WHY LAW ENFORCEMENT ORGANIZATIONS FAIL
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Mapping the Organizational Fault Lines in Policing

SECOND EDITION

Patrick O’Hara

John Jay College of Criminal Justice
The City University of New York

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Durham, North Carolina
To my wife, Kim, and my sons Christopher and Michael.
To my daughter-in-law Kristin, my mother-in-law Lyn
and my grandchildren Hudson, Rowan and Harper.
Nothing is more important than family and the love amongst us.

Bless you all.
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Preface to the Second Edition

This book has enjoyed success. Professors who adopted the book have let me know they consider it a valuable teaching tool.

Emails and surveys from students as far away as Australia have made plain that they get what the book is about and value what it has taught them.

Police agencies have used this book for executive training, a professional recognition that this book captures the realities of police management and organization.

Police officers have communicated with the author praising the book as accurately conveying the world in which they work.

What does everyone like?

The cases: Each is real, most are high profile. Each case is presented with minimal editorial interruption—the analytical bits follow. The cases engage students and readers in general. The analyses provoke thought and discussion and, in the college classroom, allow for other perspectives that students or faculty members choose to inject.

The writing—it is direct, jargon-free and dedicated above all to communicating clearly with the reader, whether it is Professor X, Student Y or Officer Z.

The conceptual clarity—the framework used by this book may not be the periodic table but does provide a way to sort diverse cases of dysfunction into categories that make sense to most readers.

So I haven’t changed the book’s basic approach.

The cases from the first edition are still here, so are the associated analyses and the overall framework. If you are a faculty member with lesson plans built around the first edition, those lessons will work just fine with this one. Same goes if you are a police trainer who has been using this book.

So what’s new?

A new case has been added in each chapter, along with analyses that zero in on issues arising from each new case.
Most of the new cases occurred, or came to a climax, after the first edition went to press.

Bernard Kerik, once NYPD Commissioner and poised to become Homeland Security Secretary in late 2004, sits in federal prison as I write this. His exploitation of public office for his own enrichment makes his a marquee case for the chapter on “Resource Diversion.”

In Hurricane Katrina’s aftermath in 2005, a group of New Orleans police officers gunned down unarmed civilians doing nothing wrong, investigating officers conspired to cover it up, and jeering officers swarmed the halls at the subsequent state murder trial that was aborted by a technicality. The problematic New Orleans police culture revealed in the five years it took to bring the officers to justice in federal court makes this the capstone case in the chapter on “Cultural Deviation.” Documentary material regarding this case, from Frontline and other sources, is available online as a powerful supplement to what’s in this book.

In Luzerne County, Pennsylvania, the two judges who ran the Court of Common Pleas with an iron hand were railroad ing juvenile defendants to fill a detention facility whose principals were funneling money to the judges even as ground was broken for construction. This went on through early 2009, nearly a decade in all, and was abetted by an organization staffed via patronage and nepotism, run by favoritism and infected with a see/hear/speak no evil mindset. Those familiar with the first edition will recognize this as “Institutionalization” writ large, and that’s the chapter where this case lands.

In 2011, a ticket-fixing scandal engulfed the NYPD after blindsiding Internal Affairs investigators who were looking into allegations about a drug dealing cop when the wiretaps lit up with union delegate officers arranging to “disappear” tickets issued to particular individuals. Despite police union leaders’ unselfconscious claims that this was a widespread “professional courtesy,” more than a dozen officers were indicted, including an Internal Affairs lieutenant accused of tipping off fellow cops. The allegations against the Internal Affairs lieutenant, plus the fact that Internal Affairs needed to stumble over a practice that was supposedly so common, earned this case a place in the “Oversight Failure” chapter.

Two older, but quite high profile and very teachable, cases have also been added.

The case of John O’Neill, who ran national security programs for the FBI right up until 9/11, has been added. O’Neill was the FBI’s brain for all things Al Qaeda but got caught up in headquarters versus field office struggles and other issues that left him marginalized. His case has been added to the “Structural Failure” chapter. This case dovetails with, and adds to, the case in that
chapter concerning border enforcement in the run-up to 9/11. The presence online of a dramatic Frontline documentary about O’Neill, The Man Who Knew, also makes this a very teachable case.

The Amadou Diallo case is iconic, memorialized by Bruce Springsteen’s 41 Shots. I chose not to put it in the first edition, but reading Malcolm Gladwell’s Blink recently caused me to reconsider. Blink is about how we misperceive when information is coming at us fast and is very relevant to what happened that night in the Bronx, as Gladwell so well explains in his own analysis of the case. Those familiar with this book’s first edition will know that the Eleanor Bumpurs shooting was analyzed in terms of the velocity of the situation and how other actors shaped the misperceptions that police then acted on. The Diallo case, therefore, has been coupled with the Bumpurs case in the “Normal Accident” chapter to further dissect these perception issues and also to illuminate NYPD policy and operational choices that had street crime officers chasing too hard after crime reductions that, mathematically, were becoming more and more elusive.

And, finally, there is Trayvon Martin.

This edition had basically been put to bed when the Martin case broke. But the more I pondered what happened, which at times I did in Florida during the uproar, the more I was convinced the case belonged in this book, even if the publisher had to wait. So, at the very end of this book the Trayvon Martin case has been added as a parting lesson on how public policy, as opposed to organizational dysfunction, can handcuff the police, camouflage crimes and put the public more at risk. My hope is that, in criminal justice programs where this book is used, students will have come from, or will be going on to, courses that deal with criminal justice-related policy. Let this case, so stark and so tragic, be a post-script or an entrée to the reader’s understanding that sometimes policy, not policing, is the problem.

So, whether you are a student, a police officer, a professor or just an interested reader, I hope you enjoy this book. And, if you have a mind to, let me know what you think: patohara@jjay.cuny.edu.

Patrick O’Hara

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Acknowledgments

No author’s labor comes to fruition without the help of many, and this is even truer of scholarly work. I have been blessed to be able to rely on so many friends, colleagues and family members.

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Professor Maki Haberfeld and Dean Jannette Domingo, my partners in building the NYPD Certificate Program more than a decade ago, have remained go-to sources for testing my thinking about police and community. This book would never have been written were it not for our joint commitment to providing a credit-bearing opportunity for NYPD officers and commanders to engage with the realities of community and organization in a college-centered learning environment.

My thanks go as well to colleagues who helped review what I wrote. A professional eye was cast by retired Paterson, New Jersey, Police Director Michael Walker, long an NYPD Program mainstay as well as a faculty member at Passaic County Community College in New Jersey. The legacy material in this volume owes much to Dr. Harald Otto Schweizer of California State University Fresno, a primary reviewer for the first edition, which he convinced me to write. Eugene O’Donnell of John Jay’s Law and Police Science Department shared his expertise on this go-around. Dr. Enzo Sainato, of Loyola University New Orleans, was also a reviewer, as was Caroline McMahon, Adjunct Professor of Public Management at John Jay, a proofreader for the first edition, who did that and more for this one.
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I’ll not name every faculty member in my department, but I will thank them all. We are a family, and a pretty happy one at that, which helps all of us get more done. That said, a few specific recognitions are in order.

The feedback years ago of Professors Peter Mameli and Bob Sermier on what was little more than a series of concept papers shaped the book you see today, particularly the case study approach that Bob so champions. Professor Andy Rudyk—attorney, long-time federal executive and Renaissance man—has long been a go-to person for all manner of questions that stump me. Professor Adam Wandt is my guide for cutting edge online instruction and the creation of web-based supplements for this book. Lisa Rodriguez, our departmental administrator as well as an adjunct lecturer, always has my back.

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Professors Jae Kim, Ellen Rosen and Flora Rothman, all now retired from my department, were major influences on what you are about to read. Dr. Kim, the MPA Program’s organization and management expert when I arrived at John Jay, was always incisive, especially with his comparative skills. Ellen Rosen’s legacy to me was the “Bureaupathology” course that is very much a foundation for this book. She remains, in her eighties, a person I hope to keep up with. Flora Rothman, when she retired last year, gave me yet more books about backfiring public policies and imploding public organizations. Those gifts shaped this edition much as her thinking helped shape the first.
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Finally, I am indebted to all the police officers and commanders who have sat in my classes educating me about policing. What I have learned from them has made this book immeasurably better.

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