

POLICE PRACTICES REVIEW

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CIVILIAN OVERSIGHT

Seattle Review Board Releases Report

The Office of Professional Accountability Review Board (OPARB) recently released its 2003 annual report on the Seattle Police Department's Office of Professional Accountability, which is headed by a civilian and internally investigates citizen complaints against officers. The report made twelve specific policy recommendations for the OPA civilian complaint system in areas such as officer use-of-force incident statements and non-lethal force options. Recommendations included refining the Seattle Police Department's (SPD) Taser policy and training after concerns about the appropriate use of Tasers. The report also noted an unclear SPD distinction between *minimal use* and *absence* of force, with investigations often overlooking "officers' admitted failure to file Use of Force Statements even though force was clearly used, though perhaps not excessively or unnecessarily." Also of concern was the OPA use of leading questions during investigations. The board argued the practice threatens SPD internal oversight and fact-finding. The report did, however, commend the improved investigations, response to civilians, and documentation of complaints under the leadership of OPA Director Sandra "Sam" Pailca. The OPARB also lauded the random sampling system of closed OPA cases for board review but asked for access to un-redacted files to independently verify statistics and complaints as a way to ensure "complete transparency in police accountability." The full report can be accessed at <http://www.ci.seattle.wa.us/council/oparb/2003YEReport.pdf>.

Report Finds Disparity in Complaint Outcomes

The Salt Lake City Police Civilian Review Board released its latest quarterly report covering January through April 2004. The report stated that police department complaint review panels recommended

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sustaining 15 of 22 total allegations lodged against officers in 16 cases. While the percentage sustained, overall, was 68 percent, only 20 percent of allegations relating to use-of-force were sustained. Taking into account the gender and race of complainants and officers against whom complaints had been directed, the board presented two findings:

- allegations made by white males were sustained at a higher rate than those made by any other group; and
- allegations against minority officers were sustained at a higher rate than those against white officers.

The review board cautioned that the small sampling size of complaints and investigations made it “difficult to discern a reliable pattern from a run of cases.” The report can be accessed online at <http://www.ci.slc.ut.us/civilianreview/reports/default.htm>. (*Salt Lake Tribune*, May 5, 2004.)

Omaha Auditor Makes Recommendations

Tristan Bonn, Omaha’s Public Safety Auditor, issued her latest quarterly report on the Omaha Police Department’s (OPD) citizen complaint process. Bonn reviewed 92 allegations made against 42 OPD personnel in investigations completed from the beginning of January through the end of March (with one investigation from October that was not available for the previous report) and found that improper procedure, excessive force, verbal abuse, and unprofessional conduct were the four most common allegations. The report stated OPD administrative support was “unable to keep up with the workload” of transcribing investigative interviews and information within 45 days—the deadline for imposing discipline on an officer. During the period examined, 14 of 21 completed investigations took longer and were thus deemed unfair and not thorough by the auditor. Bonn credited the OPD Internal Affairs Unit for its continued effort to adopt auditor recommendations and to improve investigations, and she commended the department as a whole for managing a large officer turnover due to retirements and heavy recruitment. In the report, the auditor recommended forming a “Risk Management Team” to complement independent oversight and review “larger systemic issues and make appropriate changes.” She also recommended training or personnel reassignments in response to a pattern of complaints related to special events and crowd control. A majority of complainants alleged “overly aggressive”

officer behavior “out of proportion to the situation at hand.” The report can be accessed online at http://www.ci.omaha.ne.us/departments/public_safety_auditor/default.htm.

CONSENT DECREES/ MEMORANDA OF AGREEMENT

LAPD Monitor Issues 11th Report

Michael Cherkasky, the Independent Monitor of the Los Angeles Police Department (LAPD), issued his latest quarterly report this month on LAPD consent decree compliance. The LAPD and City of Los Angeles entered into the consent decree with the U.S. Justice Department in June 2001. The federal agreement requires change in areas such as complaint investigations, management of gang units, documentation of use of force incidents, and the use of informants. In the most recent quarter, the monitor found the city and police department in compliance with 15 of 45 examined decree provisions and not in compliance with 21. The monitor did not make a determination for the remaining nine provisions. “While clearly not in compliance in many areas,” the report observed, “the Monitor is pleased with the progress being made” by the department. Among the improvements, the LAPD showed “significant progress” in complying with Confidential Informants provisions. Cherkasky also commended the LAPD for complying with the requirement to immediately separate officers involved in or witness to an officer-involved shooting until their statements are recorded. Of particular concern to the monitor was non-compliance with provisions regarding the Categorical Use of Force Investigations (CUOF). The monitor reported “deficiencies in CUOF investigations” such as unrecorded witness interviews, poor documentation in files, and failures to interview appropriate supervisors. The report also noted that the department’s Training Evaluation & Management System I (TEAMS I) generated unreliable and unusable Use of Force data.

The City of Los Angeles and the LAPD must demonstrate “substantial compliance” with the consent decree for two consecutive years, beginning June 15, 2004, in order to avoid an extension of the agreement. In a hearing held after this quarterly report’s release, U.S. District Judge Garry Fees

criticized the LAPD for failing to fix TEAMS I, complete TEAMS II (intended to track complaints, use-of-force incidents, and pedestrian and vehicle stops, among other items), and make other mandated changes during the three years since the decree’s inception. Judge Fees expressed concern that the city and police department would miss the upcoming compliance deadline, extending the consent decree. The Inspector General of the Los Angeles Police Commission—responsible for police oversight—warned an extension would indeed be required if the city failed to provide him with more staff to monitor the department and implement reforms required in the consent decree. The monitor has noted that the Inspector General’s resource constraints have resulted in a “lack of timeliness” completing oversight functions that could jeopardize Los Angeles’s goal of having the decree lifted on schedule. The report can be accessed online at http://www.krollworldwide.com/library/lapd/LAPD_Q11_Report.pdf. (*Los Angeles Daily News*, May 17, 2004; *Los Angeles Times*, May 18 and May 20, 2004.)

Cincinnati Monitor Reports on Two Agreements

Headed by Saul Green, the Independent Monitor Team issued its fifth quarterly report on Cincinnati Police Department (CPD) compliance with two agreements—the Memorandum of Agreement (MOA) between the City of Cincinnati and the U.S. Justice Department, and the Collaborative Agreement (CA) among the city, plaintiffs, and the Fraternal Order of Police. The MOA requires reforms in the following areas: use of force; incident documentation and investigation; the civilian complaint process; management and supervision; and officer training. Additionally, the CA calls for implementation of Community Problem Oriented Policing (CPOP) and creation of a Citizen Complaint Authority (CCA) to investigate serious interventions by police including firearm use, deaths in custody, and use of force. The monitor’s report, which focused on investigations, training, and use of force reporting, commended the CPD for progress implementing and complying with a broad range of MOA and CA provisions. The department’s Use of Force policy complied with the MOA, and training of new officers showed “commendable” progress that included “consistent emphasis by the instructors on the use of reasonable and appropriate force.” The new CPD computerized risk management database, known as the Employee

Tracking Solution, moved closer to approval for evaluating officer performance, identifying risk, and promoting best practices. An area found not to be in compliance with either the MOA or the CA was incident documentation and investigation. The monitor also found that supervisors often failed to determine the rationale for initial stops or seizures and whether such actions violated policy. The report urged the CPD to come into compliance with both provisions—documentation and incident analysis—set forth in both agreements. The report can be accessed online at http://www.cincinnati-oh.gov/police/downloads/police_pdf8278.pdf.

Cleveland, Feds Reach Pact over Holding Cells

The City of Cleveland recently entered into a Memorandum of Agreement (MOA) with the U.S. Justice Department regarding confinement conditions in Cleveland Division of Police (CDP)-operated holding cell facilities. Based on an investigation of CDP policies, management, training, and “documents related to numerous uses of force and deaths” in holding cells, the agreement set forth reform requirements in eight areas, including: suicide-prevention and medical care of detainees; environmental-health and safety; supervision of holding facilities and cells; and training of detention officers. Under the terms of the agreement, the CDP must adequately staff its facilities with medical professionals, designate appropriate housing for detainees with infectious diseases, and develop suicide screening policies to identify at-risk detainees. Additional provisions require:

- annual in-service training for detention officers;
- “reasonable access” to showers for detainees;
- repair of broken windows, sinks, lights, and utilities; and
- quarterly audits and evaluations of holding cell facilities.

In response to holding cell deaths, the Justice Department further required “that all in-custody deaths occurring in the CDP holding cells are investigated by the CDP Use of Deadly Force Investigation Team and the Cuyahoga County Coroner’s Office....” The Memorandum of Agreement is to last three years and can be accessed online at http://www.usdoj.gov/crt/split/documents/cleveland_holdcell_agreefinal.pdf.

COMMUNITY POLICING

Dual Role for Police in Juvenile Encounters

According to a new report, when police encounter juvenile suspects they play two roles—that of the authority and that of the supporter. Stephanie Myer’s report, “Police Encounters With Juvenile Suspects,” was prepared for the National Institute of Justice and attempts to update older studies of police interactions with minors. Data from a National Institute of Justice study of the Indianapolis Police Department (IPD) and the St. Petersburg, Florida Police Department (SPPD) in 1996 and 1997 covered 443 police encounters with a total of 654 juvenile suspects. “As gatekeepers to the juvenile justice system,” Myers stated, “[police] make the initial decisions about how to handle incidents involving juveniles.” When acting in the role of authority, police interrogated 48 percent of suspects, searched 20 percent of juveniles, their belongings, or the immediate vicinity, and arrested 13 percent. Roughly the same number, or 12.5 percent of those arrested reportedly behaved disrespectfully. The report argues police “should not be influenced by a suspect’s demeanor, but rather by the legal factors... and to whether or not there is some violation taking place.” As assistance providers (offering information, comfort, sympathy, physical help, or referral to other agencies), police gave support to 217, or 33 percent, of the 654 suspects encountered, but overall, officers responded more often with some type of force than assistance. The report can be accessed online at <http://virlib.ncjrs.org/LawEnforcement.asp>.

RACIAL PROFILING

Data Collection Ordered in Massachusetts

Massachusetts’s Executive Office of Public Safety has ordered 249 police departments to collect data on all traffic stops for one year following the May release of Northeastern University’s “Massachusetts Racial and Gender Profiling Study.” The legislature commissioned the study to “identify communities that appear to have engaged in racial and gender profiling” and to determine if disproportionate citations of certain groups have legal justifications or are simply based upon race, ethnicity, or gender. Four measures of disparity analyzing 1.6 million traffic

citations issued by 366 agencies between April 2001 and June 2003 showed:

- minority residents were cited disproportionate to their percentage of the population;
- minorities in general were cited disproportionate to their percentage of drivers;
- minorities were searched more frequently than whites; and
- minorities were issued citations rather than warnings more often than whites.

Of the 366 departments, the 249 ordered to collect data were identified “as having substantial racial disparity in one or more” of the measures. The study found that in stops resulting in either written warnings or citations, 72 percent of non-white drivers statewide received citations compared to 65.9 percent of white drivers. Profiling also affected men as “males were uniformly more likely to be subject to a search and to be cited than women.” While the report did not determine whether disparities resulted from departmental practices, such as deploying more officers and thus increasing stops in minority neighborhoods, or from individual officer biases, researchers reported that the study identified different treatment of certain groups in traffic stops. Massachusetts plans to collect data with a new traffic form that records the reason for a stop and search, findings of a search, the driver’s race and gender, and the officer’s name and identification. The report can be accessed online at http://www.racialprofilinganalysis.neu.edu/IR/site_docs/finalreport.pdf. (Associated Press, May 5, 2004; Boston Globe, May 5, 2004.)

STANDARDS & TRAINING

Gang Units Cut Off From Public, Other Officers

A new National Institute of Justice study has examined the creation and evolution of gang units in four U.S. cities and arrived at five major conclusions:

- Gang units were formed in response to public, political, and media pressures, not “directly to the objective reality of the gang problems.”
- Gang units are held accountable through few institutionalized mechanisms.
- The units are “structurally and strategically decoupled” from the rest of their departments.
- Stakeholders in the units most value production and collection of intelligence about gangs.

- The units do not practice community or problem-solving policing.

The study, “Police Response to Gangs: A Multi-Site Study,” was written by Professors Charles M. Katz and Vincent J. Webb. They reviewed law enforcement’s response to gang violence in Albuquerque (NM), Inglewood (CA), Las Vegas (NV), and Phoenix (AZ), all cities battling gang problems. According to the study, the number of documented gang members in the four cities increased between 1993 and 2000 by 287, 603, 231, and 275 percent, respectively. The authors found that in the 1980s, police departments started establishing specialized gang units separate from the larger organizations “strategically and physically.” The separation eroded the exchange of information between gang units and their patrol and investigative counterparts. Additionally, departmental supervision over the gang units’ policies, procedures, and training weakened. With the isolation, claimed the report, came few “partnerships with community groups, local businesses, or other local or state agencies” that facilitate cooperation and pro-active community policing. Police departments must reintegrate gang units and reestablish authority over them so that they are not “engaged in a buffet style of policing, picking and choosing what to do and when to do it,” according to the study. The report can be accessed online at <http://virlib.ncjrs.org/LawEnforcement.asp>.

LEGAL AFFAIRS

NY Upholds Police Supervisors’ Power of Inquiry

Rochester (NY) police officers who are witnesses to misconduct can be questioned by supervisors without an attorney present, the appellate division of New York’s Supreme Court ruled in *Evangelista v. City of Rochester*. The April 30 decision upheld a lower court ruling in a 2002 lawsuit filed by the officers’ union, the Rochester Police Locust Club. The union sought to stop the Rochester Police Department from interviewing officers involved in inquiries as witnesses without legal representation present. The original decision dismissed the union’s petition to prohibit the department from denying members of the Rochester Police Locust Club, Inc., the right to counsel or a union representative during criminal investigations. In the appeal, union officials claimed the decision and the department’s practice violate officers’ civil right to an

attorney, but the City of Rochester argued the department was simply asking the officers to provide investigative information. The Supreme Court unanimously affirmed the decision during the appeal. (*Rochester Democrat and Chronicle*, May 2, 2004.)

Los Angeles Settles DNC Demonstration Suit

In the latest settlement stemming from excessive force claims against the Los Angeles Police Department (LAPD) during the 2000 Democratic National Convention, Los Angeles will pay \$1.2 million to 91 plaintiffs in a class-action lawsuit. The plaintiffs were protesters, reporters, and bystanders who said police unlawfully dispersed a legal demonstration when officers fired rubber bullets and beanbag munitions into the crowd. The incident occurred after a concert on August 14, 2000, in a designated protest area near the downtown convention site. The LAPD admitted firing more than 200 rounds of projectiles but only after it said demonstrators showered bottles, metal objects, and concrete chips down on officers. Once the police had determined the crowd to be an unlawful gathering, officials ordered protesters to disperse and only then employed force, the LAPD maintained. The department said it settled with the plaintiffs to avoid the added cost of a protracted trial. A new lawsuit filed by plaintiffs seeking to force the LAPD to change its crowd control policies and tactics is now pending. To date, the city has paid approximately \$5 million in various settlements to individuals at the 2000 convention demonstrations, including more than \$1 million to a woman who lost her vision in one eye after being hit with a rubber projectile and \$875,000 to a group of bicycle demonstrators who claimed they were arrested without probable cause. (*Associated Press*, May 8, 2004; *Los Angeles Daily News*, May 8, 2004; *Los Angeles Times*, May 8, 2004.)

NEWS BRIEFS

Feds Investigate Bakersfield (CA) Police

The Civil Rights Division of the U.S. Justice Department is currently conducting an investigation of the Bakersfield Police Department (BPD) in California under the jurisdiction of the Violent Crime Control and Law Enforcement Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968. Although the investigation is ongoing, the Civil Rights Division has begun issuing policy suggestions and

“recommendations that can be provided at the current preliminary stage of investigation.” Its recommendations cover six broad categories: Use of Force and Force Reporting; Firearms and Impact Weapons; Policy Development; Public Accountability; Monitoring Officer Conduct; and Officer Accountability. Most of the proposed changes would clarify policy ambiguities that, in the opinion of the Civil Rights Division, do not give clear guidance on issues such as the parameters of use of force, the type of force appropriate for various levels of resistance, chemical spray usage and decontamination, and the tracking and designation of citizen complaints and inquiries. A Justice Department letter sent to the Bakersfield City Attorney suggested creating a policy committee to seek input from the public on issues of community interest, such as gang enforcement, and to disseminate information about how new policies might affect community-police relations. The letter noted new BPD Use of Force reporting documents but recommended the forms track all incidents of force, whether or not they aim at or result in arrests. The Civil Rights Division also commended BPD’s new Records Management System and urged the department to include a risk management component to track officer conduct relative to shootings, other uses of force, citizen complaints, criminal charges against officers, civil lawsuits of officer misconduct, and imposed disciplinary actions. The letter can be accessed online at http://www.usdoj.gov/crt/split/documents/bakersfield_ta_letter.pdf.

Audit Finds NM Jail is Overcrowded, Understaffed

A new city audit has identified serious problems at the Metropolitan Detention Center (MDC), located west of Albuquerque (NM). The jail opened in December 2002 to relieve crowding in the city’s downtown jail, but it has been close to or has exceeded its own 2,063-inmate capacity during the last six months. An influx of female prisoners and special needs inmates who cannot be incarcerated in the general population caused MDC officials to house three individuals in cells designed for two. Compounding the problem of overcrowding, the detention center—the state’s largest jail—also has a shortage of guards, according to the audit. Between July and December 2003, MDC had a monthly average of 19 vacancies, or seven percent of its 292 security officer positions, causing some guards to log more than 60 overtime hours during a two-week period. The audit cautioned that chronic overtime reduces officer

performance and strains the department's budget. (*Albuquerque Tribune*, April 30 and May 5, 2004; *Albuquerque Journal*, May 1 and May 3, 2004.)

Increase in Police Personnel Nationwide

The Bureau of Justice Statistics (BJS) at the U.S. Justice Department recently released the Law Enforcement Management and Administrative Statistics report for 2000. The report—a comprehensive survey of data collected from more than 800 state and local agencies with 100 or more officers—has been published every few years since 1993. According to the report's data, the median percentage change in the number of agencies' personnel from 1996 to 2000 was an increase of eight percent, with sworn officers up six percent and civilians up by ten. Another significant change is the growth of community policing in every type of agency. "About twice as many State agencies had full-time community policing officers in 2000 (53%) as in 1997 (27%)," according to the report. The report is divided into seven categories of statistics: personnel; expenditures and pay; operations; community policing; policies and programs; equipment; and computers and information systems. The report and supporting documents can be accessed online at <http://www.ojp.usdoj.gov/bjs/abstract/lemas00.htm>.

Police Oversight Bill Debated in Virgin Islands

If passed, pending legislation introduced by Senator Lorraine Berry of the U.S. Virgin Islands would establish two civilian review boards to investigate complaints against the Virgin Islands Police Department. The 2004 Public Safety, Judiciary, Homeland Security and Justice Omnibus Bill must first be approved by the legislature and signed by the governor before the oversight boards, known collectively as the Virgin Islands Community Police Review Commission, come into existence. Momentum for such a commission started building after a newspaper investigation of officer-involved shootings and a subsequent U.S. Justice Department announcement to conduct a preliminary inquiry into a possible "pattern or practice" of civil rights violations. The commission would consist of two seven-member boards on two different islands, each comprised of three members appointed by the governor (one of whom must be a public housing resident), two by the legislature, one by the Virgin Islands Bar Association, and one by the Chamber of Commerce. According to the bill, the boards could review complaints on topics such as excessive force,

firearm use, discrimination, bribery, and extortion. The commission would have the authority to launch investigations, subpoena witnesses, and make disciplinary and administrative recommendations to the police department but would lack the power to impose discipline. The police commissioner has objected to some of the oversight proposals and the legislation continues to be debated. (*Miami Herald*, January 23, 2004; *Virgin Islands Daily News*, May 11 and May 15, 2004.)

INTERVIEW

In April 1997, the City of Pittsburgh entered into a five-year consent decree with the U.S. Department of Justice, the first time the federal government had used its new powers (under the Violent Crime Control and Law Enforcement Act of 1994) to investigate and bring suit against a jurisdiction engaging in a "pattern or practice"



of unconstitutional policing. The settlement resulting from the federal "pattern or practice" action required the Pittsburgh Bureau of Police (PBP) to, among other things, implement an officer assessment system; improve its reporting, investigation, and review of uses of force, searches, seizures, and stops; and develop new civil rights training for officers. Leading his bureau through the reform process, Pittsburgh Bureau of Police Chief Robert W. McNeilly, Jr. worked with officers, city officials, a court-appointed monitor, and the Department of Justice to come into compliance with the consent decree. In September 2002, the PBP became the first law enforcement agency to have not only entered into but also emerged from a federal "pattern or practice" consent decree.

PARC recently spoke with Chief McNeilly about the challenges he faced reforming the Pittsburgh Bureau of Police and the impact of the consent decree and its lifting on PBP officers and the communities they serve.

PARC: *Please describe your background in policing and law enforcement management.*

RWM: I joined the Pittsburgh Bureau of Police in 1977. I worked uniform for a little more than two years, and I also worked plainclothes for about four and a half years before I made sergeant. When I made sergeant, I worked in various duty locations: communications, the warrant office where we process prisoners, in patrol, and in the SWAT team. After four years, I made lieutenant. I worked in various capacities as a lieutenant, too, although I was only a lieutenant for two years. I worked doing recruit field training, patrol, and traffic division. I made commander in 1990. I worked the night watch for about two years. I worked traffic division for about half a year, then I went back to night watch for another two years. I was in charge of a patrol zone for two years, and then I made chief in 1996.

PARC: *What were the key challenges you faced in implementing the consent decree, and how did you respond to those challenges?*

RWM: There were several challenges. Firstly, the Fraternal Order of Police (FOP) was totally opposed to any agreement with the Department of Justice. Secondly, we were required by the consent decree to develop a computer system to do things that, at that time, were not done anywhere. And thirdly, it was a challenge trying to just convince a majority of the officers that this would not impact on the way they did their jobs, to say they were doing their jobs the right way to begin with.

There were many steps we took to overcome those obstacles. As far as the computer system went, it took the operation of many departments. We had regular meetings—about three times a week for about three or four hours at a time—where we had representatives from our computer department, our law department, various members of the Police Bureau, and a lieutenant who was part of the bargaining unit and

who was enlisted as project manager for the city to carry out what was required by the consent decree. That lieutenant, in turn, attempted to get buy-in from the rank-and-file by putting together a compliance committee—officers, sergeants, and lieutenants—who would assist him in carrying out everything that needed to be done for the consent decree. We had three different companies work with us in order to develop the computer system. Two of these companies worked at no cost to us because they could see what we were doing was rather innovative, and that there would probably be a market elsewhere after they learned how to put together a system like that.

“The resistance from the FOP was probably the most difficult challenge because their stance was that they were opposed to the consent decree. I don’t think they understood the benefits of some of what was in the consent decree. But I think as time went on, they came to see some of those benefits.”

The resistance from the FOP was probably the most difficult challenge because their stance was that they were opposed to the consent decree. This left very little room for them to give. I don’t think they

understood the benefits of some of what was in the consent decree. But I think as time went on, they came to see some of those benefits. For example, the FOP felt that officers did not use force as much as they were authorized to, especially with respect to the level of force that they were authorized to use. Before the consent decree, we didn’t require officers to complete a use-of-force report, and we didn’t do a quarterly report to capture all those statistics. But once we started doing that, we were able to see that officers were not using force as much as they were authorized to. We learned that many of our officers were getting hurt because they were holding back from the level of force they were authorized to use. This information enabled us to put together improved training courses to teach the officers force techniques such as handcuffing and take-downs, so that people wouldn’t get hurt. So I think that as time went on, the FOP saw that what we were putting together and what was coming from the consent decree was actually benefiting officers.

PARC: *What strategies did you use to get the PBP command staff on board in implementing the consent decree?*

RWM: Actually, I was fortunate when I took over as chief because at that time we had just had a vacuum in the upper leadership of the Bureau of Police due to a retirement incentive. The chief before me left on a three-quarter retirement that expired at the end of 1995. And so when I took over as chief, I was able to promote a deputy chief, three assistant chiefs, and two commanders who were very supportive of what we set out to do. In addition to that, my wife's a commander. We had quite a few talented people who were very eager to do this job, to set the priority that that's what we were going to do. We had considerable buy-in from the command staff.

PARC: *How did you and your command staff encourage rank-and-file officers to participate in the implementation of the consent decree?*

"The interesting thing was every officer said, 'No, it [the consent decree] hasn't affected how I do the job, but I understand it's affected how others have done it.' Not one single officer would come forward and say, 'I'm going to quit doing my job.'"

RWM: There were various ways. We established policy implementation committees. We always invited the FOP to sit on these committees. Because of this, officers could see that they had some input into some of the policies. Officers were given training on every new policy that came out.

I met with every sergeant and lieutenant on the job to explain the consent decree and what our intentions were. I scheduled meetings, and they had to attend one of the sessions. I even came out on the night shift to reach the nighttime officers. And as I said earlier, we enlisted the aid of a lieutenant, the highest ranking member of the bargaining unit, to be our project manager. We enlisted officers in all duty locations to be part of the compliance committee. We tried to include these officers in policy development. The compliance committee would make sure that all the files were in the proper place in the station, and that everything that needed to be posted was posted. Once we had the officers working with us on the committee we had very little problem making sure that all that happened.

PARC: *When the PBP initially entered into the consent decree, the Fraternal Order of Police and others predicted*

it would lead to "de-policing." To what extent was this prediction borne out, and why?

RWM: We did hear that from some of the officers, but the interesting thing was that every officer said, "No, it hasn't affected how I do the job, but I understand it's affected how others have done it." Not one single officer would come forward and say, "I'm going to quit doing my job." I suspected that the consent decree would not lead to de-policing, because we have a residency requirement—to serve as an officer you have to live in the city. I assured people that if we failed, then their families would also become victimized by the increased crime rates. In fact, I've since used that argument in every arbitration case when the FOP has asked to do away with the residency

requirement. I say that that's the perfect reason to maintain a residency requirement. Also, if you look at the crime statistics, they made these claims in 1997 when our crime rate had been dropping off dramatically for a decade. And we reached our all time low in 1996. So in 1997 when the crime rate went back up by nine percent, if you look at how low our rates were the year before compared to most other cities our size, our rate was still extremely low.

PARC: *What kind of working relationship existed between you and the monitor, and what was the role of that relationship in the reform process?*

RWM: I think we had an excellent working relationship, and I think if it hadn't been as good, we probably would have struggled. I would say Dr. James D. Ginger went above and beyond what was expected of him. For example, when we first entered into the consent decree, he came in on a weekend to work with us and the command staff to try to identify problems, and to try to identify how we could get beyond those problems. He wanted to be the monitor on this, and he wanted to see us succeed. And when we had differences with the Department of Justice, he was able to advise both of us.

PARC: *What was the impact of the consent decree on the relationship between the PBP and the communities it serves?*

RWM: I would say that the Vera Institute of Justice report [*Turning Necessity Into Virtue: Pittsburgh's Experience with a Federal Consent Decree*, September 2002] probably best describes what happened. Vera surveyed the city's residents. By my understanding, the communities felt better that the city was in a consent decree. And community support for the consent decree was demonstrated when we went to federal court to be released from the consent decree. Many community groups came there to say that they thought we should stay under the control of the consent decree. They obviously felt that things were much better because of it.

PARC: *What has been the impact on the PBP of the consent decree's lifting?*

RWM: Since the consent decree has been lifted, we have continued to abide by all of its provisions. We have not changed any of our policies; we have not changed any of what we do. We still continue to do what we would have done under the consent decree.

PARC: *What has been the impact on communities of the consent decree's lifting?*

RWM: I guess that's a hard one to answer for me. Again, I would refer you to the Vera Institute reports. I know they did a survey after the consent decree was lifted, in addition to the survey they did while we were under the consent decree. I think it showed that the community was in support of the consent decree. I expect the most recent survey will show that the community was supportive of the consent decree.

PARC: *What advice would you offer police chiefs facing consent decrees or memoranda of agreement with the U.S. Department of Justice?*

RWM: When we entered into a consent decree, there were several ways I could have looked at it. The law department felt that this was necessary for us to do. And when I looked at what was in the consent decree, 90 percent or more of its requirements were initiatives I had already planned to undertake as chief of the Bureau. I guess I could have looked at it many different ways, but what I saw was an opportunity to make changes and to have the support of various groups while we made those changes. I can't answer for other municipalities because their consent decrees may not look like ours did, but what I would say is that we did have a period of negotiations, a lot

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of discussion about what the final consent decree would look like. I think that if we were able to prove our point on some issue, then our point was given some consideration. I think that the negotiations that occur before the consent decree is finalized are probably the most important part of the process.

CONFERENCES

June 21-23, 2004 – Office of Community Oriented Policing Services (COPS), Second Annual National Community Policing Conference, Washington D.C. Online at <http://www.cops.usdoj.gov>

June 26-30, 2004 – National Sheriffs' Association, Annual Conference and Exhibition, Seattle, WA. Online at <http://www.sheriffs.org/>

July 10-15, 2004 – National Organization of Black Law Enforcement Executives, 28th Annual Training Conference and Exhibition, Dallas, TX. Online at <http://www.noblenatl.org/>

August 19-22, 2004 – National Association of Women Law Enforcement Executives, 9th Annual Conference, Arlington, VA. Online at <http://www.nawlee.com/>

September 19-24, 2004 – International Association of Law Enforcement Planners, Annual Training Conference, Chicago, IL. Online at <http://www.ialep.org/>

October 14-16, 2004 – National Latino Peace Officers Association, 31st Annual Training Institute and Convention, Miami, FL. Online at <http://www.nlpoa.org/>

October 18-29, 2004 – Americans For Effective Law Enforcement, Police Civil Liability and the Defense of Citizen Misconduct Complaints, Las Vegas, NV. Online at <http://www.aele.org/wkscivil.html>

November 13-17, 2004 – International Association of Chiefs of Police, Annual Conference, Los Angeles, CA. More Information available at <http://iacp.expoexchange.com/>