

**Interview**

**PARC** recently interviewed **Sheryl Robinson**, the federal monitor assigned to oversee two consent decrees between the Detroit Police Department and the U.S. Department of Justice (DOJ). Robinson works for Kroll Inc., a New York-based global risk-assessment company.

**PARC:** *Please describe your background and job title?*

**SR:** After graduating from law school, I was an Assistant District Attorney in the Manhattan District Attorney's Office for nearly four years. After my first six months in a trial bureau, I began working in the Special Prosecutions Bureau in the Investigations Division. It was there where I gained my initial investigative experience prosecuting white collar crime, official corruption, schemes to defraud, organized crime, narcotics, and the like. When I left the DA's office, I was in the Frauds Bureau. Then I moved back to Washington, D.C., and began working as a federal prosecutor for the U.S. Department of Justice. I was at DOJ for over seven years in three different positions in the Antitrust Division, Civil Rights Division, and finally in a policy position in the Office of Intergovernmental Affairs. I left the Justice Department in September 2001 and came to Kroll as a Managing Director and head of the Washington D.C. office. Currently, I am Vice President of Kroll Government Services, Inc.

**PARC:** *What events led to the consent decrees between Detroit and the DOJ, what do the consent decrees require, generally, and why are there two of them?*

**SR:** There were any number of things that happened over the years that led to the consent judgments in Detroit, including a number of police-involved shootings. In September 2000, then Detroit Mayor Dennis Archer and others requested that DOJ come in to investigate use of force by the Detroit Police Department (DPD). In December 2000, DOJ commenced an investigation of the use of force and conditions in DPD's holding cells. DOJ expanded the investigation to include arrest and witness detention issues. DOJ issued three technical assistance letters to the City of Detroit and DPD during the first six months of 2002. These letters outlined various concerns DOJ uncovered during the course of the investigation. It is my understanding that DOJ, the City and DPD engaged in a cooperative process throughout. In July 2003, two consent judgments were filed in U.S. District Court by DOJ. The Conditions of Confinement Consent Judgment deals with the conditions of the holding cells in DPD precincts and the Detroit Medical Receiving Center including fire safety, medical and mental health, emergency preparedness, personal hygiene, use of force and restraints, incident documentation, investigation and review, among other areas of concern. The Use of Force, Arrest and Witness Detention Consent Judgment deals with use of force policy, incident documentation, investigation and review, arrest and detention policies and practices, and external complaints, among other issues.

Both judgments deal with training and risk management. DPD is required to develop a risk management system, an internal audit function, a performance evaluation system and a disciplinary matrix. The nature of some of the requirements of the Conditions of Confinement Judgment deal directly with the facilities and are different from the use of force policy and investigative procedure changes required by the other judgment. The Conditions of Confinement Consent Judgment is for two years; and the Use of Force Consent Judgment is for five years.

**PARC:** *What steps did you take to become more familiar with the Detroit Police Department, the events that precipitated the consent decrees, and the community's concerns?*

**SR:** We have met and continue to meet with the interested parties including police officers, the community, police unions, the City Council, precinct commanders, and others to learn more about historical events and community concerns. DPD developed a new bureau to coordinate the Department's compliance with the consent judgments called the Civil Rights Integrity Bureau (CRIB). In addition to our broader efforts throughout the Department, our monitoring team works directly with CRIB to become more familiar with the DPD and its processes and procedures.

**PARC:** *Did you select the members of your monitoring team? If so, what criteria did you use in picking them? How does your team operate, i.e., how have you divided up monitoring responsibilities among your team?*

**SR:** I had the privilege of personally selecting members of our monitoring team. First, I looked within Kroll at individuals who have monitoring and law enforcement expertise. Then I looked for outside law enforcement consultants with specific expertise. I divided the team into five groups with a team leader for each. The teams are Use of Force and Investigations, Audit, Arrest and Detention, Training, and Conditions of Confinement. There are law enforcement experts who work with each team leader.

**PARC:** *How has your experience as an assistant district attorney and as a lawyer with the Civil Rights Division of the U.S. Justice Department prepared you for the monitoring role?*

**SR:** My experience as a state and federal prosecutor has been invaluable. I learned to conduct and evaluate investigations early in my career. In the Civil Rights Division, Criminal Section, I had an opportunity to evaluate and/or investigate hundreds of allegations of excessive use of force and other misconduct in police agencies and jails all across the country. In the course of these cases, I evaluated law enforcement internal investigations, policies, procedures, and training. One of the duties of the Monitor in Detroit is to review completed use of force, critical firearms discharge, prisoner injury, and citizen complaint investigations to determine whether the procedures comply with the mandates in the consent judgments. My practical experience has been a tremendous help in this process. Furthermore, my experiences on the policy side have allowed me to become familiar with law enforcement "best practices" throughout the country. This knowledge base helps in finding the right

resources to provide recommendations and technical assistance to DPD.

**PARC:** *Could you summarize the most important aspects of the consent decrees regarding use of force?*

**SR:** The consent judgment requires that the DPD's use of force policy be revised a number of ways including incorporating a use of force continuum, prohibiting the use of choke holds, and providing that a strike to the head with an instrument constitutes a use of deadly force, to name a few. DPD is required to revise its firearms policy and officers must re-qualify biannually. Another major aspect is that DPD must choose an intermediate force device between chemical spray and firearms on the force continuum.

Furthermore, revisions are required in DPD's chemical spray policy. Another important aspect of the consent judgments regarding use of force is in the requirements for incident documentation, investigation, and review. There are numerous detailed changes required in the use of force investigative process including the creation of a command level force review team, the implementation of a *Garrity* protocol, and various changes in investigative techniques and procedures. DPD is mandated to provide annual use of force training to all recruits, officers, and supervisors; and to develop a firearms training protocol.

**PARC:** *During the course of the monitoring process, if the department comes into apparent compliance before the monitoring period is over, does that satisfy a requirement indefinitely, or does it need to be revisited?*

**SR:** It must be revisited. A police department can come into compliance on a particular paragraph for a period of time and then fall out of compliance. There is a reason that these agreements/judgments are usually for at least five years. The question is: Can a department achieve sustained compliance? For example, if a policy revision is made, then we must look at whether there is adequate training and effective implementation. That is the reason that the Monitor reports are released on a quarterly/periodic basis. Compliance can change over time. The ultimate goal is that a department can monitor itself after the judgment period is complete. The audit function that is required will help the department to eventually be able to monitor itself and thereby correct itself.

**PARC:** *What lessons have you learned during the first six months on the job?*

**SR:** I have learned that there are some extremely committed individuals involved in this process in the DPD and in the City. I know that change is difficult for any individual or organization to grasp. I know that dealing with outside scrutiny is difficult for any individual or organization to grasp. I know that the saving grace is that all parties involved want the same ultimate result. I've learned that I will learn something new from this process every day.