

# Why Law Enforcement Organizations Fail



# Why Law Enforcement Organizations Fail

Mapping the Organizational Fault Lines in Policing

THIRD EDITION

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JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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To my wife, Kim, and my sons Christopher and Michael. To my daughter-in-law Kristin, and my grandchildren Hudson, Rowan and Harper. Nothing is more important than family. Bless you all.

Dr. Patrick O'Hara

To my wife, Suzanne. To my colleagues, friends, and former students who are '10-8' and have provided ideas and guidance, especially: CJ, Rick, Eric, Mike, Judd, Timmy, Dennis, Donnie, Joey, Joseph, Dwayne, AP, Frank III... stay safe.

Dr. Vincenzo Sainato



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# Preface to the Third Edition

This book has enjoyed success since first published in 2005.

Adopters consider the book a valuable teaching tool.

Students like the accessible subject matter and plain-spoken approach.

Law enforcement personnel working in agencies in the U.S. and abroad tell us the book addresses issues they confront every day at work.

This book has been used for police executive training because it captures the reality of law enforcement organization and management.

Readers outside academia and law enforcement have let us know the book has given them important insights into their law enforcement agencies.

What does everyone like?

The cases: Each case is, or was, high profile. The “classic” cases, no less than recent cases, illustrate enduring features of law enforcement organizations that remain vulnerable to failure. We don’t get in the way of the cases, which are presented first. Explanation and analysis follow, focused on specific lessons from each case that illuminates the functioning, and failure potential, of law enforcement organizations.

The straightforward analyses: We study flaws to find better ways to fix them. Our interest is in building up, not tearing down, law enforcement agencies. That said, we don’t shy from critical perspectives. Our approach seeks to provoke thought and discussion while leaving room for other perspectives students or faculty members may wish to inject.

The organizing concepts: We structured the book with a framework that sorts diverse cases of dysfunction under structural and behavioral features of organization familiar to most.

The writing: We are committed to keeping the language direct, jargon-free and dedicated first and foremost to communicating with all our readers, whether academics, students, law enforcement officers or members of the community.

We saw no reason to change this book’s basic approach.

The cases from prior editions remain, with updates to cases and analyses where necessary. Lesson plans built around the last edition should work just fine with this one. Classes for law enforcement personnel will now have more material to anchor discussions of effective leadership and management.

So what's new?

In each chapter we've added a high-profile case salient to critical challenges facing law enforcement. New to this edition is the case of Los Angeles County's 'oversight-proof' Sheriff, Lee Baca. Baca led the country's largest sheriff's department for fifteen years, as department executives repelled and obstructed investigations into the brutal deputy culture that reigned in the jails.

The Laquan McDonald case was finalized for this edition after the October 2018 conviction of the Chicago officer who fired the sixteen shots that killed McDonald. This case is vital for understanding the dynamics of wrongful deadly force and the denial reflex of law enforcement organizations when personnel stand accused. The case also helps us understand how the interplay between the police and city and state officials can abet failure.

For this edition, we have added another case dealing with the death of a mentally ill individual in a confrontation with NYPD officers. The shooting death of Deborah Danner replicates that of Eleanor Bumpurs more than thirty years before but lends itself to a different analysis. The Bumpurs case is most fully understood as an outgrowth of months of error by multiple agencies before their urgent last minute call to the NYPD helped seal her fate. Danner, on the other hand, was the victim of a failure of NYPD training and protocols adopted after the Bumpurs case to slow down and mediate interactions with emotionally disturbed individuals.

We also have added a case about the Pittsburgh Police Chief who went to prison for siphoning funds the department earned from placing officers in off-duty jobs. The case spotlights entrepreneurial policing, which more and more local law enforcement agencies are adopting to produce discretionary funds and to supplement increasingly constrained tax-levy budgets. The slush fund that got the chief in trouble highlights the perils of discretionary dollars accumulating in the law enforcement agency.

Another new case addresses the multi-state, overnight 9-1-1 outage in 2014. Technology's exponential advance is reordering our lives, including our emergency calls to summon police. The 9-1-1-system is now highly complex, geographically scattered and densely interconnected. Broad swaths of the 9-1-1 system can be taken down by a malfunctioning switch or miscoded software, which was the culprit in the 2014 outage.

"Contempt of Cop" is the case we've added to the chapter on organizational culture. Unlike the "Blue Wall of Silence," the police version of "no snitch" cultural norms found in other professions and organizations, norms prescribing swift retribution for "contempt of cop" are unique to law enforcement cultures. The punishment law enforcement officers mete out for "contempt of cop" produces some of law enforcement's most glaring failures, which we will explore.

"The third time's a charm" it is said, and that is certainly true here. We've tightened up the old, polished the new and thought again about the ideas that have framed this book since the beginning. In doing so we've realized that this third time around has further validated the book's framework. Though our cases span over thirty years and three generations of law enforcement officers and leaders, the new cases have

much in common with the old. Leaders get trapped in the same boxes, officers get jammed up following time-worn scripts, the IT department adopts the next new thing with insufficient planning and inadequate resources. Failures predictably result.

There's much to learn from this book. Dive in. You should enjoy the experience.

Patrick O'Hara/Vincenzo Sainato

June 2019



# Acknowledgments

*Patrick O'Hara*

Thanks, first and foremost, to my wife, Kim, who waited patiently as I slogged through this exercise yet again.

Professors Maki Haberfeld and Jannette Domingo, my partners in creating the NYPD Leadership Program, helped me better understand how policing could better serve both officers and communities.

Two NYPD Leadership Program faculty, former Patterson, New Jersey, Police Director Michael Walker and Patterson's retired Police Chief William Fraher, continue to shape my thinking about the police supervision and leadership.

Thanks to my colleagues and friends in John Jay's Department of Public Management. Marilyn Rubin, now "retired" at Rutgers University, has always encouraged my research. Ned Benton, now John Jay's Faculty Senate President, was the ultimate buffer as department chair, allowing me to focus on research by taking care of so much else. Thanks also for the insights my departmental colleagues share at our conference room lunches, where I learn a lot.

Judy-Lynne Peters is my office-mate, my friend, a colleague and a constant since I first set foot in a John Jay classroom forty years ago. Nothing I could say would be enough.

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Finally, my thanks to all the police officers and commanders who sat in my classes educating me about policing. What they taught me is at the core of this book.

To anyone I forgot, please forgive. I owe you as much thanks as anyone else.

Pat  
June 2019

*Vincenzo A. Sainato*

In 2006 as a first semester Doctoral student at John Jay College I was working on a research project on surveillance, social control, and public policy with Peter Mamelli. It was unusual in those days for the Criminal Justice Doctoral students to be hanging out in the Public Administration program. It was there that I first had the opportunity to meet Pat. Which led to him hiring me as an adjunct and a fruitful partnership over the years. We have co-presented and collaborated on a number of projects—including designing curriculum to support this text—even before this edition. He has shaped my approach through his mentorship and I must acknowledge that.

We often agree on the conclusions of matters but for different reasons. I hope that as people read this text they can't tell who was the primary author on a particular issue—as we collaborated and both touched every section and theme and case study.

Caveat: With the exception of one case where, after being ground down, I deferred...for this edition...

There are a few others who must be thanked. My wife, Suzanne, has learned to appreciate, in her own way, how I throw myself into my criminological pursuits. And she makes the best coffee which fuels much the intellectual fires and research.

I must thank Alissa Ackerman and Meghan Sacks—while each of us are on different coasts; nonetheless, a phone call away. Your friendship over the years has been important.

John DeCarlo has been a friend and mentor. He is the epitome of what this book stands for. By which I mean, it's really easy to see when things go wrong and point them out. True leaders can address matters and create ways of minimizing failure before they happen. John is that guy. And his wisdom and guidance has always been appreciated.

Chief Mike Kinler is as much an intellectual on policing and public safety as any of the scholars I have met or read. I first met him when he was shift commander. His knowledge is from the bottom-up and it is immensely intuitive. His capacity to teach those under his command to appreciate both the tactical and legal aspects is exemplary. His ability to apply the lessons in this book to his past and current agencies are as well. I learned a lot from Mike.

Dennis Thornton, a quasi-retired homicide detective, and I have spent countless hours over a cigar or two discussing the cases here and ones that didn't make the cut. His ability to break-down an investigation and identify failures has given me a lens of analysis that I hope I did justice to herein.

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When I moved to Seattle in 2014 I met kindred spirits in Jessica Giner and Tim Gately. Jessica, a former prosecutor who is a pro tem judge, and Tim, a ranking

officer with Redmond PD, were excellent collaborators and a number of their observations are reflected here.

I have been blessed to teach since 2005 and work in the field as a practitioner since 2010. I have a lot colleagues, friends, and former students who gave me little nuggets of insight that appear in these pages. To those who I didn't mention. Thank you as well.

Enzo  
June 2019