

Advancing Policing Through Continuous Action

Lessons Learned from DOJ Pattern or Practice Investigations

November 2023



Policing in the 21st century brings unprecedented challenges and opportunities. Knowing where to focus is vital—especially when it comes to ensuring constitutional policing practices. That is why the Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA) and the National Policing Institute (NPI) teamed up to identify proactive steps agencies can take to reduce the risk of becoming involved in a federal “pattern or practice” investigation by the US Department of Justice (DOJ).

Our Approach

NPI, with support from CALEA, reviewed federal pattern or practice investigations of law enforcement agencies conducted by the DOJ between 2010 and 2022. Relying on the DOJ’s findings and reports, we examined 19 of the investigations conducted during the thirteen-year period to understand how agencies caught the attention of the DOJ, why investigations began, and their findings. We identified common themes across the investigations and compiled the DOJ’s recommendations. Here are a few takeaways.

Getting on DOJ’s Radar

Law enforcement agencies came to the DOJ’s attention through four primary means, and often more than one of the following factors applied, including (1) requests by stakeholders¹ ; (2) prior/existing litigation against or investigation into the agency; (3) media reports; and (4) complaints.

DOJ’s Findings

In 68% of the pattern or practice investigations, unnecessary, excessive, unreasonable, and/or unconstitutional use of force by officers was alleged. Nearly half of the investigations included allegations of discrimination or bias against specific groups, with race-based discrimination or bias the most common.

36.8%

Problematic Police Interactions with the Public

47.4%

Discrimination or Bias Against Specific Groups

47.4%

Unlawful, Unjustified, and/or Unconstitutional Police Actions

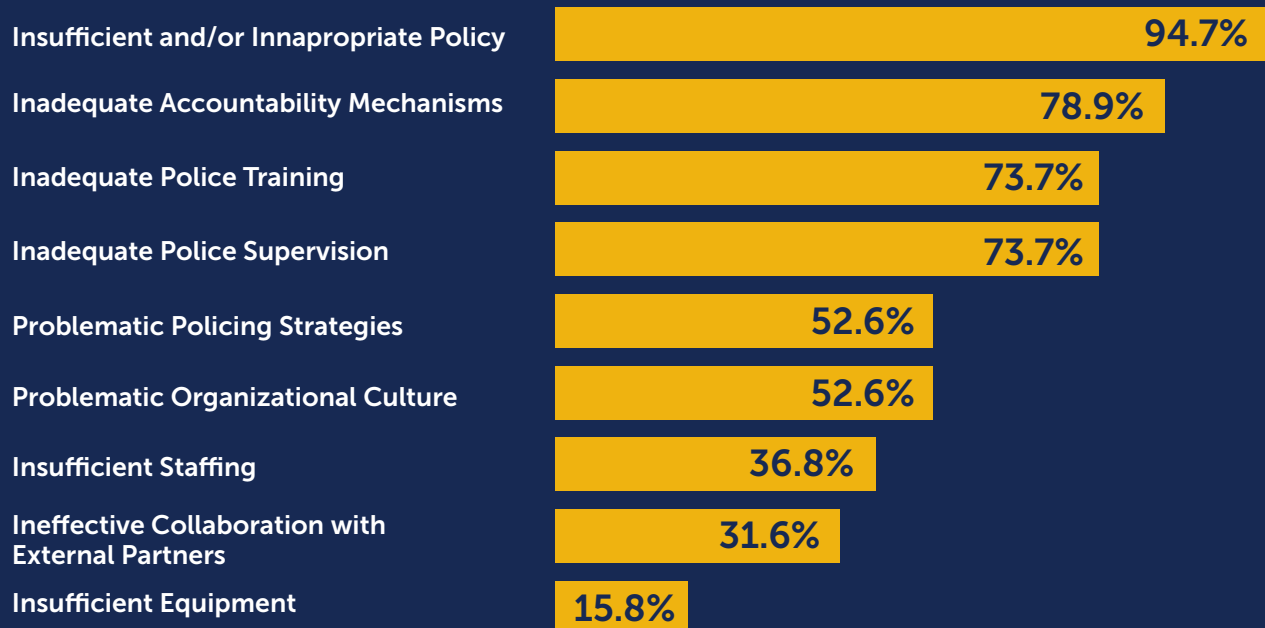
68.4%

Unnecessary, Excessive, Unreasonable, and/or Unconstitutional Use of Force

Unlawful, unjustified, and/or unconstitutional police actions were also reported in nearly half of the investigations. These actions were identified most often for arrests, traffic and pedestrian stops, investigations, and searches. The DOJ reported problematic police interactions with the public (36.8%), including instances of police officers infringing upon individuals’ First Amendment rights and participation in corruption or illegal activity (e.g., officer involvement in sexual harassment and assault, theft, bribery, and domestic violence).

Contributing Factors

Many organizational factors may have caused, permitted, or contributed to these findings within law enforcement agencies. These included:



Key Takeaways

As a result of this in-depth research, we narrowed down key takeaways that enable law enforcement executives to identify and address these types of concerns proactively. Here is what the evidence tells us:

1. Conduct regular reviews of and update agency policies to reflect best practices.
2. Educate officers on the agency's policies and reinforce those policies through training and supervisory (including accountability) practices.
3. Conduct continuous or regular reviews of officer training to ensure that it reflects best practices.
4. Engage first-line supervisors in communicating agency standards and policy, conducting meaningful reviews of officer performance and behaviors, and holding accountable those who are involved in misconduct and failures to adhere to policies.
5. Systematically collect and review data on officer interactions with the public, including enforcement and non-enforcement contacts, to identify patterns or trends that may reflect real or perceived problems. Take steps to remedy them.
6. Create processes or systems to ensure consistent:
 - a. reporting, reviewing, and investigating of use of force incidents;
 - b. identifying, reviewing, and responding to officer misconduct, including policy violations; and
 - c. receiving, reviewing, and responding to community concerns and complaints.
7. Adopt strategies to enhance community-police relations.

Download the full report here.



¹ Stakeholders including the public, community organizations, etc.