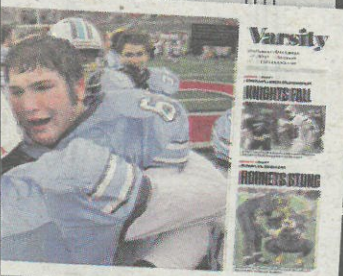


# THE PLAIN DEALER

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**BuckeyeExtra:** Ohio State battles Wisconsin for the Big Ten championship tonight. **PAGE D1**

**Cavaliers 105, Raptors 91:** Cleveland wins its sixth in a row. **PAGE B1**



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**Law enforcement culture**

## Leaders key to speed of reform

### First step, consent decree, could take years

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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

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 may 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.

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## Lawsuit Tamir Rice family sues over his death

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The family of Tamir Rice, the 12-year-old who was shot and killed by Cleveland police on Nov. 22, filed a wrongful death lawsuit in federal court on Friday.

The suit filed in U.S. District Court names the city of Cleveland and police officers Timothy Loehmman and Frank Garmback as defendants. It

says the officers "acted unreasonably, recklessly and with deliberate indifference to the safety and rights" of Tamir when they "confronted him in a surprise fashion and fired multiple shots at him without any adequate investigation."

The suit says the city's policies regarding use of deadly force caused the death, that the officers were inadequately trained and supervised, and

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Protesters walk north on Ontario Street from Public Square Friday during a march through downtown Cleveland to protest recent police shootings. See story, Page A6

THOMAS ONDREY | THE PLAIN DEALER

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.

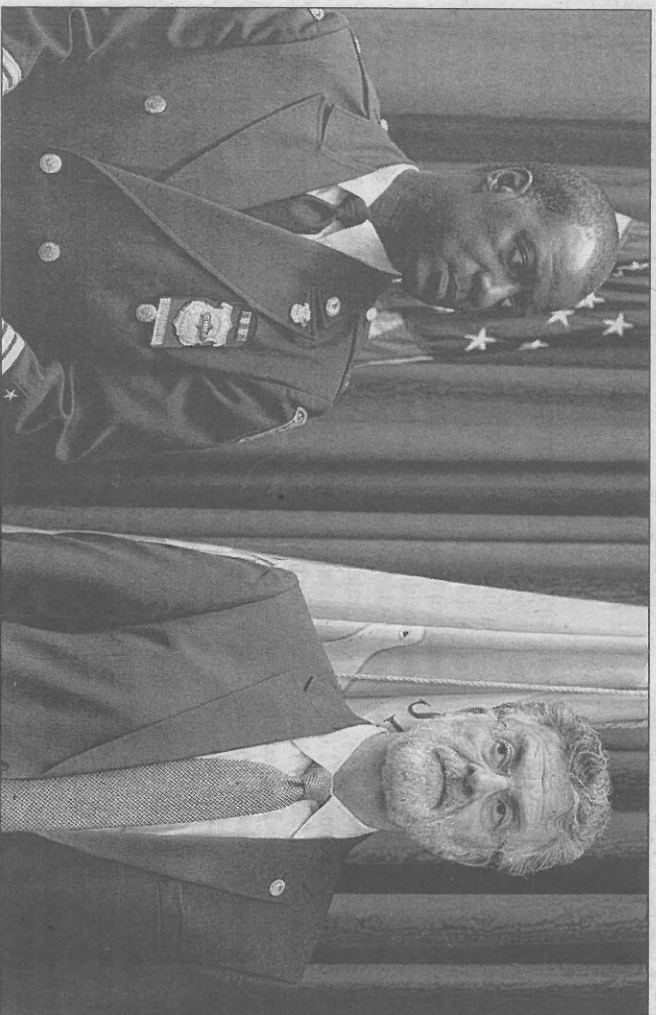
"They pretty much had to start from scratch," Pittinger said.

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, given the task of, 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.



LISA DEJONG | THE PLAIN DEALER  
Cleveland Police Chief Calvin Williams, left, and Mayor Frank Jackson listen Thursday as U.S. Attorney General Eric Holder delivers a scathing review of the department.

A 2011 Plain Dealer investigation found Martin Lertz 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 chase, were also two of the department's most notorious users of nondeadly 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 change 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 tripped 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 among the city, the police and the federal government.

If the city does put up resistance, experts said the process will probably 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 reappoint 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 just a piece of paper. We can't ascribe too much power to it," Cole said. "It's the people who need to make it happen."

# LAWSUIT

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The Rice family's suit, filed by attorney David Malik, said compensatory and punitive damages would be determined at trial, and did not specify an amount sought.

Police were called to a park outside the Cudell Recreational Center Nov. 22 after a report that someone, "probably a juvenile," was waving a gun, "probably fake," and pointing it at people.

Citing surveillance video, the suit says the patrol car driven by Garmback and Loehmann drove up "immediately next to" the boy, who was shot by Loehmann "less than two seconds after appearing next to Tahir."

The gun Tahir had was a pellet gun, which the lawsuit says can legally be sold to minors and carried by children.

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