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DOJ OIG Releases Report of DOJ's Efforts to Address Patterns or Practices of Police Misconduct and Provide Technical Assistance on Accountability Reform to Police Departments

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report examining the Department's efforts to address patterns or practices of police misconduct and provide technical assistance on accountability reform to police departments. The report generally focuses on the efforts of four DOJ components — the Civil Rights Division (CRT), the Office of Community Oriented Policing Services (COPS Office), the Office of Justice Programs (OJP), and the Community Relations Service (CRS) — from January 2011 through December 2015.

The DOJ Office of the Inspector General (OIG) concluded that these DOJ components informally coordinated their work, which provided benefits to DOJ's overall efforts in the area of police misconduct. However, we found that more regular and systemic coordination would better enable DOJ components to share information, prevent overlap of services, and ensure efficiency in achieving its goals.

Today's report also includes specific findings with respect to work by CRT, the COPS Office, OJP, and CRS:

- CRT has the primary responsibility for enforcing civil rights with respect to the policies, practices, and procedures of law enforcement agencies. Although CRT has increased the transparency of how it selects jurisdictions to investigate, we found that its case selection systems and procedures could be enhanced. In particular, the justification memoranda prepared by CRT attorneys requesting to investigate a particular law enforcement agency did not always identify who among CRT leadership declined to open an investigation or when such a decision was made. Such information could be a valuable resource for CRT to have in prioritizing and following up on future work. Moreover, CRT did not maintain draft memoranda in a central depository, which would help its attorneys identify potentially at-risk agencies for future consideration. We also found that CRT's approach to settling police misconduct cases became more complex and prescriptive after 2011 by including outcome measures in court-enforceable consent decrees.

- The COPS Office Collaborative Reform Initiative for Technical Assistance (CRI-TA) and Critical Response programs both offer assessments of participating law enforcement agencies' procedures and recommend reforms based on best practices. While the COPS Office evaluated the effectiveness of CRI-TA, we found that it has not made similar arrangements to evaluate its Critical Response program. Further, we found that although the COPS Office recently transitioned to a contracted provider to manage CRI-TA, the COPS Office continued to provide CRI-TA assistance under cooperative agreements, resulting in different levels of involvement for the engagements and control over performance. The OIG concluded that the COPS Office should measure the effectiveness of the technical assistance provided and make a final determination as to which of these approaches — contract provider or cooperative agreements — provide the best service.
- OJP directs many law enforcement technical assistance services through its Diagnostic Center. We found that the Diagnostic Center uses a contractor to run almost all aspects of its operations, including processing intake requests, recommending engagements, staffing experts, and drafting reports. However, very few OJP employees supervised the contractor activities, which increased the risks of inadequate oversight and evaluation. OJP addressed this issue during the course of our audit by providing additional personnel to assist in the administration of the Diagnostic Center. We further considered the role of other OJP bureaus' involvement in addressing police misconduct and concluded that the Bureau of Justice Statistics' data could inform other DOJ components of national systemic issues and help those components with work planning.
- CRS's mission is to assist communities and persons targeted by hate crimes and discriminatory acts. We found that CRS is limited in its coordination efforts with other DOJ components due to a confidentiality provision in its authorizing statute. Nevertheless, CRS conciliators have provided some assistance to other DOJ components in the past. We believe CRS should explore appropriate opportunities to enhance its collaboration with other DOJ components' non-litigation efforts regarding community outreach, in particular, the programs of the COPS Office and OJP's Diagnostic Center.

Today's report makes a total of 15 recommendations to assist the Department with its efforts to address police misconduct and provide technical assistance to local law enforcement. The Department and its components agreed with all of the recommendations.

Report: Today's report can be found on the OIG's website under "Recent Reports" at the following link: <https://oig.justice.gov/reports/2018/a1814.pdf>.

Podcast: To accompany today's report, the OIG has released an 8-minute podcast featuring members of the audit team discussing the report's findings. The podcast and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/>.

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