

Police Auditing

von

Prof. Dr. Allan Jiao

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Police Reform through the Use of the Federal Consent Decree

Allan Y. Jiao, Ph.D., Professor
Rowan University, Department of Law & Justice Studies
Glassboro, New Jersey 08028, USA

Email: jiao@rowan.edu

Jeffrey R. Phillips, D.P.A., Police Performance Auditor Officer in Charge
Internal Audits & Inspections Division, Los Angeles Police Department
Los Angeles, CA, 90012, USA

Email: jefphillips@gmail.com

Introduction and Background

- **Police officers engage in high-risk situations**
- **Susceptible to injury, death, disciplinary action, and criminal/civil litigation**
- **Police were investigated for search and seizures, use of force, and probable cause, corruption, integrity**
- **A pattern or practice of misconduct leading to civil rights violations**

Consent Decree

- **Federal statute authorizes U.S. Attorney General (U.S. DOJ) to investigate a pattern or practice violations**
- **U.S. DOJ enters into memoranda of agreement or consent decrees**
- **Police agencies institute best practices to guard against constitutional rights violations**
- **U.S. DOJ reports progress to district court through an independent monitor**
- **Police required to provide evidence of implementation**
- **Evidence defined as performance measurements**
- **Evidence collected through auditing process**

Los Angeles Police Department: Case Study

- **LAPD had a consent decree with U.S. DOJ**
- **LAPD developed ability to measure performance in relation to decree**
- **U.S. DOJ and federal court concluded consent decree in 2009 successfully**
- **This study examined LAPD's reform process associated with consent decree**

Theoretical Constructs Used for Explanation and Analysis

- DiMaggio and Powell (1991)'s coercive, normative, and mimetic isomorphism
- LAPD's response to consent decree fits the concept of "institutional isomorphism"
- Consent decree demands changes consistent with best practices
- Consent decree demands elimination of "patterns or practices" of rights violations
- Performance measurement an essential part of performance management and consent decree
- Institutional isomorphism explains how performance measurements occur

Research Methods

- Qualitative case-study approach
- Focus on *how* and *why*
- Documentary research
- Personal interviews, 8 sworn 4 civilian and 1 Monitor
- Participant observations of Los Angeles Police Board of Police Commissioners

Results from Documentary Research

- **Need for reform due to officer misconduct**
- **Excessive use of force, criminal acts, systemic problems**
- **Personnel issues, complaints, command accountability, and training**
- **Consent decree put in place in 2001**
- **A legal document with U.S. DOJ as plaintiff and City of Los Angeles as defendants**
- **Emphasis on leadership and command accountability**

Documentary Results Cont'd

- **Pattern or practice of constitutional rights violations and mandated reforms**
- **LAPD's Audit Division formed in 2001 in response to consent decree**
- **Independent monitor appointed**
- **Poor quality of audits conducted in 1st year**
- **Poor sampling and questionnaires**
- **Auditors had no clear understanding of auditing**
- **Individuals undermining efforts of complying with consent decree**
- **Independent monitor heavily scrutinized early audits and noted poor quality**

Results from Personal Interviews

- **Clear understanding of task of audits less certain about methodology initially**
- **Audits conducted in old ways as command inspections**
- **Methodologies used in inspections “arbitrary,” “unsystematic,” “misguided”**
- **A culture where employees considered themselves experts because of size of LAPD**
- **Initial relationship with DOJ/ independent monitor poor and contentious**

Interview Results Cont'd

- **Viewing independent monitor's knowledge of policing limited**
- **Different interpretations of consent decree paragraphs**
- **Lack of knowledge and experience in auditing**
- **Completed audits found not in compliance**
- **Contacted other agencies and police associations to no avail**

Interview Results Cont'd

- **Methodologies developed and relationships established over a year's time**
- **Changes happened**
- **Changes would not have occurred without consent decree and independent monitor**
- **Auditing institutionalized through repetition and promise to federal judge**
- **Pressure from consent decree also transferred to Board of Police Commissioners as the Board served as overseer**

Interview Results Cont'd

- **Everyone held accountable when it comes to audits and results they produce**
- **Audit Division sought professional training and established professional relationships**
- **Training from professional organizations not particularly applicable to police auditing**
- **Developed a police auditing course, the first in the U.S.**
- **Auditing most effective way to measure performance**
- **Audit process established accountability in particular operational areas**
- **Performance auditing reduces likelihood of “pattern or practice” of rights violation**

Results from Personal Observations

- **Observations conducted at Board of Police Commissioners meetings**
- **Commanding officers knowledgeable of audit findings**
- **Auditee expected to provide plan of action and report results**
- **Board of Police Commissioners directing further plans, inquiries, and audits**
- **Change in institutional practice and attitude toward auditing**

Observation Results Cont'd

- **Department-wide risk assessment process established**
- **Audit process institutionalized**
- **Commanders voluntarily requesting audits**
- **Apprehension of audits mitigated due to professional audit staff and buy-in of audit process**
- **Commanders in a position to provide input on and institute audit recommendations**

Discussions

- **Three forms of isomorphism: coercive, normative, and mimetic (DiMaggio and Powell, 1991).**
- **U.S. DOJ and Independent Monitor exerted coercive isomorphic pressure on LAPD**
- **Change occurred when mandated and when an institution suffers from a legitimacy crisis**
- **Coercive isomorphism further transferred to Board of Police Commissioners**
- **Normative isomorphic process applies to process of professionalizing the audit function**

Discussion Cont'd

- **Mimetic isomorphic process applies to LAPD's search process for an audit model**
- **Audit Division developed its own auditing expertise and became a model itself**
- **Audit Division transformed itself into a normative isomorphic pressure**
- **Consent decree and auditing process an overarching performance management tool**
- **Process allowed police to measure and improve overall performance**

Conclusions

- **Institutional isomorphism permeates organizations through various pressures**
- **LAPD faced coercive pressures after consent decree and developed a mechanism in response**
- **Three isomorphic pressures provided impetus for change**
- **Changes evolved in isomorphic pressures themselves**
- **Coercive isomorphic pressure transferred from DOJ to Board of Police Commissioners**

Conclusions Continued

- **Normative isomorphic pressure occurred after coercive intervention of independent monitor**
- **Mimetic pressure developed into normative pressure after developing own expertise**
- **Further research needed on specific performance measurements of police operations and use of these measures in achieving overall police accountability**
- **Change process only possible with institutionalization of a performance auditing function and by fostering a positive attitude toward utilization of performance measurement information**

Thank You

for your attention!