

## 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



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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. 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?*

**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

*"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.'"*

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?*

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**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 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.