

CAN FEDERAL INTERVENTION  
BRING LASTING IMPROVEMENT  
IN LOCAL POLICING?

The Pittsburgh Consent Decree

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## Executive Summary

Ten years ago, Congress gave the Civil Rights Division of the Justice Department new powers to sue state and local governments in federal court to correct a “pattern or practice” of police misconduct. Both the Clinton and Bush administrations have used this new power several times: in Los Angeles, Cincinnati, Detroit, the State of New Jersey, Steubenville, Ohio, and Prince Georges County, Maryland, among other jurisdictions. In Pittsburgh—the first city to enter into a consent decree with the Justice Department—most provisions of the decree were lifted after the Bureau of Police was judged to be in substantial compliance. Pittsburgh, therefore, is the first place we can look to see how the police can satisfy the Justice Department and whether this new kind of federal intervention can make a lasting difference.

To answer those questions, Vera researchers have studied the Pittsburgh Police Bureau since 2001. Both before and after the decree for the Bureau was lifted in 2002, the researchers observed police in field and management settings, interviewed key officials and community leaders, conducted focus groups with police officers, surveyed citizens, reviewed the federal monitor’s reports, and conducted original analyses of police data. In 2003, researchers also surveyed more than 100 front-line officers.

The Vera researchers found that two key factors enabled the city quickly to comply with the terms of the decree: the leadership of a talented police chief and guidance from the federal monitor. The police implemented new systems to track the use of force, traffic stops, and searches; new procedures to hold officers accountable; and new policies and training. Despite recent financial strains, those reforms remain firmly in place today, and both community leaders and citizen surveys reflect significant improvements in service. The research also reveals the importance of such intervention for minority officers. In Pittsburgh, black officers who quietly criticized how the Bureau operated previously, say they appreciate the new consistency in management. In these respects, Pittsburgh is a success story for local police management and for federal intervention.

However, the researchers also found discontent among many front-line police officers and persistent concerns about police misconduct among a sizeable number of citizens. Both black and white officers in Pittsburgh say they believe that tighter management has made police less active and aggressive in fighting crime (although some performance data provided by the Bureau and our citizen survey do not support that belief). The public still lacks a role in the reform process, and citizens do not have access to police data that were given to the monitor under the decree.

There are strong signs a year after most of the decree has been lifted that federal intervention can encourage long-term improvements in police accountability. More engagement of citizens and greater participation of front-line officers might have made a good process even better.

## Table of Contents

Introduction.....	1
The Experience in Pittsburgh .....	2
Issues Addressed in this Report.....	4
Our Sources of Information .....	5
How Well Have the Reforms Been Maintained by the Bureau of Police? .....	7
PARS and COMPSTAR.....	8
Training .....	11
Inspection Unit .....	12
How Has the Decree Affected the Way in Which Officers Approach Their Jobs? .....	16
A Written Survey to Tap Officer Perspectives .....	17
The Perspectives of African-American Police Officers.....	26
Has the Office of Municipal Investigations Made Progress Toward Meeting the Requirements of the Consent Decree? .....	28
Management Changes at OMI.....	28
OMI Comes into Compliance.....	30
Trend Data .....	31
New Directions and Challenges Going Forward.....	33
Community Views on the Conclusion of the Consent Decree and the Current State of Policing.....	35
The Perspectives of Community Leaders .....	35
The Perspectives of Ordinary Citizens .....	37
Conclusion .....	40
Last Reflections on the Pittsburgh Reform Process .....	41
Appendix A: Community Survey: Weighting Decisions.....	44
Appendix B: Survey Results .....	45
References .....	56

## Introduction

Policing in the United States is among the most local of government services. When one of the 18,000 or 19,000 local police agencies in the country goes wrong, it is usually local officials who are responsible for fixing the problem. But when the local political process cannot resolve problems of police misconduct, the federal courts and the United States Department of Justice have a variety of powers that allow them to intervene. Congress expanded those powers in 1994, giving the Civil Rights Division of the Justice Department authority to file civil law suits seeking injunctions against states and municipalities in the face of a “pattern or practice” of illegal or unconstitutional police actions.

In the 10 years since it received that new authority, the Justice Department has investigated police practices in jurisdictions from New York to California. The department has filed six lawsuits, but none of these cases has ever gone to trial. Instead, local governments and the Justice Department have settled those cases through a consent decree. Other investigations avoided litigation entirely when the parties signed a memorandum of agreement.<sup>1</sup> Both the consent decrees and the memorandum agreements generally specify a series of reforms that the police agency in question will implement, and most provide for a monitor to be appointed to oversee the compliance of the local government with the decree or agreement.

The Clinton Administration’s Department of Justice under Janet Reno filed the first of these law suits and negotiated the first consent decree in Pittsburgh, Pennsylvania, in 1997. Others soon followed in Steubenville, Ohio; New Jersey, and Los Angeles. Under President George Bush and Attorney General John Ashcroft, federal intervention has continued with new consent decrees or agreements in Cincinnati, Ohio; Detroit, Michigan; Buffalo, New York; Prince Georges County, Maryland; Washington, DC, and other jurisdictions. The decrees and agreements provide for a monitor to oversee compliance for the course of the agreement, which ranges from two to five years. The agreements can be terminated only after varying periods of “substantial compliance” (usually one to three years). Once local police have met this requirement, the federal government is supposed to withdraw, leaving police reform again as a local concern.

Can a local government and its police department succeed at implementing the reforms required by these agreements and regain their former autonomy over local policing? And, even if reforms are implemented, can local officials maintain the reforms after the federal government and its monitor withdraw? Since 2001, we have looked for answers to those two central questions in Pittsburgh, where the first consent decree was entered.

The experience in Pittsburgh demonstrates clearly that the answer to the first question is “yes”—the Pittsburgh Bureau of Police succeeded at implementing the required reforms, and the federal court monitoring of the Bureau ended just a few months after the

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<sup>1</sup> Columbus, Ohio, is the only city in which there was contested litigation. The lawsuit was dismissed when the parties entered an agreement.

five-year minimum term of the decree (although it remains in effect for the city's citizen complaint agency). The police revised their policies on the use of force and other tactics. They implemented an "early warning system" that allows supervisors to identify officers who are at high risk of engaging in misconduct. They revised training in cross-cultural communication and tactics to defuse confrontational situations. They made it easier for civilians to file complaints. These findings and our account of how the police department achieved these results are described in our first report on the experience in Pittsburgh, published in April 2003.

This report addresses the second question: Can local officials maintain these reforms after the federal government and its monitor withdraw?

A familiar danger with any federal intervention in local government is that the reform effort may lack local legitimacy. The temporary nature of federal intervention in "pattern or practice" cases makes this a special concern here. Without the development, during the period of federal intervention, of a local commitment to the required reforms, any improvements achieved during the period of intervention may quickly fade away.

Moreover, the local commitment may have to develop among several different constituencies. Do local elected and appointed officials embrace the reforms and make them their own? How do the rank and file members of the police department react to the federal intervention and the reforms? Do the local citizens and community organizations that originally urged federal intervention see lasting improvements that matter to them? Do they remain involved with the process and committed to the reforms after the federal monitoring has ended?

## **The Experience in Pittsburgh**

The Justice Department's first settlement based on the "pattern or practice" authority it received under the Violent Crime Control and Law Enforcement Act of 1994 came in Pittsburgh. Long-standing distrust between the police and the African-American community there was exacerbated by a series of incidents in the 1990s—changes in minority hiring practices at the Bureau of Police, highly publicized incidents of police use of force against African Americans, racially charged rhetoric in political campaigns, and the deaths of two black men in police custody.

In 1993 the local chapter of the American Civil Liberties Union began to express concern about the number and disposition of complaints against the police. Under a court discovery order, the ACLU was allowed to examine city files and concluded that investigations of complaints were biased and incomplete. The ACLU and the local NAACP began to collect their own file of complaints and by 1996 believed they saw a pattern of misconduct and a lack of management control over the behavior of police officers. The two organizations filed a class action suit and invited the Justice Department to examine the situation in Pittsburgh under the provisions of the 1994 statute.

Following its investigation, the Justice Department sent a letter to the city in January 1997 alleging use of excessive force by the Pittsburgh police, false arrests, improper searches and seizures, failure to discipline officers adequately, and failure to supervise officers. Justice was concerned not only that misconduct was occurring, but that it was not being adequately investigated and guilty officers not routinely disciplined. The city initially disputed the allegations but decided to settle and signed a consent decree that was filed in U.S. District Court in April 1997.

The decree outlined specific policy and practice changes for the Bureau of Police. It instructed the Bureau to make comprehensive changes in oversight, training, and supervision of officers. Key elements of the settlement required the Bureau to develop a computerized early-warning system to track individual officers' performance; document uses of force, traffic stops, and searches; and provide annual training in cultural diversity, integrity and ethics. The decree also required changes in the processing of citizen complaints, including liberalized filing procedures and more thorough investigations. The reforms were to be scrutinized by a monitor who would report quarterly on the city's compliance to the federal judge who issued the decree.

The Pittsburgh Bureau of Police has been widely recognized for bringing about significant reforms in the years since the signing of the decree, and the court lifted most requirements of the decree with the assent of the Justice Department in September 2002.

In 2001, during the final year of the decree, the office of Community Oriented Policing Services within the Justice Department asked the Vera Institute to examine how this first "pattern or practice" consent decree was received in Pittsburgh. Our report, *Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree*, and the monitor's reports demonstrate that Pittsburgh made substantial progress in reducing police abuses by implementing innovative programs.<sup>2</sup> We attributed much of the success to a pro-reform police chief and the guidance the monitor provided to city officials. Their accomplishments included:

- ✓ A state-of-the-art early warning system that identifies officers who may be in need of remediation by comparing each officer's performance to that of his or her peers;
- ✓ New policies to capture information on all use of force incidents, search and seizures, and traffic stops that place Pittsburgh among law enforcement agencies with best practices in these areas;
- ✓ Increased accountability through centralized review of officer performance data in the early warning system and centralized review of the new incident forms;
- ✓ Improved police training, especially in the area of use of force.

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<sup>2</sup> U.S. Department of Justice, COPS Office Cooperative Agreement # 2001-CK-WX-K037.



While these institutional achievements were impressive, opinions about the reforms were more mixed in the last year of the decree. We found community leaders guardedly optimistic about the potential for meaningful reform under the decree and with a good deal of faith in the police chief's commitment to reform. Our survey of 400 Pittsburgh residents indicated that about four in 10 whites and three in 10 blacks felt that police abuse had declined and police-community relations improved since the decree was signed. Most worrying, however, our focus groups revealed that many officers were resentful of federal intervention.

The consent decree extended beyond the Police Bureau, specifically in its requirements for the handling of citizen complaints against the police. The decree required the Office of Municipal Investigations (OMI)—an office under the city solicitor that investigates citizen complaints against the police and other municipal agencies—to expand the methods by which complaints can be made, to accept and investigate anonymous complaints, and to investigate complaints thoroughly according to strict standards. OMI made progress toward these goals but was not able to consistently meet the standards of investigation set by the monitor. Moreover, the city was slow to hire additional investigators, resulting in a large backlog of open cases. Because of its failure to meet all requirements of the monitor, OMI's period under the decree was extended.

Despite the substantial changes that occurred under the consent decree, many people in Pittsburgh were concerned about whether the accountability procedures implemented by the Police Bureau would remain in place and be followed as rigorously once most provisions of the decree were lifted. This is a critical issue for the Justice Department's use of pattern or practice suits as a method of encouraging reform in police agencies. Federal intervention in local policing is a controversial process, and most agree that it should not continue in any one place for much longer than the five-year term of most decrees. Thus, it is important to know whether changes produced within this time period can endure, why they do or do not, and the strategies that promote successful institutionalization of reform.

## **Issues Addressed in this Report**

In this report, we examine policing in Pittsburgh during the post-decree period—beginning in March 2003, six months after the lifting of the decree, and continuing for a year—to determine whether reforms initiated under federal oversight remain robust or show signs of collapsing as soon as the federal monitor leaves. We examine three principal areas:

- We first look at how deeply the reforms have taken hold in the Bureau of Police. No one believed that the widely-hailed early warning system or the new incident forms that make up its raw data would be dismantled with the lifting of the decree, but effects could be diluted if supervisors or the command staff failed to

enforce completion of the traffic stop, use of force, and search and seizure forms; failed to monitor the information produced by the early warning system, or failed to take effective action to correct problem officers. We also examine separately if, with the passage of time, officers would come to accept the reforms as a routine part of their daily work. And, since many current officers joined the force after the decree was signed, would these officers in particular embrace the new policies?

- Second, we continue to track the progress of OMI toward meeting the requirements of the decree. Shortly after we began this second Pittsburgh project, a new head of OMI was appointed and the agency began making progress in reducing its case backlog. Nonetheless, community leaders remained skeptical that OMI could act as an impartial investigative body when it is a part of the office that defends the city in lawsuits. We examine the changes at OMI aimed at improving efficiency, enhancing investigations, and gaining the confidence of the community.
- A third issue is how the community responded to the lifting of the decree. Many civil rights leaders and citizens had expressed concern about the commitment of the Bureau to maintaining high levels of accountability and other reforms once the federal monitor was no longer in place. We look at how the relationship between the Bureau and the civil rights community and citizens was affected by the lifting of the decree. Did the community believe that the chief retained his commitment to reform? In examining this issue, we use the results of a community survey conducted during our first study as a base and contrast those outcomes with the results of a subsequent survey.

## **Our Sources of Information**

We sought to obtain the perspectives of diverse sectors of the community—from city officials to rank-and-file police officers; from community leaders to citizens at large. In the year before the decree ended, we measured several important indicators of police performance and civilian satisfaction and trust, providing baselines for comparison with the period after the decree. We continued data collection in the post-decree phase, allowing us to compare the figures before and after the lifting of the decree.

Our main source of information was in-depth interviews with key informants including police command staff, union officials, OMI staff, and leaders of community organizations. We interviewed police and OMI administrators at regular intervals throughout the project. We interviewed leaders of community organizations in the final year of the decree and again in the year after it ended.<sup>3</sup>

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<sup>3</sup> Repeated attempts to interview police union officials were unsuccessful.

We used two methods to gauge the effects of the decree-related reforms on police officers and first-level supervisors in the year after the decree ended. We conducted focus groups with officers and supervisors in all six of Pittsburgh's police zones. We selected a shift from each zone and assembled groups of six to ten officers and supervisors at the beginning of the targeted shift. Participation in the groups was voluntary. Officers were asked questions about how the decree-related reforms had affected their approach to policing and the way that they interacted with the public. They also were asked if they believed the reforms had increased accountability in the Bureau and if they had ideas for improving the accountability system.

Our experience during the decree showed that these focus groups tended to be dominated by a few highly opinionated officers. To gain insight into opinions of all officers—not just the most vocal—we had hoped to conduct a written survey with a large and representative sample of officers, but we were not authorized to do so then. However, we were granted authorization for such a survey in the year after the police monitoring ended. That survey was conducted with all officers who reported for the second shift in all of the city's police zones. Although completion of the written survey was voluntary, the refusal rate was very low, suggesting that the sample was representative and that we could have a fair amount of confidence that the views we obtained accurately reflect the sentiments of officers in the Bureau.

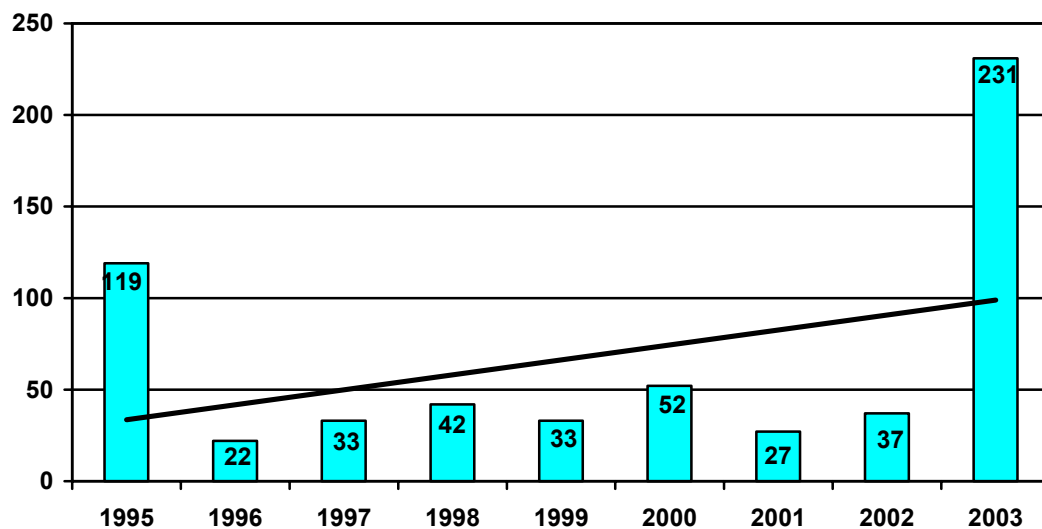
During the last year of the decree we contracted with a survey firm to interview 400 residents of Zone 2, an area containing roughly equal numbers of black and white residents. The survey results showed that many residents believed that policing had improved under the consent decree. Black residents, however, were significantly less optimistic in their appraisals than white residents. In the year after the monitoring ended, we conducted a second wave of interviews in Zone 2 using the same methodology: a random digit dialing telephone survey with 400 residents. The second survey repeated many of the same questions about perceptions of police effectiveness and misconduct and about satisfaction of citizens who are stopped or who request assistance from the police. The second survey asked whether the respondents knew that the consent decree had been largely lifted and whether they thought that the decree had brought about positive and lasting changes. It also contained a set of questions identical to those used in several other surveys of major U.S. cities to enable comparison of opinions in Pittsburgh to opinions in other places.

The data obtained from these multiple methods were collated and synthesized to produce a picture of how the Police Bureau adapted to the end of the consent decree and the extent to which changes made under the decree have been continued and internalized. While no one method is definitive, a fairly clear picture emerges when the different sources are used in combination.

## How Well Have the Reforms Been Maintained by the Bureau of Police?

Since the lifting of the decree in 2002, there have been significant changes in the context within which the Bureau of Police functions. Pittsburgh has experienced a severe budget crisis that put pressure on the Bureau to downsize, and a restructuring plan led to a reduction of the Bureau from 1,175 officers down to 915. To accomplish the reduction, in 2003 the city had to lay off more than 100 officers; many others were demoted (see Figure 1). (The city has since hired back all but 19 of the laid-off officers, and the force now is slightly more than 1,000 sworn officers.) Two of the city's six police zones were merged, reducing the number to five. The special deployment division and mounted unit were disbanded, and community policing was decentralized and placed under zone commands.

**Figure 1: Department Separations 1995-2003, Pittsburgh Bureau of Police**



Relations between the administration and the Fraternal Order of Police (FOP) had been adversarial under the decree. The FOP opposed the signing of the decree and was not involved in the negotiations between the city and the Justice Department that determined the requirements the Bureau had to meet. Reforms in the Bureau were made without the support of (and, indeed, often with active resistance from) the police union. We expected that relations with the union would have thawed a bit with the lifting of the decree requirements, but the downsizing process has ensured continued struggle between the interests of a cash-strapped city administration and a union trying to protect its members' jobs.

We have noted that the Bureau quickly implemented extensive reforms under the decree. This section of the report focuses on how well the Bureau maintained three key

initiatives created under the decree: the PARS and COMPSTAR systems, new training, and quarterly inspections.

## **PARS and COMPSTAR**

A major requirement of the consent decree was the creation and maintenance of an automated early warning system. Within a year of signing the decree, the Pittsburgh Bureau of Police had created one of the most comprehensive early warning systems in policing, the Performance Assessment Review System known as PARS. In addition to PARS, the Bureau devised COMPSTAR, a management process that added depth and a human aspect to PARS, ensuring that the information gathered in the early warning system was acted upon.

In the last year of the decree we found the PARS early warning system to be a functional system that helped to create broad accountability within the Bureau. A year after the federal monitoring ended, PARS remains a strong presence in the Bureau, the current system and its use having changed little from the earlier period. Supervisors are still required to log in to the system daily and view the performance of officers under their direct command. PARS collects data on a wide range of categories and indicates any officer who exceeds predetermined thresholds for any one performance category; this notice is brought to the attention of supervisory staff. Under the decree, the Bureau was required to capture data on 14 separate categories. The Bureau management added an additional four categories, bringing the total to 18 performance indicators entered into and analyzed by the system. In some of those categories, the allowable threshold is determined by an officer's peer group through the use of a standard deviation calculation. At the time of its creation, the concept of comparison with peers was unique to PARS.

The true impact of PARS is seen in the Bureau's COMPSTAR meetings, quarterly command staff meetings that focus on personnel management. Each zone commander at the COMPSTAR meeting makes a presentation based on a report submitted to the chief. The presentation begins with a recitation of the aggregate performance figures for each zone. Commanders often list the aggregate data for use of force, searches, and complaints, noting any increase or decrease over the last reported quarter. Large increases are explained and justified. Individual officer performance is then discussed in detail. Commanders present PARS data for indicated officers and attempt to offer a picture of each officer's performance that is more detailed than the data captured by PARS. For example, a commander might note that an officer was assigned to a special detail instructed to issue summonses, which would explain why he was indicated for issuing a far greater number of summonses than his peers.

The command staff has continued its commitment to PARS and COMPSTAR. PARS is being expanded to capture information regarding secondary employment, vehicle pursuits, compensation claims, and weapons discharges. Table 1 presents the type of data captured and reported on by the PARS early warning system.

**Table 1: Data collected by the PARS early warning system, decree and post-decree**

Accidents
Arrests <sup>1</sup>
Awards, Commendations, Recognition <sup>1</sup>
Citizen Complaints <sup>1</sup>
Civil or Administrative Claims arising from official duty <sup>1</sup>
Civil Claims regarding domestic violence, untruthfulness, racial bias, or physical force <sup>1</sup>
Criminal Investigations of Officers <sup>1</sup>
Disciplinary Action <sup>1</sup>
Discretionary Charges Filed by an Officer <sup>1</sup>
Lawsuits
Mandatory Counseling <sup>1</sup>
Missed Court Appearances
Officer Involved Shootings, both Hit and Non-Hit <sup>1</sup>
Sick Time
Traffic Stop Data <sup>1</sup>
Use of Force <sup>1</sup>
Warrantless Search and Seizures <sup>1</sup>
Excused absences, Absence without leave, and suspensions <sup>1</sup>
*Secondary employment <sup>2</sup>
*Worker's compensation claims <sup>3</sup>
*Weapon discharges <sup>3</sup>
*Vehicle pursuits <sup>3</sup>

\* Data collected post-consent decree

<sup>1</sup>Mandated by the consent decree

<sup>2</sup>Implemented and operational as of 1-01-04

<sup>3</sup>Performance indicators still in planning phase

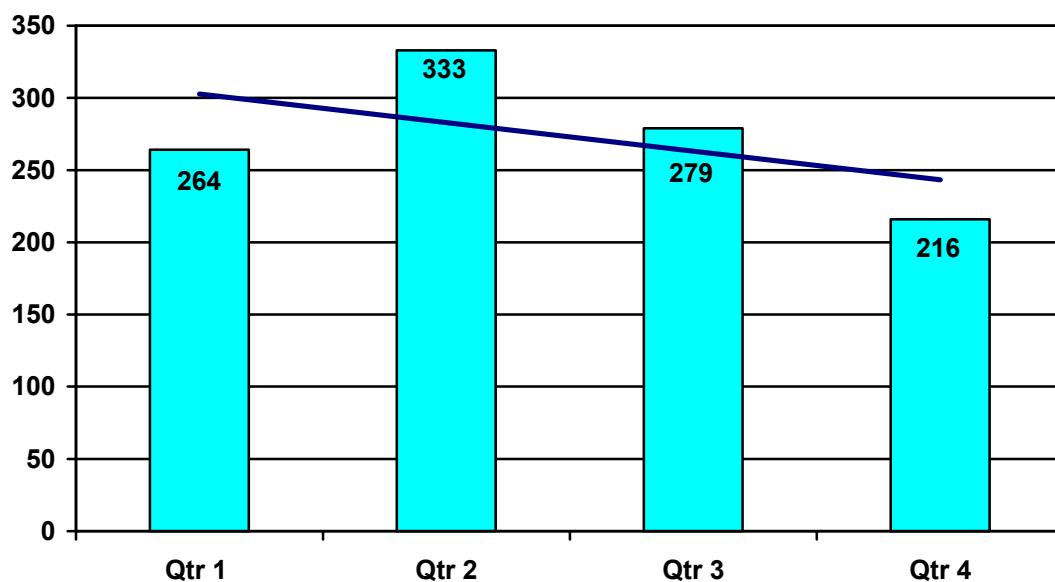
In addition to ensuring that the data produced by PARS is acted upon, COMPSTAR meetings provide a forum for open communication in which commanders are able to familiarize themselves with the performance of officers both in and out of their commands. Our observation of the COMPSTAR meeting for the second quarter of 2003 provided numerous examples of how PARS and COMPSTAR ensure accountability. The chief frequently questioned commanders about the performance of officers being

reviewed at the meeting and was quick to warn commanders regarding insufficient field checks of monitored officers. Members of the command staff shared information and opinions about individual officers. This sharing of information is especially important in an environment where restructuring and massive transfers have resulted in many new duty assignments. For example, one commander advised another to “keep a close eye” on an officer who was recently transferred. At the end of this exchange, the chief said, “This illustrates the key to all of this...we communicate between each other and no officer can fall through the cracks.”

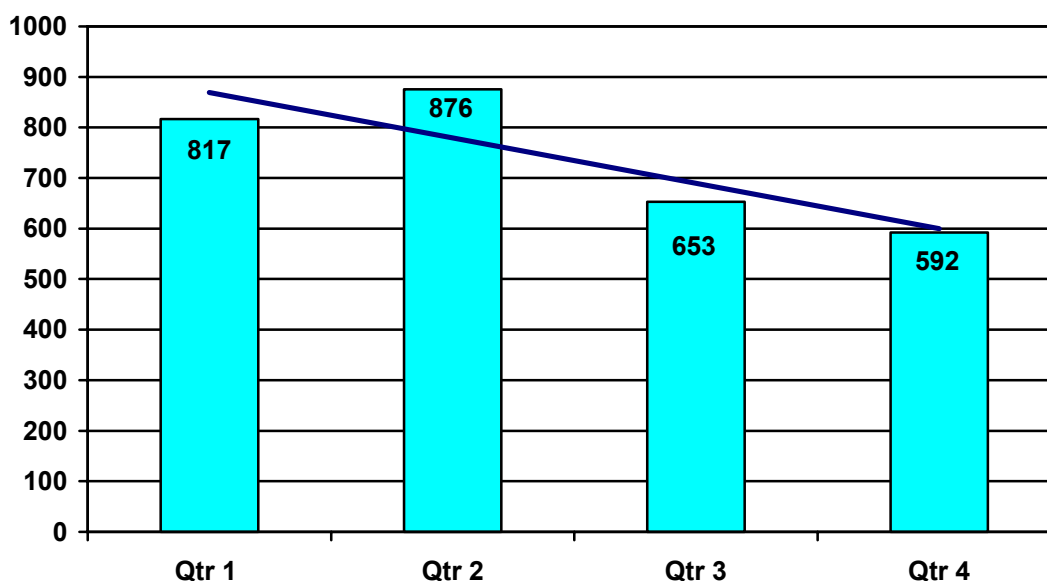
Our interviews and observations indicated that the Bureau remains fully committed to the use of PARS and COMPSTAR in its day-to-day management process. PARS continues to grow in scope and complexity, and COMPSTAR continues to ensure that officers indicated by PARS are thoroughly scrutinized.

Data on use of force and searches and seizures supplied by the Bureau reinforce the idea that the reforms have not been weakened during the post-decree period. Figures 2 and 3 suggest that, if anything, incidents involving use of force and searches and seizures have declined during the post-decree period.

**Figure 2: Use of Force in 2003 by quarter, Pittsburgh Bureau of Police**



**Figure 3: Search and Seizures in 2003 by quarter, Pittsburgh Bureau of Police**



## **Training**

The majority of the changes brought by the consent decree centered on the collection and analysis of officer performance data, but training also changed. The decree mandated that the Bureau of Police train all of its officers in cultural diversity—including “relating to different groups” and “relating to persons of the opposite gender”—verbal de-escalation skills, and ethics. The Bureau implemented the training reforms as required and was in complete compliance regarding training by the second year of the decree.

The training reforms have continued in the post-decree era. Patrol officers still receive yearly in-service training in cultural diversity, verbal de-escalation, and ethics. During the initial stages of the decree, much of this training was contracted out to private sector organizations or other experts in an effort to facilitate rapid compliance and to ensure that the training represented the best practices in policing. Because of recent fiscal woes that have plagued many municipalities including Pittsburgh, the Bureau has had to create its own in-house training using the lessons supplied earlier by outside experts. Even with the fiscal problems, the Bureau has made an effort to expand its training to include terrorism awareness and crimes against the elderly as special topics for 2004. In addition, 12 Bureau of Police sergeants attended a police executive training at Pennsylvania State University. According to the deputy chief, this reflects a “new initiative to train mid-management in leadership.” The Penn State training speaks directly to that initiative, but the training commander said that it is extremely expensive and will likely not be offered again for some time.

And although the academy class slated for 2004 has been canceled because any vacancies will be filled by laid-off officers rather than recruits, the training commander



states that the curriculum would have been front-loaded with training in cultural diversity and ethics as had been the case under the decree.

According to the commander, a large part of the training program is devoted to remedial training for officers who have been identified by the early warning system (PARS). He noted that about 10-15 percent of officers per year (163 in 2003) receive some form of remedial training. This one-to-one training directly tailored to the individual officer's deficiency tends to be time consuming and costly. According to the training commander, the main issue covered in the retraining is the proper completion of departmental forms and paperwork.

These programs are beginning to strain the budget of the training academy and the Bureau as a whole. In an effort to continue providing training within these limitations, the Bureau has sought alternative sources of education. It hosted a training forum entitled "Community Problems and Problem-Solving" presented by the Justice Department's Office of Community Oriented Policing Services (COPS). This training was open to all agencies in the Pittsburgh area, but it allowed the Bureau to provide advanced training for its supervisors without cost. The training commander said that future COPS sessions are in the planning stages.

In addition to curtailing the use of outside experts and programs such as the one at Penn State, the Bureau has slowed the availability of specialized training for officers. One officer complained that it is impossible to receive optional training in such areas of police work as investigations or narcotics. Still, the Bureau has been able to find alternative sources of education for its officers, especially in the areas that the decree mandated. According to the training commander, the current fiscal problems will have no effect on any of the mandatory training programs.

### **Inspection Unit**

While under the consent decree, the city was required to hire an independent monitor whose duty was to ensure compliance with the provisions of the decree. As part of his work, the monitor created an inspection team. Funded by a grant from COPS, the team consisted of a lieutenant and a police officer at each duty location. Together with the monitor, they inspected locker rooms, bulletin boards, and personnel files in each police zone. The team checked to see if required materials such as Office of Municipal Investigations brochures and manuals were available at the zones and made sure that no inappropriate or obscene material was present. In addition, approximately 20 percent of the personnel files were randomly audited to check that all required reports (supervisor's daily activity reports, performance evaluations, OMI complaint files) were in the jackets.

In the post-decree period, the Bureau of Police has attempted to institutionalize the role of the monitor's inspection team. The Bureau absorbed the inspection unit into its management program. Following the monitor's lead, the current inspection unit

completes quarterly checks of all duty locations. According to a current inspection team member, “We follow what [the monitor] did.”

The first two quarterly inspections in the post-decree phase were conducted randomly, and several of the duty locations were chosen for spot checks without their prior knowledge. The last inspection during our research, which occurred in September 2003, consisted of checks of the entire Bureau. This was done in response to an order by the chief requiring the unit to inspect all locations, as was the practice under the monitor.

As it is structured now, the inspection unit differs very little in form and function from the monitor’s unit. It is comprised of one assistant chief and two lieutenants. The lieutenants are responsible for conducting the actual inspections. There is an additional officer or sergeant at each duty location who acts as a liaison to the team. It is this officer’s responsibility to make sure all materials are up to date at the location. The unit conducts quarterly inspections that result in a report to the deputy chief outlining each location’s compliance with the internal requirements of the Bureau. When a deficiency is found, the unit brings it to the attention of the liaison officer who then becomes responsible for correcting the situation. If the problem persists or numerous problems are noted, the commanding officer of the duty location is notified.

Inspections take between 20 and 60 minutes. One inspection cycle for all locations usually takes two or three days. Commands are notified that an inspection will take place during the following week but are not given the exact time and date.

In an attempt to gain better insight into the workings of the inspection unit, a member of the research team accompanied the unit for one day of the third quarterly inspection in September. The unit conducted inspections in Zones 1, 2, and 3 in a systematic manner using a printed checklist. The initial check entailed a physical walkthrough of the facilities including locker rooms, restrooms, and common areas. A lieutenant explained that they were “looking for any obscene or inappropriate material.” Next, the team asked the desk officer to produce the zone’s copy of the Office of Municipal Investigation Policy and public brochures. Behind the desk area, the team leafed through all of the legal advisories and chief’s orders to ensure that each bulletin was complete and up to date.

Lastly, they inspected the contents of the performance and supervisory files. They randomly selected approximately 20 percent of the files and examined the contents in detail. The lieutenant explained that they were looking to see if the files were up to date and if all of the forms had been reviewed and signed by the zone commander. In addition, they checked the supervisor’s daily running sheets to ensure that supervisors were conducting a sufficient number of field checks of monitored officers. Table 2 details the tasks involved in a typical inspection.

**Table 2: Tasks involved in an Inspection Unit site visit**

<b>Task</b>	<b>Description</b>
“Chief’s Order Board” and “Legal Advisor Board”	Each board should be up to date and have the entire year’s orders. All boards should be in descending order by date with the most recent orders on top.
Employee Assistance Program Posters	Each location must have this poster hung in a clear and conspicuous area. The poster should not be obstructed by any other postings. All referral phone numbers must be up to date.
OMI Manual	Each location must have a copy of the OMI manual. This copy must be available to all officers and should be located in the area of the front desk.
OMI Brochures	Each location must have up to date copies of OMI brochures. These brochures must be located at or near the front desk area and within reach of the general public.
OMI Referral policy	Each location must have an up to date version of the OMI Referral policy. Desk officers must be able to produce a copy on demand.
Memo boards and locker rooms	Each location is checked for the presence of questionable material. Questionable material includes obscene photos, gender or racially derogatory cartoons or sayings, and graffiti.
Duty location facility, vehicles, and equipment	Each location is checked for the presence of questionable material.
Performance files	Officer’s files are checked to see that they contain up to date information about evaluations, disciplinary action reports, complaints, and awards. 20 percent of the files are inspected in detail.
Supervisory Daily Activity Reports	Each report is checked to see if field checks of monitored officers are being done and that each supervisor is making specific comments about officers rather than just writing the same observation over and over.

Our observation suggested that the work of the inspection unit was thorough and methodical. In the zones where the inspections were observed, the unit uncovered several deficiencies. Some were minor, such as a failure to purge complaint narratives of other officers’ names, while some bordered on major transgressions. Examples of major

problems included insufficient numbers of field checks of officers under supervision and the inclusion of entire OMI complaints in officers' personnel files. (Officers should not be able to see the entire complaint file, which may include information about complainants and witnesses.) In addition, the inspection unit found that several 2002 annual personnel reports had not been completed. These deficiencies were noted on the checklist and were to be included in the quarterly report to the deputy chief.

According to unit members, when a deficiency is found, it is brought to the attention of the commanding officer of the zone and it is usually remedied within a day. If the problem persists, disciplinary action may be taken but, to date, there has not been any discipline handed down.

## How Has the Decree Affected the Way in Which Officers Approach Their Jobs?

To assess the responses of police officers to the decree and the degree to which it has affected their jobs, we held focus groups with a total of 35 officers and supervisors in each of the city's six police zones.<sup>4</sup> In addition to the focus groups, we also conducted an anonymous written survey and a separate focus group with African-American officers.

In the last year of the decree, we had conducted several focus groups attended by both white and African-American officers in Zone 2 only. It has been our observation that such focus groups are dominated by a few officers with strong feelings. Literature on focus groups suggests that responses in groups are influenced by the social context, including the opinions of other participants.<sup>5</sup> We felt that an anonymous survey would give us a different perspective and would minimize the effect of social influence on responses. We added the special focus group of African-American officers because we noticed that these officers seldom spoke in the racially mixed sessions. We hoped they would feel freer to express divergent opinions if they were in a group with only other African Americans.

In fact, the results validated our use of multiple methods. Opinions expressed in the first round of focus groups during the last year of the decree were largely negative. The anonymous survey and the African-American focus groups conducted for this report generated more balanced opinions about the decree and the reforms that resulted from it.

This post-decree round of officer focus groups was conducted within one-and-a-half years of the first round. In that first set of focus groups conducted in Zone 2 we had found a good deal of resentment about the decree among both officers and supervisors. Officers said they felt betrayed when the city signed the decree and wondered why they were not interviewed or consulted by the Justice Department or city officials. We heard that the decree had substantially lowered officer morale and productivity. We heard that officers were hesitant to intervene in situations involving conflict because they were afraid of having a citizen file an unwarranted anonymous complaint against them or of having to use force that would be perceived as unjustified by the command staff. Patrol officers complained that the multitude of new forms required by the decree were time-consuming and confusing, while supervisors told us that their time in the field was being reduced by PARS-related demands. And we heard that, even in the fifth year of the decree, officers felt that communication with the command staff was poor and that there was little chance to suggest changes or express their opinions and ideas for change.

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<sup>4</sup> Focus groups were conducted before the department restructuring to five zones instead of six.

<sup>5</sup> P.S. Kidd and M.B. Parshall, "Getting the focus and the group: Enhancing analytical rigor in focus group research," *Qualitative Health Research* 10, no. 3 (2000): 293-308.

In this second round of focus groups, the officers clearly indicated—as had the command staff—that the accountability mechanisms remained intact after the lifting of the decree. Officers and supervisors alike said that the new incident forms for traffic stops, search and seizures, use of force, and subject resistance were still required and closely monitored. Officers continued to be disciplined for omitting forms or filling them out incorrectly and continued to fear being indicated by PARS. In one focus group, all officers said that they had been “counseled” for not filling out forms correctly.

We had some indication from supervisors—but not from officers—that the accountability procedures were becoming accepted as part of the job of Pittsburgh cops. There was recognition by some supervisors that tracking use of force and other changes brought on by the decree had been and continued to be useful. Some contended that the decree led to better record keeping as well as improved access to information and that administrative data were both up to date and easy to find. According to one supervisor, “We needed the indicators...Some of the changes were necessary to modernize.” Another added, “Supervisors should know if something is wrong. But in the past a lot of people wouldn’t take action even when it was needed. They only moved [transferred the officer] the problem in the past. So in that way the consent decree was good.”

The overwhelming reaction to the reforms among officers in the focus groups, however, continued to be negative. Even six years after the decree was signed there remained confusion about how the system works and the meaning of being indicated by PARS. Low morale continued to be the dominant theme in the focus groups, reinforced by layoffs, aging equipment, and the Bureau’s policy of annually rotating 20 percent of officers in each zone. Resentment about the decree still ran strong, with many officers expressing the belief that the rank and file had been “sold out” by the administration. Other officers related stories about being unfairly targeted by the Office of Municipal Investigation as a result of baseless complaints filed anonymously by criminals or citizens with a grudge against the Bureau. We continued to hear claims that fear of complaints and disciplinary actions for minor infractions kept officers from being effective. One sergeant lamented that “police officers are afraid to arrest people; they give people too many chances.” Officers and supervisors alike continued to complain about the amount of paperwork required by the new accountability mechanisms.

### **A Written Survey to Tap Officer Perspectives**

As the preceding discussion suggests, the salient opinion we heard expressed in focus groups was strong and negative in regards to morale. But, since participation in the sessions was voluntary, and since some of the participants spoke minimally, we were aware that we might be getting largely the opinions of the most disgruntled officers. Moreover, the focus groups gave us insight into officers’ *shared understandings* of how they experience their jobs under the consent decree, not necessarily their individual

opinions.<sup>6</sup> In an attempt to obtain the individual feelings of officers regarding the reforms, we sought permission of the command staff to conduct an anonymous written survey, a method we felt would yield a high rate of participation and elicit opinions that officers might be reluctant to express in a group setting.

On November 10, 2003, we administered a written survey to Pittsburgh officers and supervisors who worked the second shift in all zones. A researcher was present in each zone at the 3 p.m., 4 p.m., and 8 p.m. roll calls. The researchers addressed the officers to introduce the survey and request their cooperation. They told the officers that the survey was part of an effort sponsored by the U.S. Justice Department to determine how the consent decree had affected policing in Pittsburgh, that the survey was anonymous, and that results would be reported only in aggregate or anonymous form. After the short presentation, the researchers distributed the survey. The officers turned in the forms on their way out of the station house.<sup>7</sup>

In each administration of the survey, some officers expressed suspicions that the answers might be used against them in spite of the promise of anonymity. Nonetheless, 129 completed surveys were returned and just seven officers refused to participate. The 129 responses represent about one in six officers in the Bureau of Police. Following are the tabulated results as well as representative comments from individual officers or amalgamated from two or more officers.

Survey results echoed themes from the focus groups. Both methods revealed strong officer resentment of the reforms introduced under the consent decree. While officers who completed the survey tended to agree that the reforms had brought about significant change, many viewed the change in negative terms, claiming that fear of consequences made officers less proactive and less willing to engage the public and that increased paperwork made them less efficient. Yet, at the same time, a majority of officers agreed that the reforms had increased accountability and that central review of officer actions could have positive consequences.

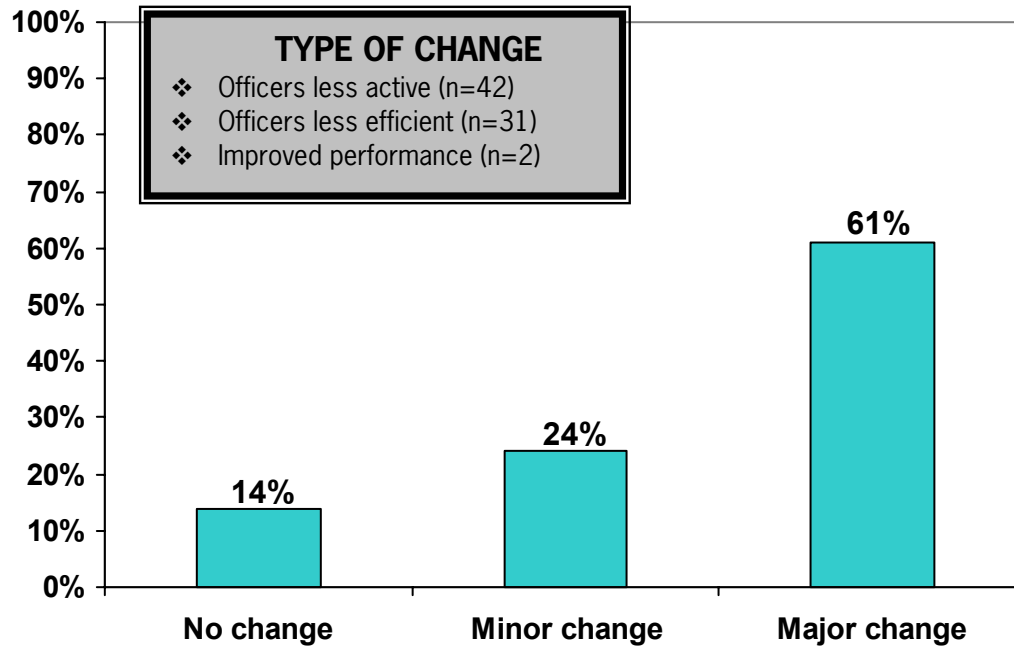
*Effect of the reforms on officer performance.* We first asked officers whether the programs introduced under the consent decree (such as the early warning system; new training programs; and new forms for traffic stops, use of force, and search and seizure) had affected the way in which they perform their jobs. Sixty-one percent said the reforms had brought about major changes in their approach to their jobs, while 24 percent believed that the reforms had brought about minor changes (see Figure 4). Just 14 percent answered that the reforms had not affected their approach to their jobs.

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<sup>6</sup> A. Gibbs, "Focus Groups," *Social Research Update*, Department of Sociology, University of Surrey Winter (1997).

<sup>7</sup> To maintain confidentiality the survey form used did not include any identifying information or questions about rank.

**Figure 4: Did programs introduced under consent decree affect officer job performance?**



The most common type of change noted was that officers had become less active and more sensitive to the appearance of unequal enforcement. This was especially noted in traffic stops. For example:

*A lot of officers quit pulling over cars and other officers try to maintain a balance of race and sex in traffic stops, and that should not be.*

The other common response was that veteran officers initially responded to the paperwork requirements that accompanied the reforms by being less active, and that supervision had become less efficient:

*At first most officers, especially the veterans, did not want to do anything so they would not have to complete the new forms. As time passed, officers got used to the new forms and started to do more. There was no change when recruits came out of the academy; they did not know any better.*

A few officers noted positive changes in their experience on the job:

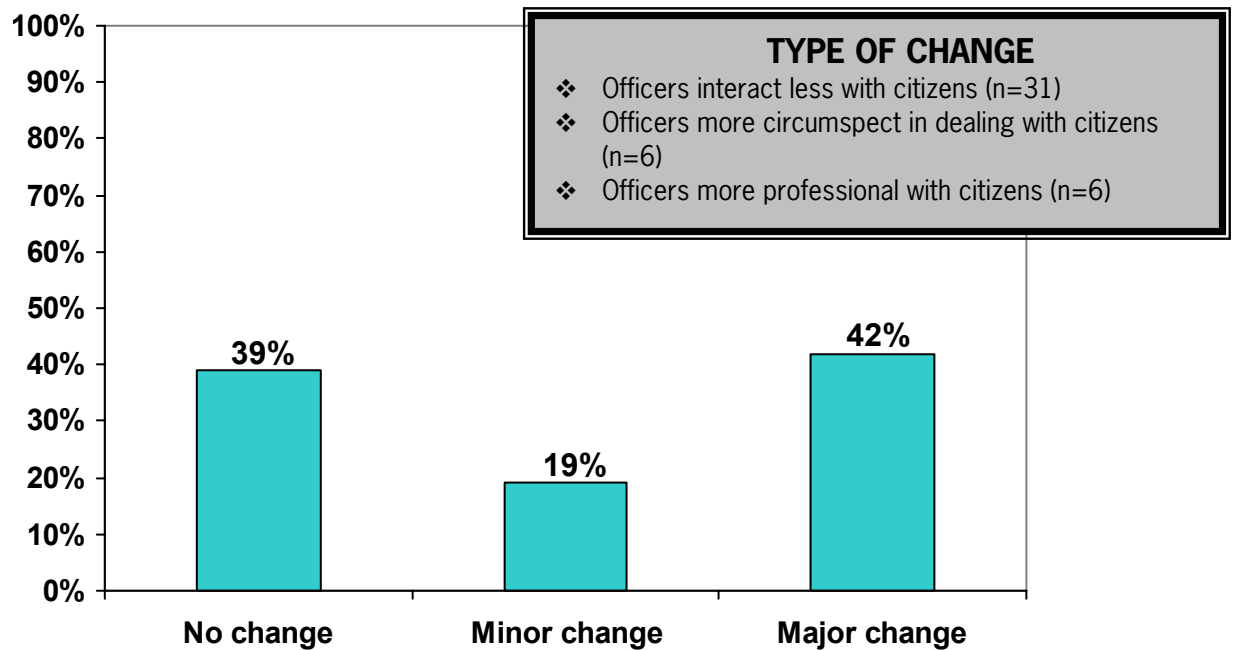
*[The reforms brought about an] increase in communication, increase in accountability, and a decrease in citizen complaints.*

*Effect of reforms on officer interaction with citizens.* We next asked whether the new programs introduced under the decree had affected the way in which officers interacted



with citizens. A majority (58 percent) said that there had been little or no change, but a substantial minority (42 percent) said that there had been major changes in how they dealt with citizens (see Figure 5).

**Figure 5: Did programs introduced under the decree change how officers interact with citizens?**



The most common type of change noted by officers was less interaction with citizens:

*In some ways it made officers more careful (which is good) in how they interact with all groups of people. However, it has also made some officers less prone to interact with people at all because they fear being booked.*

In a similar vein, some officers said that, since the decree, they were more guarded in their interactions with citizens.

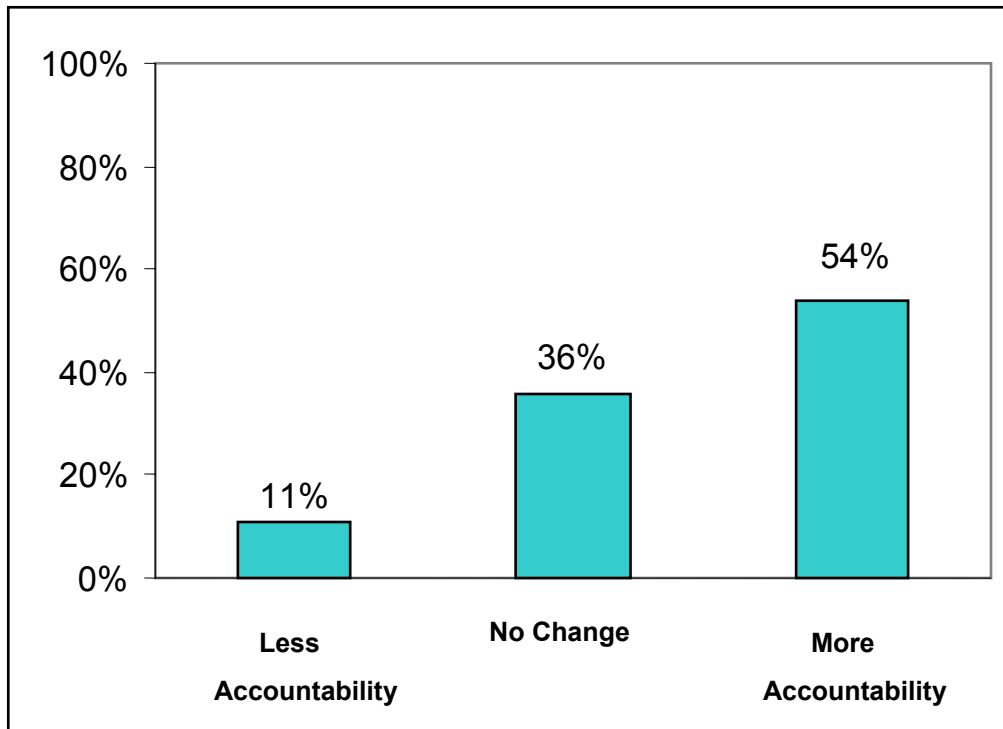
*Most officers are not aggressive with people who are breaking the law. Officers are afraid that people will complain of their civil rights being violated.*

Some officers also stated that, as the parties to the decree had intended, officers had become more professional in their encounters with citizens.

*The city introduced new training—conflict resolution, ethics, verbal judo, etc. These programs emphasized a friendlier approach to policing.*

*Effect of reforms on accountability.* The third question asked whether the reforms had, in fact, increased accountability within the Bureau of Police, as intended by the architects of the agreement. A majority (54 percent) said that the reforms had increased accountability (see Figure 6).

**Figure 6: Did new programs introduced under the decree increase accountability of officers?**

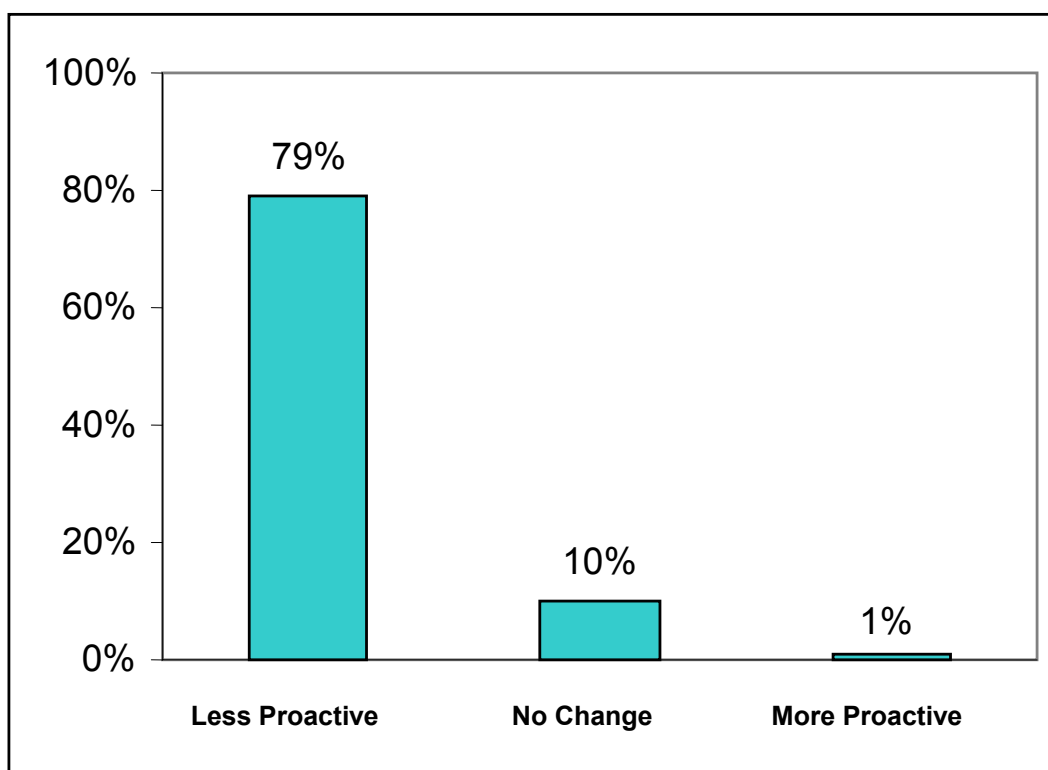


One officer noted that, “Every incident now has a paper trail.” But officers’ reactions to the increased accountability were not necessarily favorable:

*[Accountability] increased to the point that officers are almost afraid to say anything in fear of punishment.*

*Effect of reforms on officer aggressiveness.* Nearly three in four officers stated that the reforms introduced under the decree had reduced the aggressiveness with which they pursued their jobs (see Figure 7).

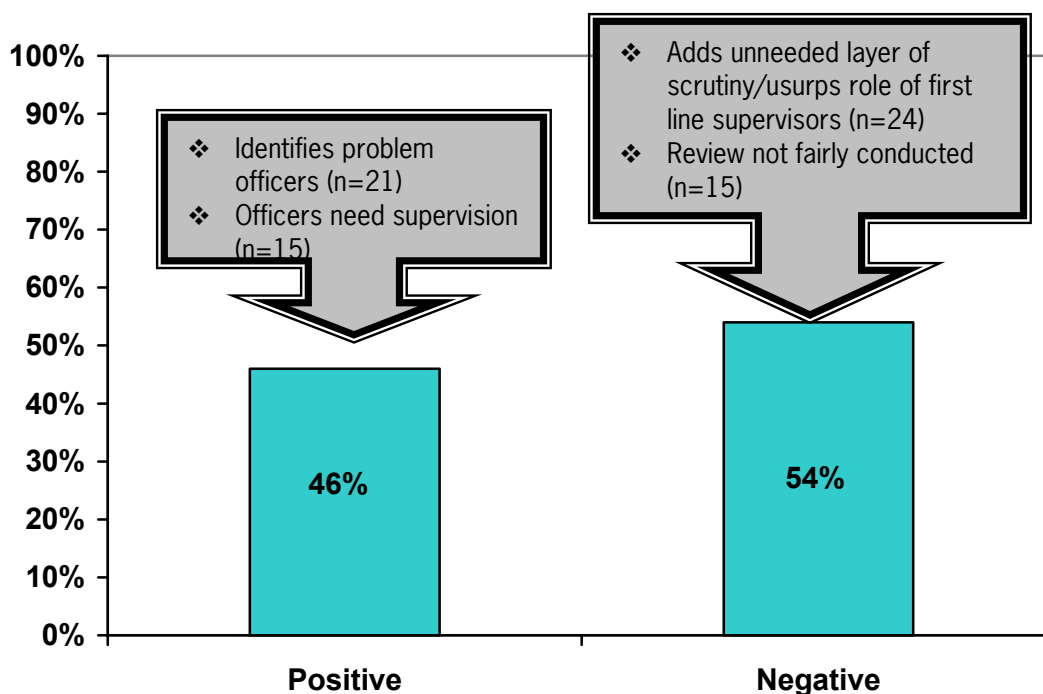
**Figure 7: Did new programs introduced under the decree affect the degree to which officers take a proactive approach in their jobs?**



*I think the decree limited officers' ability to perform their jobs. And criminals know this and take advantage. But at the same time the decree was beneficial because it prevented...officers from violating the rights of others.... [the] decree is not good for the good officer, which is 99 percent of the department. But it is necessary for that one percent.*

*Opinions of centralized review of performance.* Officers were asked whether the added central review of officer actions that was a large part of the departmental reforms was positive or negative. The responses were fairly evenly split: 46 percent felt that the additional supervision was a positive thing, and 54 percent felt it was negative (see Figure 8).

**Figure 8: The programs introduced under the decree mandate that central administrators as well as local supervisors review officer behavior. Do you view that as a positive or negative development?**



The most common reason given by those who felt the additional review was beneficial was that it increases the likelihood that poor officer performance will be corrected:

*It's a good idea for supervisors to keep an eye on officers' behavior and address any minor problems before they become too great.*

Others who viewed central review of officer actions in a positive manner emphasized that the added supervision makes officers more accountable:

*Feedback from bosses to patrolmen is necessary so the patrolman knows if he/she is doing an appropriate job and what needs to be changed or improved.*

Among those who felt that the additional supervision was detrimental, the most common reaction was that the process usurps the authority of first line supervisors:

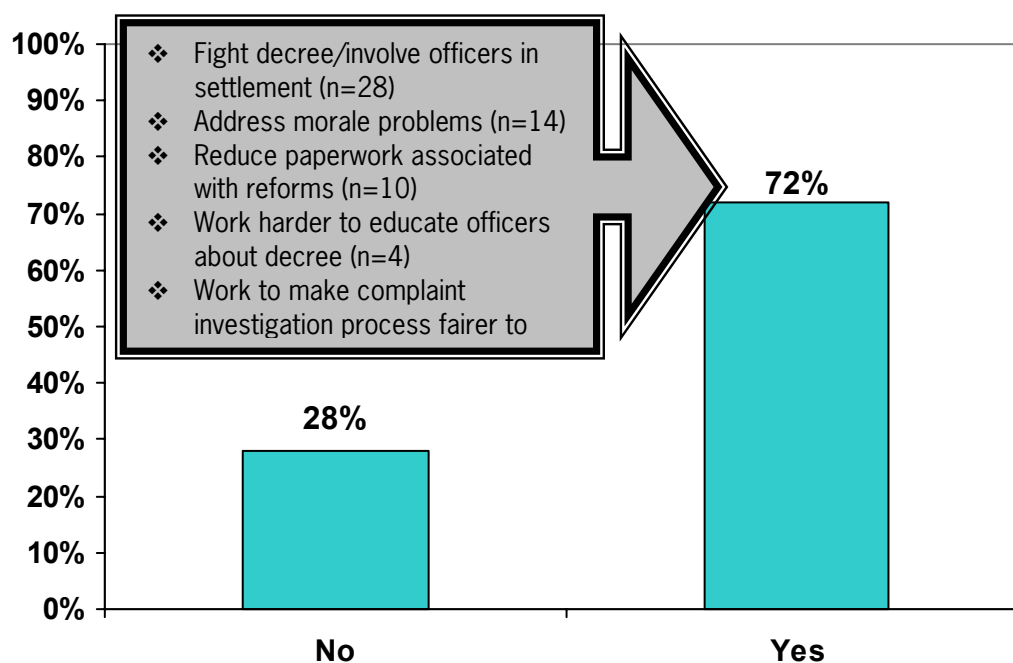
*The administration has taken away the front line supervisors' ability to make a decision on their own. They want to micromanage the way that supervisors do their job. The experience I've witnessed from central supervisors is that they are out of touch and scrutinize the wrong areas of behavior.*

Other officers complained that reviews were not uniform or not fairly conducted:

*Certain officers are dealt with differently because of who they are and their associations as opposed to their guilt or innocence.*

*Ways to have improved response to the decree.* The final question was whether the Bureau's response to the decree could have been improved. Of those responding, nearly three in four thought that there was room for improvement (see Figure 9).

**Figure 9: Are there ways in which the Bureau's response to the consent decree could have been improved?**



By far the most common suggestion was that the Bureau should have fought the decree and/or included the police union in negotiations with Justice Department officials:

*Patrol officers directly affected by the decree were never given the opportunity to make positive changes in department policy. [The decree was] implemented by supervisors that did not participate in patrol functions or understand the day-to-day routines of street patrol work.*

Closely related was the feeling that the Bureau should have addressed the effects of the decree on officer morale:

*It lowered morale on the job. The officers who were once “go-getters” and very good officers slowed down.*

The next most common suggestion was that the amount of paperwork needed to document incidents and problems of officers be reduced:

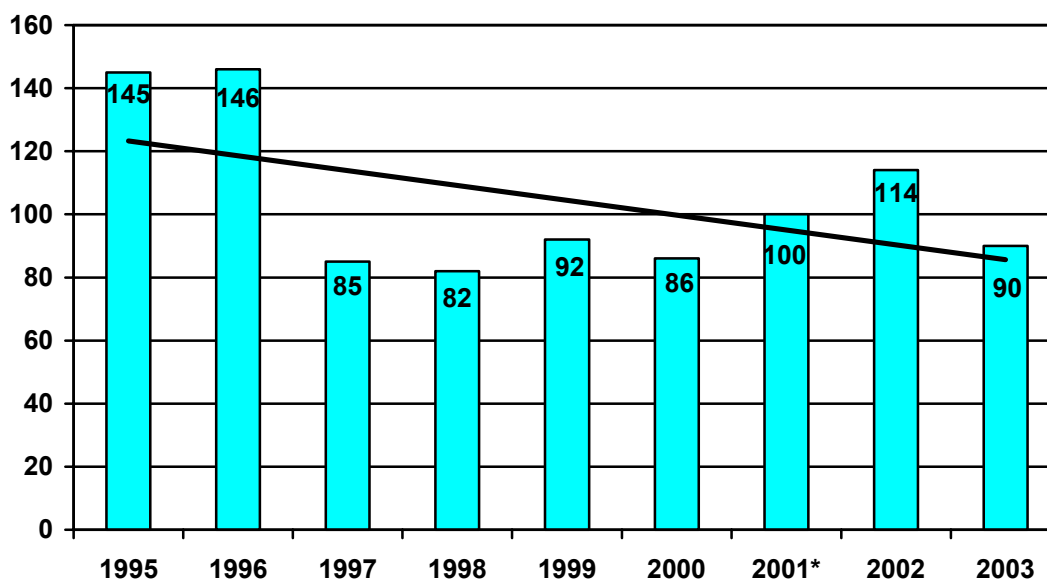
*Officers spend too much time doing paperwork as opposed to doing their job.*

A few officers said that the Bureau could have done a better job of educating the rank and file about the decree or that the Bureau should have worked to make investigation of citizen complaints fairer to officers:

*One of the worst decisions made is anonymous complaints. A complaint filed against an officer should be a sworn statement pursued with charges when the complaint is proven to be a false accusation.*

As with the focus groups that we conducted in the last year of the decree, the opinions expressed by officers in the post-decree period sometimes contradict official data of the Bureau. For example, although officers believed that discipline was frequently meted out, the consent decree neither establishes nor requires specific levels of discipline. Moreover, Bureau data suggest that Disciplinary Action Reports declined with the filing of the decree and remained at a lower level during the post-decree period (see Figure 10).

**Figure 10: Disciplinary Actions in 1995-2003, Bureau of Police**

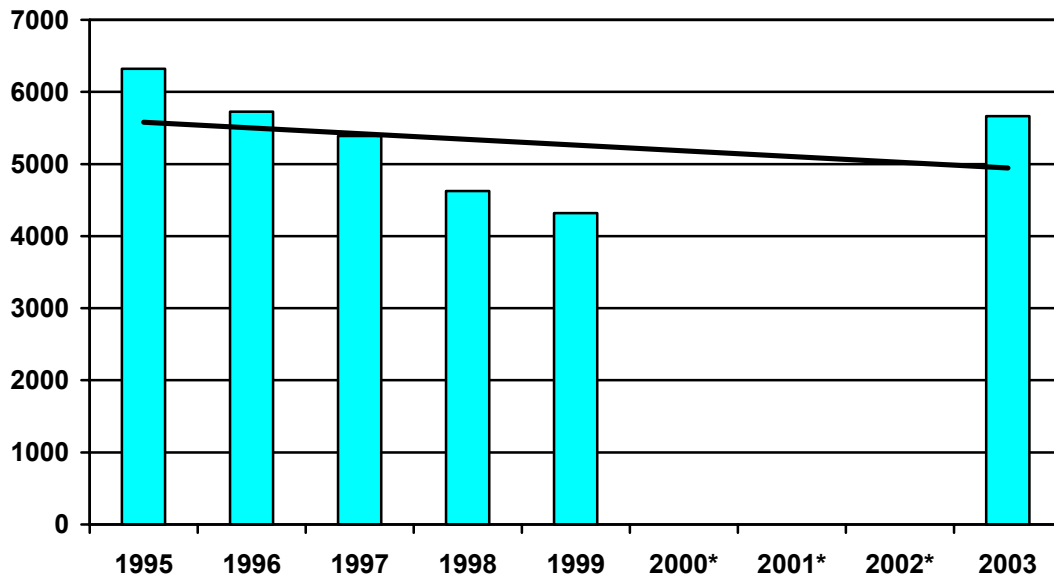


\*According to the Police Bureau, disciplinary actions rose in 2001 when the Bureau was able to determine whether officers involved in accidents were violating the seat belt law.

In the last year of the decree, we noted that sick time—one indicator of low officer morale—had declined with the advent of the consent decree. Figure 11 shows that use of

sick time climbed in the post-decree period, during the time of massive layoffs and restructuring. Even so, it did not exceed use of sick time in the years prior to the consent decree.

**Figure 11: Officer Sick Time Usage 1995-2003, Pittsburgh Bureau of Police**



\*Police bureau data not available for these years.

### **The Perspectives of African-American Police Officers**

During the focus groups we began to notice that, with the exception of one zone, the few participating African-American officers were silent during our discussions. We wondered whether they might have felt uncomfortable speaking in support of the consent decree in the presence of their fellow officers.

As noted above, focus group results arise out of shared frames of reference. In this case, the focus group conducted with nine African-American officers revealed that while black and white officers may share some of the same experiences as police officers, historically they have very different frames of reference. The main distinction arose from the history of racial tension within the Bureau. The African-American officers described a pre-decree atmosphere in which they experienced reprisals for speaking up, certain white officers were protected, and African-American officers were not welcomed socially by fellow officers. One officer noted, “There is still a racial divide that people have not forgotten.”

Most black officers were more sympathetic to the concerns of the black community that led to the consent decree, and, overall, the focus group of black officers was far more positive about the decree than the groups dominated by white officers. While these

officers echoed many of the views we had heard in earlier focus groups, they praised the decree for leading to increased accountability and community awareness and raising the level of professionalism within the Bureau. As one officer said:

*The consent decree has brought about behavioral compliance. The notion is that you will behave a certain way when you are in uniform. Supervisors cannot turn away from this.*

While many white officers objected to the impersonality and unforgiving nature of the new centralized review system, black officers welcomed the impartiality of the process. One said that prior to the decree, “There was no discipline for white officers,” and that, “It’s only recently that the discipline has come down on both white and black officers.” Another said, “I’m pro consent decree because the discipline is more equitable, level, and equal.”

Despite the consensus within the group of African-American officers that, overall, the consent decree brought about positive changes within the Bureau, these officers, like their white colleagues, were concerned that the new accountability processes resulted in micromanagement and left officers little room for discretion or decision-making. Some expressed concern that discipline for minor offenses, such as incorrectly filling out forms, was inflexible and often unwarranted. Several expressed concern that officers were reluctant to intervene in situations with the public for fear of being indicated by PARS or becoming the target of an unwarranted complaint by a vengeful citizen. Some of the officers reported a drastic slowdown soon after the decree was signed. Others worried that the increased scrutiny of officer behavior discouraged officers from acting quickly in potentially lethal situations. As one officer put it, “Will my department back me up on this decision? I suspect a lot of officers would say ‘no.’”

Regarding review of complaints, the black officers—unlike their white counterparts—had positive things to say about the changes at OMI. “There are some officers that were never called down to OMI until the consent decree was put in place,” one participant noted. Several officers acknowledged that, although there will never be complete trust between the police and citizens, “OMI does a relatively decent job.”



## Has the Office of Municipal Investigations Made Progress Toward Meeting the Requirements of the Consent Decree?

One of the principal arguments in the law suits that preceded the consent decree was that complaints against the police were not investigated fully. From the beginning, the Office of Municipal Investigations (OMI) has remained central to the process of reform. While the consent decree was lifted from the Police Bureau in September 2002, it remained in place for OMI. At that time the court modified the remaining decree by removing 25 requirements and adding eight tasks that specifically addressed concerns about OMI. The new tasks were: improving the agency's automated database; appointment of a manager responsible for daily operations; completion of investigations on backlogged cases by February 28, 2003; staffing levels of at least 16 investigators assigned to police complaints; preclusion of the development of a new backlog of cases; improvement of quality control; training for OMI investigators within six months of employment, and enhanced monthly reporting of case intake, staffing, and dispositions.

### **Management changes at OMI**

Recognizing that significant changes had to be made within OMI, city officials appointed a commander from the Police Bureau's Zone 2 to bring OMI into compliance with the conditions of the consent decree. The commander was a progressive administrator who had helped the police chief plan the reforms of the Police Bureau. He also had recently completed a master's program in management. The commander was to take over the reins at OMI temporarily until the agency was on a clear path of sustained compliance with the terms of the decree.

The first task facing OMI's new interim director when he began in September 2002 was to eliminate the backlog that had long plagued the agency and that was, according to the monitor, the primary reason for its persistent non-compliance. But the director quickly found that record-keeping was in such a state of disarray that it was impossible to know with accuracy how many cases were open and to whom they were assigned. Four hundred fifty open cases in the database actually proved to be 380 cases once the database was updated with current information from the case files.

Still, the backlog was larger than the annual rate of intake for the agency, and it was clear that additional investigators would be needed. Applying queuing theory to the problem, the director calculated that it would take six additional investigators to clear the backlog within the time frame set by the judge who issued the decree. The OMI director and the monitor agreed to the February 28 deadline, and six additional staff were borrowed from the Bureau of Police.

Even with the new staff, it proved to be a challenge to meet the deadline. According to the new director, OMI had developed a "woe is me" attitude. Some investigators were

carrying caseloads of 18 or 19 cases when an optimum number was closer to six cases. The result was that staff felt overwhelmed and had ceased making serious attempts to complete investigations within the time required to meet agency goals. The addition of the six new investigators brought the caseload per investigator down to a manageable level but was not sufficient to get the OMI working smoothly. According to the director, a change in culture was needed.

One of the most significant developments within the agency has been the hiring of a competent, trained staff of investigators, each of whom has a manageable caseload. One of the civilian investigators with whom we spoke estimated that her average caseload is now seven, as opposed to 18 just a year ago. The office now employs a staff of 12 investigators—eight police officers and four civilians—one intake manager, one police sergeant, two administrative personnel, and a civilian manager.

To increase staff accountability, the interim director developed several new reports. First, he required investigators to submit daily activity reports. Second, investigators are now required to submit bi-weekly reports detailing the status of each case and progress made in the investigation since the last report. Third, the director developed a weekly report from the automated information system that lists cases closed and the number and age of open cases for each investigator.

Finally, in an effort to professionalize the working atmosphere the interim director instituted a change in the dress code, requiring business attire Monday through Thursday with casual Fridays. Employees (with one exception who resigned in anticipation of being terminated) came to accept the new way of doing things. According to the director, the changes resulted in a change of attitude among employees. The new work ethic was, “Let’s get this done on time.”

Another major change was in the case review process. The director must sign all completed investigations at OMI. Under the old system, one staff person reviewed completed investigations for thoroughness prior to giving them to the director for approval. The review became a bottleneck: It was taking six weeks once investigations were complete for cases to be forwarded to the director for his signature. Moreover, the director had to send most cases back to the investigators for additional work.

The interim director eliminated the preliminary review and began doing all reviews himself, thereby shortening the process from six weeks to a single day. He also brought in the monitor to explain to staff how to improve the investigational quality of reports and what pieces of information needed to be included. And he helped to clarify for investigators the meaning of OMI’s various dispositions in order to improve the consistency of findings from one investigator to another. The agency currently can make one of four possible dispositions. Complaints can be *sustained*, meaning that the investigation showed that allegations of misconduct were supported by facts and represent a violation of department rules; *unresolved*, a determination in which the allegations cannot be proven or disproved; *exonerated*, when the investigation shows that

the police employee acted within the guidelines of authority; or *unfounded*, when allegations are determined to be false or inaccurate.

There was apparent confusion among staff regarding the meaning of unfounded dispositions. The unfounded rate had soared to an all time high during the 19<sup>th</sup> quarter of the decree, primarily because investigators did not understand that unfounded by definition means that the allegation did not occur or was fabricated. Evidence of the problem is reflected in the monitor's 19<sup>th</sup> report covering the period from February 16 to May 16, 2002. The monitor states that "the office unfounded four citizen complaints, even though the officers admitted to the behaviors alleged in the complaint." This raised serious concerns about the training of investigators and the level of oversight within the office. The monitor expressed "deep concern with OMI performance...with problems evident in staffing, training, and now oversight of the investigative process." To remedy the problem, the monitor met with OMI managers and painstakingly detailed his review process, step-by-step, so that investigators could understand how they were being judged. The investigators were made aware that it was their responsibility to be finders of fact, and the agency retrained them, specifically addressing investigative policy and practice.

As the agency moved towards compliance, the backlog was eliminated on February 27, 2003, a day before the agreed-upon deadline. However, according to the OMI interim director, the Justice Department and the monitor raised the bar and added a new batch of cases to the backlog totals.<sup>8</sup> These were so-called "C-files," false arrest cases in which defendants had pled guilty. OMI had understood that, because the guilty pleas negated the false arrest charge, there was no reason to investigate these 38 cases. Justice officials and the monitor disagreed, and OMI agreed to investigate these cases. All of these backlogged cases had been cleared as of the quarter ending August 31, 2003.

The monitor had expressed concern during the interim period about whether OMI's ability to judge police behavior had been compromised by the appointment of a police official as director and six new police officers as investigators. (That did not seem to be a concern, however, among community leaders with whom we spoke.) The city handed control of the agency back to a civilian in September 2003. The new manager is the former acting director of the Public Safety Office, having served in that position for 10 years. She also served on the committee that selected the monitor. Based on her knowledge of OMI before the decree, she noted that she has seen a tremendous improvement in the quality and thoroughness of investigations.

### **OMI comes into compliance**

As the interim director predicted, OMI did in fact come into compliance shortly after he began his tenure in September 2002. By the 23<sup>rd</sup> quarterly report which covered the quarter ending May 31, 2003, the monitor noted that "the City has, finally, developed an

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<sup>8</sup> This characterization is disputed by a Justice Department spokesperson, who maintains that "C-files" were always understood to be included in backlog tallies.

Office of Municipal Investigations staffing and process function that has allowed the Office to fulfill its responsibilities of fairly and impartially investigating allegations of police misconduct.”<sup>9</sup> These improvements are further validated in the 24<sup>th</sup> report, wherein the monitor states that for the first time “the City has achieved complete compliance with all aspects of the decree.”

Another new development has been the return of OMI to the Public Safety Office from the City Solicitor’s Office. There was some concern that requiring OMI to report to the Law Department represented a conflict of interest, as the department’s primary mission is to protect the city from liability. Nonetheless, locating the office under Public Safety represents a similar potential conflict of interest, since it is the same agency under which the Bureau of Police resides.

The federal monitor remains in frequent contact with OMI and continues to conduct audits of the office, which include a site visit to Pittsburgh, on a quarterly basis. The new manager views the monitor as a valuable resource and was keen on involving him in any reform efforts or policy questions.

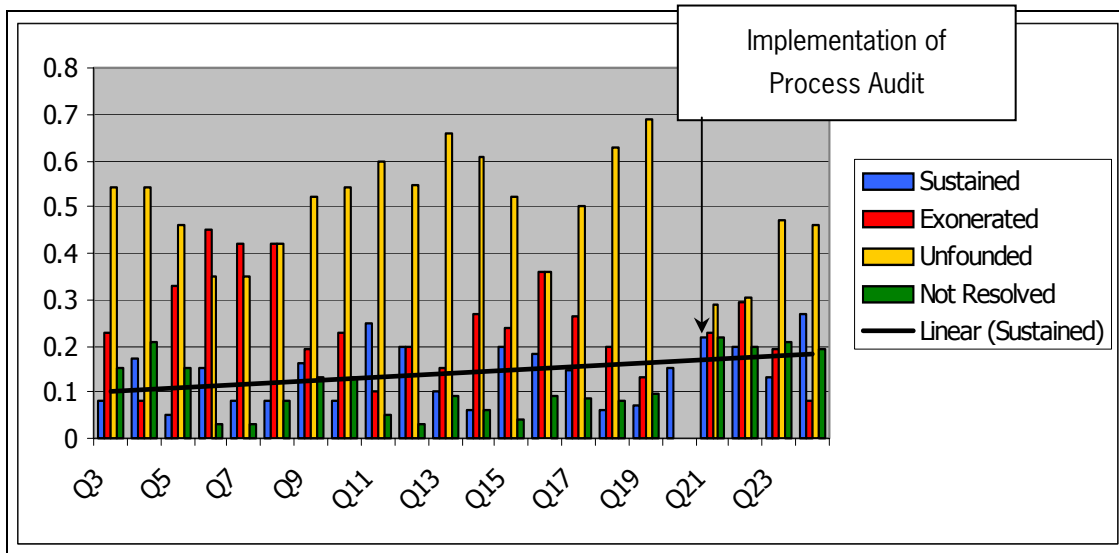
### **Trend Data**

As mentioned above, there was some concern during the interim period that a high number of cases were classified as unfounded. The pattern has been reversed; that is, the number of unfounded dispositions has decreased, and the number of “not resolved” dispositions has risen (see Figure 12). This is corroborated by the monitor’s 23<sup>rd</sup> quarterly report in which he mentions that previous quarters showed large numbers of unfounded and exonerated dispositions while in the 23<sup>rd</sup> quarter OMI produced a more equal distribution of dispositions that “more closely reflect adequate investigations of complaints of police behavior.”

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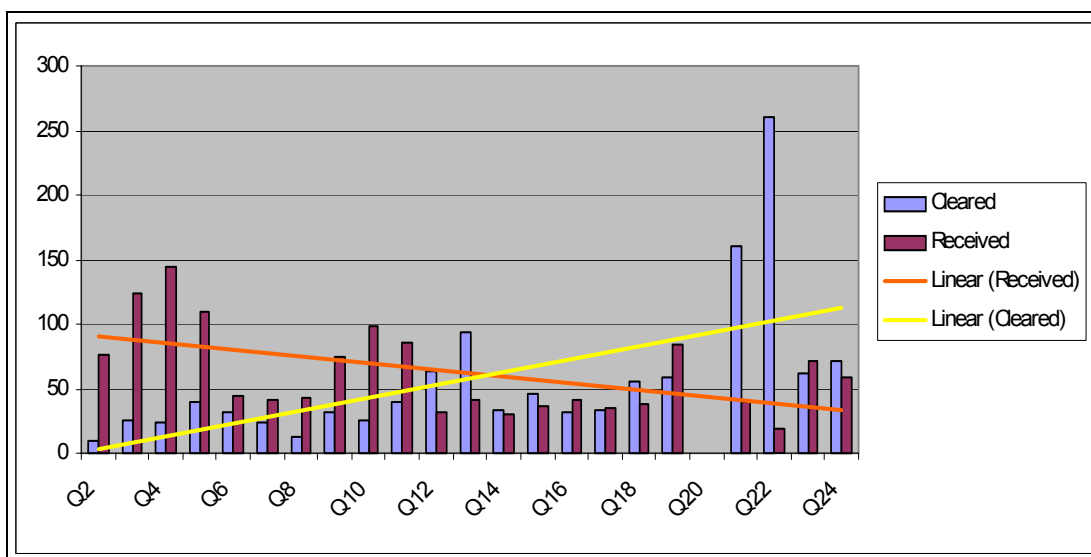
<sup>9</sup> Auditor’s 23<sup>rd</sup> Quarterly Report, August 2003 Public Management Resources, San Antonio, Texas.

**Figure 12: Percent of Resolved Complaints by Disposition, by Quarter (1997-2003)**



OMI staff members anecdotally reported an increase in the number of sustained complaints, a claim that is supported by the monitor's 23<sup>rd</sup> report. According to that report, there has been a gradual increase in the substantiation rate and an accelerated increase in the past three quarters. The monitor attributes the increase to a positive change in the quality of OMI investigations. The monitor reports that in the 24<sup>th</sup> quarter cases took an average of 109 days to investigate, falling within the 120-day limit agreed upon in the consent decree. As a result of the shortened time to case disposition, OMI began to clear more complaints than were received (see Figure 13).

**Figure 13: Received v. Cleared Complaints by Quarter (1997-2003)**



Source: Electronic database provided by City of Pittsburgh, CIS and calculations by the monitor.

## **New directions and challenges going forward**

Now that OMI is in compliance and the backlog of cases has been dissolved, the agency can focus on streamlining the investigation process even further and addressing other challenges, including maintaining impartiality in its investigations. The new manager has begun to think about how OMI can work on tasks such as linking Police Bureau data, including 911 data, incident numbers, arrest histories, and police reports, with OMI computers. This would allow investigators to access important information early in an investigation and facilitate initial questioning of complainants at case intake.

The manager also has expressed interest in becoming more involved in the front end of the investigation process. Investigators begin a case by drawing up an investigation plan and outlining the allegations. The manager would like to review these plans in order to avoid the need for additional information in the future, when witnesses and complainants might not be easily located.

One key issue of particular concern to the manager was deciding what constitutes an investigable complaint. Several OMI staff members suggested that there should be some way to discern at intake whether or not a complaint in fact alleges any kind of misconduct. If it does not, there might be a way to conserve resources by diverting it and making a separate determination. This would only involve complaints with *no apparent* allegation of misconduct. The manager gave several examples; one involved a young family member of a police officer throwing a pebble onto a complainant's driveway. In this case the complainant did not allege any violation of law or Police Bureau rules and regulations. A staff member added that anonymous complaints, a form of complaint that the agency was mandated to take as a result of the consent decree, pose challenges when investigators are unable to interview complainants and witnesses. Other OMI staff mentioned that complaints based on incidents years in the past are virtually impossible to investigate well.

One of the more crucial challenges facing OMI is maintaining impartiality in the investigative process. With a ratio of nine police personnel to six civilians, the investigations cannot be characterized wholly as civilian reviewed or independent. Officers rotate in and out of OMI and return to other assignments. As a result, they are likely to know some of the officers accused of misconduct and/or may work with accused officers after their stint at OMI.

Under these circumstances, it would be easy for biases to creep into investigators' decisions. One of the police staff members characterized the role of OMI as being "here to protect the integrity of the Police Bureau." Other investigators mentioned that in order to avoid "not resolved" dispositions, they would be inclined to give preference to the officer's statement. This sentiment conflicts with the current mandate, which instructs investigators to give no automatic preference to an officer's statement over a complainant's statement. Moreover, there are cases—officer-involved shootings, for example—in which complainants could be averse to dealing with a police officer. If staff

members view themselves as serving the Bureau first and the public second, it is difficult to see how findings can be completely impartial.

Another challenge for OMI is coming to an accommodation with its rival complaint agency, the Citizen Police Review Board (CPRB). CPRB was formed in 1997 as a result of a voter referendum because the city council had lost confidence in OMI. With OMI now firmly on the road to conducting credible investigations, there is sentiment from some city council members that the two agencies should, at some point, merge. Further, in July 2002, a judge ruled that the CPRB could not compel officers to testify, a ruling that has greatly limited its power and effectiveness. Preliminary talks have not resulted in an agreement, but it seems inevitable that duplicative complaint investigations will prove an expensive luxury in a city that is strapped for cash.

Not mandated to compile an annual report or to publish statistics, OMI has not completed an annual report since the beginning of the consent decree. According to the manager, the office believes that the monitor provides sufficient information in his reports. A community group made a formal appeal to the mayor and the police chief to permit access to police performance and citizen complaint data. The group received data from the interim OMI director (primarily information from the monitor's report) but did not get a commitment from the city to share information with the public on an ongoing basis. Community group members argue that, if the public were able to make an accurate comparison of OMI and CPRB investigations and dispositions, then the public itself could make a determination as to whether the city needs two complaint agencies. It is unclear whether OMI will produce its own reports after the monitor is no longer in business.

OMI has turned the corner and is in compliance with the requirements of the consent decree. The biggest challenge for the agency now is to be released from the decree. OMI has made positive changes in case management within the past year and has shown great improvement in the quality of its investigations. With a recent favorable monitor's report and with the addition of a new civilian manager, OMI appears to be much closer to being released from the decree.

## Community Views on the Conclusion of the Consent Decree and the Current State of Policing

The community has been a major stakeholder in the consent decree from the beginning. Concerns about police brutality and misconduct drove the lawsuits and public outcry that ultimately led to the consent decree.

In the year after the decree was lifted from the Police Bureau, we attempted to speak with the same community members we had interviewed during the decree as well as some newly formed community groups. In all, we spoke with individuals or representatives of nine community groups concerned about police reform in Pittsburgh: the head of the Citizen's Police Review Board, a City Council member, the director of the ACLU, a community organizer who runs a youth outreach program, two members of a community group focusing on police violence, three representatives from an inter-faith community group working on civil rights issues, the head of the Urban League, a public school advocate and member of the NAACP, and a member of a neighborhood civic group. Eight of the leaders were African Americans; six were women.

### **The Perspectives of Community Leaders**

*Bureau of Police.* The majority of community leaders with whom we spoke acknowledged that the Bureau had made several key changes as a result of the consent decree and appeared to be “more diligent in monitoring behavior” and “doing a great job.” Where we had previously found deep distrust of the police, local leaders felt that the relationship between the community and police was less antagonistic and that the highly-charged atmosphere in the city had been defused. The council member pointed to the decline in complaints at OMI and CPRB as evidence of this advance. These observations seemed to validate the guarded optimism we had found in our earlier interviews that the reforms introduced with the decree were making a major difference.

Generally speaking, community leaders felt the Police Bureau remained committed to consent decree goals even after most requirements of the decree had been lifted. Praising the progress made by the Bureau, one local leader said, “I don’t think there is a need to aggressively monitor them.” Several leaders voiced their support for the police chief and attributed some of the consent decree’s success to his management. As one leader remarked, “He tries to hold officers to a higher standard.” He said that the chief’s public statements went a long way to reassure the community that the Bureau would continue to follow the guidelines set in the decree.

To be sure, the leaders we spoke with still had concerns about policing. One worried that, although accountability had greatly improved, there might be backsliding without federal monitoring. Another argued that the reforms were aimed at the rank and file only: “There is no improved accountability for high ranking administrators.” Another worried that the recent deaths of two young black males at the hands of Pittsburgh police



reinforced mistrust of the police within the black community.<sup>10</sup> Still another faulted the police for their handling of one recent large-scale demonstration. He noted that police behavior, which he characterized as including “massive false arrests,” was “out of character” for the Bureau. Several leaders spoke out in favor of greater diversity within the ranks, an especially sensitive issue in light of the Bureau’s layoffs. According to one, “Black cops need to be supported.”

It was noteworthy, however, that several of the leaders who had been passionate about police misconduct during our previous interview had little knowledge of or opinions about current policing practices. It was clear that some of the leaders we spoke with had moved on from focusing on the consent decree and police reform to other local issues. One leader commented, “The community is apathetic,” a response we did not hear during our interviews in the last year of the decree. In fact, the crime and justice issue that seemed most on the minds of the people we spoke to was a recent rash of homicides. For the first time in our experience in Pittsburgh, community leaders seemed more concerned about the police stopping crime than about whether they violated the civil rights of citizens.

Several community leaders lamented that the Bureau of Police did not make public information on use of force, traffic stops, search and seizures, subject resistance, and other police activities. Under the decree, these data had been made available on a quarterly basis to the monitor and were included in his reports (albeit not in a user-friendly form) and irregularly published on the ACLU web site. One leader offered the following perspective:

*It makes sense to promote transparency, and it’s in the city’s best interest to publicize good results. They are losing credibility when they refuse to publish. Public perception is very important, and distrust will grow if the public feels information is being withheld.*

One community leader argued that with racial profiling a significant issue, both locally and nationally, the Bureau should be especially sensitive to requests to release information in order to quell fears of the African-American community:

*Most police departments have a problem with racial profiling even if they don’t engage in it because the perception creates the problem. You hope there isn’t any profiling, but you can’t credibly say you don’t engage in it unless you have data. If you have data, then you can effectively move on to building bridges with the community.*

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<sup>10</sup> Jim McKinnon, “Inquest begins in Sheraden shooting: Police say slain youth fired first,” *Pittsburgh Post-Gazette*, June 26, 2003; Jim McKinnon, “Inquest: Police fired 19 shots at suspect in North Side shooting,” *Pittsburgh Post-Gazette*, November 5, 2002.

On March 10, 2003, members of a civic group met with the police chief, representatives from the city, and the interim director of OMI to get aggregate officer activity data and other information from the Bureau and from OMI. Their stated goal was to educate the community by providing the public with police performance data. So far, they have received only cursory data on OMI and say they were told that the other data they requested is “off the table.”

*Office of Municipal Investigations.* Opinions about the complaint process, the Office of Municipal Investigations (OMI), and the Civilian Police Review Board (CPRB) varied from suggesting merging the two entities to making the CPRB the primary complaint agency. Several of the leaders we spoke with were aware of the leadership change that occurred at OMI and commended the interim director’s efforts. Leaders were similarly encouraged by the elimination of the backlog of complaints.

While community leaders acknowledged the progress made by OMI, some expressed concerns and offered suggestions. A major concern revolved around the ability of a city agency staffed mainly by sworn officers to make impartial determinations. One leader likened the situation to “the fox guarding the hen house.” Another maintained that “CPRB is more important because they are truly civilian oversight.”

Lack of transparency was a significant concern about OMI, just as it was about the Bureau of Police. Leaders pointed to the fact that “OMI never published any reports” and “there is no annual report.” Requests for non-personally identifiable information such as traffic stops by zone, search and seizure reports, and use of force statistics were turned down by city officials who told the community groups that they would not be able to adequately interpret police activity information.

The community continues to struggle with roles for seemingly duplicative citizen complaint agencies. A city councilman who believes that OMI and CPRB “should have been combined a long time ago” arranged a meeting to discuss a possible merger. The meeting ended in acrimony without any progress toward a solution.

## **The Perspectives of Ordinary Citizens**

In an effort to assess changes in public perception of the Pittsburgh police since the lifting of the consent decree, we created an updated version of the comprehensive survey of community members that we conducted in February 2002. Many of the questions were identical to those used in the earlier survey and assessed police performance in such areas as fairness, effectiveness, visibility, and responsiveness.

Both the 2002 and 2003 surveys consisted of 32 questions, 20 of which were identical. In each case, telephone interviews were conducted with more than 400 randomly-selected residents of Zone 2, a racially mixed area, using telephone numbers purchased from a commercial source. Individual respondents from each household were chosen based on the alphabetical order of their first names.

On three questions responses of Zone 2 residents changed significantly between surveys. Perceptions of the ability of the police to fight crime and the thoroughness and fairness of complaint investigations were both lower in 2003 than in 2002. A significantly greater number of respondents reported being treated well when being stopped by the police in 2003 than in 2002.

On other questions there was little change. Citizens in both surveys held high opinions of the police in the areas of fairness/courtesy and responsiveness. However, a majority of respondents believed that whites received better treatment from the police than blacks, and nearly half believed that the police used excessive physical force at least some of the time. About a third reported improvement in excessive use of force and police responsiveness to the community since the signing of the consent decree. As is typically the case in big city surveys of attitudes toward the police, blacks held more negative attitudes than whites and were less likely to believe that positive change had occurred since the signing of the decree.

In both surveys the harshest criticism was reserved for OMI: only about one in three respondents believed that it would be easy to file a complaint against an officer in Pittsburgh and or that OMI investigations were thorough and fair. (For a full discussion of survey results see Appendix B.)

The survey also included seven questions about perceptions of police effectiveness and police misconduct that had been used in surveys of other cities.<sup>11</sup> Four questions measured perceptions of effectiveness and three measured perceptions of misconduct.

The results indicate that Pittsburgh residents had positive opinions about police effectiveness. Sixty-three percent of respondents reported that the police do a good job of preventing crime; 67 percent reported that the police are helpful to crime victims; 59 percent reported that the police are effective in dealing with problems that concern people, and 53 percent reported that the police effectively work together with residents to solve local problems.

However, a majority of Pittsburgh residents also believed that the police in their city engaged in various forms of misconduct. Sixty-three percent of the sample reported that Pittsburgh police stop people without a good reason; 51 percent say the police use offensive language, and 67 percent say the police are verbally or physically abusive with citizens.

We wondered whether the opinions about police effectiveness—and particularly about police misconduct—were overstated by people who had not had first-hand experience with the police. To see if this was true, we disaggregated opinions according to whether respondents had had either a voluntary or involuntary contact with the police within the past two years. These results are presented in Tables 3 and 4. The tables do not indicate a significant difference in opinions between respondents who had experience with the police and those who did not.

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<sup>11</sup> Questions were developed by Wes Skogan of Northwestern University.

**Table 3: Opinions of Police Effectiveness in Pittsburgh for those who have had experience with the police in the past two years\*\***

	No experience				Experience within past 2 years			
	Strongly agree	Agree	Disagree	Strongly disagree	Strongly agree	Agree	Disagree	Strongly disagree
<b>Do a good job of preventing crime*</b>	9.5%	59.7%	19.9%	8.5%	10.7%	48.8%	26.8%	11.2%
<b>Are helpful to crime victims</b>	9.0%	56.9%	12.3%	6.6%	17.6%	48.8%	20.0%	6.3%
<b>Are effective in dealing with problems that concern people*</b>	8.5%	56.9%	19.9%	7.6%	11.2%	45.4%	30.7%	9.3%
<b>Work together with residents to solve local problems*</b>	8.1%	54.5%	21.8%	6.6%	13.7%	35.6%	31.2%	11.7%

\* p = .10 for the dichotomized answer strongly agree versus all other responses.

\*\*Experience was defined as those people reporting that they had called the police or had been stopped by the police within the previous two years.

**Table 4: Opinions of Police Misconduct in Pittsburgh for those who have had experience with the police in the past two years\*\***

	No Experience			Experience in past 2 years		
	Major problem	Minor problem	No problem	Major problem	Minor problem	No problem
<b>Stopping people without good reason</b>	26.5%	28.4%	31.8%	30.7%	38.0%	27.3%
<b>Using offensive language</b>	17.5%	24.2%	39.3%	19.0%	32.7%	40.0%
<b>Being verbally or physically abusive</b>	30.3%	28.4%	28.4%	36.6%	33.2%	24.9%

\*\*Experience was defined as those people reporting that they had called the police or had been stopped by the police within the previous two years.

## Conclusion

The overarching question in Pittsburgh was whether a reform process that relies on legitimacy not from local sources, but from a federal court, could succeed and continue after the federal court withdrew. The simple answer to that question is “yes.” There is no question that the implementation of the consent decree requirements in Pittsburgh dramatically changed the culture of the Bureau of Police. Since 2001, we have documented the improvements in accountability: tracking of use of force, traffic stops, searches and seizures, and subject resistance; development of a comprehensive early warning system; centralized review of all data tracked in the early warning system; creation of a management meeting to review officers who might be headed for trouble, and improved training in use of force and cultural awareness.

We found that the sweeping management changes went a long way towards helping the Bureau regain the trust of the community. Community leaders who believed that the police had been undisciplined and out of control were willing to give the chief and the reforms he backed the benefit of the doubt. Our first survey of community residents found that about half of whites and a quarter of blacks believed that police dealings with citizens had improved and that police use of excessive force had decreased since the decree was instated.

By any standard we used, the reforms introduced in Pittsburgh under the consent decree in 1997 remained in full force in 2003, a year after most requirements of the decree had been lifted and the monitor had been withdrawn from the Police Bureau. The documentation of traffic stops, use of force, search and seizures, and subject resistance continued. Centralized review of the forms continued to be just as stringent. The early warning system continued to capture information from these forms and to indicate officers who exceeded thresholds or deviated significantly from their peers. Quarterly COMPSTAR meetings continued to ensure that officers indicated by the early warning system received attention and appropriate remediation.

An in-house inspections unit funded by the Community Oriented Policing Services office mimicked the functions that the monitor had served, making quarterly inspections to verify that each command displays required notices and brochures and checking personnel files to ensure that they contain required reports. Training programs begun under the decree continue largely intact despite severe budget and staff cuts.

Focus groups and a survey of officers reinforced our impressions that accountability mechanisms introduced under the decree remained in full force. While officers continued to express resentment towards the city for acquiescing to the Justice Department’s demands and disparaged the strict scrutiny of their actions, many acknowledged that the reforms did, in fact, increase police accountability.

Community leaders acknowledged that a qualitative change in accountability had taken place and that the relationship between the community and police had become less

antagonistic. We heard no indication from civic leaders that any backsliding had occurred since many of the decree's requirements had been lifted. The survey of Pittsburgh residents found that, with a few exceptions, improvements accompanying the decree that we had noted in the 2002 survey still held a year later after the policing provisions of the decree had been lifted. Similarly, we noted no change in the proportion of people who had contact with the police or in their satisfaction with those interactions.

The Office of Municipal Investigations, which had lagged in adopting reforms under the consent decree, finally came into compliance. Under the guidance of a new director, a new information system was installed, case review procedures were streamlined, and the backlog disappeared.

So it appears that the Justice Department was correct in betting that pattern or practice suits could engender substantial accountability reforms in a short time and that the reforms would survive the life of the decree intact. Pittsburgh did undergo major change and, so far, the changes have remained in place.

The reform process, initiated from the outside, has built up a commitment to reform within the Bureau of Police administration, among at least black members of the rank and file, and among community leaders. But two important groups were not specifically brought into the decree process in Pittsburgh. As a result, our work indicates that acceptance by white officers is still being largely withheld, and there is still skepticism about the Bureau within the African-American community. Buy-in from these groups will be key to continued efforts to build an effective and respectful police force in Pittsburgh.

### **Last reflections on the Pittsburgh reform process**

The consent decree enjoined the city from engaging “in a pattern or practice of conduct by law enforcement officers of the [Pittsburgh Bureau of Police] that deprives persons of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States.” Thus, the essential aim of the decree was to change the way in which police officers deal with citizens. Routine interactions between police and citizens seldom can be monitored directly by police supervisors or administrators. Therefore, the way the decree sought to change officer behavior was by redesigning “management systems for training, misconduct investigations, supervision, and discipline.”

Using consent decrees to change behavior was a new use of this legal instrument. Consent decrees have been commonly used to change procedures or rules—prison conditions, prison grievance procedures, and police hiring practices, for example—often with successful outcomes.<sup>12</sup> However, most of these earlier decrees were not aimed at

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<sup>12</sup> C.R. Blakely, “The Effects of the Duran Consent Decree,” *Corrections Today* February (1997); L.S. Gottfredson, “Racially Gerrymandering the Content of Police Tests to Satisfy U.S. Justice Department: A Case Study,” *Psychology, Public Policy, and Law* 2, no. 3/4 (1996): 418-446; H. Reske, “Lessons in Rewriting Consent Decrees,” *American Bar Association Journal* (1992): 16; T.S. Whetstone, “Post Consent Decree Minority Promotions: Discrimination, Disinterest, Disenfranchisement or Unrealistic Expectations?,” *International Journal of Police Science & Management* 1, no. 4 (1999): 403-418.

changing the behavior of large groups of employees. In this sense, the pattern or practice cases brought against police departments were treading on new ground.

Because record-keeping was so bad in Pittsburgh before the decree, it is difficult to assess the effectiveness of reducing misconduct through changing training programs and accountability systems. We do not know, for example, whether citizen complaints or use of force declined after the decree was signed because pre-decree data were not available to us. The citizen surveys and interviews with community leaders suggest that change in police conduct did occur over the course of the decree, but our evidence is not definitive because we did not conduct a community survey prior to the signing of the decree.

There were strong hints that the decree's intent to radically change management systems resulted in unintended effects as well. According to police officers, morale sunk dramatically because the city was seen as "selling them out." Officers said they retreated from unnecessary contacts with the public because they feared abuse of the liberalized citizen complaint procedures. Officers said they avoided being proactive in their work because they feared they would be disciplined for filling out forms improperly or be indicated by the early warning system. Officers complained of duplicative paperwork and supervisors complained about reduced time on the street because they had to gather extensive data on numerous indicated officers for each COMPSTAR meeting. We do not have independent proof of these undesired effects and, indeed, our earlier report presented data calling into question some of these assertions. But the fact that we heard these things so many times in different forums suggests that there is some basis to them.

Many of the unintended effects of the decree on officers are directly tied to the new management systems that the decree required. The decree does not specifically mandate that commanders and line supervisors have less discretion, but the reforms as instituted in Pittsburgh essentially took responsibility and flexibility away from the individual commands and created a centralized review structure. Compliance with proper completion of the new forms was reviewed centrally. Decisions about discipline were either made or reviewed centrally. COMPSTAR is a way for the central command to make sure that decisions of local commanders and supervisors are consistent with departmental policy.

This centralized approach to identifying and responding to officer misconduct makes good sense in the wake of allegations of civil rights violations on a level that triggers federal intervention, but the approach runs counter to the decentralizing imperative of the other major police reform of the past two decades: community policing. As law professor Debra Livingston has pointed out, consent decrees like those in Pittsburgh rely on adherence to professional standards as the best safeguard against police misconduct, rather than engagement of local communities in setting standards and monitoring police

conduct.<sup>13</sup> Indeed, among the many successful and praiseworthy initiatives of local officials in Pittsburgh we did not find substantial efforts to engage community residents and organizations and to give them a defined role in assuring the proper functioning of the Police Bureau. We found no citizen councils that help set police priorities in Pittsburgh, and we heard complaints that aggregate data on uses of force, traffic stops, searches, and other performance measures are not made easily available to city residents. The centralized accountability model that was adopted in Pittsburgh also runs counter to another tenet of community policing—allowing local commanders and even line officers more responsibility and discretion in their work.

Whether the notions of centralized accountability practices demanded by consent decrees and decentralization of decision-making entailed in the community policing philosophy can be reconciled is an open question. The challenge going forward will be to develop a model that incorporates the advantages of community policing while monitoring officer behavior and holding officers accountable for wrongdoing. This process may have begun in the complex reforms underway in Cincinnati under federal court oversight, which contain explicit requirements for community participation and the adoption of community policing strategies.

In Pittsburgh, local policing is again a local matter, but its future may depend as much on the engagement of citizens and police supervisors as it does on senior management's ability to sustain the procedural improvements put in place over the past six years.

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<sup>13</sup> "Rewriting Consent Decrees," *American Bar Association Journal* (1992): 16; T.S. Whetstone, "Post Consent Decree Minority Promotions: Discrimination, Disinterest, Disenfranchisement or Unrealistic Expectations?" *International Journal of Police Science & Management* 1, no. 4 (1999): 403-418.



## Appendix A: Community Survey: Weighting Decisions

Because no meaningful comparison group existed at the time, the results of the 2002 community survey were reported in their weighted form in our first Pittsburgh report. The decision to weight the results was made in an effort to match the Census 2000 figures for Zone 2.

In the current analysis, we present unweighted figures for both the 2002 and 2003 surveys. Both surveys used a random selection scheme, making the results unbiased predictors of the true population. This made direct, unweighted comparisons possible.

The 2002 and 2003 surveys matched quite well. Both over-represented females and older people and underrepresented males and younger people. More importantly, both surveys matched census data for race, our primary demographic variable of interest.

**Table A1: Comparison of survey demographics to Pittsburgh census data**

	<b>2000 CENSUS ZONE 2</b>	<b>2002 SURVEY</b>	<b>2003 SURVEY</b>
<b>Male</b>	47%	34%	34%
<b>Female</b>	53%	66%	66%
<b>18-24</b>	24%	8%	7%
<b>25-44</b>	32%	27%	24%
<b>45-65</b>	23%	33%	36%
<b>65+</b>	21%	31%	32%
<b>White</b>	52%	57%	52%
<b>Black</b>	44%	40%	43%

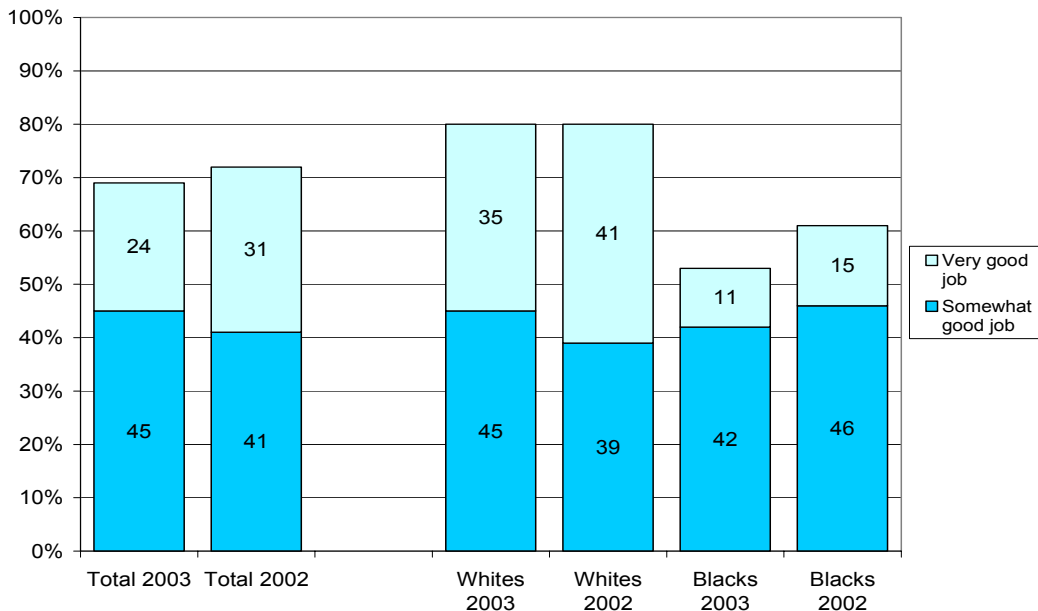
## Appendix B: Survey Results

*Changes in citizen opinions from 2002 to 2003.* In both surveys, eight questions were employed to measure public perceptions of the police. In the analysis, we focus on changes in perceptions from 2002 to 2003 for the entire sample and for whites and blacks separately.

Figure B1 below depicts the percentage of respondents who reported that the Pittsburgh Bureau of Police does a very good or somewhat good job of dealing with citizens in a fair and courteous manner. In the 2003 survey, 69 percent of respondents reported favorable opinions. This is a slight (but not statistically significant) decrease of four percent from 2002 when 72 percent were favorable.<sup>14</sup>

Figure B1 also breaks down responses by race. Clearly, white respondents have a more favorable perception of police. On the 2003 survey, 80 percent of white respondents reported that the police do a very good or somewhat good job of dealing with citizens in a fair and courteous manner compared to 53 percent of African-American respondents.<sup>15</sup> Neither whites nor blacks showed significant changes in perceptions of fairness and courtesy from 2002 to 2003.<sup>16</sup>

**Figure B1: Percentage of citizens reporting that the Pittsburgh Bureau of Police is doing a very good job or somewhat good job of dealing with citizens in a fair and courteous manner.**



<sup>14</sup> Pearson chi-square = .845 at 1 degree of freedom, p = .358

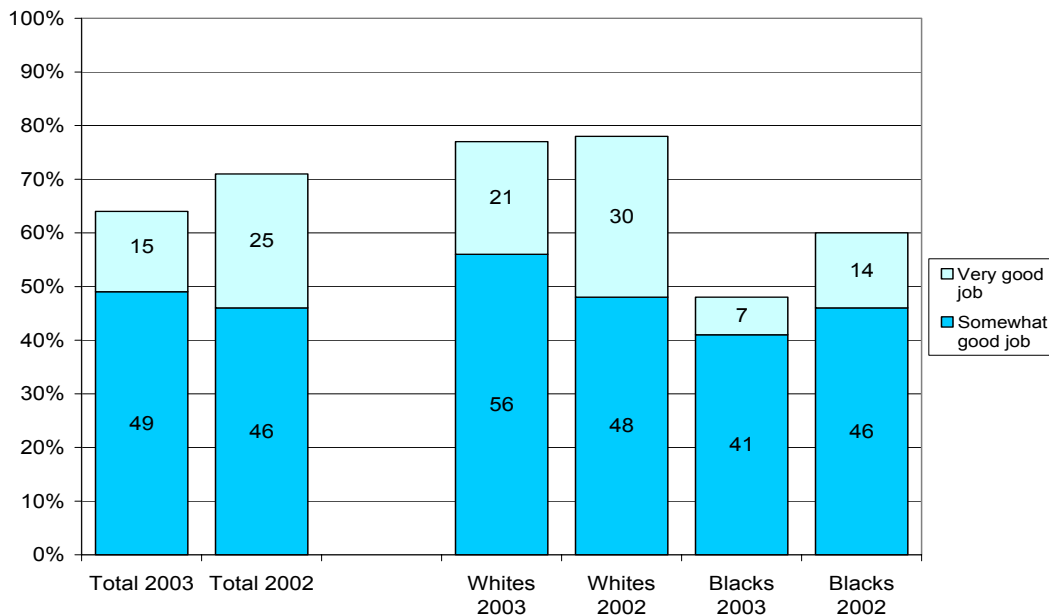
<sup>15</sup> Pearson chi-square = 52.514 at 2 degrees of freedom, p = .000

<sup>16</sup> Pearson chi-square for African Americans = 2.559 at 1 degree of freedom, p = .110

The second question common to the 2002 and 2003 surveys measured respondents' belief in the ability of the Pittsburgh police to fight crime (see Figure B2). Sixty-four percent of the 2003 respondents rated the police positively, with 15 percent characterizing the police as doing a "very good job" and 49 percent characterizing them as doing a "somewhat good job." This was significantly lower than reported in the 2002 survey when 71 percent of respondents gave a positive response, but still nearly a two-thirds majority.<sup>17</sup>

Whites tended to rate the police significantly higher than African Americans. On the 2003 survey, a total of 77 percent of white respondents reported that the police are doing a "very good" or "somewhat good" job of fighting crime in Pittsburgh while just 48 percent of African Americans held the same opinion.<sup>18</sup> Moreover, separate analysis of the change from 2002 to 2003 by race revealed that African Americans' opinions of police crime fighting abilities has decreased significantly.<sup>19</sup> The percentage of African-American respondents reporting that the police are doing a "very good job" or "somewhat good job" dropped 12 percentage points, from 60 to 48 percent. In contrast, opinions of the police crime fighting ability changed imperceptibly among whites from 2002 to 2003, but the change did not approach statistical significance.<sup>20</sup>

**Figure B2: Percentage of respondents reporting that the Pittsburgh Bureau of Police is doing a very good job or somewhat good job of fighting crime.**



<sup>17</sup> Pearson chi-square = 4.062 at 1 degree of freedom, p = .044

<sup>18</sup> Pearson chi-square = 52.570 at 2 degrees of freedom, p = .000

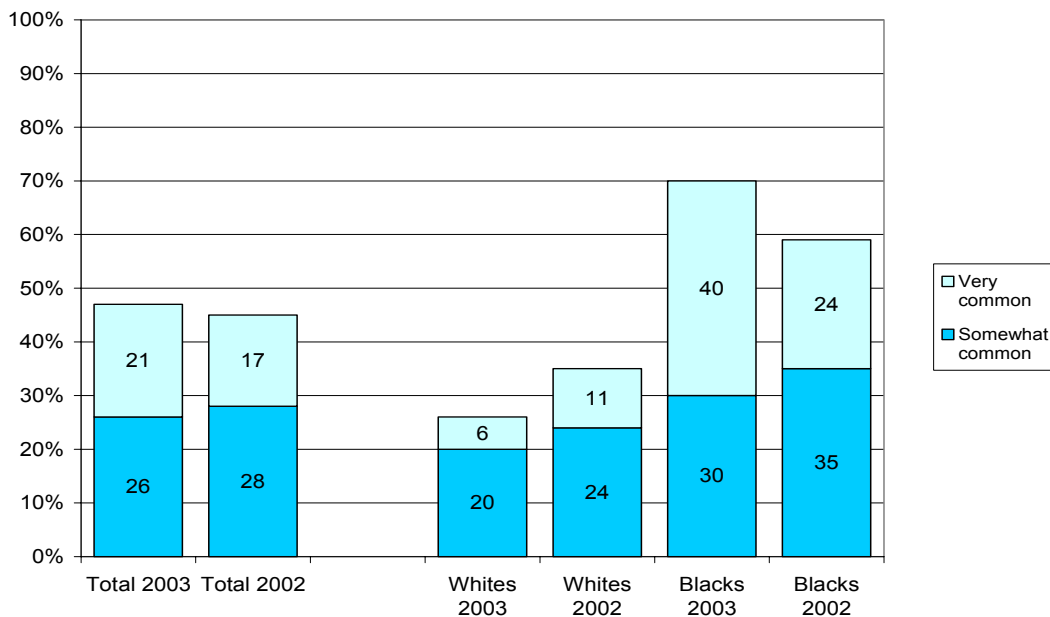
<sup>19</sup> Pearson chi-square = 4.733 at 1 degree of freedom, p = .030

<sup>20</sup> Pearson chi-square = .012 at 1 degree of freedom, p = .914

The next question asked respondents whether they believed that use of excessive force by Pittsburgh police officers was common or uncommon (see Figure B3). The proportion that believed that use of excessive force was common did not differ significantly between the 2002 and 2003 surveys, increasing very slightly from 45 to 47 percent.<sup>21</sup>

Large differences by race were evident on this question. The proportion of whites who believed that excessive force was common decreased from 35 percent in 2002 to 26 percent in 2003 (a statistically significant decrease).<sup>22</sup> In contrast, the proportion of blacks who believed that excessive force was common increased significantly from 60 percent in 2002 to 70 percent 2003.<sup>23</sup>

**Figure B3: Percentage of respondents reporting that it is very common or somewhat common for police officers in Pittsburgh to use excessive force.**



The fourth question concerned the responsiveness of the police to the needs of the community. Figure B4 shows that 69 percent of the respondents in both the 2003 and 2002 survey reported that the Pittsburgh police are doing a “very good” or “somewhat good” job.<sup>24</sup>

Differences between blacks and whites were again statistically significant.<sup>25</sup> On the 2003 survey, 80 percent of white respondents reported that the police are doing a “very good” or “somewhat good” job of responding to the needs of the community compared to

<sup>21</sup> Pearson chi-square = .338 at 1 degree of freedom, p = .561

<sup>22</sup> Pearson chi-square = 3.444 at 1 degree of freedom, p = .063

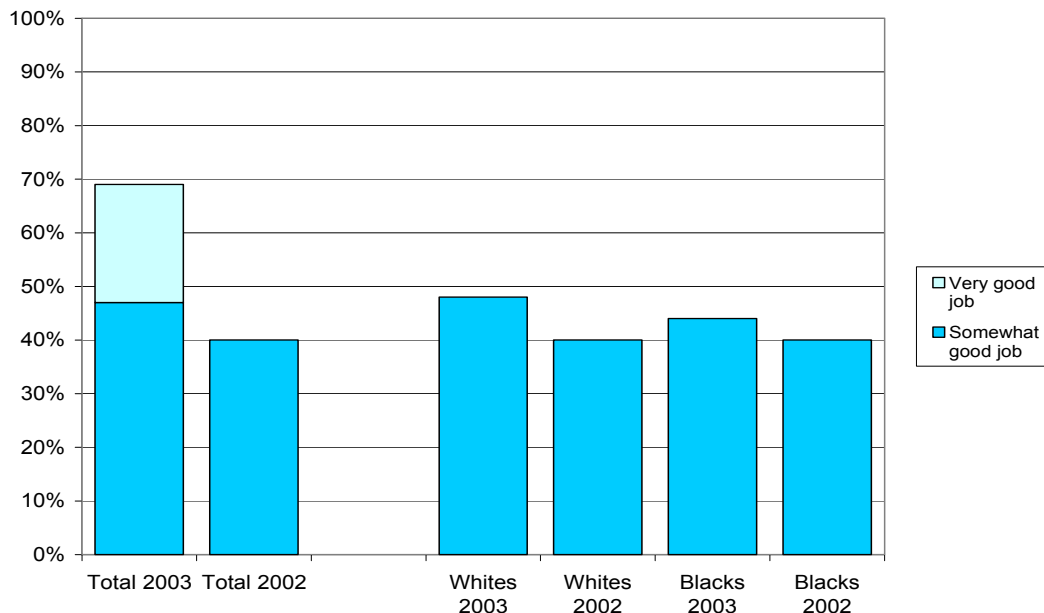
<sup>23</sup> Pearson chi-square = 4.334 at 1 degree of freedom, p = .037

<sup>24</sup> Pearson chi-square = .078 at 1 degree of freedom, p = .779

<sup>25</sup> Pearson chi-square = 40.436 at 2 degrees of freedom, p = .000

56 percent of African Americans. The change from 2002 to 2003 did not approach statistical significance within race for either whites or blacks.<sup>26</sup>

**Figure B4: Percentage of respondents reporting that the Pittsburgh Bureau of Police is doing a very good job or somewhat good job of responding to the needs of the community.**



The fifth question asked respondents when they last saw a police officer on patrol in their neighborhood. The proportion that reported seeing an officer within the past week increased slightly from 73 percent in 2002 to 76 percent in 2003, but this increase was not statistically significant (see Figure B5).<sup>27</sup>

In the second survey, 78 percent of whites and 72 percent of blacks reported seeing an officer on patrol within the past week. This difference is statistically significant.<sup>28</sup> Changes from 2002 to 2003 did not approach statistical significance among either whites or blacks.<sup>29</sup>

<sup>26</sup> Pearson chi-square for white respondents = 1.549 at 1 degree of freedom, p = .213

Pearson chi-square for African-American respondents = .030 at 1 degree of freedom, p = .864

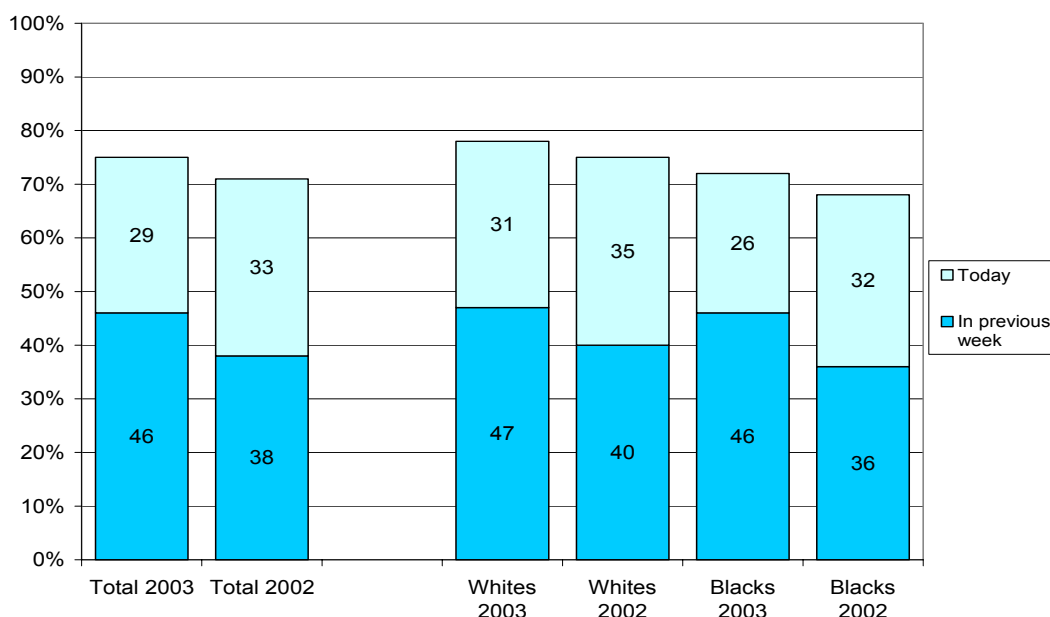
<sup>27</sup> Pearson chi-square = 1.760 at 1 degree of freedom, p = .185

<sup>28</sup> Pearson chi-square = 6.458 at 2 degrees of freedom, p = .040

<sup>29</sup> Pearson chi-square for white respondents = .981 at 1 degree of freedom, p = .327

Pearson chi-square for African-American respondents = .704 at 1 degree of freedom, p = .401

**Figure B5: Percentage of respondents reporting that the last time they saw a police officer in Pittsburgh was today or within the previous week.**



In response to question six, the proportion of respondents who believed that it would be “very” or “somewhat” easy to file a complaint against a police officer decreased slightly and non-significantly by five percentage points (see Figure B6).<sup>30</sup>

In 2003, whites were twice as likely as blacks to believe that it was easy to file a complaint, 40 percent compared to 20 percent.<sup>31</sup> The decrease from 2002 to 2003 did not approach statistical significance for either racial group.<sup>32</sup>

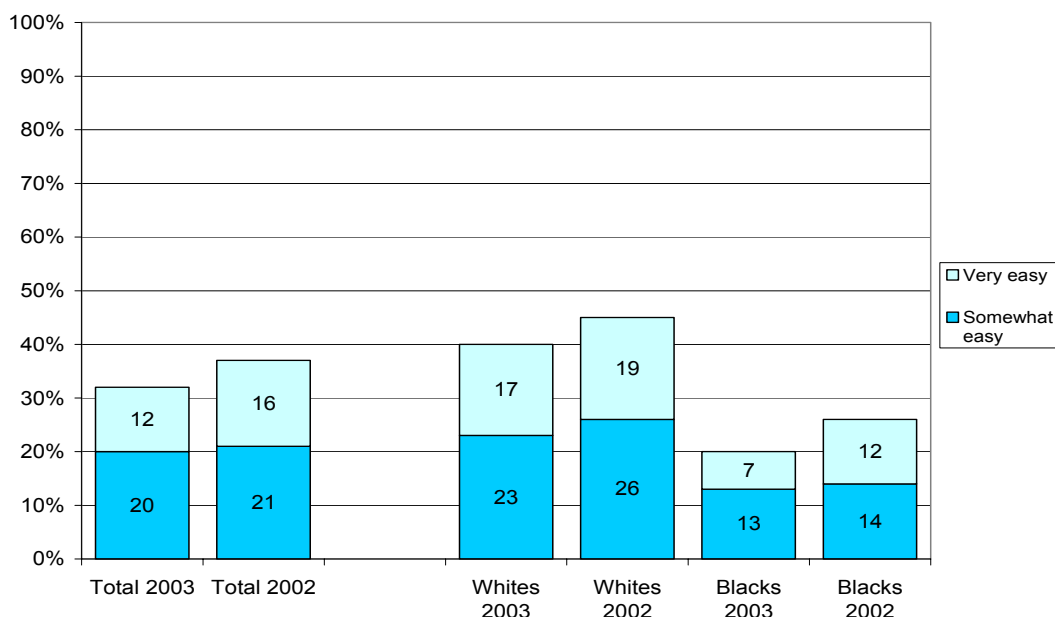
<sup>30</sup> Pearson chi-square = 1.795 at 1 degree of freedom, p = .180

<sup>31</sup> Pearson chi-square = 32.455 at 2 degrees of freedom, p = .000

<sup>32</sup> Pearson chi-square for white respondents = 1.305 at 1 degree of freedom, p = .253

Pearson chi-square for African-American respondents = 1.629 at 1 degree of freedom, p = .202

**Figure B6: Percentage of respondents reporting that it is very easy or somewhat easy to make a complaint against a police officer in Pittsburgh.**



We observed a significant change in citizen perceptions of the fairness and thoroughness of investigations into complaints against the police (see Figure B7). Forty percent of all respondents reported that the police did a “very good job” or a “reasonably good job” of investigating complaints in 2003, a significant decrease from 2002 when 46 percent felt that investigations were fair.<sup>33</sup>

Whites were far more optimistic about the fairness of investigations than blacks. In 2003, 53 percent of white respondents believed that investigations were fair compared to 24 percent of African Americans.<sup>34</sup> Differences between the racial groups held relatively constant between surveys.<sup>35</sup>

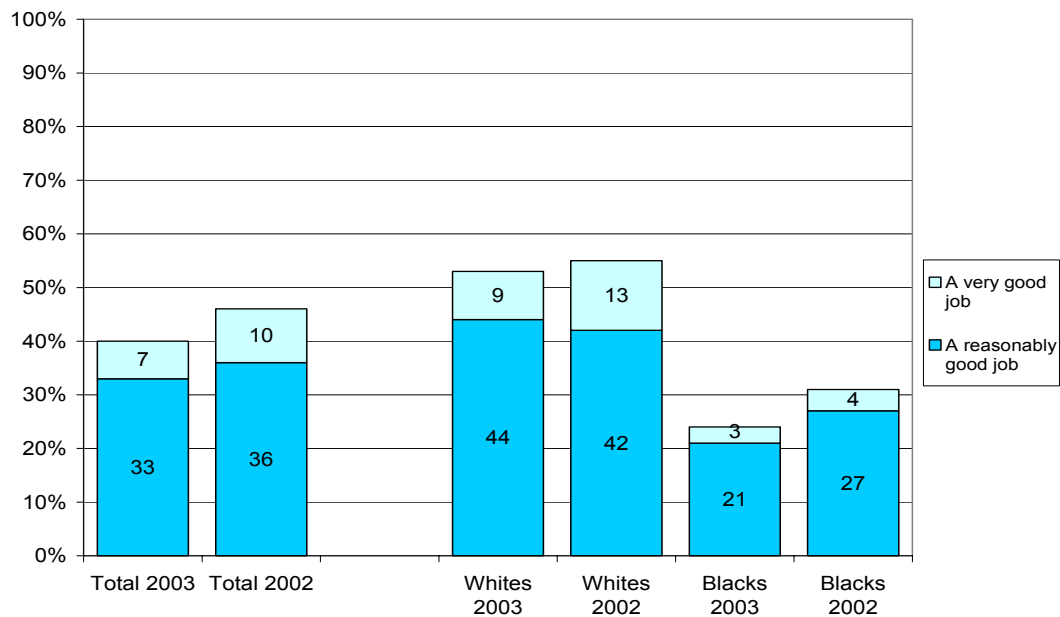
<sup>33</sup> Pearson chi-square = 3.759 at 1 degree of freedom,  $p = .053$

<sup>34</sup> Pearson chi-square = 57.284 at 2 degrees of freedom,  $p = .000$

<sup>35</sup> Pearson chi-square for white respondents = .314 at 1 degree of freedom,  $p = .576$

Pearson chi-square for African-American respondents = 2.483 at 1 degree of freedom,  $p = .115$

**Figure B7: Percentage of respondents reporting that the authorities in Pittsburgh do a very good or reasonably good job of investigating complaints against police officers.**



The last trend comparison asked whether the police treat African Americans better, the same, or worse than other racial groups (see Figure B8). There was no change from 2002 to 2003 in the proportion of respondents who believed that the police treat African Americans the same or better than whites (39 percent for both surveys).<sup>36</sup>

Blacks were only one-third as likely as whites to believe that blacks received fair treatment from the police. Only 17 percent of blacks in 2003 thought that blacks were treated as well or better than whites compared to 55 percent of whites.<sup>37</sup> Comparisons of responses between 2002 and 2003 revealed little change for either group. Scores for whites remained the same while scores for blacks increased by only two percentage points.<sup>38</sup>

<sup>36</sup> Pearson chi-square = .001 at 1 degree of freedom, p = .974

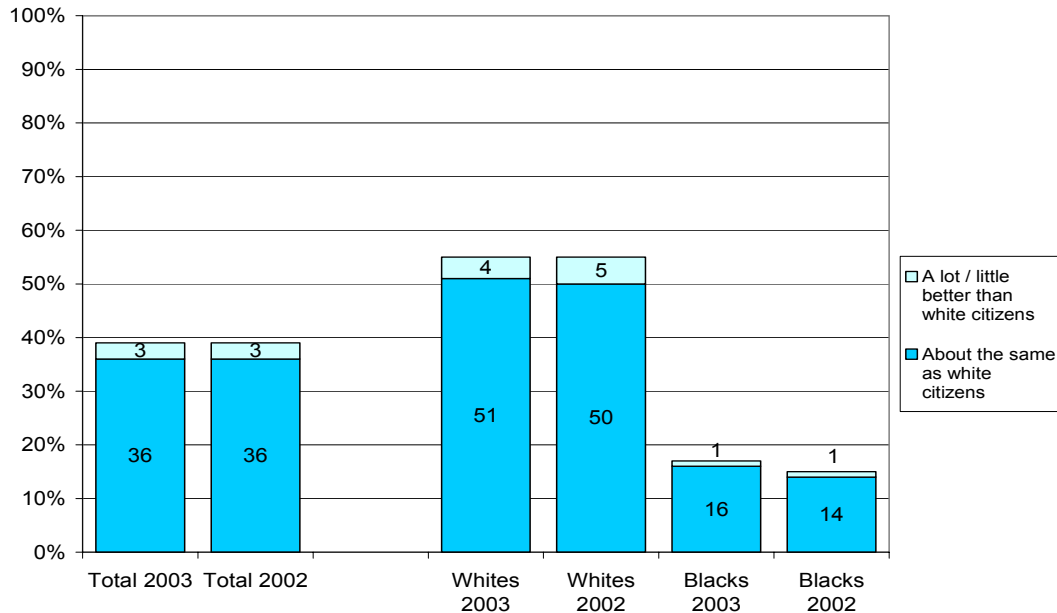
<sup>37</sup> Pearson chi-square = 120.668 at 2 degrees of freedom, p = .000

<sup>38</sup> Pearson chi-square for white respondents = .039 at 1 degree of freedom, p = .843

Pearson chi-square for African-American respondents = .220 at 1 degree of freedom, p = .639



**Figure B8: Percentage of respondents reporting that the Pittsburgh Bureau of Police treats African-American citizens a lot/a little better than whites and about the same as whites.**



*Changes in citizen evaluations of police encounters 2002-2003.* As part of the 2002 and 2003 surveys, we asked a number of questions to measure the public's experience with police in Pittsburgh. Respondents were first asked if they had approached the police in the past two years. This contact could have stemmed from the respondent's desire to file a police report, report a crime, or seek any other assistance. Next, respondents were asked if they had been approached by the police in the past two years. This could have been in the form of an enforcement action such as being stopped for a traffic violation, as part of an investigation, or just a routine encounter on the street. Respondents who indicated that they had approached the police or had been approached were asked how well they were treated by the contact officer(s).

Thirty-nine percent of the respondents in the 2003 survey reported that they had approached the police within the past two years, and 28 percent reported that they had been approached or stopped by the police in the same period. Overall, the number of respondents reporting that they had approached the police and the number of respondents reporting that they had been stopped by the police both decreased by two percentage points. Neither decrease proved to be statistically significant.<sup>39</sup> Table B1 displays the percentages for both surveys.

<sup>39</sup>Pearson chi-square for those approaching police = .202 at 1 degrees of freedom, p = .653

Pearson chi-square for those approached by the police = .446 at 1 degrees of freedom, p = .504

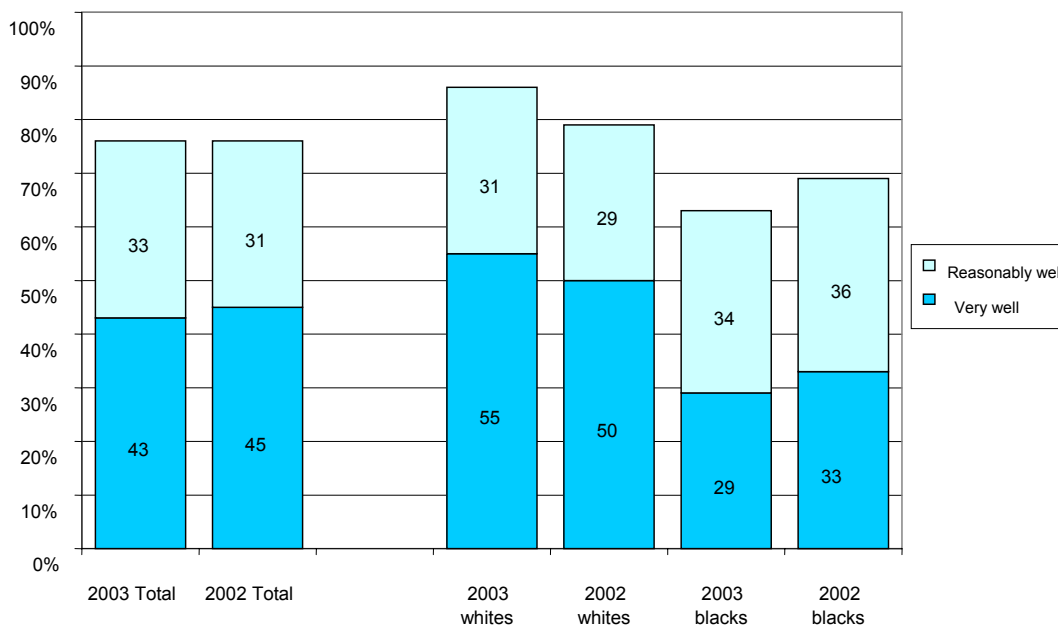
**Table B1: Percentage approached or stopped by police in last year, 2002-2003**

	2002	2003
<b>Approached Police in last 2 years</b>	41	39
<b>Stopped by Police in last 2 years</b>	30	28

Figure B9 below displays respondents' perceptions of how they were treated in their encounters with the police in Pittsburgh. Seventy-six percent of the 2002 and 2003 respondents who approached the police believed that they were treated very well or well in the encounter.<sup>40</sup>

Also seen in Figure B9 is a noticeable difference between white respondents and African-American respondents in their perceptions of how they were treated when they approached the police. Eighty-six percent of white respondents to the 2003 survey report that they were treated well while 63 percent of African Americans report the same. This difference proved to be significant.<sup>41</sup> The proportion of black and white respondents who reported that they were treated well in their contact with police changed only slightly between 2002 and 2003. Among white respondents, there was a seven percentage point increase. Among blacks, there was a six percentage point decrease. Neither change approached significance.<sup>42</sup>

**Figure B9: Percentage of respondents reporting they were treated very well or reasonably well when approaching the police.**



<sup>40</sup>Pearson chi-square = .205 at 1 degrees of freedom, p = .651

<sup>41</sup>Pearson chi-square = 14.787 at 2 degrees of freedom, p = .000

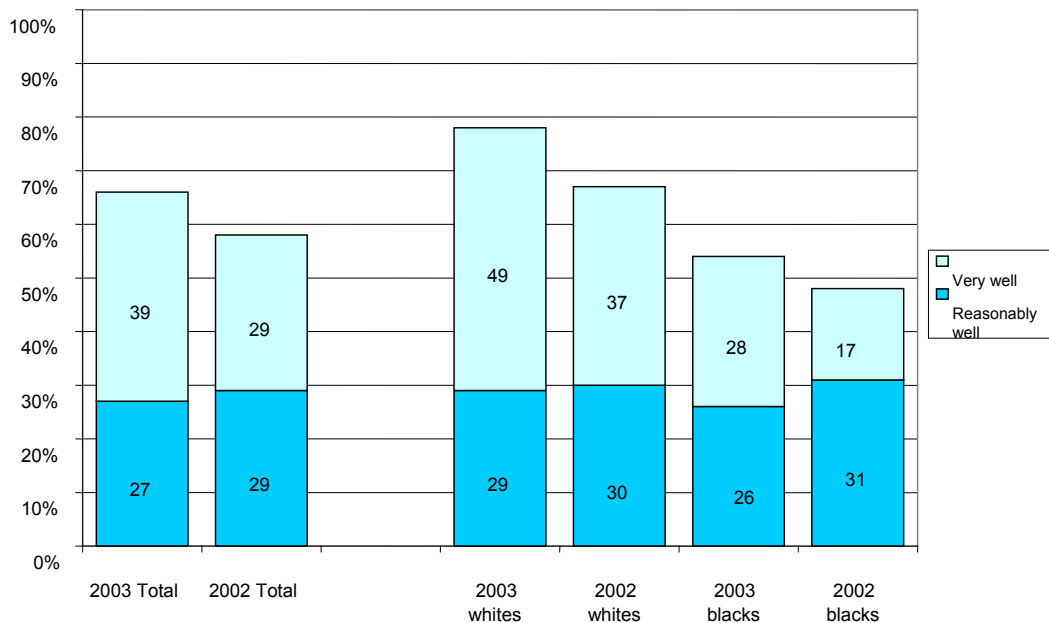
<sup>42</sup>Pearson chi-square for white respondents = .619 at 1 degree of freedom, p = .431

Pearson chi-square for African-American respondents = .209 at 1 degree of freedom, p = .648

Figure B10 depicts the percentage of respondents that reported being treated well when they were approached or stopped by the police in Pittsburgh. Of the 174 people on the 2003 survey who reported being stopped, 66 percent reported being treated well, an eight percentage point gain over 2002, enough to attain statistical significance.<sup>43</sup>

There is a noticeable gap between the proportion of white and black respondents reporting that they were treated well during stops in the 2003 survey. Seventy-eight percent of white respondents believed that they were treated well when stopped compared to 54 percent of blacks.<sup>44</sup> Differences also were noted within the racial groups between the two surveys. The proportion of whites that reported being treated well in the 2003 survey was 11 percentage points greater than in 2002 and the proportion of blacks that reported being treated well increased by six percentage points. For both whites and blacks, the difference between surveys proved to be significant.<sup>45</sup>

**Figure B10: Percentage of those who reported being treated very well or reasonably well when approached by the police.**



*Public reaction to the consent decree.* The 2003 survey asked if respondents were aware that the consent decree had been largely lifted in Pittsburgh. The vast majority were unaware that the decree had been lifted. Only 22 percent of Zone 2 respondents knew that the Pittsburgh Bureau of Police had successfully complied with the requirements of the

<sup>43</sup> Pearson chi-square = 4.887 at 1 degree of freedom,  $p = .027$

<sup>44</sup> Pearson chi-square = 8.338 at 2 degrees of freedom,  $p = .015$

<sup>45</sup> Pearson chi-square = 2.976 at 1 degree of freedom,  $p = .084$ ; Pearson chi-square = 3.227 at 1 degree of freedom,  $p = .072$

consent decree. Twenty-seven percent of whites were aware compared to 18 percent of African Americans. This difference was statistically significant.<sup>46</sup>

We then asked all respondents if they were satisfied with the results of the consent decree and if policing in Pittsburgh had indeed improved under the decree. Forty-eight percent of 2003 respondents reported that they were satisfied with the results of the consent decree, but only 32 percent reported that policing in Pittsburgh had improved. The most important finding regarding these two questions involves the disparate responses of whites and African Americans. Of all white respondents, 37 percent reported that policing had improved in Pittsburgh while only 23 percent of African Americans held the same belief.<sup>47</sup>

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<sup>46</sup> Pearson chi-square = 7.785 at 2 degrees of freedom,  $p = .020$

<sup>47</sup> Pearson chi-square = 11.296 at 2 degrees of freedom,  $p = .004$

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