complaint was filed up to the time the PLEB came up with its decision. Please state the different number of days for each case)?

a. \_\_\_\_\_ b. \_\_\_\_\_

4. What is your overall satisfaction with the amount of time the PLEB spent on your case? (Please put a check in one box only)

Very dissatisfied                       Dissatisfied  
 Satisfied                                       Very satisfied

5. How do you feel about the amount of time the board spent on your case/s?

faster than expected  
 slower than expected  
 as quickly as expected

6. In general, are you satisfied with the speed with which the board resolves cases in your jurisdiction? (Please check a box)

Very dissatisfied                       Dissatisfied  
 Satisfied                                       Very satisfied

7. Where are complaints to the PLEB filed in your jurisdiction? (Please check a box.)

police department building  
 mayor's office  
 PLEB office located outside of police building  
 other place (please specify) \_\_\_\_\_

8. How satisfied are you with the venue of where complaints are filed? (please check one box)

very satisfied  
 satisfied  
 neutral (do not care about the venue)  
 dissatisfied  
 very dissatisfied

9. Who conducts investigations of PLEB cases in your jurisdiction? (Please check a box.)

- the police alone
- the PLEB members alone
- both the PLEB and the police department
- other (please specify) \_\_\_\_\_

10. How satisfied are you with the investigation of the case? (Please check a box.)

- very satisfied
- satisfied
- neutral (I was not concerned about the investigators)
- dissatisfied
- very dissatisfied

11. Where are hearings of cases held in your jurisdiction? (Please check a box.)

- police department building
- mayor's office
- PLEB office located outside of police building
- other (please specify) \_\_\_\_\_

12. How satisfied are you with the venue where the hearings are held? (Please check one box.)

- very satisfied
- satisfied
- neutral (I do not care about the venue)
- dissatisfied
- very dissatisfied

13. What is the composition of the PLEB in your jurisdiction?

- all civilians (no law enforcement experience)
- some civilians and some former police
- all former police

14. Are you satisfied with the composition of the PLEB in your jurisdiction? (Please check a box)

- very satisfied
- satisfied
- neutral (I do not care about the composition)1
- dissatisfied
- very dissatisfied

15. Are you satisfied with the decision of the PLEB?

- very satisfied
- satisfied
- dissatisfied
- very dissatisfied



16. Do you think the PLEB is fair in its investigation of cases? (Please check a box.)

- very fair                       fair enough  
 unfair                               very unfair

17. Do you think the PLEB is objective or impartial in its investigations? (Please check a box.)

- very impartial                       impartial  
 partial                                   very partial/shows favoritism

18. Do you think the PLEB conducts complete investigations of cases? (Please check a box.)

- very complete and very detailed  
 complete and detailed  
 incomplete and lacking in detail  
 very incomplete and not detailed

19. Do you think the PLEB conducts fair hearings? (Please check a box.)

- very fair                               fair enough  
 unfair                                   very unfair

20. Do you think the PLEB conducts objective or impartial hearings? (Please check a box.)

- very impartial                       impartial  
 partial                                   very partial/shows favoritism

21. Do you think the PLEB conducts complete or thorough hearings? (Please check a box.)

- very complete and very detailed  
 complete and detailed  
 incomplete and lacking in detail  
 very incomplete and not detailed

22. Do you think the PLEB is fair in its decisions? (Please check a box)

- very fair                               fair enough  
 unfair                                   very unfair

23. Do you think the board showed partiality (favoritism) in its decisions? (Please check a box)

- very impartial                       impartial  
 partial                                   very partial/shows favoritism

24. Do you think the board considered all the circumstances relevant to the case before it reaches a decision. (Please check a box)

- very complete and very detailed  
 complete and detailed  
 incomplete and lacking in detail  
 very incomplete and not detailed

25. Do you see a stricter supervision of police officers in your jurisdiction as a result of the PLEB's operations? (Please check a box)

- yes                                       no/same as before

26. Due to the operation of the PLEB, do you see a change of attitudes among police officers as they work in the streets? (Please check a box.)

- positive change (police became more respectful and courteous with citizens)  
 negative change ( the police were worse than before)

27. Were some policies changed as a result of the PLEB's operations? (Please check a box)

- yes  no

28. In general, how satisfied are you with the PLEB in your area? (Please check a box)

- very satisfied  satisfied  
 dissatisfied  very dissatisfied

29. What was the outcome of the complaint against you?

- I was exonerated/ the case was dismissed  
 I was found guilty/ I was penalized

*Please encircle the number that corresponds to your belief on the following items concerning your job and the PLEB.*

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>
30. In general, do you think complaints against the police should be handled by a completely civilian agency like the PLEB?	1	2	3	4
31. Police know better than citizens when it comes to police misconduct	1	2	3	4
32. I feel frustrated by my job	1	2	3	4
33. The PNP is a good organization to work for	1	2	3	4
34. I have no regrets about my decision to become a police officer	1	2	3	4
36. I have accomplished many worthwhile things in this job	1	2	3	4
37. People complains even when the police act properly	1	2	3	4
38. When I stop a citizen, one of the things that go through my mind is the potential of receiving a complaint before the PLEB	1	2	3	4

38. The potential of being prosecuted before the PLEB is a barrier to effective law enforcement                    1                    2                    3                    4

39. The threat of receiving complaints before the PLEB stops police from violating an individual's rights                    1                    2                    3                    4

40. I personally know a PNP member (other than myself) who has been a subject of complaint before the PLEB  
                   yes                     no

*Part II. Demographic Information. Please supply the information requested below.*

Police Station Assignment: \_\_\_\_\_ Rank: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Total Monthly Household Income: \_\_\_\_\_

Marital Status: (Please check a box)

- Single                     Married
- Separated                     Widow/Widower
- Divorced

Education: (Please check a box)

- high school graduate
- some college
- college graduate
- graduate studies (M.A., L.I.B., Ph.D., etc.)

*Part III. Please write your comments about the questionnaire. You can state which questions are unclear or uncomfortable for you to answer. You can make other comments that you think are relevant for the researcher to include in this questionnaire.*

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**END OF QUESTIONNAIRE**

**THANK YOU**

## Appendix F

### SURVEY QUESTIONNAIRE FORM FOR POLICE WITHOUT CASES

Thank you for participating in this survey.

**Although no complaint has ever been filed against you in the PLEB, it is important to get the views of all the members of the PNP towards the PLEB.**

**Please note that you have been randomly chosen. Also, no information in this questionnaire will be tried to be associated to any specific person.**

**Any information is confidential and no part thereof shall be used to evaluate any personnel or the police department/station. It is important that you respond to the questions as accurately and truthfully as possible.**

*Part I. Please answer the following questions concerning your experience, knowledge and opinion about the People's Law Enforcement Board and its operations in your jurisdiction.*

1. How do you feel about the amount of time the board spends on cases?

- faster than expected
- slower than expected
- as quickly as expected

2. In general, are you satisfied with the speed with which the board resolves cases in your jurisdiction? (Please check a box)

- Very dissatisfied       Dissatisfied
- Satisfied                 Very satisfied

3. Where are complaints to the PLEB filed in your jurisdiction? (Please check a box.)

- police department building
- mayor's office
- PLEB office located outside of police building
- other place (please specify) \_\_\_\_\_

4. How satisfied are you with the venue where complaints are filed? (Please check one box)

- very satisfied
- satisfied
- neutral (do not care about the venue)
- dissatisfied
- very dissatisfied

5. Who conducts investigations of PLEB cases in your jurisdiction? (Please check a box.)

- the police alone
- the PLEB members alone
- both the PLEB and the police department
- other (please specify) \_\_\_\_\_

6. How satisfied are you with the investigation of cases? (Please check a box.)

- very satisfied
- satisfied
- neutral (I was not concerned about the investigators)
- dissatisfied
- very dissatisfied

7. Where are hearings of PLEB cases held in your jurisdiction? (Please check a box.)

- police department building
- mayor's office
- PLEB office located outside of police building
- other (please specify) \_\_\_\_\_

8. How satisfied are you with the hearings are held? (Please check one box.)

- very satisfied
- satisfied
- neutral (I do not care about the venue)
- dissatisfied
- very dissatisfied

9. What is the composition of the PLEB in your jurisdiction?

- all civilians (no law enforcement experience)
- some civilians and some former police
- all former police

10. Are you satisfied with the composition of the PLEB in your jurisdiction? (Please check a box)

- very satisfied
- satisfied
- neutral (I do not care about the composition)
- dissatisfied
- very dissatisfied

11. Are you satisfied with the decisions of the PLEB?

- very satisfied
- satisfied
- dissatisfied
- very dissatisfied

12. Do you think the PLEB is fair in its investigation of cases? (Please check a box.)

- very fair
- fair enough
- unfair
- very unfair

13. Do you think the PLEB is objective or impartial in its investigations? (Please check a box.)

- very impartial
- impartial
- partial
- very partial/shows favoritism

14. Do you think the PLEB conducts complete investigations of cases? (Please check a box.)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

15. Do you think the PLEB conducts fair hearings? (Please check a box.)

- very fair
- fair enough
- unfair
- very unfair

16. Do you think the PLEB conducts objective or impartial hearings? (Please check a box.)

- very impartial
- impartial
- partial
- very partial/shows favoritism

17. Do you think the PLEB conducts complete or thorough hearings? (Please check a box.)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

18. Do you think the PLEB is fair in its decisions? (Please check a box)

- very fair
- fair enough
- unfair
- very unfair

19. Do you think the board shows partiality (favoritism) in its decisions? (Please check a box)

- very impartial
- impartial
- partial
- very partial/shows favoritism

20. Do you think the board considers all the circumstances relevant to the cases before it makes a decision . (Please check a box)

- very complete and very detailed
- complete and detailed
- incomplete and lacking in detail
- very incomplete and not detailed

21. Do you see a stricter supervision of police officers in your jurisdiction as a result of the PLEB's operations? (Please check a box)

- yes
- no/same as before

22. Due to the operation of the PLEB, do you see a change of attitudes among police officers as they work in the streets? (Please check a box.)

- positive change (police became more respectful and courteous with citizens)
- negative change ( the police were worse than before)
- no change (same as before)

23. Did you know if a policy or policies in the department were changed as a result of the PLEB operations? (Please check a box)

yes                       no

24. In general, how satisfied are you with the PLEB in your jurisdiction? (Please check a box)

very satisfied               satisfied  
 dissatisfied                 very dissatisfied

*Please encircle the number that corresponds to your belief on the following items concerning your job and the PLEB.*

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>
25. In general, do you think complaints against the police should be handled by a completely civilian agency like the PLEB?	1	2	3	4
26. Police know better than citizens when it comes to police misconduct	1	2	3	4
27. I feel frustrated by my job	1	2	3	4
28. The PNP is a good organization to work for	1	2	3	4
29. I have no regrets about my decision to become a police officer	1	2	3	4
30. I have accomplished many worthwhile things in this job	1	2	3	4
31. People complain even when the police act properly	1	2	3	4
32. When I stop a citizen, one of the things that go through my mind is the potential of receiving a complaint before the PLEB	1	2	3	4
33. The potential of being prosecuted before the PLEB is a barrier to effective law enforcement	1	2	3	4
34. The threat of receiving complaints before the PLEB stops police from violating an individual's rights	1	2	3	4

35. I personally know a PNP member (other than myself) who has been a subject of complaint before the PLEB

yes       no

*Part II. Demographic Information. Please supply the information requested below.*

Police Station Assignment: \_\_\_\_\_ Rank: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Total Monthly Household Income: \_\_\_\_\_

Marital Status: (Please check a box)

- Single                       Married  
 Separated                   Widow/Widower  
 Divorced

Education: (Please check a box)

- high school graduate  
 some college  
 college graduate  
 graduate studies (M.A., L.I.B., Ph.D., etc.)

*Part III. Please write your comments about the questionnaire. You can state which questions are unclear or uncomfortable for you to answer. You can make other comments that you think are relevant for the researcher to include in this questionnaire.*

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**END OF QUESTIONNAIRE  
THANK YOU**