

FEDERAL INTERVENTION IN LOCAL POLICING: Pittsburgh's Experience with a Consent Decree

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I. INTRODUCTION

When something goes seriously wrong in one of the nation's nearly 18,000 local police agencies, usually it is 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 U. S. 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 the authority to file civil law suits against states and municipalities in the face of a "pattern or practice" of illegal or unconstitutional police actions.

In the decade since it received that new authority, the Department of Justice has investigated police practices in jurisdictions from New York to California. In some cases, the Department of Justice filed lawsuits, but none of these cases went to trial. Instead, six local governments to date have settled these cases through one or more consent decrees. Nine other investigations avoided litigation entirely when the parties signed a memorandum of agreement or understanding.¹ Both the consent decrees and the memorandum agreements generally outline a specific series of reforms that the police department must implement, and most provide for a federal monitor to oversee compliance.

The external police monitor is a relatively new figure in American policing. Monitors measure police performance, assist in the development of more effective police management, and issue periodic reports that inform the parties to the agreement and the public of progress toward compliance with the provisions of the agreement. Monitors are expected to complete their assignments within a few years and to leave the local police force capable of monitoring itself and responding effectively to any future officer misconduct. Much of the success of police reform under a consent decree or memorandum of agreement depends on how the monitor and police officials work together during the years of the decree to achieve compliance and whether the reforms they have put in place endure once the monitor leaves.

As the number of monitors grows, so does the need for a body of knowledge about how police departments operate under their watch. Lessons learned from the early experiences of federal monitoring of local police agencies can offer other jurisdictions models of how to work efficiently with their monitors or help them understand how to bring about police reform without federal intervention. The first place to look for those lessons is Pittsburgh, Pennsylvania.

The Department of Justice in the administrations of both President Bill Clinton and President George W. Bush has entered into consent decrees or memorandum agreements in locales as varied as the small town of Villa Rica, Georgia, and the metropolises of Washington, D.C.; Los Angeles, California; and Detroit, Michigan. The first suit under the 1994 law was filed in Pittsburgh in 1997, and Pittsburgh is the first city to have entered into a consent decree and have the decree lifted from its Bureau of Police. Many people in Pittsburgh were concerned about whether the procedures implemented during the decree would 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; it is therefore important to examine the effects of monitoring during and after federal intervention in Pittsburgh.

This report is derived from two extensive research reports developed by the Vera Institute of Justice and funded by the U.S. Department of Justice Office of Community Oriented Policing Services.² Vera researchers first visited Pittsburgh during the fifth year of the decree when sufficient time had elapsed for a real assessment of the changes brought about by the decree but while the federal monitor was still in place. They conducted interviews with the police chief, the monitor, and city administrators; held focus groups with police officers and supervisors; examined data of police activity, public safety, discipline, and morale; tracked the processing of citizen complaints against the police; and assessed public opinion of the monitoring process by interviewing community activists and surveying 400 city residents. Researchers returned to Pittsburgh six months after the decree had been lifted from the Bureau of Police and continued to examine policing in Pittsburgh for an additional year. With the earlier interviews and surveys providing a baseline, they revisited many of the original sources and added a written survey of police officers to determine the lasting effects of monitoring, at least in the short term. The researchers examined the depth to which reforms had taken hold in the Bureau of Police and the acceptance of those reforms by officers on the force; charted the progress of the Office of Municipal Investigations, the agency handling citizen complaints; and assessed community response to the lifting of the decree.

What emerges is a picture of how the Pittsburgh Bureau of Police responded to the consent decree and the extent to which changes made under the decree have been institutionalized. The researchers documented many positive consequences of the decree and the reforms it brought about, most notably greatly enhanced accountability systems, better training of police officers, and significant changes in the filing and investigation of citizen complaints. There were also unintended consequences of the reform process: many officers stated that they were less willing to engage the public, and new policies led to the weakening of some basic principles of community policing.

II. Background: Police and the Public in Pittsburgh

For most of the 20th century, Pittsburgh was the center of America's thriving steel industry. By the 1980s, however, the industry and Pittsburgh were reeling from the double blow of decreasing demand for steel and competition from foreign producers.³ Approximately 200,000 jobs were lost during the decade and, as mills closed, the working-age population left the area. The economy rebounded somewhat during the 1990s with an influx of service jobs, but the number of city residents has continued to decline. From a high of 677,000 in 1950, the population of Pittsburgh dropped to 369,000 by the 2000 census.⁴ That population is one of the least diverse in the United States according to a report by the University of Pittsburgh Center for Social and Urban Research.⁵ Nearly all of the city's residents are listed as white (69 percent) or black (28 percent). After ranking in the mid-to-high 70s for three decades, Pittsburgh's score on the segregation index dropped from 74 to 67, according to an analysis of census data by the *Pittsburgh Tribune-Review*.⁶

Distrust between the police and the African-American community dates back at least to the 1960s, but it was a series of incidents in the 1990s that eventually led to federal intervention, including changes in minority hiring practices at the Bureau of Police. The proportion of blacks and women on the force had been increasing steadily between 1975, when a district court judge issued an injunction that mandated affirmative action in hiring practices, and 1991, when the court dissolved the injunction in response to a suit by four white male applicants. When the order was revoked, the proportions of blacks and women hired declined substantially. The composition of the police force changed even more dramatically when an early retirement program in the mid-1990s led to a large number of vacancies that were filled primarily by white male officers. These changes were followed by highly publicized incidents of police use of force against African Americans, a widespread belief that complaints against the police were not thoroughly investigated, racially charged rhetoric in political campaigns, and the deaths of two black men in police custody. The anger that many citizens felt as a result of the deaths and other reports of misconduct eventually grew into a call for greater accountability.

In 1993, the local chapter of the American Civil Liberties Union (ACLU) 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 chapter of the National Association for the Advancement of Colored People (NAACP) began to collect their own file of complaints. By 1996, the file had 400 entries and officials of the two organizations believed they saw a pattern of misconduct and a lack of management control over the behavior of police officers. The ACLU and NAACP filed a class action suit on behalf of 66 individuals who claimed that police officers had violated their civil rights, and the organizations invited the Department of Justice to examine the situation in Pittsburgh under the provisions of the 1994 law.

Investigators from the Department of Justice went to Pittsburgh in April 1996 to conduct an inquiry into police misconduct. Following its investigation, the 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.⁷ City officials argued that Bureau practices were not abusive of civil rights and initially fought the allegations. But when it became clear that the Department of Justice intended to sue, the city decided to settle. Three main factors influenced the city's decision. The first was the arrival of a new, reform-minded police chief who wanted to make changes similar to those proposed by the Justice Department. Second, city officials realized that police record-keeping was so poor that they couldn't adequately defend the police against the allegations. Finally, the changes the federal government was demanding would include a new database system that, among other benefits, would allow the city to produce statistics that could refute future critics of police conduct and show that police were not targeting minorities disproportionately. The City of Pittsburgh and the United States signed a federal consent decree that was filed in U.S. District Court in April 1997.

Implementing the Consent Decree

In the first paragraph of the consent decree, the government “alleges that there is 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.” The Department of Justice was concerned not only that misconduct was occurring but that it was not being investigated adequately and guilty officers not routinely disciplined.

The Bureau was instructed to make comprehensive changes in oversight, supervision, and training of officers, including development of a computerized early-warning system to track individual officers’ behavior; documenting uses of force, traffic stops, and searches; and 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. A monitor, who would oversee the reforms, would report quarterly on the city’s compliance to the federal judge who issued the decree.⁸

City leaders resolved to comply with the decree even though they disputed its merits. The city quickly assembled a team of representatives from a broad range of agencies to meet the 90-day deadline for implementing many of the provisions of the decree. Noticeably absent from the team was the police union, which had opposed the decree.

Implementation of the consent decree required the efforts of all the players in Pittsburgh:

- ***The monitor.*** The city and the Department of Justice jointly selected the monitor. Letting the city play that major role increased local officials’ confidence in the monitor and in the process. The monitor went beyond the role as defined in the decree. He helped the city to comply rather than just evaluate its efforts. And he acted as an intermediary between the city and Department of Justice, thereby heading off potential disputes over interpretation of the decree. He shared drafts of his quarterly reports with the police chief and discussed them before they were finalized.
- ***The police chief.*** The chief was the most important figure in implementing the decree. He was committed to a reform agenda, and the decree incorporated many of the initiatives that he wished to adopt. In fact, the decree was a boon to his efforts because it allowed him to avoid the inevitable political battles with the police union over the reforms, and it ensured that the city would provide the money to carry out the reforms.

- ***The rank and file officers.*** An important part of the implementation process was gaining the trust of officers who were hurt and angry over the implication that they were bad cops and suspicious that an early warning system would be used against them. In an effort to combat their fears, the committee designing the parameters of the early warning system was expanded to include officers of all ranks. Nonetheless, according to union officials, the rank and file remained suspicious of the decree and the coming changes in the Bureau.
- ***The Office of Municipal Investigations (OMI).*** The decree made it easier to file complaints against police officers, and the number of complaints more than doubled in the first year of the decree. The city did not immediately recognize the need for additional investigators, and its slowness in increasing OMI's budget led to a substantial backlog of complaints.

III. Changes Implemented Under the Decree: Bureau of Police

The new early warning system to track the conduct of individual officers is the centerpiece of the Bureau of Police's reforms in response to the consent decree. In addition, the decree mandated changes to the written policies of the Bureau, ranging from simple changes in wording to sweeping changes in philosophy. According to the monitor's reports, the Bureau has been in operational compliance with all of the requirements of the decree since August 1999, and the decree was lifted from the Bureau in September 2002.

Early Warning System

The first five tasks in the consent decree center on the creation and maintenance of an automated early warning system, a management tool designed to identify officers whose behavior is problematic.⁹ Early warning systems are intended to highlight poor officer performance and provide a system for correcting behavior. They alert supervisors that particular officers have exceeded a predetermined threshold for such significant events as citizen complaints, traffic stops, use of force, etc. Monitoring the officers entails three phases: selection, intervention, and post-intervention monitoring.¹⁰ To date, no national uniform standards have been established for the types of data that early warning systems collect, the appropriate levels that trigger intervention, or the type of action taken. Nonetheless, a 2001 study found that such systems are gaining in popularity among police departments and that they "appear to have a dramatic effect on reducing citizen complaints and other indicators of problematic police performance among those officers subject to intervention."¹¹

Within a year of signing the consent decree, the Pittsburgh Bureau of Police had created one of the most comprehensive early warning systems in policing, the Performance Assessment Review System (PARS). The Bureau also instituted COMPSTAR, a quarterly meeting in which command staff discuss officers who have been flagged by PARS and take appropriate action.

The PARS System

The decree required that Pittsburgh capture officer data in 14 specific categories but did not set the levels that trigger intervention, leaving those decisions to the Bureau. To set these thresholds fairly and effectively, the Bureau established a Protocol Committee made up of representatives from every rank.¹² Rather than set fixed numbers of incidents to flag officers, which could have the effect of rewarding inactive officers and punishing productive officers who worked in high-crime areas, the committee recommended comparing officers with a peer group within their command and shift for many of the categories of incidents. Officers assigned to special details such as narcotics or community policing, for example, are compared with peers in those units. At the time of its creation, the concept of comparison with peers was unique to PARS. The Bureau added additional categories of data to PARS and created a system that would identify positive officer behavior as well as problem behavior, an unusual feature of early warning systems in the late 1990s.

After some initial software problems and a cost of more than \$1 million—paid entirely out of the city's general budget—PARS was fully operational by the second year of the decree. In the end, the system devised in Pittsburgh far exceeded the requirements of the decree, became an integral part of the supervisory structure of the Bureau, and resulted in broad accountability within the Bureau. PARS has been expanded in the years since the decree was lifted to include four more categories of data. Table 1 shows the type of data captured and reported by PARS.

Table 1: Data collected by the PARS early warning system, decree and post-decree.
Accidents
Arrests ¹
Awards, Commendations, Recognition ¹
Citizen Complaints ¹
Civil or Administrative Claims Arising from Official Duty ¹
Civil Claims Regarding Domestic Violence, Untruthfulness, Racial Bias, or Physical Force ¹
Criminal Investigations of Officers ¹
Disciplinary Action ¹
Discretionary Charges Filed By an Officer ¹
Lawsuits
Mandatory Counseling ¹
Missed Court Appearances
Officer Involved Shootings, Both Hit and Non-Hit ¹
Sick Time
Traffic Stop Data ¹
Use of Force ¹
Warrantless Search and Seizures ¹
Excused Absences, Absence Without Leave, and Suspensions ¹
*Secondary Employment ²
*Worker's Compensation Claims ²
*Weapon Discharges
*Vehicle Pursuits ²
[*] Data collected post-consent decree ¹ Mandated by the consent decree ² Performance indicators still in planning phase

The system works in a simple manner. Each day before roll call, supervisors log into PARS and view a screen that contains “alerts” and “notifications.” The alerts feature lists any officer for whom a critical incident, such as a car accident or civilian complaint, has been recorded. This does not mean that the officer has reached the level of incidents that requires intervention; it just gives the supervisor a chance to counsel the officer informally before any specific action is taken. A notification is information transmitted from the command staff or senior supervisors. It outlines instructions the line supervisor is to carry out, such as observing an officer’s performance or taking corrective action. Senior supervisors can track the line supervisor’s compliance with the notification, thereby adding an atmosphere of accountability within the department. The supervisor then sees a list of officers who have been flagged by PARS. These are the officers that the supervisor must observe and assist with any retraining.

Through the PARS system, the Pittsburgh Bureau of Police has changed the duties of the first-line supervisors substantially. They are now expected to perform many of their traditional duties (e.g., making arrests, answering calls for service) while fulfilling the new duties associated with PARS and the consent decree. Reaction to the change is explored in Section IV of this document.

COMPSTAR

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 makes a presentation of aggregate performance data for the zone, explaining any significant increase or decrease in activity since the previous meeting. Then the group turns to individual officer performance, discussing those who have been flagged by PARS in detail. Commanders present PARS data for each officer flagged in the current quarter and attempt to offer a more complete picture of that officer's performance. The commander might note, for example, that an officer was assigned to a special unit instructed to issue summonses, which would explain why he was flagged for issuing a far greater number of summonses than his peers. The decision on whether intervention is necessary rests ultimately with the chief, but in most cases he follows the recommendations of the zone commanders. The meeting then turns to officers flagged in a previous quarter who are still undergoing intervention and monitoring. After describing the type of intervention and the officer's response, the commander makes a recommendation either to continue or to end the monitoring.

After each presentation, all commanders can contribute ideas and voice concerns, sharing information and opinions about individual officers. These conversations are especially important in an environment where restructuring and transfers have resulted in many new duty assignments. The federal monitor, who regularly attended COMPSTAR meetings, noted in one of his reports that "some [officers] showed marked improvements."¹³

Observations and interviews conducted in the post-decree period indicate that the Bureau of Police 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 flagged by PARS are thoroughly scrutinized.

Policy Changes

The consent decree mandates changes to the written policies of the Bureau of Police. The decree sought to ensure adequate reporting of critical incidents such as police-involved shootings and to establish a system by which these incidents are reviewed. Toward this goal, the decree requires the creation of several new reports. It also calls for implementation of a new use-of-force policy and spells out a detailed strip-search policy that the Bureau was required to adopt.

Use of Force. The Bureau's policy detailing the circumstances in which officers could use deadly force was already well within the law and professional standards. It was, in fact, quite conservative and restrictive. The consent decree required changes in the reporting of lethal and less-than-lethal force and the process by which use of force is reviewed by supervisors. To meet this new requirement, the Bureau changed its policy to include reporting of less-than-lethal force. It created the Subject Resistance Report that captures both use of force by police officers and the level of resistance on the part of the subject in one document and is completed each time an officer uses force during an incident. Supervisors up to the zone commander are mandated to review each such report. The new policy has added to the paperwork each officer must complete and, according to one report by the federal monitor, has led to an "apparent under-use of force on the part of the officers" in multiple instances.¹⁴

Search and Seizure. The consent decree required changes in the Bureau's policy pertaining to strip searches. Under the decree, they are performed only with the authorization of a supervisor and are conducted by specially trained, same-sex personnel in a room specifically designed for that purpose. Field strip searches are carried out only when human life may be at risk. The Bureau responded by creating the Field Contact/Search/Seizure Report, which exceeds the requirements of the decree by capturing information about all searches, seizure of any property, and field interviews of persons stopped by the police. These reports are examined by supervisors to make sure that all actions were justified and carried out according to proper procedure.

Traffic Stops. In response to requirements of the consent decree, the Bureau created the Traffic Stop Report that documents pertinent demographic information about the driver and passengers of vehicles stopped by police as well as the results of any searches. It also trained officers in the use of Verbal Judo, a technique for effectively handling interactions with citizens during traffic stops.

Like the information on use of force and search and seizure, the traffic stop data is entered into the early warning system, which compiles aggregate data for each zone and flags officers with numbers of incidents that differ widely from those of their peers. Incident forms continued to be required and are closely monitored after the consent decree was lifted.

Training. While most of the changes resulting from the consent decree related to collection and analysis of officer performance data, the training of officers also changed. The decree includes several requirements related to training in the areas of cultural diversity (including skills necessary to “relate to persons from different racial, ethnic, and religious groups and persons of the opposite sex”), verbal de-escalation, and supervisory skills. It also requires that officers are instructed in the complaint investigation process. New recruits are to receive training shortly after being hired, and current officers are instructed in these skills once a year as part of their in-service training. To comply quickly, the Bureau initially contracted with private organizations to conduct the trainings. The changes were implemented as required, and the Bureau was in full compliance for training by the second year of the decree.

The training reforms remain in effect in the post-decree era, and all mandated programs continue. The training commander reports that a large part of the program is devoted to remedial training for officers who have been identified by the PARS early warning system. This one-on-one training directly tailored to the individual officer can be time-consuming and costly. Fiscal pressures have forced the Bureau to develop its own in-house training based on the lessons learned from outside experts and to seek alternative sources of education such as a forum entitled “Community Problems and Problem-Solving” presented by the Department of Justice Office of Community Oriented Policing Services.

Inspection Unit. As part of his work to ensure compliance with the provisions of the consent decree, the federal monitor created an inspection team at each duty location. An assistant chief, a lieutenant, a police officer, and the monitor inspected locker rooms, bulletin boards, and personnel files in each police zone quarterly. They checked to see that required materials such as Office of Municipal Investigations (OMI) brochures were available and made sure that no inappropriate or obscene material was present. They also randomly audited 20 percent of the personnel files to make sure that all required reports (supervisor’s daily activity reports, performance evaluations, OMI complaint files) were in the file. In the post-decree period, the Bureau has absorbed the inspection unit into its

management program and follows the monitor's schedule of quarterly inspections at all duty locations. Where deficiencies are found, they are brought to the attention of the commanding officer of the zone and usually are remedied within a day.

Rotation. The consent decree states that the city "shall develop and implement a rotation schedule that ensures that officers regularly are supervised by and work with different officers." The Bureau decided to comply with the requirement by transferring a quarter of supervisors and 20 percent of officers annually. This has been one of the most unpopular policy changes with the police union, which argues that the transfers reduce officers' knowledge of the area they are patrolling and discourage bonds between officers and community residents, two basic tenets of community policing.

All of these changes implemented by the Bureau of Police remain in effect and have had an impact on the daily work of its personnel. How line officers and supervisors react to and accept the changes will affect the long-term success of the reforms.

IV. Has the Decree Affected the Way Officers Approach Their Jobs?

Researchers began their interviews and focus groups with police officers and supervisors already knowing that many believed the consent decree wasn't necessary and that they resented both federal intervention and their exclusion from the negotiations leading to the decree. While some Bureau personnel—mainly supervisors—had some positive things to say, the comments of both officers and supervisors were overwhelmingly negative during the first round of interviews in the fifth year of the decree. They said that the decree had substantially lowered officer morale and productivity and that officers were afraid of having to use force that the command staff would perceive as unjustified. They disliked the new complaint procedures that allowed citizens to file complaints anonymously. Patrol officers complained that the multitude of new forms required by the decree were time-consuming and confusing while supervisors said that their time in the field was being reduced by the demands of the early warning system. These results may have been somewhat skewed because the Bureau did not permit a written survey. Participation was voluntary and some officers spoke little; therefore, it is possible that the voices of only the most disaffected officers were heard and recorded.

When researchers returned to Pittsburgh in the year after the decree was lifted from the Bureau of Police, they again interviewed officers and supervisors, but with two additional tools for assessing their views: an anonymous written survey that the Bureau now approved, and a separate focus group for African-American officers who previously spoke little when they were in focus groups with white officers. The reaction to the reforms among officers in the general focus groups continued to be overwhelmingly negative. But the survey and the African-American focus group generated a somewhat more balanced view of the decree and the reforms that resulted from it.

Focus Groups and Interviews

There were some positive responses to the consent decree in its fifth year, primarily from supervisors. All the supervisors interviewed said that the decree had led to better and more frequent training. Supervisors said they thought the idea of an early warning system could benefit the Bureau, and one supervisor saw the requirement for new incident reports as “a good thing” that “makes officers explain their actions in detail.” By the second round of focus groups, there was some indication from supervisors—but not from officers—that the accountability procedures were becoming accepted as part of the job of Pittsburgh police officers and that the reforms had forced the Bureau to take action on problem officers rather than just “move the problem” by transferring the officers. Some supervisors also said that the decree had led to better record keeping and improved access to information. But, as noted above, the general reaction to the reforms was negative from both supervisors and officers.

Low morale was the dominant theme in both sets of focus groups. Supervisors complained about the demands that the reforms placed on their time, leaving them fewer hours for street supervision. Officers and supervisors complained about the amount of paperwork required by the new accountability mechanisms. Officers objected to the mandatory transfers that had been instituted. As one officer said, this produced a force that “doesn’t know the streets, neighborhood problems, or local perpetrators.” Officers reported that fear of being flagged by the early warning system and subjected to disciplinary action made them less effective in their jobs: generally less proactive, overly cautious in the use of force, and less likely to make traffic stops (especially of African Americans). Several officers said that they now received disciplinary action reports for such infractions as forgetting to turn in a traffic stop report or filling out a report incorrectly when they previously would have had an informal talk with a supervisor. The consent decree does not establish levels of discipline, but officers expressed the opinion that “lots more” disciplinary action reports were being given out since PARS came into being.

The Written Survey

Pittsburgh officers and supervisors who worked the second shift in all city zones participated in a written survey on November 10, 2003, more than a year after the consent decree had been lifted from the Bureau of Police. A researcher addressed each roll call, telling the officers that the survey was part of an effort by the U.S. Department of Justice 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. Only seven officers refused to complete the survey. The 129 officers who participated represent about one-sixth of the force.¹⁵

Survey results echoed themes from the focus groups. Both methods revealed strong officer resentment of the reforms introduced under the consent decree. While officers 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. At the same time, however, a majority of officers agreed that the reforms had increased accountability and that central review of officer actions could have positive consequences. Figures 1 through 5 show some of the questions asked in the survey and the tabulated results.

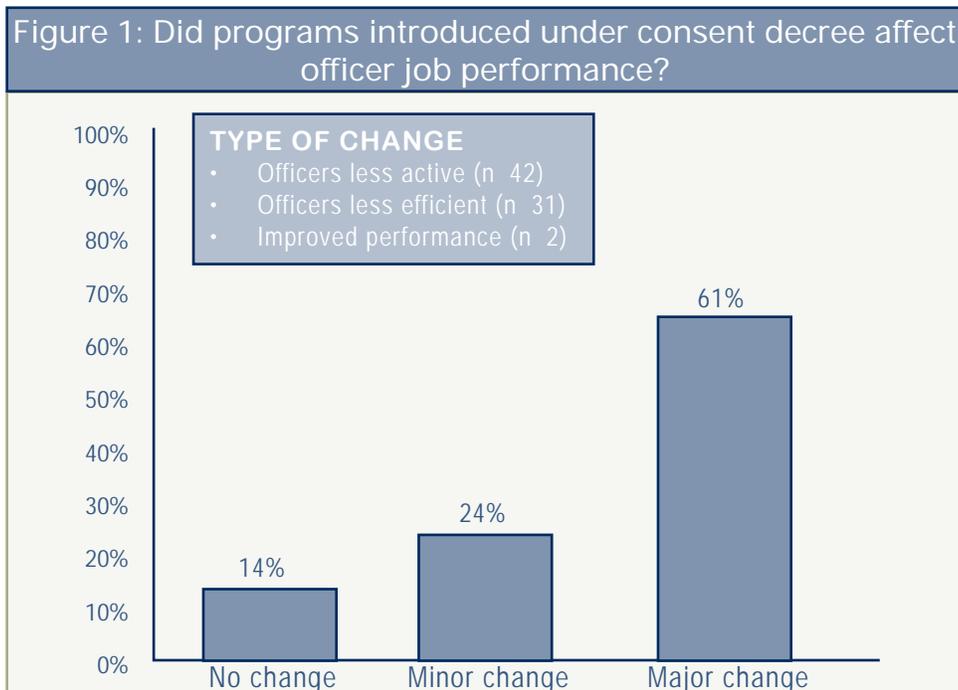


Figure 2: Did programs introduced under the decree change how officers interact with citizens?



Figure 3: Did new programs introduced under the decree increase

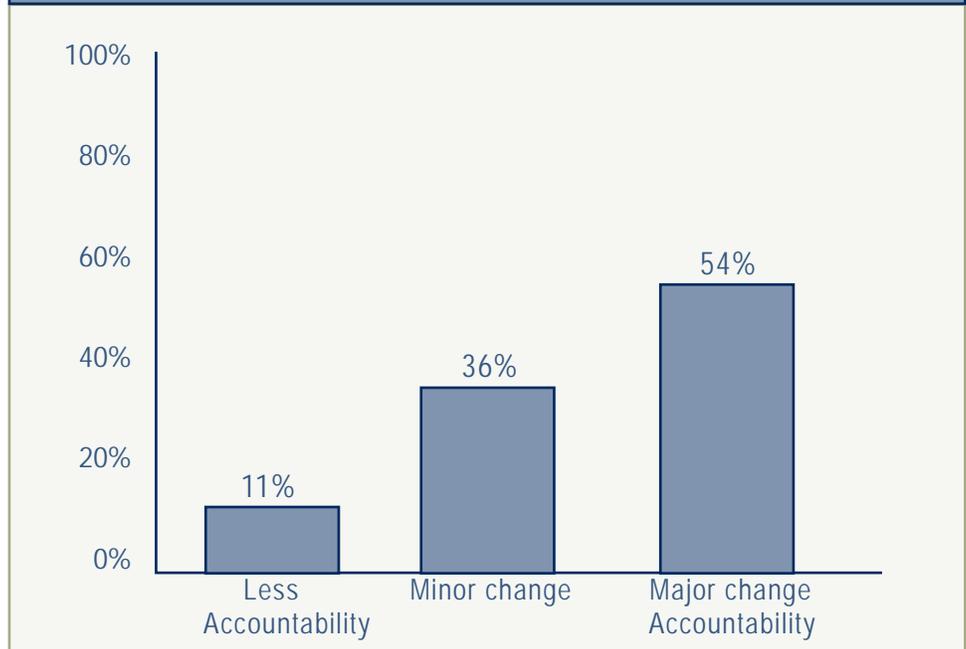


Figure 4: Did new programs introduced under the decree affect the degree to which officers take a proactive approach to their jobs?

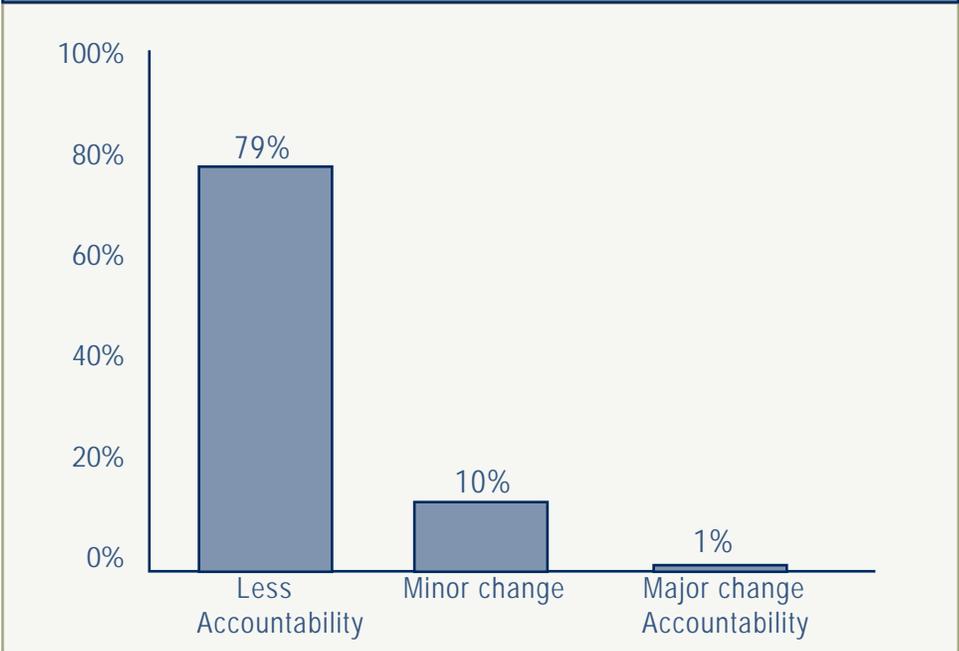
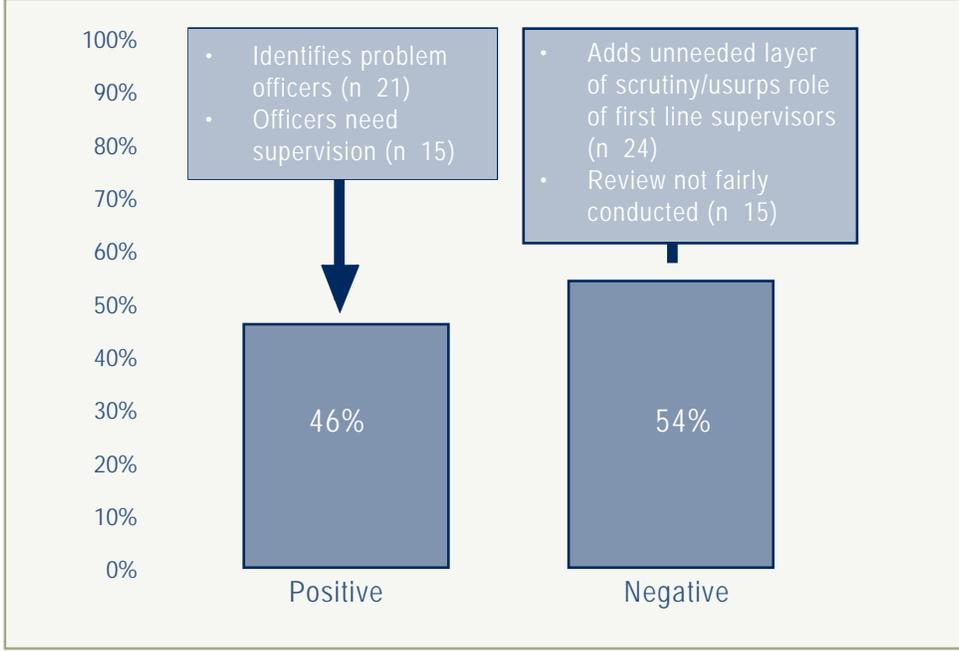


Figure 5: The programs introduced under the decree mandate that central administrators as well as local supervisors review officer behavior. Do you view that as a positive or negative development?



When asked if there were ways in which the Bureau's response to the consent decree could have been improved, 72 percent of the officers answered affirmatively. The most common response was that the Bureau should have fought harder against the decree and involved officers in the settlement. Other responses included addressing morale problems, reducing the amount of paperwork associated with the reforms, and doing a better job of educating officers about the decree.

The Perspectives of African-American Officers

The focus group conducted with nine African-American officers revealed that while black and white officers may have shared some of the same experiences since the signing of the consent decree, historically they have very different frames of reference. The African-American officers described a pre-decree atmosphere in which they experienced reprisals for speaking up, that certain white officers were protected, and that African-American officers were not welcomed socially by fellow officers.

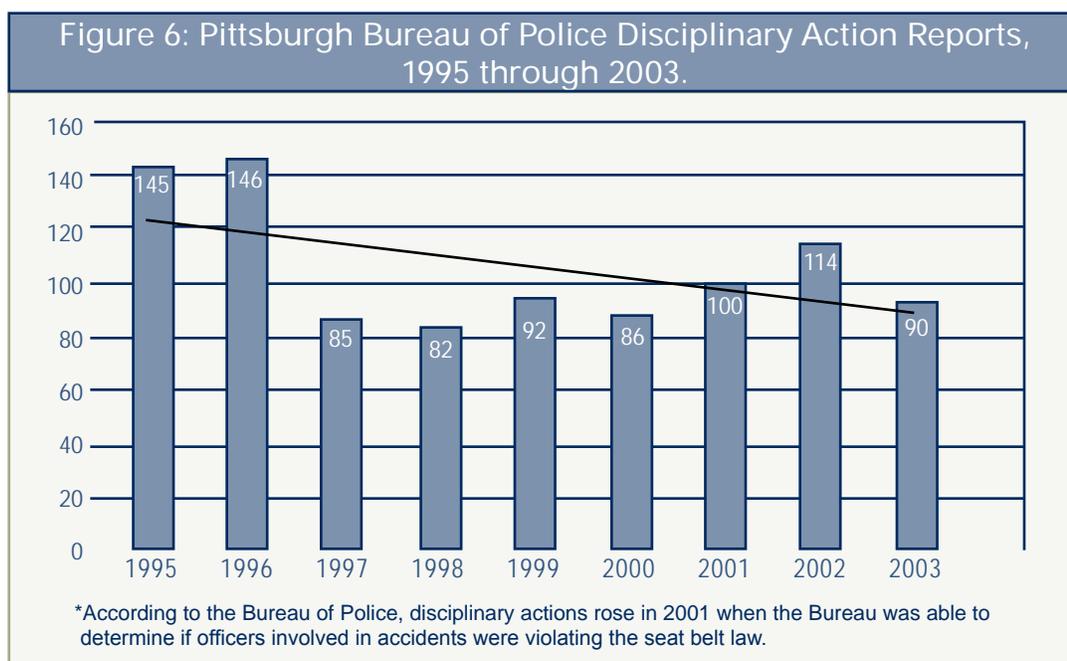
The African-American focus group was more sympathetic to the concerns of the black community that had led to the decree and, overall, was far more positive about the decree than the groups dominated by white officers. The officers praised the decree for leading to increased accountability and community awareness and raising the level of professionalism within the Bureau. While many white officers objected to the impersonality of the new centralized review system, African-American officers welcomed that aspect of the process. One said that prior to the decree, "There was no discipline for white officers. It's only recently that the discipline has come down on both white and black officers."

Despite these positive comments on the decree, these officers, like their white colleagues, were concerned that the new accountability procedures resulted in micromanagement and left officers little room for discretion or decision making. They also agreed that officers were less proactive and less likely to intervene in situations with the public for fear of being flagged by PARS or having complaints filed against them.

Looking at Trends in Police Performance

It was difficult for researchers to confirm or negate the claims and opinions of officers. Data on police use of force and search and seizures were not collected before the consent decree was signed. Other data were available on a limited basis, but those data tended to refute some of the officers' claims.

For example, actual figures for disciplinary action reports show a decline in the years immediately following the decree (Figure 6).



If the decree had had a serious negative effect on police morale, it might be evident in the number of sick days taken by officers. But a decline in sick days per officer that began in 1995 continued through 1999 and was not affected by the signing of the decree in 1997.

Other data show a decline in traffic summonses as a result of changes in court procedures in the year before the consent decree. There is no evidence of a further decline during the period of the decree.

In the matter of public safety, crimes reported to the police and homicides show a substantial and sustained decline over time both before and after the consent decree. Although arrests by police declined between 1994 and 2000, that drop mirrors the drop in reported crimes. The proportion of African Americans among arrestees declined somewhat during the years of the decree. This decline, while small, may suggest a hesitation by police officers to arrest African Americans, or it may indicate that officers were overly willing to arrest them before the consent decree was in place.

V. Changes Implemented Under the Decree: Office of Municipal Investigations

One of the principal arguments in the lawsuits that preceded the consent decree was that complaints against the police were not investigated fully. The Office of Municipal Investigations (OMI) investigates citizen complaints against all city employees, but complaints about police officers and police practices constitute the majority of its workload. OMI is a combination civilian review body and internal affairs office, and it employs both civilians and police personnel as investigators. The consent decree made it much easier for citizens to file complaints against police officers. Within a year, the annual average number of complaints had jumped from 300 prior to the signing of the decree to 800, creating a substantial backlog of pending cases. The decree also required that the investigative process be far more thorough and that each step of the process be extensively documented. The city was slow to recognize that the demands of the decree would require a substantial increase in the OMI's investigation staff and budget. Although the decree was lifted from the Bureau of Police in September 2002, it remained in effect 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. Recognizing that significant changes still had to be made, city officials appointed a police commander as interim director of OMI to serve until the agency was clearly on the road to compliance. It was his efforts to streamline the complaint review process and demand accountability from investigators—along with the monitor's active role in training staff—that allowed OMI to reach full compliance in August 2003 and for the decree to be lifted in April 2005.

Staffing Issues

The consent decree mandates that OMI be “adequately staffed” but does not set specific levels of staffing. During the first 5 years of the decree the city increased the number of OMI investigators, 10 of whom focused solely on Bureau of Police cases, but the backlog continued to grow. Among the new tasks that the court set for OMI in 2002 was to increase staffing levels to at least 16 investigators assigned to police complaints and to eliminate the backlogged cases by February 28, 2003. The interim director calculated that it would take six additional staff to clear the backlog in the time frame set by the court; therefore, six additional staff were borrowed from the Bureau of Police. With the new, trained staff, investigator caseloads that had been as high as 18 or 19 cases were reduced to an average of seven.

Training

The decree set minimum requirements for the training of all OMI investigators. It requires that they attend police academy training in policies related to use of force, searches and seizures, pursuits, transporting individuals in custody, restraints, arrests, traffic stops, racial bias, report writing, cultural sensitivity, ethics, integrity, professionalism, and investigative and interview techniques. Civilian investigators are to attend police academy classes on these topics; OMI investigators who are police officers fulfill the requirement by graduating from the academy. In addition, it is OMI's policy to send investigators to in-service training, either to refresher courses or training in newly created policies and practices. This training regimen equals and sometimes surpasses national standards for complaint investigation authorities.

Complaint Intake

OMI's complaint intake policy was completely revamped as a result of the consent decree. Prior to the decree, OMI accepted only complaints filed in person by the victim within 90 days of the alleged incident. The consent decree mandated that complaints could be filed by telephone, mail, or fax as well as in person. The decree also mandated that OMI accept and investigate anonymous and third-party complaints.¹⁶ These new policies bring OMI in line with accepted national standards for complaint intake.

Processing of Complaints

OMI policy prior to the consent decree required completion of all investigations within 60 days of the filing of a complaint. The decree made no recommendations about the length of investigations, requiring only that OMI "aggressively" investigate all complaints. Once under the decree, however, OMI voluntarily changed its policy to completion within 90 days to allow more time for collecting data and interviewing witnesses. The length of investigations was again increased to 120 days following expressions of concern from the monitor that proper investigations sometimes need more than 90 days.

The decree required that OMI create and maintain a written manual detailing its policies and investigative procedures. OMI incorporated the many changes required by the decree into its revised manual, which is available for public review. The interim director appointed in 2002 developed several new investigation reports. He required investigators to submit daily activity reports and biweekly reports detailing the status of

each case and progress made since the preceding report, and he brought in the monitor to show staff members how to improve the quality of their reports. In addition, he developed a weekly report from the automated information system that lists cases closed and the number and age of open cases for each investigator.

In the case review process, the director must sign all completed investigations. Under the previous system one staff person reviewed all the investigations for thoroughness before giving them to the director—a process that took an average of 6 weeks. The interim director eliminated the bottleneck represented by the preliminary review, and now the director reviews all cases himself.

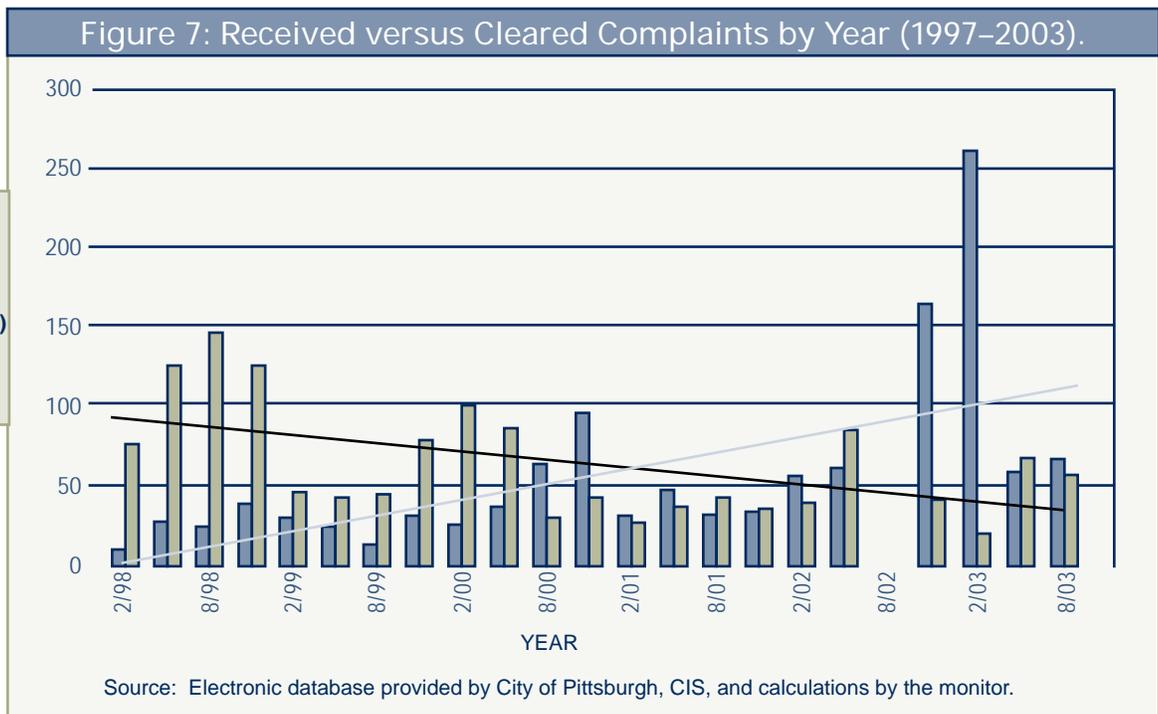
Disposition of Complaints

The interim director improved consistency of findings by clarifying for investigators the meaning of OMI’s various dispositions. The agency currently can make one of four possible dispositions for complaints:

- *sustained*, meaning that the investigation showed that allegations of misconduct were supported by facts and represent a violation of department rules
- *unresolved*, meaning that allegations cannot be proved or disproved
- *exonerated*, when the investigation shows that police personnel acted with the guidelines of their authority
- *unfounded*, when allegations are determined to be false or inaccurate.

OMI Comes into Compliance

The backlog of cases was eliminated on February 27, 2003, one day before the deadline. After some additional cases were included in the backlog, all were cleared as of August 2003 (Figure 7). The monitor reported an increase in the substantiation rate, which he attributed to a positive change in the quality of investigations. He noted that in the sixth year of the decree cases took an average of 109 days to investigate, falling within the agreed-on 120-day limit. By resolving the backlog of complaints, OMI was able to begin clearing more complaints than it received. In his May 2003 report the monitor wrote that “the city has, finally, developed an 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.”¹⁷



Challenges for OMI

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. In September 2003, the city returned control of the agency to a civilian, the former acting director of the city's Public Safety Office.

Maintaining impartiality in the investigative process is one of the crucial challenges facing OMI. With nine police personnel and six civilian staff, the investigations cannot be characterized wholly as civilian-reviewed or independent. Officers rotate in and out of OMI. As a result, they are likely to know some of the officers accused of misconduct and/or may work with accused officers after their stints at OMI. Under these circumstances, it would be possible for biases to creep into investigators' decisions.

The consent decree did not require OMI to produce an annual report or to publish statistics on complaints. Information from the monitor's quarterly reports was made available to the public by the interim OMI director and by the American Civil Liberties Union, but it is unclear whether OMI will produce its own reports once the monitor leaves. Community groups have made a formal appeal to the mayor and police chief to permit access to

VI. Community Views on the Consent Decree and Its Impact on Policing

The community has been a major stakeholder in the outcome of the consent decree from the beginning. Concerns about police brutality and misconduct led to the lawsuits that ultimately resulted in the consent decree. Public confidence in policing, therefore, is an important yardstick by which the decree's success should be measured.

The research explored the views of the community from perspectives of community leaders and city residents during the fifth year of the decree and again in the year after the decree was lifted. Community leaders who had a keen interest in and involvement with police reform in Pittsburgh were asked a series of questions about the consent decree and its effect on community-police relations. Ten leaders participated in the first round of interviews and twelve in the second round. In each instance, eight were African American, and six were women. Researchers also conducted two telephone surveys of residents who lived in the Bureau of Police's Zone 2. This zone was selected because it had roughly equal numbers of white and African-American residents, which made possible direct and reliable comparisons between the views of the two groups.

The Perspectives of Community Leaders

Community leaders stressed that until the signing of the consent decree, there was a lack of public accountability in the Bureau of Police. They cited examples of illegal searches, harassment, verbal and physical assault, and deadly use of force as examples of police misconduct. A number of the leaders pointed out that Pittsburgh, like many urban areas, had been grappling with a past characterized by racism and segregation—a past that the consent decree alone could not address. Still, community leaders initially viewed the consent decree with hope. They saw it as a progressive tool to increase accountability and improve police practices, and they perceived a commitment to change within the police administration. Several expressed confidence in the chief, noting that, “he cares about standards and accountability.” The federal monitor also received high marks for his efforts to implement the decree.

Bureau of Police. In the year after the lifting of the decree from the Bureau, community leaders acknowledged that the Bureau had made several key changes as a result of the decree and appeared to be “more diligent in monitoring behavior.” They felt that the relationship between the community and police was less antagonistic, and that the Bureau remained committed to the goals of the decree even after it had been lifted. To be sure, the leaders still had concerns about policing. One worried that there might be backsliding without federal monitoring; another argued that the reforms were aimed only at the rank and file and that accountability among high-ranking administrators had not improved. Several spoke out in favor of greater diversity within the ranks. According to one, “black cops need to be supported.”

A number of the community leaders lamented that the Bureau did not make public any information on use of force, traffic stops, search and seizures, and other police activities. Under the decree, these data had been made available to the monitor and were included in his quarterly reports. One leader argued that with racial profiling a significant issue, the Bureau should be especially sensitive to requests to release data to quell fears of the African-American community. The efforts of a civic group to obtain aggregate data on police performance have so far been unsuccessful.

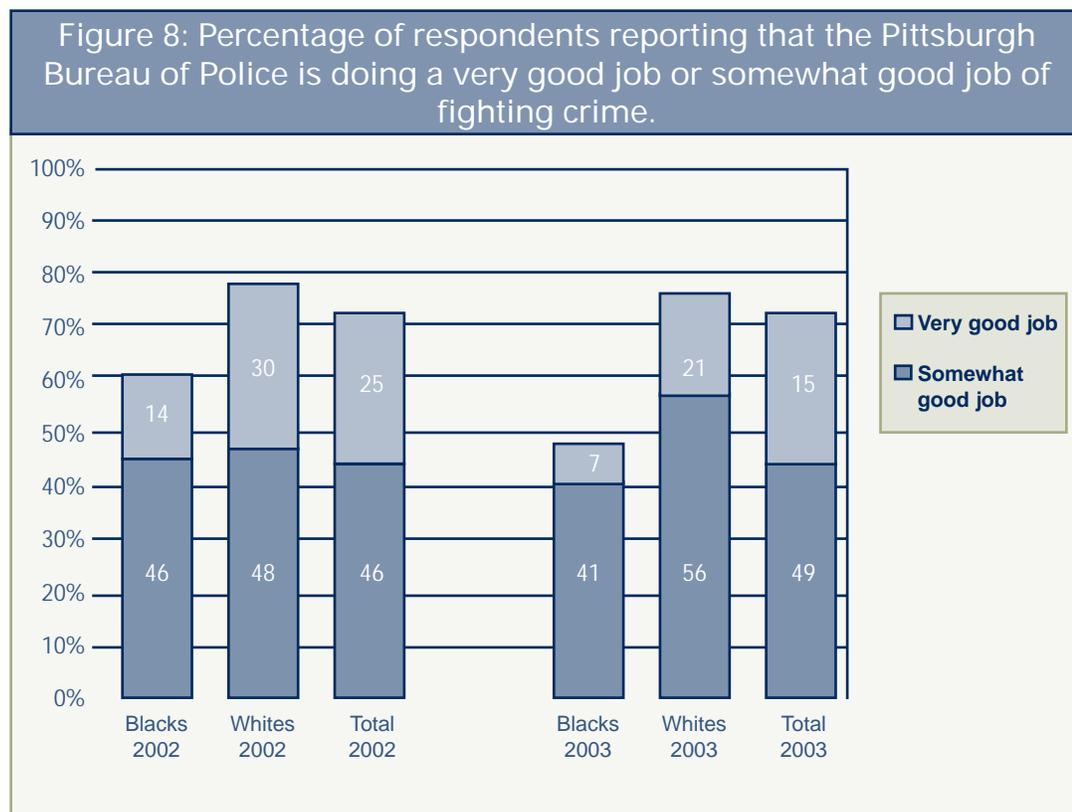
Office of Municipal Investigations (OMI). While community leaders acknowledged the progress made by OMI, many expressed a concern about the ability of a city agency staffed mainly by sworn officers to make impartial determinations. Lack of transparency was a significant concern about OMI, as it was about the Bureau of Police. Leaders pointed out that “OMI never published any reports.”

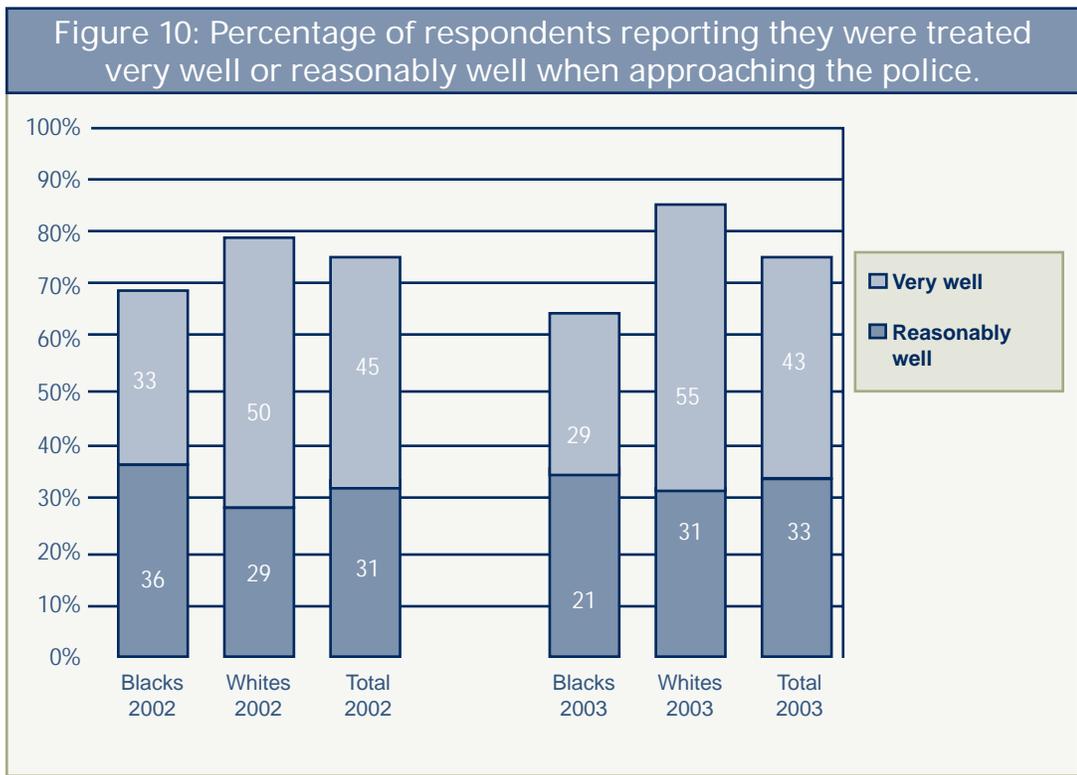
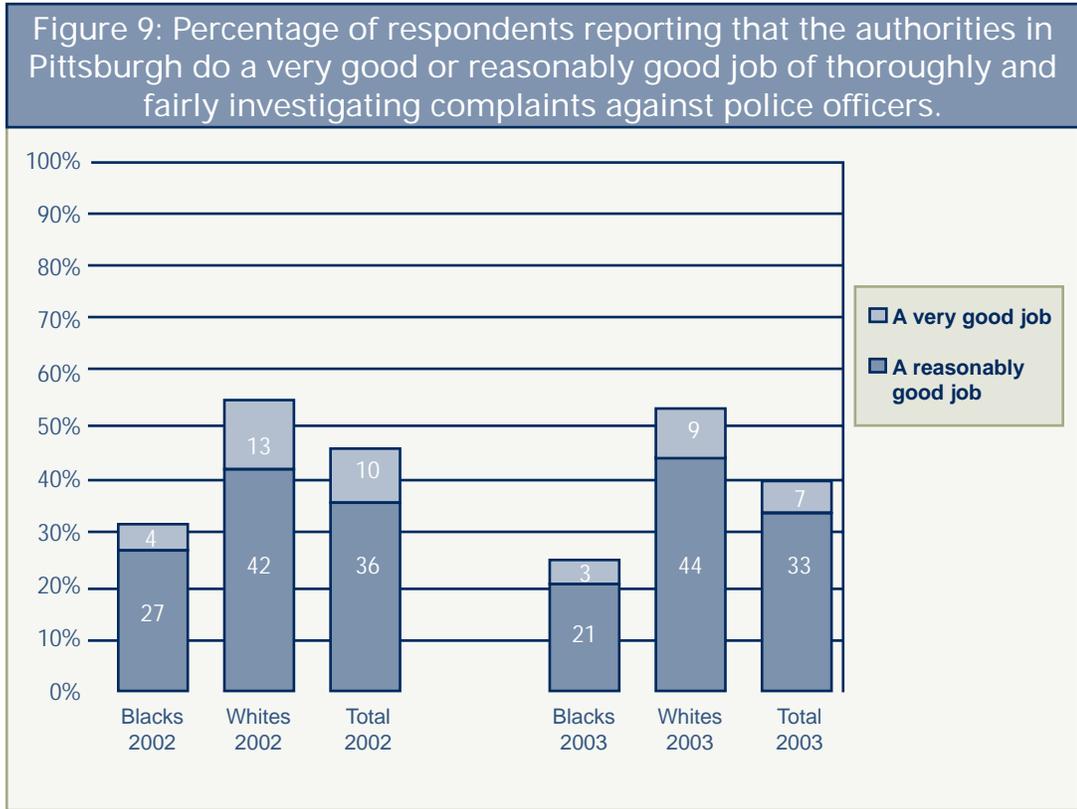
The Perspectives of Pittsburgh Residents

The initial survey in the fifth year suggested that Pittsburgh residents were generally positive about the idea of the decree, even if they had somewhat mixed views on the changes and nature of policing under the decree. African Americans were consistently less optimistic than whites about how much policing had changed, a finding that is consistent with surveys in other U.S. cities. About half (47 percent) had heard of the consent decree, with only a small minority of them having a detailed understanding of the requirements of the decree. But when the decree was described to all respondents, 84 percent said it was necessary to improve the quality of policing.

Researchers created an updated version of the initial survey to assess changes in public perception of the police since the lifting of the decree. Many of the 32 questions were identical to those used in the earlier survey and assessed police performance in such areas as fairness, effectiveness, visibility, and responsiveness. In each case, telephone interviews were conducted with more than 400 randomly selected residents of Zone 2.

Responses changed significantly between surveys on only three questions. Perceptions of the ability of the police to fight crime and the thoroughness and fairness of complaint investigations were both lower in the second survey (Figures 8, 9, and 10). A significantly greater number of respondents reported being treated well when stopped by the police.





There was little change on other questions. Citizens in both surveys held high opinions of the police in the areas of fairness/courtesy and responsiveness, but a majority believed that whites received better treatment from the police than African-Americans. About a third reported improvement in terms of excessive uses of force, but nearly half believed that the police used excessive force at least some of the time.

To assess whether opinions about police effectiveness—particularly about police misconduct—were overstated by people who had not had first-hand experience with the police, researchers separated out those respondents who had had either a voluntary or involuntary contact with the police within the past 2 years (Table 2). The results do not indicate a significant difference in opinions between those who had experience with the police and those who did not.

Table 2: Opinions of Police Misconduct in Pittsburgh for those who have had experience with the police in the past 2 years.**						
	No Experience			Experience in past 2 years		
	Major problem	Minor problem	No problem	Major problem	Minor problem	No problem
Stopping people without good reason	26.5%	28.4%	31.8%	30.7%	38.0%	27.3%
Using offensive language	17.5%	24.2%	39.3%	19.0%	32.7%	40.0%
Being verbally or physically abusive	30.3%	28.4%	28.4%	36.6%	33.2%	24.9%

**Experience was defined as those people reporting that they have called the police or had been stopped by the police within the previous 2 years.

In both surveys the harshest criticism was reserved for the Office of Municipal Investigations. Only about one in three respondents believed it would be easy to file a complaint against an officer in Pittsburgh or that OMI investigations were thorough and fair.

VI. Lessons Learned

The overarching questions in Pittsburgh were: Can a reform process imposed on a local jurisdiction by a federal court succeed?

And if so, could that process continue after the federal court withdrew? The simple answer to both questions is “yes.” It is clear that the requirements of the consent decree dramatically changed the culture of the Bureau of Police. It is also clear that the reforms remained in full force more than a year after most requirements of the decree were lifted. Officers and supervisors are accountable for their interactions with the public in a way that is qualitatively different from the situation that existed prior to the decree. Although officers continued to express resentment toward the city for agreeing to the decree, many acknowledged that the reforms did, in fact, increase police accountability. Administrators now have a powerful tool to monitor officer productivity as well as misconduct.

The Office of Municipal Investigations, which had lagged in adopting reforms under the 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 of cases was eliminated.

What Positive Lessons Can Other Jurisdictions Learn from Pittsburgh?

(1) The importance of a quick and unified city response to the decree and an embrace of the reforms by city officials.

- Once city officials decided to sign the decree, they were able to put personal feelings aside and focus on bringing the city into compliance. The implementation committee, with the monitor’s help, did a good job in outlining the areas where changes would need to be made.

(2) The determination of the police chief to make the decree part of his own reform agenda.

- Part of the reason that city officials agreed to settle with the Department of Justice was that they were able to influence what went into the decree. For a new police chief with an interest in reform,

this was a good opportunity to push his agenda forward. The consent decree made it easier to get funds from the city for reforms and helped to neutralize potential union objections. Once the decree was signed, the chief made it quite clear that the Bureau would be in compliance and thereby set the tone for the Bureau's effective response to the requirements of the decree.

(3) The critical role of the court-appointed monitor.

- The selection of the monitor by city and Department of Justice officials was a critical choice and, by all indications, the successful candidate facilitated the reform process. The monitor played an early, vital role after the signing of the decree by helping officials to develop a plan of action. He produced a compliance manual that gave city officials an exact idea of what milestones he expected them to achieve at each stage to meet his standard of compliance. His early meetings with community leaders helped reassure them that real reform was afoot. He developed a relationship with city officials that was more collaborative than adversarial, making it easier for them to accept some of the more difficult terms of the decree.

(4) The development of an early warning system to meet the needs of the city: Pittsburgh's went well beyond the demands of the decree by tracking sick time, accidents, and positive officer behavior as well as misconduct.

- The consent decree required that the city track certain types of incidents that indicated potential problems arising from officer interactions with citizens. But the system the city developed incorporated not only data required by the decree but also performance data that allowed command staff to monitor officer productivity and effectiveness. The use of deviations from the performance of peers was an innovative approach to determining which officers were flagged.

(5) The development of an innovative, quarterly command staff meeting to review and act on information from the early warning system.

- The effectiveness of the early warning system was cemented by the development of quarterly COMPSTAR meetings. These meetings, attended by command staff, ensure that each commander is publicly accountable for decisions he or she makes on each officer indicated by the system.

What Might Have Been Improved in Pittsburgh

(1) Quicker realization of new demands on investigation of civilian complaints.

- While the city was quick to realize and respond to the new demands on the Bureau of Police, it was slower to respond to the needs of the Office of Municipal Investigations. Predictably, OMI saw the number of complaints rise and the time to investigate cases increase substantially as a result of the decree. Yet there was no immediate move to add staff to cope with the greatly increased workload.

(2) Better efforts to gain rank and file buy-in to the reform process.

- Interviews with both officers and supervisors disclosed alienation and claims of less willingness to engage the public. The disengagement of the rank and file from the reform process began at the outset when Justice Department investigators did not include police officers or union representatives among the persons they interviewed. The centralized review of officer actions and encouragement of anonymous citizen complaints incorporated in the decree proved to be highly unpopular with officers. Rank and file disengagement continued when the union chose not to take part in formulating the city's response to the decree.

The police and command staff clearly made an effort to educate officers and supervisors about the decree and to defuse the notion that it would be detrimental to them. But judging from focus groups with officers and supervisors, these efforts were not highly successful. Officers remained resentful of the decree and worried about being disciplined or receiving a citizen complaint for good-faith enforcement actions. While trend data refuted some of the more serious officer claims about reduced morale, officer activity, and public safety, the fact that these perceptions persisted was a continuing challenge for the Bureau.

(3) Better efforts to involve the community in the reform effort and to coordinate implementation of the decree within the framework of community policing.

- While the Pittsburgh reforms were very successful in meeting the demands of the consent decree, they were not implemented with an eye toward promoting the community policing model that has been widely accepted both in the U.S. and abroad. Indeed, the reforms were internal to the Bureau of Police and largely did not engage the

community that had agitated for change. The decree was perceived positively by community leaders, who expressed a good deal of faith in the chief's commitment to reform. But they remained skeptical that a true sea change in accountability of officers and supervisors had occurred, partly because little information about the city's progress in complying with the decree had been shared with the community. Many citizens were not aware of the decree, and many African-American citizens remained unconvinced that police abuse had lessened under the decree. Community leaders acknowledged that the relationship between the community and police had become less adversarial, but most of those interviewed felt that the city would have been better served had the decree mandated more open reporting of misconduct and disciplinary actions by the Bureau and by the OMI.

In some ways, the decree and the reforms it spawned were even antithetical to key tenets of community policing. For example, the policy of frequent officer rotation made it harder for officers to get to know the communities in which they worked and harder to build trust among residents. Centralizing accountability discouraged egregious officer behavior but ran counter to the community policing notion of placing more responsibility at the command and unit levels. There are no easy answers to the question of how better to scrutinize officer behavior while at the same time allowing officers to be effective decision makers, but it is a problem that the Department of Justice must confront as it considers how to promote meaningful change at the local level.

Last Reflections on the Reform Process in Pittsburgh

It would appear that the Department of Justice was correct in betting that pattern or practice suits could bring about substantial reforms in a short time and that the reforms would survive the life of the decree.

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 supervisors or administrators. Therefore, the decree sought to change officer behavior by redesigning "management systems for training, misconduct investigations, supervision, and discipline." Because record-keeping was so poor in Pittsburgh before the decree, it is difficult to assess the effectiveness of reducing misconduct by changing training programs and accountability systems. Researchers

could not say whether citizen complaints or use of force declined after the decree was signed because pre-decree data were not available. Citizen surveys and interviews with community leaders suggest that change in police conduct did occur over the course of the decree, but the evidence is not definitive because there was no pre-decree community survey.

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. 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 flagged 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. There is no independent proof of these undesired effects and, indeed, as noted previously, police data call into question some of these assertions. But the fact that these opinions were voiced 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 tied directly to the new management systems that the decree required. Essentially, the reforms took responsibility and flexibility away from the individual commands and created a centralized review structure. Although the decree does not require limiting the authority and responsibility of line supervisors, compliance with proper completion of the new forms was reviewed centrally and decisions about discipline were either made or reviewed centrally.

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 other major police reform of the past two decades: community policing with its emphasis on engaging local communities in setting standards and monitoring police conduct. Researchers did not find substantial efforts in Pittsburgh to engage community residents and organizations or to give them a defined role in assuring the proper functioning of the Bureau of Police. Nor did they find citizen councils that help set police priorities in Pittsburgh. 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 consent decree model that incorporates the advantages of community policing while monitoring officer behavior and holding officers accountable for wrongdoing.

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 6 years.

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Endnotes

- ¹ Columbus, Ohio is the only city in which there was contested litigation. The lawsuit was dismissed when the parties entered an agreement. Jurisdictions with consent decrees: Pittsburgh; Steubenville, Ohio (decree lifted on March 3, 2005); State of New Jersey; Los Angeles, California; Detroit, Michigan (two); Prince George's County, Maryland. Jurisdictions with Memoranda of Agreement or Understanding: District of Columbia; Highland Park, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Buffalo, New York; Mt. Prospect, Illinois; Villa Rica, Georgia; Prince George's County, Maryland; Montgomery County, Maryland.
- ² This project was supported by Grant #2004-HS-WX-0002 awarded by the U.S. Department of Justice Office of Community Oriented Policing Services. Points of view or opinions contained in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. The two research reports are: Robert C. Davis, Christopher W. Ortiz, Nicole J. Henderson, Joel Miller, Michelle K. Massie, *Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree* (New York: Vera Institute of Justice, September 2002); Robert C. Davis, Nicole J. Henderson, and Christopher W. Ortiz, *Can Federal Intervention Bring Lasting Improvement in Local Policing?: The Pittsburgh Consent Decree* (New York: Vera Institute of Justice, May 2005).
- ³ Thayer Watkins, "The History of the Economy of Pittsburgh," (San Jose, CA: San Jose State University, Economic Department), www.sjsu.edu/faculty/watkins/pitts.htm.
- ⁴ Population of the 100 Largest Urban Places: 1950, (Washington, D.C.: U.S. Bureau of the Census: June 1998), www.census.gov/population/documentation/twps0027/tab18.txt.
- ⁵ Ralph L. Bangs and Jun Hyun Hong, "Pittsburgh Benchmarks: Black and White Quality of Life in the City of Pittsburgh and Allegheny County," (Pittsburgh: University Center for Social and Urban Research, University of Pittsburgh, September 1996).
- ⁶ Mark Houser, "County Race Barriers Fade," *Pittsburgh Tribune-Review*, May 19, 2003. Sociologists measure segregation with a tool called the dissimilarity index. A score of 0 indicates full integration; 100 means total segregation.
- ⁷ Letter to City Solicitor Jacquelyn Morrow, from Deval Patrick, Assistant Attorney General, Civil Rights Division.

⁸ Although we use the term *monitor* in the report, the consent decree refers to the individual as an *auditor*. We chose to use *monitor* because we feel it better encompasses the wide range of activities that were involved in the oversight role.

⁹ Dennis J. Kenney, Geoffrey P. Alpert, and Samuel Walker, "Early Warning Systems: Responding to the Problem Police Officer," *NIJ Research In Brief* (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, July 2001).

¹⁰ Ibid.

¹¹ Ibid. For additional information on early warning systems see Sam Walker, "Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide" (Washington, D.C.: U.S. Department of Justice Office of Community Oriented Policing Services, 2003; prepared under grant #2000-CK-WX-K124), www.cops.usdoj.gov/mime/open.pdf?Item=925.

¹² "Performance Assessment and Review System: A Detailed Project Document," Pittsburgh Bureau of Police internal document, April 26, 2000.

¹³ Monitor's Tenth Quarterly Report, (February 2000).

¹⁴ Ibid.

¹⁵ To maintain confidentiality the survey form used did not include any identifying information or questions about rank.

¹⁶ Anonymous complaints also were accepted prior to the decree. However, they were terminated as "unfounded" if no corroborating evidence was found. The same is now true post-decree as a result of an arbitration settlement of a district court case between the city and the police union.

¹⁷ Monitor's 23rd Quarterly Report, (San Antonio, TX: Public Management Resources, August 2003).

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COPS Office Response Center at 800.421.6770

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