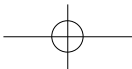
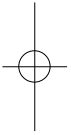


WHY LAW ENFORCEMENT ORGANIZATIONS FAIL



WHY LAW ENFORCEMENT ORGANIZATIONS FAIL

Mapping the Organizational Fault Lines in Policing

Patrick O'Hara

JOHN JAY COLLEGE OF CRIMINAL JUSTICE
THE CITY UNIVERSITY OF NEW YORK

CAROLINA ACADEMIC PRESS
Durham, North Carolina

Copyright © 2005
Patrick O'Hara
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

O'Hara, Patrick, 1946-

Why law enforcement organizations fail : mapping the organizational
fault lines in policing / by Patrick O'Hara.

p. cm.

Includes bibliographical references and index.

ISBN 1-59460-084-8

1. Law enforcement--United States. 2. Police administration--United
States. 3. Organizational effectiveness--United States. I. Title.

HV8141.O53 2005

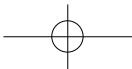
363.2'3'0973--dc22

2005017987

Carolina Academic Press
700 Kent Street
Durham, NC 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

*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 and Rowan.
Nothing is more important than family,
and the love amongst us. Bless you all.*



CONTENTS

Acknowledgments	xi
Prologue Ordinary Disorder	3
Endnotes	9
Chapter One Diagnosing Organizational Dysfunction in Policing	11
Discerning Management Failure	11
Defining Failure	15
The Analysis of Failure: Searching for Suspects	16
Categories of Failure	18
Applying the Categories	21
Going Forward	22
Endnotes	22
Chapter Two Normal Accidents in Law Enforcement: Making Sense of Things Gone Wrong	25
Normal Accidents	26
Congenital Error in Organization	28
The "At Risk" Law Enforcement Organization	29
<i>Runaway Police Van at the Holiday Parade</i>	30
The Obscure Origins of Normal Accidents	31
<i>The Tragedy of Eleanor Bumpurs</i>	32
Criminal and Organizational Post-Mortems	35
Identifying Normal Accident Characteristics	36
<i>Pursuit to the Death in Minnesota</i>	39
High Speed Pursuit of the Normal Accident	40

viii CONTENTS

“Normal Accident” as Residual Explanation for Failure	42
Endnotes	44
Chapter Three Structural Failure in Law Enforcement: Design Defects in Organization	47
Basic Structures of Organization	47
The Haphazard Design of Organization	48
Viewing Organizations Realistically	50
Cases of Structural Failure	51
<i>Battling Bureaucracies in Boulder</i>	52
Challenging Case; Challenged Agencies	57
Resource Limitations of Smaller Departments	58
Dealing with Hierarchical Dysfunction	60
Understanding Inter-organizational Fracture	64
<i>Terrorist Welcome Wagon at the INS</i>	67
Managing Chronic Task Overload	67
The Burden of Conflicting Mandates	68
The Subordination of Law Enforcement	69
<i>The Philadelphia Police Assault on MOVE</i>	72
Miscommunication and Crisis	77
The Impact of “Shadow Structure” on Organizations	80
Leading the Structurally Challenged Agency	83
Endnotes	85
Chapter Four Oversight Failure in Law Enforcement: Marginalizing the Guardians	89
The Challenge to Internal Control	89
<i>The Watcher: Internal Affairs and the Case of Michael Dowd</i>	91
When the Structure of Oversight Fails	94
The “Independence” of Internal Affairs	96
<i>The Secret World of David Brame</i>	99
Identification with the Offender	102
Addressing Domestic Abuse by Law Enforcement Officers	104
Zero Tolerance and Measured Administrative Response	106
<i>In Residence at Philadelphia Internal Affairs</i>	108
Role Modeling in Internal Affairs	109
Finding the Correct Vectors for Oversight	111
Endnotes	111

Chapter Five Cultural Deviation in Law Enforcement: Closed Worlds That Damage Agencies	115
The Power of Culture in Policing	115
The Concept of Cultural Deviation	117
<i>LAPD Blues: The Case of Rampart CRASH</i>	118
Unit Transformations from Supportive to Subversive	121
The Dangers of Cultural Autonomy	123
<i>The Buddy Boys: Brooklyn's Bandits in Blue</i>	125
Concentrating Problem Employees	130
The Power of Obstructionist Cultural Networks	132
Institutional Racism as Management Policy	134
Antidotes: Transparency and Performing with Integrity	136
<i>Sexual Predators in the Pennsylvania State Police</i>	137
Peer Privilege and Cultural Immunity	139
Dealing with Deviant Employees and Supportive Cultures	142
Summary: Leading Means Managing Culture	144
Endnotes	144
Chapter Six Institutionalization in Law Enforcement: Running Agencies for Those Within	147
Introspective, Insulated and Institutionalized	148
<i>The FBI Lab Implodes</i>	152
Mismanaging the Interface of Image and Reality	155
Self-Protection at the Institutionalized Agency	156
The Historical Roots of Institutionalization	159
<i>Profiling on the New Jersey Turnpike</i>	161
Institutionalizing Problematic Practice	164
Agency-Environment Disconnects and Institutionalization	166
<i>Separated at Birth? The CIA and FBI Spies</i>	169
Sheltering Marginal Employees in Institutionalized Organizations	174
Curing Institutionalization	175
Endnotes	178
Chapter Seven Resource Diversion in Law Enforcement: Exploiting Organizational Systems	181
Creative Expropriations and Compromised Agencies	181
Organizational Commonalities and Legal Nuance	183

X CONTENTS

<i>Winning the "Disability Lottery"</i>	184
Profiling and Reinforcing Vulnerable Systems	187
<i>Getting a Good Deal on Home Improvements</i>	190
The Expansive Definition of "Mine" in the Executive Suite	191
The Demoralizing Impact of Executive Resource Diversion	193
Justice for Resource Diverting Executives	194
Profiling Risk in the Rising Executive	196
<i>The Iron Men and Women of Labor, Law Enforcement Style</i>	197
The Negation of Management by Systems Abuse	199
Organization as Territory	201
Scanning for Systems Anomaly and Abuse	202
The Bottom Line on Resource Diversion	203
Endnotes	204
Epilogue Managing Imperfection	207
When Organizational Failures Have Multiple Causes	209
<i>The Needless Sacrifices of 9/11</i>	211
Saving Tomorrow's Heroes: Why Agencies Must Get Better Faster	213
Endnotes	215
Bibliography	217
Index	223

ACKNOWLEDGMENTS

Books take a village. 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 as I wrote this book.

First and foremost, my wife, Kim, whom I continued to love even as her red pen slashed away at the turgid first draft of this manuscript. I am grateful she still treats me civilly, even lovingly, after having read every word—some twice! My gratitude goes as well to Marilyn D. Kenyon, in whose home whole chapters were written and who, when laptop #1 died, engineered a surprise, gift replacement within twenty-four hours.

My friends and colleagues at John Jay College of Criminal Justice have given me their unstinting support. This concept for this book took shape on a semester's sabbatical granted by John Jay's Provost, Basil Wilson, whose support has been constant. I would also like to express my appreciation to Gerald W. Lynch, John Jay's President for all of my years at John Jay excepting the last, for making this institution a place in which the work of faculty was respected and honored. My thanks also to John Jay's new President, Jeremy Travis, for the commitment he has shown to John Jay's efforts to improve law enforcement policy and practice.

My co-directors for the NYPD Certificate Program, Jannette Domingo and Maki Habermeld, have inspired and educated me. Many things in this book grew out of our discussions that helped create a credit-bearing program that now allows NYPD officers and commanders to engage with issues of community and organization in a college-centered learning environment. My thanks to Maki especially, who was a reviewer for this book and who knows more about policing around the world that I would ever hope to learn.

I also must thank the other principal reviewers for this book, Dr. Harold Otto Schweizer, who teaches at California State University Fresno; and Paterson, New Jersey Police Director, Michael Walker.

xii ACKNOWLEDGMENTS

Dr. Schweizer's enthusiasm about a paper on law enforcement failure that I presented at the 2004 Conference of the Academy of Criminal Justice Sciences played a key role in convincing me to write this book. I owe him a world of thanks for helping conceive this book and then helping get it to press.

Mike Walker somehow managed to produce an in-depth review of this book while directing a police department, teaching college courses and traveling to Asia as part of a John Jay research project on comparative crime statistics. I don't know how he did it but I am sure glad he did.

I would also like to thank the incredible faculty of the Department of Public Management at John Jay College. Marilyn Rubin, who directs both the Master of Public Administration Program and the comparative statistics project that landed Mike Walker in Asia, goaded me as only a best friend can until I finally put pen to paper for this book. Professors Lotte Feinberg and Flora Rothman slogged through several drafts of this book in order to make the version you are reading better. Glenn Corbett reviewed and helped improve the material on 9/11 related public safety issues. By giving me feedback on what was little more than a series of concept papers, Peter Mameli and Robert Sermier helped shape this book, whose case study emphasis owes much to Bob. Andy Rudyk, as always, knew the answers to questions that were stumping me.

Ned Benton, the Chair of the Department of Public Management did nothing, and everything. I count myself lucky to have had a chair so profoundly capable of deflecting administrative distractions and encouraging faculty to concentrate on their teaching and research. Finally every one should have a friend and colleague like Dr. Judy-Lynne Peters. She is there always to keep me honest, to tolerate my lunacy, and to catch my mistakes, many of which she fielded in the last manic days leading up to this book's deadline. I appreciate this more than she could ever know.

This book owes much to other faculty whose research concerns I share. John Jay's Lydia Segal writes incisively about failures of organization in public education. Her work, exemplified by *Battling Corruption in America's Public Schools*, has helped shape my thinking about the causes of organizational breakdown. I also appreciate the support and encouragement of John Jay's Eli Silverman whose book *NYPD Battles Crime* chronicles the rollout of COMPSTAT and captures how profoundly police management changed as a result. I would also like to recognize Jae Taek Kim and Ellen Rosen, both retired from John Jay's Department of Public Management. Dr. Kim was the department's resident organization theory expert when I came to John Jay. He has taught me much and I may yet someday replace him. Ellen Rosen's legacy to me was

the “Bureaupathology” course that gave rise to this book. She remains, at eighty, a person I keep hoping to surpass but never can—her most recent book, *A Wobbly Life*, beat this one to print by a mile.

Sharon Tanenhaus has been a friend and confidante for years, in and out of John Jay. Whenever things get rocky, as they did from time to time in writing this book, she is there to center me. I could not thank her more. John Jay’s Bob Fox, who studies stress in policing, cares about officers, cares about how they are treated by their organizations, and cares about his friends. Bob has always helped me offload stress, and I am grateful that he continued to do so as I wrote this book.

Jacob Marini, Director of Institutional Research at John Jay, provided support at a critical point in order to bring this project to fruition. Marie Rosen and Peter Dodenhoff of *Law Enforcement News* helped keep me abreast of several of this book’s cases as well as related developments in police policy and practice. Josie Taveras, Cynthia Auburn and Nikki Hancock-Nicholson helped with the research and production of this book, and Gwen Alexis and Caroline McMahon always had my back when I needed administrative support. And I must mention Jim Reilly, Mary Holtzer, Albert Ortiz, Alex Deleon, Liz Sanjurjo and Yusef Abdulrahman who, so far, have probably made or disposed of more copies of this book than has Carolina Academic Press.

And speaking of Carolina Academic Press, Keith Sipe was good enough to listen to the idea for this book. I guess he liked it. Bob Conrow and Jennifer Whaley were not only supportive but also patient as I kept trying to see how close I could cut various deadlines. I know that Chris Langford and Paul McFarland, as well as other staff at Carolina Academic Press whose names I do not know, have done the heavy lifting to make this book a reality. I thank them all.

Finally, I am indebted to all of 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.

And to anyone I forgot, please forgive, for I owe you as much as anyone else.

