

Transcript: "Podcast: Audit of the Department of Justice's Efforts to Address Patterns or Practices of Police Misconduct and Provide Technical Assistance on Accountability Reform to Police Departments," February 2018

Stephanie Logan (SL): Welcome to the latest podcast from the Department of Justice Office of the Inspector General. My name is Stephanie Logan and I am a Public Affairs Specialist in our office.

Today, our office released a report on the Department of Justice's efforts to address patterns or practices of police misconduct and its efforts to provide police departments with technical assistance on accountability reform. We found that, to some degree, the Department's components informally coordinated their work to address police misconduct. These components included the Civil Rights Division, the Office of Community Oriented Policing Services, the Office of Justice Programs, and the Community Relations Service. However, the audit also concluded that more regular and systemic coordination would improve the sharing of information among these components, prevent the overlap of services, and ensure efficiency in achieving the Department's goals. Additionally, the audit identified specific areas for improvement for each of the components I just mentioned.

I'm here with Philip Mastandrea and Courtney Stewart, both Program Analysts in our Audit Division. Thanks to both of you for joining me today.

Philip Mastandrea (PM): Thank you for having us, Stephanie.

SL: Philip, the Department's Civil Rights Division has responsibility for enforcing civil rights with respect to the policies, practices, and procedures of law enforcement agencies. Can you start by briefly describing what is known as a patterns or practices investigation?

PM: Sure, Stephanie. In 1994, Congress authorized the Attorney General to investigate and litigate cases involving a pattern or practice of conduct by law enforcement officers that violates Constitutional or federal rights. Under this authority, the Civil Rights Division can obtain a settlement agreement or a consent decree that requires state or local law enforcement agencies to address institutional failures that cause systemic police misconduct.

SL: And Courtney, does the Department of Justice have any other options to address systemic issues among state and local law enforcement agencies — options that don't require court involvement?

Courtney Stewart (CS): Yes. There are a number of Department components that have a variety of options.

The Office of Community Oriented Policing Service, also known as the "COPS Office," provides technical assistance to local police departments. The local police departments that participate do so on a voluntary basis. And the COPS

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Office works with them to help develop strategies that address community policing, which is aimed at promoting trust and mutual respect between police and communities to prevent crime and improve public safety. For instance, their Collaborative Reform program deploys subject matter experts to review a law enforcement agency's policies, practices, and training. They do this to identify issues that may negatively affect public trust and to develop solutions. In addition, the COPS Office's Critical Response program assists law enforcement agencies with high-profile events or specific long-term problems requiring resolution.

Another DOJ component involved in this area is the Office of Justice Programs, which awards grants or, through its Diagnostic Center, provides training and technical assistance to local law enforcement agencies related to improving community relations.

The last component included in the audit was the Community Relations Service, which seeks to help communities resolve conflicts and tensions caused by race, religion, national origin differences, gender, gender identity, sexual orientation, and disability.

SL: So, these Department components all have a role to address systemic issues. Philip, what did your report evaluate?

PM: We had four objectives. First, we evaluated how the Civil Rights Division identified and selected law enforcement agencies with potential patterns or practices of unlawful police conduct for investigation. Second, we reviewed how the COPS Office and the Office of Justice Programs developed and delivered technical assistance for accountability reforms to local law enforcement agencies. Third, we assessed how the Community Relations Service's mediation efforts assisted other Department outreach efforts. And lastly, we evaluated how well the Department has coordinated and assessed the results of these efforts overall.

SL: Let's talk about that last objective you mentioned: the Department's overall efforts. Courtney, can you describe what you found?

CS: Sure. At the overall program-level, we believe the Department components best achieved their respective mission and program objectives when they worked together. We found that enhanced coordination could improve information sharing, prevent overlap of services, and ensure operational efficiency.

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- SL: Before we get into your findings relating to each individual component, describe how the focus of each program differed from each other.
- CS: Broadly, these programs focused on different aspects of potential police misconduct matters. Only the Civil Rights Division focused on investigating potential constitutional violations, while the COPS Office sought to measure local procedures against best practices used successfully by other law enforcement agencies. In this context, the role of the Office of Justice Programs is limited to improving the use of data-related systems used for police accountability efforts. And the Community Relations Service focuses predominantly on resolving tensions and conflicts within the community.
- SL: And now let's talk about your findings for each component in turn, starting with the Civil Rights Division. What did you find?
- CS: Regarding the Civil Rights Division, we found its case selection systems and procedures could be enhanced. In particular, we found that the leadership did not always record decisions when denying or deferring the opening of an investigation. For example, we found their attorneys had repeatedly recommended that its leadership open an investigation into the same police department a number of times over several years before the investigation was finally opened. The Civil Rights Division did not memorialize who ultimately declined opening an investigation and when such a decision was made. Thus, we believe that the Civil Rights Division potentially missed a valuable resource to help it plan and prioritize future work. In addition, the Civil Rights Division did not maintain draft memoranda in a central depository that could be referred to in the future.
- SL: Philip, what did you find regarding the COPS Office?
- PM: We found that the COPS Office should perform a cost-benefit review to determine whether use of a contract or cooperative agreements provide the best service for its Collaborative Reform Program. In addition, it should evaluate its supplementary Critical Response program.
- SL: And finally, describe what you found regarding the Office of Justice Programs and the Community Relations Service.
- PM: We determined that the Office of Justice Programs should continue to enhance its oversight of the Diagnostic Center to ensure adequate federal personnel are assigned to oversee the contract.

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And regarding the Community Relations Service, we found it can further assist other Department police accountability reform efforts by working with the COPS Office, the Office of Justice Programs, and Civil Rights Division to develop procedures to facilitate the Department's non-litigation community outreach efforts.

- SL: In March 2017 the Attorney General issued a Memorandum, which announced that all Department activities involving state, local, and tribal law enforcement were under review. Was this Memorandum relevant to your work?
- CS: Yes, it was. The Memorandum announced a review that included collaborations, grants, technical assistance, compliance reviews, and consent decrees, which are all within our scope. We believe that our findings can provide useful information for the Department to consider as it reviews its activities. The recommendations in the report can offer guidance to the Department, in particular because the report highlights priority areas needing improvement. And I'll just add that in response to our report, all of the components concurred with our recommendations and have already taken steps to address our findings.
- SL: In fact, as noted in today's report and in the OIG's 2017 Top Management and Performance Challenges report, in September 2017, the Department announced that the COPS Office's Collaborative Reform program would focus on targeted technical assistance, requested by local law enforcement agencies based on their identified needs and requests. Philip, Courtney, thanks so much for speaking with me today.
- CS: Thanks for having us, Stephanie.
- SL: That's it for today. To read the report, please visit our website, oig.justice.gov, or you can read it on oversight.gov. Also, you can follow us on Twitter @JusticeOIG. Thanks for joining us.