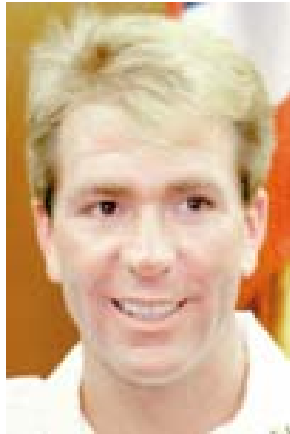


INTERVIEW

In 1997, the City of Steubenville (OH) and the Steubenville Police Department entered into a federal "pattern or practice" consent decree with the U.S. Department of Justice, becoming only the second police department to enter into such a decree. Under the leadership of Chief **William A. McCafferty**, the department came into full compliance with the decree and was released from it in early March of this year. After obtaining a bachelor's degree in Accounting and holding several management positions, McCafferty turned to policing in 1989, when he was hired by the Steubenville Police Department. He became the department's Acting Chief in 2001, and was sworn in as the permanent Chief in January 2003, overcoming the Justice Department's interest in appointing an outsider as head of the department. PARC recently spoke with Chief McCafferty about his department and its reform efforts.



PARC: Please describe your background in policing and law enforcement management prior to becoming chief of the Steubenville Police Department (SPD).

WM: I was hired by the Steubenville Police Department in November of 1989. I had attended the Ohio State Highway Patrol Basic Police Officer's Academy in Columbus, and then I worked as a Steubenville patrolman until April 1998 when I was promoted to sergeant. In June of 1999, I was promoted to captain. On September 10, 2001, I was appointed Acting SPD Chief, and I continued in that role until the U.S. Department of Justice agreed that I could be sworn in as permanent chief, which took place on January 24, 2003.

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PARC: Could you tell our readers about the SPD? How big is your department, and what are the main crime problems and policing situations the SPD faces?

WM: Our department is slated for 49 officers, four dispatchers, and six civilian employees. Each shift of our patrol division is commanded by a captain and a sergeant. Depending on the shift, there are approximately six to nine patrolmen on duty. We also have detective, juvenile, and narcotics divisions. I have an operations captain and an administrative captain, and there is one sergeant now in Internal Affairs.

Steubenville has about 20,000 residents now, down from close to 40,000 in the early 1970s. The steel mills employed about half of the population here. Since the mills have cut back, the population has continually left the area.

The main problem we have in our city is street-level drug dealing, especially of crack cocaine. A lot of our local drug traffic has been traced back to Detroit and Chicago. We did have a huge problem with oxycotton [a street name for the medical drug OxyContin]—prevalent on the East Coast and over-prescribed by doctors. It's like heroin. Since we've done a good job getting the oxycotton dealers off the street, now heroin

is making a comeback. Another main policing concern of ours is juvenile crime.

PARC: What led to the U.S. Justice Department's interest in the Steubenville Police Department's conduct? What were the main policing issues later addressed

in the SPD's 1997 federal "pattern or practice" consent decree?

WM: In the late 1970s through the early 1990s, there were a lot of civil lawsuits brought against the City for excessive force and unlawful arrests. To make matters worse, there really wasn't an internal affairs division in the Police Department to manage the cases. The operations captain, second to the chief, handled most of the cases, and they weren't handled very well,

leaving us open to even more lawsuits. Also, if you were a party to a lawsuit as an officer, there was no counseling, no type of discipline, no training. The Police Department never changed with the times; it stayed the way it had been in the 1960s. It just continued to maintain its status quo.

The consent decree was an all-around, general “best practices” decree. We were never identified as having one specific problem, such as racial profiling. The decree’s main focus areas were inadequate policies for training, monitoring, supervising, or disciplining police officers, and for investigating allegations of officer misconduct.

PARC: *When you first came on as the chief, how did you set your priorities for achieving compliance with the consent decree’s requirements? Did you make any immediate changes in the way the Department was managed?*

WM: I was a captain replacing the previous Acting Chief, so I was still just Acting Chief. I truly didn’t believe I would become the permanent chief. I said, “I’ll hold the Department down until you guys get an outside Chief.” And I said to Charles Reynolds, our court-appointed auditor, “You tell me what you want me to do while I’m here, and I’ll see if I can do it.” His main concern was that there were several open internal affairs cases that had never been brought to a close. One case involved a man in prison who claimed he was innocent and had been set up by a Steubenville police officer. This gentleman requested a polygraph test. For some reason, my predecessors couldn’t get him such a test in prison. Mr. Reynolds asked me to try to get one for the man. I got him one, and he passed it. I think that may have led to him being paroled. He never admitted to any guilt because he truly believed he wasn’t guilty. I believe the polygraph test might have helped him.

I also looked at the rest of the pending internal affairs cases and knew that we had to bring them to a close, no matter what we had to do. And we did so. Additionally, we had a poor employee performance evaluation system. I put one together that met Justice

Department standards, though it’s difficult to get everything you want into an evaluation system.

I think I took a different approach to SPD management than my predecessors had. I was a lot more open to the concept of a consent decree. I believed that we needed policy changes, and I thought those changes would make for a better department. I thought this is what should be done, not what had to be done. Mr. Reynolds and I had disagreements on certain issues, but all along we were both moving towards the same goal—to have a modern police department with best practices.

I needed to switch people around within the Department. It took me awhile to get the right people in the right places to help achieve compliance with the consent decree. But we eventually got it done.

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

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WM: I was a patrolman when the consent decree started. The first thing the chief at

that time did, if I remember correctly, was to establish an internal affairs division with a captain and two sergeants. Captain Locascio was head of that. He and Mr. Reynolds got along well, and the Captain really understood the concept of internal affairs. The IA Division came into compliance rather quickly.

From what I remember, these guys from Internal Affairs put together many of the new policies and then sent them to DOJ to be approved. Looking back on them, my own feelings are that some of the policies were too wordy and too difficult to understand. I think my predecessors thought, “We’ll make this look like it’s a real tough policy and DOJ will be impressed.” But they never thought about the fact that we in the Department would have to live by these policies. This has been a challenge, working with some of these policies.

PARC: *In general, how did SPD personnel view the consent decree? Were certain sectors of the department*

particularly resistant to the decree? How did you encourage “buy-in” for the decree among SPD personnel?

WM: At the beginning, anybody who was a veteran officer—top management on down—didn’t want any part of the consent decree. I remember once when I was a patrolman, one captain walked up to me and said, “Ten guys are going to lose their jobs right away.” Well, no ten officers ever lost their jobs down here. Most of those veterans left rather quickly in the first two years of the consent decree. We had a big turnover—that’s how I got promoted so quickly, moving from sergeant to captain in a year. I would say that the veterans and upper management were not happy at all about the consent decree because they didn’t want somebody else running their department.

“Even after losing the first arbitration case, I wasn’t afraid to make another decision, because the point is not what the arbitrator thinks is correct, but what I think is correct for running the Department.”

Before I was allowed to be named permanent chief, the Justice Department had Mr. Reynolds make me a course syllabus with “best practices” classes I had to take within a year, most of them through the International Association of Chiefs of Police. Anything Mr. Reynolds or the consent decree said had to be done were things that other police departments had been doing on their own for years. This is what made me buy into the consent decree. I would then come back to my Department and say, “You know, we’re not the only place in the world that does this. You’d be surprised at the other departments doing this on their own.” I’d also have captains’ meetings or meet with captains one-on-one. If a problem with the decree arose and someone didn’t understand why we had to do something, I would explain why.

PARC: *Were any specific SPD divisions instrumental in helping the Department as a whole to comply with the decree?*

WM: Again, the Internal Affairs Division, under Captain Locascio’s leadership, very quickly complied with the consent decree. I relied on him a lot for advice when I came on as chief. With our training program, I went through several training officers. For some reason, that was a difficult aspect for us to come into compliance with. One training officer would go overboard, and the other one wouldn’t do enough. I

finally found a patrolman who worked under a training captain, who said, “Hey, this isn’t that hard.” He got us into compliance with the training.

PARC: *What kind of working relationship did you have with the court-appointed auditor, Charles Reynolds? Did the nature of that relationship impact the SPD’s reform efforts?*

WM: I really can’t say enough positive things about Mr. Reynolds. Even before I worked with him as the chief, he was always nice to me. He’d always stop in whenever I was working, whenever he was here for a visit. I knew about his background and everything he’d done. It’s pretty impressive. I

always looked to him as somebody who was an ally, not an enemy. He gave me a lot of good advice. I’ve seen other chiefs of police who’ve had trouble with their auditors, but Mr. Reynolds was a great help.

Early on, the sergeants and the captains didn’t buy into our policy changes. I would tell them, “Mr. Reynolds counsels everybody. He looks at departments all over. He’s got to have some smarts, maybe a lot more than we have here now.”

PARC: *How did the City and the SPD share responsibilities and work together to comply with the decree?*

WM: The Police Department did most of the work, and the City footed the bill. In the beginning, the City would have weekly compliance meetings with the mayor, city manager, law director, SPD chief, and the SPD operations captain.

Once I was made Acting Chief, the city manager said, “Don’t let us slip any.” But then I started getting things done, so he and the mayor pushed for me to be made permanent chief. We now have a new city manager who is really great and has been really supportive. He’s been city manager in large cities and knows everything about how a modern police department operates.

PARC: *Several of the Auditor's quarterly reports noted that city labor arbitrators had a tendency to "mitigate the seriousness of police misconduct... and to trivialize sound personnel practices when making their decisions." Did this affect your authority and ability to impose discipline? If so, how has this issue been addressed?*

WM: This did not affect my authority. I made the same decisions I would have made regardless of the arbitration cases. Even after losing the first arbitration case, I wasn't afraid to make another decision, because the point is not what the arbitrator thinks is correct, but what I think is correct for running the Department. I'm frustrated with the arbitrators because I sit through some of the sessions, see their decisions, and think, "They're seeing something a lot different than what I'm seeing."

We're a small city, and the officers' union has an attorney who basically specializes in arbitration. Our Department attorney is involved in everything, so he's not as specialized. But, lose the cases or not, I would still make the same decisions, even if I had to do it all over again. Yes, some officers fired were given their jobs back by arbitrators, but the officers didn't work or get paid during the arbitration process. In several of the cases, officers had to go six or seven months without job or income, and I don't think anybody wants to do that.

PARC: *Was the Steubenville community involved in any way with the implementation of the consent decree's requirements? How has the decree's implementation affected the SPD's relationship with the community?*

WM: There were a few small groups of people who wanted the Police Department investigated, and they were happy with the consent decree being imposed. But as far as the implementation, once we finalized the decree, the groups had nothing to do with the implementation, unlike what I see in Cincinnati with the agreements [involving the community] there. As I said, our consent decree was never focused around particular issues such as racially-biased policing, but rather around the general running of a police department.

It's hard to say whether SPD's relationship with the community has changed, because everybody has his or her own opinion about the police—whether it's good, bad, or indifferent. I find that most people are indifferent. Other people would contact me and threaten to call the Justice Department over stuff having nothing to do with the consent decree—such as parking tickets—when we were about two audit quarters away from being released from the decree.

A lot of times, people in Steubenville would throw the consent decree in officers' faces. My narcotics officers received a lot of complaints. I think that possibly when consent decrees happen, a lot of the criminals go after narcotics divisions, thinking that if they make complaints, the officers will not mess with them anymore. But that result never happened here. The complaints came and were fully investigated, and we found that the officers hadn't done anything wrong.

PARC: *Now that the City and the SPD have been released from the consent decree, do you think the reforms put in place will endure?*

WM: As long as I'm chief of police, the reforms will remain in place. And I'm going to make more of them. For example, with the issuance of all these new policies since the decree started, we've been living out of two policy books—one with consent decree-mandated items and the other our old policy book which dates back to around 1996. I'm going to make one complete manual that includes all of the DOJ-approved policies, as my first order of business now that we've gotten out of the decree.

Before the decree, we only had forms to record "Terry stops" or traffic stops resulting in citations, so we didn't have a full picture of who was being stopped. Our current forms record all stops, whether there is a citation or simply a warning given. Now we have this information, and we're going to continue to use the forms and to collect data. I believe in all of this. Being from a small town, people want to talk to the chief of police, whereas in a larger city, they can't get to the chief. But here they want to talk to the chief; they don't want to talk to a sergeant, they don't want to talk to a captain. I need to know everything that is

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going on. I need to know about a traffic stop, even if there was just a warning. I don't want somebody calling me on Monday morning and telling me about being given a warning that I don't have any information about. Every morning we have a meeting at 9:30—the operations and administrative captains, the training officers, and I. By 9:30, all of us have already read the latest incident reports and picked out for discussion any issues that we've seen. Without the effort of these and other SPD captains, being released from the consent decree would have been impossible.

PARC: *What do you see as key differences between implementing consent decree reforms in jurisdictions like Steubenville and larger cities such as Los Angeles or Detroit?*

WM: I think the main difference is that, like I said, in a smaller city, everybody wants to talk to the chief. I really think that in larger cities, the chiefs of police need their district commanders to be on top of things and know exactly what's going on. Those chiefs can't know all of their officers. But the district commanders need to know what's going on in their districts so that they can answer any citizen's questions or respond to the chief's questions.

I deal with a smaller amount of people in Steubenville. Nobody is going to slip through the cracks here, because I know the officers. Even the newer officers—I know their personalities. If there's a complaint, I can think to myself whether or not I could see a particular officer doing something. While I don't know how larger departments handle their decrees and come into compliance with requirements, maybe they should break down their departments into smaller areas the size of Steubenville, so that they can say, "This district is in compliance, and that district is not." Then a chief can evaluate who is not doing their job and can switch people around if necessary.

Also, in a larger department, you have a bigger population of employees to pull from. When I went to Pittsburgh a couple of times, I learned that some of

their officers are attorneys. I only have one officer who will be an attorney—a sergeant who is in law school. You just don't have that vast amount of knowledge in a small department that you have in a large one. In that regard, larger departments can utilize their numbers. Recently, someone from the Cincinnati Police Department told me that they have a whole division assigned to working on their agreements. I can understand having a whole division in a department that size, but if you take four officers

away from me to work on a consent decree, that's a big impact on Steubenville's numbers since we have just 49 officers.

PARC: *As a police chief, how do you feel about federal consent*

decrees and the U.S. Justice Department's powers to launch "pattern or practice" actions? Do you think the progress made in Steubenville would have happened absent the consent decree?

WM: I believe the Justice Department should go and look at departments, point out some problems, and make sure to give each department a set amount of time to correct any problems. And if a department doesn't correct the problems in the set amount of time, then I don't think the Justice Department has any other choice but to seek a court-mandated action.

I don't believe progress would have been made in Steubenville without the consent decree. Change is always difficult, but it's constantly needed. I don't think anybody here in Steubenville would have ever taken the steps to impose any of these changes.

PARC: *What advice would you offer to chiefs of other departments that may become the subject of Justice Department "pattern or practice" actions?*

WM: I attended several classes with other chiefs, many of whom didn't feel that it was necessary to have all sorts of data available. But if you have data, and the Justice Department ever comes in to investigate your department, you can always just lay out the data and say, "Here. This is what we do. You show me what we're doing wrong." If you don't have all that

information, you have nothing with which to defend yourself. Say you're being investigated because it's been alleged that your department carries out a disproportionate number of traffic stops involving certain groups. If you don't have traffic stop data, how do you defend your numbers and any disparities? We have all of that information in Steubenville.

So it's important to have your record-keeping down, as well as your disciplinary system. I was once at a use-of-force class where the instructor asked if pointing a weapon at someone constitutes a use of force. The class was divided. Many participants said it was not a use of force. So if an officer pulls a gun and points it at somebody in some of these jurisdictions, there might not be any forms filled out or anything done. We have a policy in the SPD where pointing a weapon is indeed a use of force and requires a form to be filled out. I'm going to be upset if an officer had pulled a gun and pointed it at me. That's pretty intimidating. A major part of managing a police department is what you are doing to correct any problems that you may have. The Justice Department looks at this.

PARC: What are you most proud of having accomplished as chief of the SPD?

WM: Truthfully, I would have to say getting that prisoner I mentioned earlier his polygraph test. People have different beliefs about the polygraph, but a lot of people believed he was innocent. I'm just glad he got the opportunity he requested.

Also, I didn't want to let down the mayor or city council, who really wanted me appointed. The Justice Department at first wanted an outside chief; that was stipulated in the consent decree. But I think Mr. Reynolds believed in me, too. It was a lot of pressure. I didn't want to let anybody down, and I don't believe I did.

Steubenville is now a whole new department. About half of our officers have been hired since the consent decree, so they've never known anything but what we've always done under the decree. Prior to my appointment as chief, everything was "Charles Reynolds said..." or "the Justice Department said this is why we are making changes." After awhile, it became "this is what we here in Steubenville want to do."