ANNUAL REVIEWS

Annual Review of Criminology

The Justice Department's Pattern-or-Practice Police Reform Program, 1994–2017: Goals, Achievements, and Issues

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Annu. Rev. Criminol. 2022. 5:21–42

First published as a Review in Advance on August 23, 2021

The *Annual Review of Criminology* is online at criminol.annualreviews.org

https://doi.org/10.1146/annurev-criminol-030920-102432

Keywords

Department of Justice, organizational transformation, pattern or practice, police reform, unconstitutional policing, web of accountability

Abstract

The Department of Justice's pattern-or-practice police reform program has been an unprecedented event in American policing, intervening in local and state law enforcement agencies as never before and requiring a sweeping package of reforms. The program has reached reform settlements with forty agencies, including twenty with judicially enforced consent decrees. Academic research on the program, however, has been fairly modest. Social scientists have largely focused on a few selected issues. There is no study of the full impact of the program on one agency, and there is no comprehensive study of the impact of the program as a whole. Evaluations of individual agencies have been generally favorable, although with backsliding in some agencies. This review argues that the combination of several major goals and the various elements of specific consent decree reforms has created a web of accountability that is unmatched by any previous police reform effort.

INTRODUCTION

The US Department of Justice's pattern-or-practice litigation program, which authorizes its Civil Rights Division to investigate and bring judicially enforced consent decrees against local and state law enforcement agencies, has been an unprecedented event in the history of the American police. (Consent decrees are formal settlement agreements between the US Department of Justice and local authorities that are overseen by a local US District Court judge.) The pattern-or-practice program was authorized by federal statute in 1994 and the first consent decree was entered in 1997. Never before has the federal government intervened so directly into the activities of law enforcement agencies, and never before has it sought such sweeping reforms of agency policies and practices. Rushin & Edwards (2017, p. 721) called it "the most invasive form of modern American police regulation." Between 1994 and 2017, the program investigated sixty-nine agencies and reached formal settlements with forty, involving twenty judicially enforced consent decrees and twenty memoranda of agreement (MOAs) with no enforcement mechanisms (Civ. Rights Div. 2017).

Authorized by Section 14141 (now Section 12601) of the 1994 Violent Crime Control and Law Enforcement Act, the program evoked strong responses from liberal police reformers, some police chiefs, mayors, and conservative political thinkers. Law Professor William Stuntz (2006, p. 798) declared it "the most important legal initiative of the past twenty years in the sphere of police regulation." Some mayors, police chiefs, and political conservatives, however, argued against federal intervention into local affairs and the significant financial costs of court-ordered reforms or that specific departments did not merit intervention. Some political conservatives argued that it violated the principle of federalism (Ross & Parke 2009). In the end, however, there were few formal challenges to the program.

The most significant political opposition to the program came from presidential administrations. Democratic presidents Bill Clinton and Barack Obama, with strong civil rights commitments, eagerly embraced the program. Republican presidents George W. Bush and Donald J. Trump, with no strong civil rights commitments and committed to a limited federal role in most domestic issues, withdrew from enforcing the program. The Bush administration (2001–2009) drastically scaled back the program (Civ. Rights Div. 2017, Walker 2018), and the Trump administration suspended the program in 2017 and in 2018 drastically limited the authority of local US Attorneys in existing consent decrees (Sessions 2017, 2018).

Despite the enormous potential impact of the program on American policing, it has received uneven attention from scholars. Social scientists in the field of criminology and criminal justice have undertaken relatively few studies. No scholar has studied the impact of all of the major features of the program in one department. Legal scholars, however, have given the program significant attention in several valuable articles (Armacost 2019; Harmon 2012, 2017; Rushin 2015; Schwartz 2018). As a result, after more than 25 years, many basic questions about the program remain unaddressed. Has it succeeded in achieving its stated goals of achieving constitutional policing in departments subject to consent decrees? To what extent has it noticeably improved relations between the police and African American and other community groups? Has it achieved its stated goal of organizationally transforming police departments subject to consent decrees? Are consent decree reforms sustained in departments following the termination of a consent decree?

Evaluations of consent decree experiences have generally found them to be successful in achieving significant reforms (Bromwich Group 2016, Rushin 2017a). Rushin (2017a) concluded that consent decrees have "been shown to bring about real substantive and procedural changes to affected police departments." Not all consent decrees have been completely successful. Evaluations have found some erosion in reforms in certain departments (Bromwich Group 2016, Chanin 2015).

THE PATTERN-OR-PRACTICE PROGRAM AND POLICE ACCOUNTABILITY

This review provides a critical analysis of the pattern-or-practice program. It examines the origins of the program, its major goals and the strategies used to achieve them, the positive achievements, the various challenges that have arisen, and, finally, the published evaluations of the program. Several of the program's major goals have not been discussed in the existing literature. This review seeks to fill that void and assess the critical linkages among the program's goals and elements of the various consent decrees.

The lack of broad scholarly overviews of consent decrees and their impacts has contributed to an absence of informed commentary on the broader impact of the pattern-or-practice program on police departments, police reform, and the issue of police accountability in particular. This review argues that the consent decree reforms have had a significant impact on the development of a web of accountability, involving interrelationships among the various official goals of the program. These interrelationships serve to strengthen the individual goals, enhance a department-wide commitment to accountability and enhance the transformation of departments in a positive direction.

Consent decree requirements related to controlling officer uses of force illustrate the point. Consent decree–mandated policies on officer use of force, for example, enhance officer accountability by requiring them to complete a detailed use of force report for each force incident; require immediate supervisors to critically review each force report and report shortcomings to command officers; and implement a use of force review board (UFRB), which systematically reviews all use of force reports for the purpose of identifying needed changes in the department's policies, training, and supervision, thereby creating an internal self-monitoring process that is likely to enhance the sustainability of the reform of officer uses of force. Reducing uses of excessive force is likely to have a positive impact on a department's relations with people of color, who are disproportionately the victims of such incidents, and improve community relations. In a similar fashion, consent decree requirements to improve public complaint procedures are also likely to reduce cynicism and distrust of police departments among people of color and improve community relations.

The interconnections among the various goals and consent decree requirements are essential to the major pattern-or-practice goal of organizational transformation, which is discussed below. The pattern-or-practice program was created with the recognition that piecemeal police reform was not adequate. Changing only one policy would have only limited impact if other parts of the organization were left unreformed. This principle is the cornerstone in the study of complex organizations, which emerged in the late 1970s and early 1980s and focuses on transforming large bureaucratic organizations for the purposes of reducing unwanted errors that result in serious harm to people, including death, and the organizations themselves. The study of complex organizations seeks to identify inadequate policies and practices that are the underlying causes of accidents and harm. This review notes that only in recent years have police experts embraced the idea of systemic organizational transformation in police organizations and sought reforms in police officer use of force, pedestrian and motor vehicle stops, and other police actions that cause personal and social harm (Perrow 1984, Schwartz 2018).

OVERVIEW OF THE PATTERN-OR-PRACTICE REFORM PROGRAM

Origins of the Program

Section 14141 of the 1994 Violent Crime Control and Law Enforcement Act arose from the convergence of several legal, political, and social developments surrounding policing that had been developing over the previous thirty years (Rushin 2017a).

Between the early 1960s and 1990s, many police reform activists grew increasingly dissatisfied with the existing reform strategies, which had addressed police problems on a piecemeal basis. Supreme Court decisions, for example, only address the constitutional issues before it in particular cases. Additionally, even supporters of the court's pro–civil liberties police decisions recognized that the court lacks the institutional capacity to enforce its decisions on police conduct (Goldstein 1977). Meanwhile, in several decisions in the 1970s and 1980s, the court closed the door to systemic police reform through injunctive relief (Goldstein 1977, Rushin 2017a). Civil litigation achieved some reforms but such suits are expensive, time-consuming, often unsuccessful, and at best achieve only piecemeal reforms (Epp 2009). The mood of pessimism among police reformers was jolted by the 1991 beating of Rodney King by Los Angeles police officers. The subsequent Christopher Commission (Indep. Comm. Los Angel. Police Dep. 1991) investigation and report on the Los Angeles Police Department (LAPD) provided a model of a systematic approach to investigating deep-seated organizational problems in a police department and recommending appropriate organizational reforms, which the pattern-or-practice program adopted. In Congress, the Congressional Black Caucus introduced what became Section 14141 (Rushin 2017a).

The legislative history of Section 14141 included several curious aspects. The text of the proposed bill was very brief, making it unlawful for any government agency "to engage in a pattern or practice of conduct by law enforcement officers. . .that deprives persons of rights, privileges, or immunities secured and protected by the Constitution or laws of the United States." The US Attorney General was authorized to bring civil suits to "obtain appropriate equitable and declaratory relief to eliminate the pattern or practice." There was no guidance on the scope of constitutional violations necessary to trigger the law or what specific remedies the Department of Justice could seek. Despite its enormous powers, however, there was relatively little congressional or public debate over the proposed law. Conservatives in Congress had ample reasons for opposing the extraordinary powers the new law granted the Department of Justice. Rushin (2017a, p. 94) argues that the full extent of the powers in the law was "not fully appreciated at the time of its passage."

Investigations and Findings

The pattern-or-practice program is administered by the Special Litigation Section (SLS) of the Civil Rights Division. With no statutory guidance, the SLS staff crafted a program on its own. The first problem was the enormity of the problem of police misconduct, with an estimated 15,322 state and local law enforcement agencies (Hyland & Davis 2019). With limited staff, the SLS could not possibly investigate even a small percentage of the hundreds of requests it regularly received from local groups requesting federal investigation (Civ. Rights Div. 2017).

After reviewing information from a variety of sources (e.g., other units in the Justice Department, national police experts), the SLS conducted confidential preliminary inquiries into selected departments. It then opened official investigations of departments in which a pattern or practice of unconstitutional policing existed (Civ. Rights Div. 2017). Three criteria guided these decisions: (*a*) whether a department exhibited issues common to many departments (e.g., patterns of excessive force); (*b*) whether a department exhibited emerging or developing issues in policing (e.g., response to persons experiencing mental health issues); and (*c*) whether a department exhibited suitable subjects for impact litigation, which would highlight a special problem in law enforcement. Formal investigations ended with a findings letter from the Civil Rights Division to top city officials (mayor, city attorney, and chief of police). These findings letters, it should be noted, provide rich documentation of patterns of police abuse and the administrative failures of police departments that allow them to continue. Nonetheless, they have been almost completely neglected by police scholars as source material.

Findings letters lead to negotiations between the SLS staff, the local US Attorney, and city officials that end with a signed settlement agreement. The terminology regarding these agreements has varied, at times causing some confusion. There are three basic categories of settlements. The first category involves consent decrees, judicially enforced settlement agreements specifying the reforms a police department is required to undertake (Civ. Rights Div. 2017). A second category includes MOAs, some of which are very short and some of which are virtually identical to consent decrees in their content. The initial settlements involving the Washington, DC, and Cincinnati police departments were officially MOAs but contained clauses specifying that in the event of noncompliance by the city or the police department the Department of Justice could petition the US District Court judge to convert the agreement to a judicially enforced consent decree (US Dep. Justice 2001, 2002b). The third category of settlements is technical assistance (TA) letters addressed to top city officials and the police chief summarizing the findings of the SLS investigation and recommending needed reforms. However, TA letters lack judicial enforcement.

In two instances, TA letters represent an important chapter in the history of the pattern-or-practice program. The SLS under President Bush (2001–2009) brought no new consent decrees and relied instead on TA letters (Civ. Rights Div. 2017, Walker 2018). It sent TA letters to officials in both Miami, Florida (Civ. Rights Div. 2003), and Cleveland, Ohio (Civ. Rights Div. 2002). Abusive conduct in the two police departments worsened substantially over the next few years (or was ignored by investigators in the earlier cases), however, and the SLS opened new investigations and secured consent decrees requiring major reforms (US Dep. Justice 2014b, 2016). The Miami and Cleveland experiences strongly suggest that the coercive element of judicial enforcement may be necessary to achieve the major reforms needed in troubled police departments.

Implementing Consent Decree Reforms

Implementing a consent decree is overseen by a local US District Court judge who appoints a monitor (in practice, a team of experts) who serves as an officer of the court. Monitors report the progress being made in implementing reforms and have often argued that full compliance was not reached and recommended that the decree be extended.

Monitors also play several other important roles. They often serve as critics of the department, publicly noting the lack of progress in implementation. The first report of the monitor of the Washington, DC, police department, for example, was a blistering criticism about the lack of any meaningful progress (Bromwich 2002). Monitors serve as advisors and resource people to police departments, for example, advising a department on a new use of force policy. Monitors provide extended TA to departments struggling with implementation. The Albuquerque monitoring team spent one entire monitoring period providing TA (Publ. Manag. Resourc. 2020). Monitors also mediate between the SLS, the police department, and the court over whether a proposed reform meets the consent decree requirement. Monitors' reports are public documents and provide valuable information to the public, city officials, and news media. In two known cases, monitors served as whistleblowers, exposing overt resistance to the consent decree by some police department mid-level managers and even some police chiefs (Kroll Off. Indep. Monit. Los Angel. Police Dep. 2002, Green & Jerome 2008).

Consent decrees nominally end after five years. Many, however, have run longer because the department has not reached full compliance by that point. Decrees end when, on the recommendation of the monitor, the US District Court judge rules that a police department has achieved full compliance and ends the consent decree. In practice, the meaning of full compliance has been flexible. The SLS opted for a working definition of 95% compliance with the required reforms while allowing for "technical" noncompliance and temporary failures "during a period of otherwise sustained compliance" (Civ. Rights Div. 2017, p. 32; see also Police Exec. Res. Forum 2013).

IMPLEMENTING REFORMS: GOALS, STRATEGIES, AND ISSUES

The SLS organized its program around eight major goals, which include two goals that were added midstream as part of a learning curve on the part of the SLS staff (Walker 2018, p. 1807) (a few lesser goals are not discussed in this review). As the program progressed, SLS staff gained new perspectives on what is necessary to achieve constitutional policing from its own experience, new ideas emerging from the academic community, and the perspective of stakeholders (Simmons 2008) in communities facing federal intervention (Civ. Rights Div. 2017).

Goal 1: Ending Unconstitutional Police Practices: Officer Uses of Force

The principal goal of the DOJ pattern-or-practice program was to end unconstitutional police practices. The Civil Rights Division (2017, p. 27) stated that "addressing systemic excessive force is one of the core functions" of the program (because of space limitations, the discussion here focuses on police use of physical force). The consent decree requirements described here are directly applicable to other police issues such as pedestrian and vehicle stops.

To control officer uses of force, the SLS embraced an expanded version of the strategy of administrative rulemaking, which is today one of the core principles of police management (Walker & Archbold 2020). Police officer discretion was virtually free of any controls until it was literally discovered by the American Bar Foundation Survey of Criminal Justice in the late 1950s (Walker 2002). In response to the police–community relations crisis in the 1960s, the President's Commission on Law Enforcement and Administration of Justice (1967) and the National Advisory Commission on Civil Disorders (1968) each issued the first authoritative calls for internal police department rules to control officer discretion. Law professor Kenneth C. Davis' (1975) short book *Police Discretion* developed the basic elements and procedures of administrative rulemaking that prevail today. Rulemaking is designed to (*a*) confine discretion by specifying what actions an officer may not take; (*b*) structure discretion with guidelines on factors officers should consider when exercising discretion; and (*c*) check discretion by requiring officer reports on all critical actions and providing a systematic review of those reports.

The Cleveland Findings Letter (Civ. Rights Div. 2014a) illustrates the problems related to officer use of force and the reforms designed to end abuse that are found in essentially all other departments under SLS consent decrees. The letter found that "police officers violate basic constitutional precepts in their use of deadly and less lethal force at a rate that is highly significant." Officers, for example, "shot or shot at people who did not pose an immediate threat of death or serious bodily injury to officers or others;" "use their guns to strike people in the head in circumstances where the use of deadly force is not justified;" use force against people who are "handcuffed, already on the ground, or otherwise subdued," and "against individuals with mental illness, individuals in medical crisis, and individuals with impaired faculties" (Civ. Rights Div. 2014a, pp. 12–22).

The pattern of unjustified uses of force by officers, the letter continued, was not the result of a few bad officers (the proverbial "rotten apples") but was the result of "systemic deficiencies [which] cause or contribute to the Excessive Use of Force" (Civ. Rights Div. 2014a, p. 28). The findings letter on the Albuquerque Police Department (APD) also concluded that "the pattern or practice of excessive force stems from systemic deficiencies in oversight, training, and policy" (Civ. Rights Div. 2014b, pp. 9–10). The problem of systemic organizational deficiencies is one of the common themes of SLS investigations (Schwartz 2018).

The failure to control officer use of force in the Cleveland police department began with officers' immediate supervisors. Some supervisors expressed "annoyance" at being called to the scene

of an incident where they had "to perform the work necessary" to investigate it. Supervisors were given no guidance on "what information [officer] reports must contain." Moreover, "it appears that force sometimes is not being reported at all." Supervisors routinely made little effort to determine the level of force that was used and "whether it was justified." Some supervisor reports "too often appear to be designed from the outset to justify officers' actions." The lack of accountability extended up the department chain of command. SLS investigators "saw no accountability for supervisors who conducted inadequate. . .force investigations. In almost all instances, these inadequate reports and investigations were approved all the way up the chain of command with no comment" (Civ. Rights Div. 2014b, pp. 31–33).

The Cleveland consent decree mandated a more restrictive use of force policy that confined use of force by prohibiting its use against people who are handcuffed or otherwise restrained, along with force against people "who only verbally confront them." "Head strikes" were prohibited, as was the use of firearms as an "impact weapon." The policy also required officers to "allow individuals the opportunity to submit to arrest before force is used," and also to "use de-escalation techniques whenever possible and appropriate" (US Dep. Justice 2014b, pp. 12–14). De-escalation policies in consent decrees structured officer discretion (Davis 1975) by providing them with specific skills designed to resolve incidents without resorting to force. The most important check on officer discretion in using force in the Cleveland consent decree was the requirement that officers complete a written report on each use of force incident: "All officers using or observing force will report in writing, before the end of their shift, the use of force in a Use of Force Report" (US Dep. Justice 2014b, p. 22).

The Cleveland consent decree (as did others) greatly expanded the responsibilities of supervisors, specifying nine duties at the scene of force incidents. They included collecting "all evidence" in the case; determining whether the officer's use of force "was consistent with [department] policy," and whether it raised any "policy, training, tactical, or equipment concerns;" canvassing the area for possible witnesses; and ensuring that witness officers complete a use of force report (US Dep. Justice 2014b, pp. 23–24). These requirements served the important but unstated goal of making supervisors active participants in the department's accountability system and, in that respect, changed the norms of supervisors' work culture (Engel 2003).

The Cleveland consent decree further expanded the web of accountability by mandating the creation of a UFRB. UFRBs systematically review officer force reports for the purpose of identifying possible problems related to "tactics, training, policy, and agency improvement" that might require corrective action (US Dep. Justice 2014b, pp. 31–33). Reviews were to be comprehensive and include "the circumstances leading up to the use of force, tactical decisions, information sharing and communication, [and the] adequacy of supervision, equipment, [and] training." The reviews add an additional check on officer uses of force at the mid-management level of the department and the corrective actions not only represent an important step in the direction of making consent decree reforms sustainable over the long-term but also fulfill Geller's (1997) recommendation of making police departments "learning organizations."

Goal 2: Curbing Discrimination Based on Race, Ethnicity, Gender, and Sexual Orientation

A second goal of the pattern-or-practice program involved curbing discrimination based on race, ethnicity, gender, or sexual orientation. Consent decrees adopted a multipronged approach, including relevant requirements in several goals. They included a section on bias-free policing and parts of sections on ending unconstitutional policing, improving public complaint procedures, and enhancing community engagement with the police. The operating assumption was that

addressing discrimination cannot be effectively achieved by limiting reforms to a single policy but must be incorporated into other aspects of police operations to build a web of accountability.

Several consent decrees contain specific sections and requirements related to "bias-free policing" or "impartial policing" (US Dep. Justice 2017). Three decrees include training on "cultural diversity," and two decrees require systematic audits of data by external agencies (e.g., US Dep. Justice 1999). Only one consent decree had no specific provision related to discriminatory actions by police officers but did include a requirement on assisting people with limited English proficiency (US Dep. Justice 2014a).

The Bias-Free Policing section of the New Orleans Police Department (NOPD) consent decree included a statement of values on nondiscrimination, labeling it a "central part of the police mission" (US Dep. Justice 2013, p. 49). The section also incorporated the 2001 Police Executive Research Forum (PERF) (2001, pp. 51–53) statement on the use of race or ethnicity in police actions. The PERF policy states that officers "shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause," but they "may take into account" these factors where there is "trustworthy, locally relevant information that links a person" to an unlawful incident. The PERF statement was included in some other consent decrees, either as a direct quote or paraphrase (e.g., US Dep. Justice 2012).

The New Orleans consent decree further addressed discrimination through training of officers on interactions with members of the public. The training provided guidance on the "methods and strategies for more effective policing that rely upon nondiscriminatory factors." The training structured officer conduct by including the basic elements of procedural justice (Tyler 2006): "introducing themselves" at the outset of an encounter; "stating the reason for an investigatory stop or detention;" ensuring that a stop is "no longer than necessary;" and acting with "professionalism and courtesy throughout the interaction" (US Dep. Justice 2013, p. 50).

A comment on curbing racial and ethnic discrimination through administrative rulemaking. Consent decree requirements designed to curb unconstitutional police practices also have the collateral effect of curbing racial and ethnic discrimination. The best evidence involves the impact of restrictive deadly force policies beginning in the mid-1970s, which replaced the "fleeing felon" standard with the "defense-of-life" standard. Fyfe's (1979) study of the pioneering 1972 New York Police Department (NYPD) policy found that firearm discharges declined by 30% in less than three years after the new policy was adopted. Geller & Scott's (1992) analysis of national data on fatal shootings by the police in the nation's fifty largest cities, meanwhile, found that fatal shootings fell by half, from 353 in 1971 to 172 in 1984, and that the racial disparity of African Americans to Whites shot and killed in that period was also cut in half, from 6 to 1 to 3 to 1 (see also Sherman 2018). In the city of Memphis, for example, police shot and killed no unarmed fleeing African Americans after the adoption of the defense-of-life standard (Sparger & Giocopassi 1992).

At the peak of the controversial New York City stop-and-frisk program, among people who were stopped African Americans were eight times more likely and Hispanics were five times more likely than Whites to have force used against them. Morrow et al. (2017) concluded that this pattern of use of force constituted "double jeopardy" for the two groups (a stop and a use of force). The number of stops by the NYPD declined precipitously just before and after a federal court found the program unconstitutional, meaning that African Americans and Hispanics were the prime beneficiaries of both reduced stops and uses of force.

Addressing gender discrimination. The SLS consent decree for the NOPD included a major section on gender discrimination, focusing specifically on sexual assault and domestic violence incidents. With respect to sexual assaults, the findings letter found systemic problems related

to "inadequate policies and procedures, deficiencies in training, and extraordinary lapses in supervision." Many "potential cases of rape, attempted rape, and other sex crimes" were misclassified, which resulted in "a sweeping failure" to investigate them. The consent decree, applying the principles of administrative rulemaking, mandated a state-of-the-art set of policies and procedures; required patrol officers to better document "their observations and any action taken" in sexual assault calls; and required the department to begin tracking sexual assault calls. Additionally, the department was required to work collaboratively with the district attorney, "community service providers, and other stakeholders" on the issue (US Dep. Justice 2013, pp. 54–56).

The SLS Findings Letter found similar problems with the NOPD's handling of domestic violence incidents, and the consent decree required a similar set of reforms involving state-of-the-art policies and procedures and collaborative relationships with community stakeholders, including the New Orleans Family Justice Center and other social service agencies.

Goal 3: Improving Public Complaint Procedures

A third pattern-or-practice program goal involved improving public complaint procedures by making them more accessible to potential complainants and ensuring that complaint investigations are thorough and free of bias based on race, ethnicity, gender, or sexual orientation. Dissatisfaction with complaint procedures has been a major issue for the African American community since the 1960s (Natl. Advis. Comm. Civ. Disord. 1968), and thus the reforms here contributed directly to improving police–community relations.

The Pittsburgh Findings Letter found serious deficiencies in the handling of citizen complaints by the Office of Municipal Investigations (OMI), the separate city agency that handled complaints. The deficiencies had the effect of "encourag[ing] the use of excessive force and improper searches and seizures" by police officers. Investigators "improperly" applied the standards for the disposition of complaints; closed investigations if complainants failed to provide the names of witnesses to the incident; and gave "greater weight to the statements of its police officers" than to the statements of complainants or witnesses (Civ. Rights Div. 1997, p. 2).

To correct these and other problems, the consent decree required the OMI to allow people to file complaints "in person or by telephone, mail, or facsimile transmission;" continue investigating complaints even after a complainant had withdrawn; tape-record and transcribe all investigative interviews; and further develop a computerized database of complaints, including data on the "race and gender of all involved officers and complainants." The OMI was also directed to prepare a manual of its "policies and investigative procedures" (US Dep. Justice 1997, pp. 23–31).

Goal 4: Creating Mid-Management-Level Accountability Procedures

A fourth pattern-or-practice program goal involved creating or strengthening mid-management-level accountability procedures related to officer conduct. SLS findings letters have found serious deficiencies at that level of the organization in virtually all investigated departments (Civ. Rights Div. 2014b).

The first procedure involved a force investigation team (FIT), typically housed in the internal affairs unit, to investigate serious use of force cases. With specialized training and experience, FIT officers are able to conduct more professional investigations than supervisors on the street. The second program involved a UFRB, described above, which systematically reviews all force reports for the purpose of identifying problems with policies, supervision, or training that might need corrective action. As noted above, a UFRB not only provides an additional check on officer use of force reports but also helps correct departmental programs and makes the department better able to sustain consent decree reforms. The third program is an early intervention system (EIS), a

computerized database of officer performance indicators, which can identify officers with repeat performance problems and refer them to an intervention designed to correct an officer's original problem (Walker 2003). When functioning as intended, an EIS contributes to two pattern-or-practice program goals by helping to reduce unconstitutional police conduct and reduce patterns of racial, ethnic, gender, and sexual orientation discrimination in routine police actions.

Goal 5: Enhancing Community Engagement

Community engagement, a fifth pattern-or-practice program goal, originated with the Cincinnati Collaborative Agreement in 2002 (US Dep. Justice 2002a). The Collaborative Agreement involved the merger of the SLS Memorandum of Agreement with the Cincinnati Police Department (US Dep. Justice 2002b) and several private race discrimination lawsuits against the police department. Community engagement in Cincinnati involved a formal collaborative working partnership that included the Cincinnati Police Department, the police union, and eight community stakeholder groups, including African American community representatives, social service groups, police officers, and other groups. The collaborative process was tasked with developing a city-wide "community problem solving" approach to crime and disorder (discussed below).

The SLS embraced the idea of community engagement as it increasingly recognized that it was necessary for community stakeholders to be actively involved in the development and implementation of police reforms if those reforms were to be successful (Simmons 2008). The Seattle consent decree mandated the creation of a Community Police Commission, for example, and gave it a voice regarding police department policies and practices. The Seattle City Council subsequently made it a permanent city agency (Walker 2016). The Cleveland consent decree mandated the creation of a community police commission with a major role in the development of a problem-oriented policing strategy for the police department (City Clevel. & Clevel. Police 2019). The community engagement initiative was one of the bolder initiatives of the pattern-or-practice program, as it involved a step in the direction of restructuring the governance of local police departments. It was also consistent with the growing interest among some police scholars in democratizing the governance of American police departments (Friedman & Ponomarenko 2015).

Goal 6: Reorienting Policing Strategies on Crime and Disorder

A sixth goal of the pattern-or-practice program involved reorienting police departments' strategies for addressing crime and disorder, moving away from aggressive proactive enforcement activities and toward a more collaborative problem-solving approach, which was the core of the Cincinnati Collaborative Agreement (US Dep. Justice 2002a; see also Scott 2000). Reorienting basic policing strategies was probably the most radical of all SLS reforms. In the "professional model" of policing (Walker 1977), police chiefs regarded crime control strategies as their principal domain, in which (like medical doctors) they were the experts and community residents were uninformed nonexperts (Kelling & Moore 1988).

Problem-solving policing was consistent with other goals of the pattern-or-practice program. It reduced traditional aggressive crime-fighting strategies that the National Advisory Commission on Civil Disorders (1968) had argued adversely affected African American communities. The National Academy of Sciences (2018) more recently published a strong caution that proactive policing strategies without proper controls have the potential to generate significant racial or ethnic disparities. Aggressive policing, moreover, fosters a "warrior" mentality among officers (Rahr & Rice 2015), which emphasizes the constant presence of danger in police work and the need for officers to be "hypervigilant to potential threats" (Stoughton 2016, p. 652). Aggressive police tactics and fear of the public only encourage unconstitutional officer conduct that aggravates racial and ethnic tensions and undermines the goals of the pattern-or-practice program.

Goal 7: Developing the Capacity for Police Departments to Sustain Reforms

A seventh goal of the pattern-or-practice program involved developing within police departments the capacity to sustain consent decree reforms once the decree and judicial enforcement have ended (Civ. Rights Div. 2017). The lack of sustainability has been a long-standing problem for American policing, with a long history of important reforms that either eroded or simply faded away (Walker 2012). In the pattern-or-practice program, evaluations of consent decrees have identified signs of post-consent decree erosion of reforms in at least two departments (Bromwich Group 2016, Rushin 2015), and the entire reform program in one city has been abandoned by city leaders and the police department (Green et al. 2018). Despite the importance of the issue, police scholars have given little attention to it. The most relevant discussion is in Skogan's (2008) analysis titled "Why Reforms Fail." Of the eleven factors related to failures, five have been relevant to the pattern-or-practice program (e.g., "resistance by mid-level and top managers" and "leadership transition"). Given the fact that the issue of sustaining reforms has been largely neglected by police scholars, future research on the subject can find an extremely valuable perspective on the long-term impact of sustained reforms in corrections in Feeley & Rubin (1997). The authors' evaluation of the national prisoners' rights movement argues that despite subsequent limitations of prison litigation, the movement succeeded in transforming American corrections by putting in place standards and procedures that have sustained the original reforms, including constitutional standards for prisons and the cultivation of a new generation of professional administrators.

SLS staff addressed the sustainability issue directly in two consent decree reforms: a UFRB, which has the capacity to identify and help correct departmental problems, and an EIS, which is designed to identify officers with performance problems and recommend needed corrective interventions (Geller 1997). Otherwise, the program appears to assume that other consent decree reforms will sustain themselves through strong administrative leadership, an assumption that is highly debatable.

Goal 8: Transforming Police Organizations

The eighth pattern-or-practice program goal involved the systemic organizational transformation of police departments subject to consent decrees [Legal scholars use the term "structural reform litigation" (Rushin 2015)]. This goal is the most important of all the consent decree goals because it unites the other goals into a coherent web of accountability. Organizational transformation, moreover, distinguishes the pattern-or-practice program from the piecemeal approach of previous police reform efforts.

The idea of a systems approach to complex organizations was already established in the 1980s as a framework for reducing tragic events in complex organizations, including medicine (Inst. Med. 2000), nuclear power (Perrow 1984), space flights (Vaughan 1996), and others. Today, it constitutes a distinct area of academic research and policy making. The impact on several fields has been significant. Schwartz (2018, p. 544) observes that in the past 30 years "the medical profession has made a critically important conceptual shift" in reducing accidental deaths in hospitals and providing far safer and effective medical care. The law enforcement profession, however, has not yet embraced the organizational systems approach, aside from the Department of Justice Sentinel Events Initiative project (Browning et al. 2015). In police studies, Sherman broke new ground with a pioneering article focused on reducing officer-involved fatal shootings. The principles and practices he discusses are equally applicable to other police problems, such as uses of force and pedestrian and motor vehicle stops. Particularly important, Sherman (2018, p. 427) observed that "merely changing policies was not enough. Other elements of organizational change seemed to be essential." The pattern-or-practice program embraced this idea from the beginning.

Several legal scholars have enthusiastically embraced the organizational systems approach with respect to the police (Armacost 2019, Harmon 2012, Rushin 2015, Schwartz 2018). Schwartz (2018, p. 539) bluntly concluded that "it is time for law enforcement to embrace a systems approach." Curiously, in its discussion of organizational transformation, the Civil Rights Division's (2017) report on its pattern-or-practice program does not specifically refer to the well-developed organizational systems approach in other fields and the lessons to be learned from them.

CHALLENGES TO CONSENT DECREE REFORMS: EXTERNAL AND INTERNAL

Federal intervention into local police departments faced challenges from overt and covert opposition both outside and inside police departments. The most significant opposition involved presidential administrations, where the George W. Bush administration drastically reduced enforcement of Section 14141 and the Donald J. Trump administration suspended the program altogether (Civ. Rights Div. 2017; Sessions 2017, 2018). At the local level, legal challenges arose in three jurisdictions. Two succeeded (Coleman & Boyd 2004, US Dep. Justice 2016), and a third lost in court and was succeeded by a consent decree (US Dep. Justice 2015).

Given the known high costs of consent decrees and opposition to federal intervention in local affairs, it might seem surprising that there were not more challenges to pattern-or-practice interventions. Practical considerations, however, undoubtedly weighed heavily in favor of yielding to federal intervention. A legal challenge would be expensive, generate adverse publicity about police misconduct, and might well lose. The safest course of action, it appears, has been to accept federal intervention and make the best of a bad situation. Such decision-making essentially resembles plea bargains in America's criminal courts.

Two cases of resistance involved police chief executives. Implementation of the New Jersey State Police consent decree lagged for a few years, reportedly because of a lack of commitment by the then-superintendent of the agency. After he was replaced by a superintendent supportive of the consent decree, implementation proceeded to conclusion (Public Manag. Resour. 2004). In Cincinnati, the police chief and some command officers began refusing to cooperate with the monitoring team, denying access to certain data as required by the agreement with the Department of Justice and even ordering one member of the monitoring team out of police headquarters. The monitor informed the court in 2005 that the department was in "material breach" of the agreement, and the US District Court judge in the case converted the case to a judicially enforced settlement agreement (Green & Jerome 2008).

Resistance in Los Angeles was public and brazen. In an early report, the monitor reported witnessing "certain LAPD officers" "intentionally undermining the Consent Decree and the LAPD's efforts at reform." Command officers "publicly denigrated the decree and urged the community to be outraged at the cost to taxpayers." The monitor recommended "immediate attention" to this problem (Kroll Off. Indep. Monit. Los Angel. Police Dep. 2002, pp. 2–4). William Bratton, who strongly supported the consent decree, was soon hired as the new police chief and led the department toward compliance (Rushin 2017a).

A covert and more insidious form of resistance involving mid-management officers occurred in the APD. In 2020, the monitor reported "further examples of some APD personnel failing to adhere to the requirements" of the consent decree. These actions built "bulwarks preventing fair and objective discipline." Investigations of officer discipline cases, for example, were delayed (probably intentionally in the view of the monitor) to the point where they exceeded the time limit set by the police union contract and had to be dismissed. The UFRB, meanwhile, did not meet for nearly two years, with the result that "policy violations by officers and supervisors" went unchecked

"in any meaningful way" (Public Manag. Resour. 2020, pp. 3, 11, 70, 78). Skogan (2008) argues that resistance to reform by command and rank-and-file officers is one of the factors contributing to the failure of police reforms. The extent to which it has affected other pattern-or-practice consent decrees is not known.

The Elephant in the Room: Resistance to Reform from Police Unions

Police unions and their collective bargaining agreements are widely recognized among police experts as possibly the greatest impediment to accountability-related police reforms. Union contracts contain provisions that obstruct meaningful discipline of officers found to have committed misconduct (Check Police 2016). Additionally, police unions have successfully obtained state laws that make police disciplinary records confidential (Bies 2017, Rushin 2017b) and have lobbied local political officials to oppose ordinances they dislike. The SLS, however, has not addressed the issue of police unions (apart from references to certain contract provisions in several consent decrees). It is easy to understand why. Police unions and collective bargaining agreements rest on solid legal foundations and are vulnerable only in the case of an egregious violation of a constitutional right.

Until recently, there has been almost no research on the impact of collective bargaining contracts on police administration (Walker 2008). A burst of recent research, however, has begun to fill that void. Rushin's (2017b) national survey of police union contracts in 178 municipalities identified seven provisions that inhibit accountability for officers. They include provisions that delay investigative interviews with officers suspected of misconduct; limit the use of officers' discipline history in disciplinary decisions; and impose time limits for imposing discipline.

The contract provision that most seriously offends police chiefs and community residents allows disciplined officers to choose to arbitrate their cases. Rushin's (2021) national survey examined 624 arbitration decisions involving police officer appeals. In 333 appeals of termination, arbitrators ordered officers rehired in 46%. They also reduced the length of suspensions in 61% of suspension appeals. Restoring terminated officers to their jobs and systematically reducing punishments undermines a police chief's efforts to raise the standards in a department. Rushin concluded that the power of arbitrators poses a serious problem for essentially all police reform efforts.

The Positive Impact of Reforms on the Police Officer Subculture

An important and largely unnoticed consequence of the administrative rulemaking reforms (and not just in the pattern-or-practice program) is the evidence of gradual and positive impacts on the norms of the police officer subculture. Police experts generally regard the traditional police officer subculture as a major obstacle to accountability-related police reforms (San Franc. Blue Ribb. Panel 2016).

An evaluation of the Pittsburgh consent decree included interviews and focus groups with officers and found that officers consistently expressed "largely negative" attitudes about the consent decree, feeling that the city had "betrayed" them by not having opposed it more strongly. Officers argued that the decree had "lowered officer morale and productivity" and made them "hesitant to intervene" in potentially difficult situations. The requirement of completing detailed reports on use of force and other actions was burdensome and "time-consuming." Officers claimed they now had "less interaction with citizens," including being "not aggressive with people who are breaking the law" (Davis et al. 2005, pp. 18–21). Such claims were standard expressions of "depolicing" (Rosenfeld 2016, Rushin & Edwards 2017), although the Pittsburgh evaluation found no statistical evidence that officers were engaging in it. In the same focus groups and interviews, however, some officers indicated that they had begun to accommodate their work habits to consent decree

requirements. One officer reported being "more sensitive to the appearance of unequal enforcement," which of course was a major goal of all SLS consent decrees. Another officer pointed out that "every incident now has a paper trail," referring to the new documentation of incidents, another major goal of consent decrees. In focus groups, some supervisors gave "some indication" that the new requirements were "becoming accepted as part of the job" among rank-and-file officers. In the written officer survey, "a majority of officers agreed that the reforms had increased accountability" (Davis et al. 2005, pp. 18–21).

The evaluation of the Los Angeles consent decree yielded similar findings. In interviews and focus groups, officers "frequently" claimed they would "hesitate to intervene in difficult circumstances out of fear of discipline" for taking actions that were now disallowed. Some officers claimed to "look the other way" when they saw criminal activity and were now "timid" and using "kid gloves" in dealing with suspects. Department data on law enforcement activity, however, contradicted these "depolicing" claims. Enforcement efforts increased under the consent decree. Both pedestrian and motor vehicle stops rose 39% between 2002 and 2008. Arrests also increased and fewer arrests were dismissed and more resulted in felony charges, suggesting that officers were making higher quality arrests. The evaluation concluded that "the statistics refute any claim of depolicing in Los Angeles" (Stone et al. 2009, pp. 19, 22–23, 30). In short, the Pittsburgh and Los Angeles evaluations provide some limited but nonetheless promising evidence that consent decree reforms over officer conduct can have a positive impact on the police officer subculture.

EVALUATIONS OF THE PATTERN-OR-PRACTICE PROGRAM

The pattern-or-practice program has been evaluated in several published studies. Most focus on a few issues, and there is no comprehensive evaluation of all the major goals in any one department. Several program goals have been completely ignored. With a few exceptions, the evaluations are fairly positive. Rushin (2015, p. 1422) concluded that the "available evidence suggests that [systemic judicially enforced police reform] has been an effective tool for reducing misconduct in several police agencies." No study has found a consent decree to be a complete failure, although some have identified some post–consent decree erosion of reforms in some departments.

An evaluation of the Pittsburgh consent decree concluded that the consent decree had "dramatically changed the culture" of the police department and that the accountability-related reforms "remained in full force" (Davis et al. 2005, p. 40). The new EIS was "a functional system" that helped create "broad accountability" within the department. As discussed earlier, police officers in focus groups and interviews complained about consent decree requirements, but some officers also spoke approvingly of the reforms leading to greater accountability and the evaluation found no statistical evidence of a reduction in officers' law enforcement efforts.

Chanin (2015) evaluated the Pittsburgh, Washington, DC, and Cincinnati consent decrees. In Pittsburgh, he examined department data on allegations of officer use of force, excessive force, disciplinary actions against officers, officer injuries, and reported crime. A new mayor hostile to the consent decree was elected soon after the decree ended, however, and the result was an erosion of progress in both officer accountability and community trust. In Washington, DC, the data on officer conduct was difficult to interpret. The number of officer misconduct allegations increased by an average of 15% every year the settlement was in effect and even more so in the year after it ended before finally leveling off. It was not clear whether the increases were the result of better reporting of misconduct or an indicator of worsening officer conduct. The most positive indicator was a significant and steady decline in financial payouts in police misconduct lawsuits. In Cincinnati, six years after the end of the Collaborative Agreement, there was "little or no backsliding" on officer uses of force, and Chanin (2015, p. 179) concluded that the "[reform] process seems to have

had a sustained, positive effect." The judgment was premature, however, as city leaders and the police chief abolished the city's commitment to the Collaborative Agreement by 2018 (Green et al. 2018). In another article, Chanin (2016) added two departments to his original three. In Los Angeles, there was evidence of improvement (as found in other evaluations), but the Prince George's County, MD, data were muddied by a major corruption scandal after the end of the consent decree.

An evaluation of the LAPD covered a broader range of issues (seven) than all but one other study. It found the LAPD "much changed" because of the consent decree, with substantial improvements in both "the quantity and the quality of [law] enforcement activity" (Stone et al. 2009, p. i). Stops of citizens had actually risen while rates of serious crimes fell. Focus groups and interviews with officers found complaints about consent decree reforms and claims of "depolicing," which were not supported by the data on enforcement activity. Public attitudes toward the LAPD improved significantly, with more than 80% of respondents rating the LAPD "good" or "excellent" in 2009, compared with a little more than 70% in 2007. The ratings by African Americans were lower than that of Whites and Hispanics, but, nonetheless, 70% rated the department "good" or "excellent." The evaluation team also interviewed 71 recently arrested individuals, most of whom said they had been stopped by the police at least three times in the previous two years and 13 said they had been stopped more than 20 times in that period. Surprisingly, more than half (55%) said the LAPD was doing a "good" or "excellent" job. These surprising findings suggest that the LAPD was doing a significantly better job, particularly in arrests and detentions, among those residents who would presumably be the most critical of the police.

The LAPD evaluation also examined the governing structure of the department and found considerable improvements in the operations of both the Police Commission (the governing body for the LAPD) and the Inspector General (the commission's investigative unit). Walker & Archbold (2020) subsequently found that the Inspector General's office was among the best inspectors general/police auditors in the country. Rushin (2017a) also evaluated the LAPD consent decree and found the department significantly improved in most areas. He examined the LAPD's internal auditing program, concluding that it was "the single most important change" made by the consent decree (Rushin 2017a, p. 207). The decree required the creation of a new audit unit, the development of an audit plan, and a reorganization of audits by the LAPD itself. The LAPD subsequently became a national leader in police internal auditing.

Powell et al. (2017) evaluated the impact of consent decrees on the filing of lawsuits alleging Section 1983 civil rights violations by police departments subject to consent decrees in twenty-three jurisdictions. In theory, consent decree reforms on officer use of force and acts of discrimination would reduce officer misconduct and lawsuits. The study found that consent decrees were associated with "modest reductions" in the filing of 1983 cases. The principal weakness with the study, however, is that Section 1983 cases represent only a tiny fraction of police litigation cases and are unrepresentative of the general pattern of serious police misconduct incidents in a police department.

A follow-up assessment of the Washington, DC, police department consent decree eight years after the end of the decree raised difficult questions about how to judge evidence on the erosion of reforms. The assessment focused entirely on the issue of use of force and did not examine other reforms. The report concluded on a positive note, finding that the department's "overall policies on use of force 'continues to be consistent with best practices in policing,"' and that the command staff "remains committed to limiting and managing use of force—and to fair and constitutional policing." The department had reduced "the most serious types of force, including firearms," and there was "no evidence" that excessive force "has reemerged as a problem" (Bromwich Group 2016, p. i). Nonetheless, the report found several problems. The requirement that officers report all force incidents had been weakened in 2008, and the quality of force incident investigations

had also declined. The report ended with 38 recommendations for improvement related to use of force policy. An examination of the recommendations, however, indicates that virtually all involved secondary issues surrounding use of force policies. Nothing indicated a collapse of controls over the use of force. The report would seem to suggest that some degree of erosion of reforms may be inevitable but can be effectively corrected by periodic external oversight of departments with consent decree experience.

Financial Costs and Benefits of Consent Decrees

The financial costs of consent decrees have been a matter of some controversy, particularly among local officials whose cities must bear the costs. There is no question that the costs are high, but to date there has been no systematic assessment of consent decree costs and the extent to which reforms offset those costs with reductions in litigation costs. In Seattle, the consent decree in 2015 cost $1.1 million for the monitor, $782,000 for the community police commission, and $6.6 million for the police department. By November 2017, cumulative expenditures for the consent decree had reached $32.5 million, with expenditures for the police department falling to $4.9 million (City Seattle Budg. Off. 2016).

Rushin's (2017a) analysis of the Los Angeles consent decree costs added valuable perspective to the issue. He found that, taking into account all LAPD expenditures, the city spent $314 per resident on policing in 2001, before the consent decree went into effect. It rose to $374 by 2008 and then fell to $317 in 2011. He appropriately notes that most of the initial increase in costs was related to expenditures for equipment and administrative tools required by the consent decree. These necessary infrastructure costs have been largely overlooked in discussions of consent decree costs, but they reflect investments in professional policing that the LAPD had previously neglected.

Discussions of consent decree costs have also neglected the social, political, and legal benefits resulting from reduced misconduct: fewer citizen complaints, fewer lawsuits and resulting financial payouts, improved public attitudes about the police, and greater public cooperation with the police. The former Cincinnati police chief told a PERF conference that "prior to the consent decree in Cincinnati, we paid out $10 to $11 million to settle a number of lawsuits," but since then "the ACLU has not sued the police department. That is a tremendous savings" (Police Exec. Res. Forum 2013, p. 34). An LAPD commander added that the costs of their consent decree "was money well spent in terms of preventing future litigation and gaining credibility with the community" (Police Exec. Res. Forum 2013, p. 35). Rushin (2017a) found that civil rights suits against the LAPD had declined between 2002 and 2011 and that settlement costs declined from $13.1 million in 2002 to $3.3 million in 2006, and he concluded that the reduction of officer misconduct and the resulting savings were the result of the consent decree.

CONCLUSION

The US Department of Justice's pattern-or-practice program has been an unprecedented event in the history of American policing, intervening in local and state law enforcement agencies as never before and advancing a comprehensive agenda of reforms unmatched in the history of police reform. The comprehensive package of the reforms in the various consent decrees with local and state agencies has set a new standard for future reform efforts.

The pattern-or-practice program has made a notable contribution to American policing by establishing a comprehensive reform agenda, one that envisions transforming police organizations such that they can deliver police services that are lawful, professional, and respectful of the people

they serve. However, many questions remain. This review has argued that the goals and consent decree requirements of the pattern-or-practice program are closely interconnected and create a web of accountability that strengthens the individual components. However, that argument has not been empirically examined, and it is only one of many important research issues raised by the pattern-or-practice program. In conclusion, it is safe to say that the program has served American policing well. It has defined an ambitious reform agenda and raised the horizons of all people concerned about the quality of policing in this country. The task ahead is enormous, but we now have a clear and ambitious agenda for how to proceed.

FUTURE ISSUES

1. Consent decree reforms raise the question of whether the reforms will be sustained over the long term. Police history is filled with examples of important reforms that eventually faded away and disappeared. Studies should be conducted to determine which consent decree–related reforms on officer uses of force, pedestrian and motor vehicle stops, mid-management-level units, and EISs continue to function as originally intended. Studies should seek to determine what organizational factors are associated with sustainability or impede sustainability.
2. De-escalation was a consent decree reform designed to reduce officer uses of force in encounters with members of the public. Studies should determine the extent to which de-escalation continues to function in police departments that experienced consent decrees and whether it is associated with sustained reductions in officer uses of force.
3. Consent decrees required three mid-management-level programs in most departments subject to federal intervention: force investigation teams, UFRBs, and EISs. Studies should seek to determine whether these programs continue to function as originally intended in departments subject to consent decrees with respect to identifying problems related to policies, training, and supervision.
4. Consent decrees have included various reforms designed to reduce and possibly eliminate discrimination based on race, ethnicity, gender, or sexual orientation in routine police activities. Studies should seek to determine whether such programs continue to exist as originally intended in police departments subject to consent decrees, whether they have a measurable impact on public perceptions of a department, and, if not, what factors have contributed to the failure to function effectively.
5. Consent decrees have mandated improvements in public complaint procedures. Studies should seek to determine whether these procedures continue to function as originally planned and whether the reforms have a measurable impact on public perceptions of a police department; if the procedures are not functioning as originally planned, what are the factors associated with those failures?
6. The review has argued that the major reforms of pattern-or-practice consent decrees are closely interrelated and create a web of accountability that strengthens accountability in the internal culture of a police department. Studies should seek to confirm, modify, or refute the concept of a web of accountability. If studies refute the concept, the research effort should seek to determine what factors inhibit its development.

7. One of the goals of the pattern-or-practice program was to effect organizational transformation in police departments subject to consent decrees. Studies should develop a meaningful definition of organizational transformation in policing and seek to determine whether or not it exists in departments subject to consent decrees.
8. This review has identified some evidence of a positive impact of consent decree reforms on the traditional police officer subculture. Studies should explore officer attitudes and seek to determine whether transformation has occurred in departments subject to consent decrees.
9. The pattern-or-practice program has mandated greater engagement between police departments and the communities they serve. Some consent decrees have required that members of the public have a formal voice in the development of police department policies and practices. Studies should investigate whether meaningful community engagement exists in departments subject to consent decrees and whether this engagement has a positive impact on community perceptions of a police department.
10. The financial costs of consent decrees have been a matter of public controversy, although no systematic analyses of the costs and benefits of consent decrees have been conducted. Systematic cost–benefit studies should seek to determine the true financial costs of consent decrees and to balance those costs against expenditures that involved neglected infrastructure needs and the cost savings from reductions in civil litigation settlements.

DISCLOSURE STATEMENT

The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

ACKNOWLEDGMENTS

The author would like to thank Professors Charles Katz, Justin Nix, and Joanna Schwartz for their very helpful comments and suggestions on an earlier draft of this review.

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