Police Auditing

von

Prof. Dr. Allan Jiao
Police Reform through the Use of the Federal Consent Decree

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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

- 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!