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Cleveland consent decree will last years; how many is up to Cleveland leaders

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DOJ Williams Jackson

How long it takes Cleveland to fulfill federally mandated reforms to its police department in the wake of Justice Department investigation that found pattern of excessive force depends on how committed the city's leadership, including Chief Calvin Williams and Mayor Frank Jackson, are to the reforms.

CLEVELAND, Ohio - Exactly how long it will take to implement sweeping reforms within the Cleveland Division of Police will depend on the willingness of the department's leadership, according to experts.

That the current leadership climbed to the highest ranks of the department while its officers used unjustified amounts of force and supervisors failed failed to hold them accountable has the potential to hamper the process.

The release Thursday of the Justice Department's findings in a 21-month investigation kick starts a process that could very likely last well into the 2020s.

First the city and the Justice Department will negotiate an agreement known as a consent decree. The process can take weeks, months or years. Much of how quickly an accord is reached depends on the city's willingness to accept the Justice Department's recommendations.

"There is definitely never going to be a consensus into what goes into this remedy," U.S. Attorney for the Northern District of Ohio Steven Dettelbach said.

A federal judge will appoint a third-party monitor to oversee and enforce the reports as department leaders begin enforcing the changes.

While consent decrees historically covered a five-year period, many departments require more time to implement federally mandated reforms that often touch on every facet of how officers interact with the citizens they're sworn to protect.

Pittsburgh met most of the requirements of its consent decree in the first five years. But a judge extended the agreement for two years because the department's beleaguered internal affairs unit needed time to enact its changes, Elizabeth Pittinger, executive director of Pittsburgh's Civilian Police Review Board said.

Federal investigators there found a backlog of hundreds of use-of-force cases that had gone largely untouched and ignored.

"They pretty much had to start from scratch," Pittinger said.

The Justice Department found Cleveland's internal review process was essentially broken. The internal affairs unit rarely found officers guilty of excessive force, and the Office of Professional Standards tasked with, among other things, investigating when officers use deadly force, has not reviewed such a case since early 2012.

But ultimately, Pittinger said, the length of a consent decree will depend on the quality of character of the supervisor responsible for keeping their officers in check.

"The target of the street cop is almost a misplaced target," Pittinger said. "That cop is going to do whatever they know is going to be tolerated."

And what was tolerated in Cleveland, according to the Justice Department's review, was a pattern of using excessive force against people who posed no threat to officers, including people who were handcuffed and mentally or physically ill.

A 2011 Plain Dealer investigation found Martin Lentz and Kevin Smith, two of four officers charged for their role in the New Year's Day 2011 beating of a handcuffed man after a high-speed chase, were also two of the department's most notorious users of non-deadly force in the previous year.

Their commander at the time is now the highest-ranking member of the department, and is responsible for implementing reforms based on their actions.

Chief Calvin Williams, through a police spokesman, declined to comment for this article.

At the Thursday press conference, Williams said hearing the allegations was difficult, but his officers will be committed to morph into a better police department.

"I have complete confidence that we will meet and exceed this challenge in the years to come," Williams said.

As Williams ascended, so did his superiors. Then Chief Michael McGrath, who personally signed off on many of the questionable use of force investigations the newspaper reviewed, was promoted to Safety Director in February. Safety Director Martin Flask is now a special assistant to Cleveland Mayor Frank Jackson.

Jackson tripled-down on his defense of McGrath as the "right man for the job" at the Thursday press conference.

Jackson, while admitting that he didn't agree with all of the Justice Department's findings, pledged to make the necessary reforms and was optimistic about building a partnership between the city, the police and the federal government.

If the city does put up resistance, experts said the process will likely extend for years, holding up Los Angeles as an example.

The 1994 law giving the Justice Department the ability to investigate, and ultimately sue police departments came in the wake of the acquittal of Los Angeles police officers involved in the videotaped beating of Rodney King. However, investigators did not look at that city's department until several years later, when an egregious corruption scandal involving the department's gang unit was unearthed.

The department's leadership, namely then-Chief William Parks saw the federal government's overhaul as interfering with the department's autonomy, Christine Cole, vice president and executive director of the Crime and Justice Institute said.

Cole, who co-wrote a report about the transformation of the LAPD after federal oversight ended, said Parks ignored the mandates for years. The police commission voted not to re-appoint Parks in 2002, Bill Bratton was sworn in as chief and the consent decree was extended an additional four years.

It wasn't until 2009, a full nine years after the signing of the consent decree, that the federal government declared the department had fully changed.

"(The consent decree) is a just piece of paper. We can't ascribe too much power to it," Cole said. "It's the people who need to make it happen."

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