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Officer accountability remains broken after Justice Department reforms Detroit: Will Cleveland see change?

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As Cleveland prepares to be governed by an agreement with the U.S. Justice Department on how its police department operates, another Midwest city with police issues has just been released from such an agreement.

The news in Detroit is not all good. The Detroit Police Department, which was released from its consent decree agreement with the U.S. Department of Justice last year, failed to implement an effective system for swiftly and thoroughly investigating complaints of officer misconduct, according to the federal monitor who oversaw the [court-ordered reforms](#).

Many of the changes that had been required in Detroit's consent decree mirror those that federal officials ordered in Cleveland, although the Cleveland agreement has several additional layers of oversight to compel compliance. Cleveland is unique among many of the cities placed under federal oversight, as its agreement with the city would see the installation of an independent civilian police inspector general.

Robert Warshaw, Detroit's federally appointed monitor, said in an August 2014 report that he was not confident that any improvements were sustainable, a concept [Cleveland Mayor Frank Jackson](#) has said is a top priority.

Activists say the culture of Detroit's police department still protects officers from discipline, leaving behind a lingering distrust of police among citizens.

Many of the failures the Justice Department uncovered in an investigation into Cleveland police mirror what was found in Detroit more than a decade ago. That city was the subject of a [two-year investigation](#) that ended in 2002.

In its report on the findings of that investigation, federal officials pointed out poor organization within the bodies tasked with investigating internal and external misconduct complaints. Investigators were poorly trained, and often dismissed complaints without any justification, officials said.

The same concerns plague Cleveland's police department, according to the Justice Department's findings released in December.

Detroit was given 11 years to clean up its department. While it successfully complied with 90 percent of the court-ordered reforms, officer accountability was not one of them, [Warshaw said](#).

Detroit and Cleveland have similar systems

The proposed overhaul of Cleveland's framework for investigating police misconduct is almost identical to the changes proposed in Detroit, although Cleveland's plan includes an independent civilian police inspector general in addition to an independent community policing commission to provide oversight. Detroit had only a citizens panel.

In Detroit, a complaint is first investigated by a group of trained investigators who are not police officers. Allegations of criminal misconduct are passed on to Internal Affairs investigators. Once that group completes interviews, collects evidence and makes a conclusion, it presents its findings to a board for review.

That board, also comprised of civilians, will review the findings and come up with a recommendation. This can include discipline and suggestions for more police training or policy change.

All of this is sent to police chief or public safety director for review before any punishment is handed down.

What went wrong and why

While the terms in Detroit's consent decree called for better organization and stricter citizen oversight, some say it failed in real-life application.

The police department did all the necessary work at the administrative level, the monitor said. But crucial elements related to the investigations themselves were still in disarray 11 years after their consent decree was signed.

All the policies were there on paper, but nobody seemed to be following them, Warshaw said. The monitor found "troubling compliance issues" with investigatory procedures. Investigations into civilian complaints were often unsatisfactory, incomplete and drawn out over time.

Internal investigations, too, seemed to lack legitimacy, Warshaw said. Investigators continued to disregard protocol for interviews, including asking leading questions and failing to interview officers' supervisors.

Despite the strict 90-day deadline the court ordered, at one point more than 1,000 cases were overdue or in backlog. The report suggested poor leadership in a citizen oversight group was a cause for the failures.

"We are not optimistic regarding the sustainability of these processes," Warshaw wrote.

Citizens still not satisfied

One community activist says while policies have changed, the culture of the police department remains corrupt. Ron Scott, founder of the [Detroit Coalition Against Police Brutality](#), says officers still feel that they can get away with misconduct.

Scott said he's confident that the Justice Department's reforms ensured that more complaints get into the hands of investigators. However, allegations rarely result in discipline.

Scott says the only hope for officer accountability is making citizens watchdogs over police activity. He said the Board of Police Commissioners -- a citizen-led oversight body -- has made recently made efforts to keep citizens in the loop.

"Theoretically, police are part of the community," Scott said. "They should be severely punished within that context."

But Willie Bell, the chairman of the board, said Detroit Mayor Mike Duggan has decried the amount of power given to the board, MLive Detroit [reported](#). Bell told a reporter that the mayor is trying to strip power from "the strongest model of police oversight in the country" by making it primarily a review board.

Representatives at Detroit's Board of Police Commissioners could not be reached.

Experts' outlook for Cleveland

Tim Lynch, director of the [Cato Institute's National Police Misconduct Project](#) said he was shocked reading through portions of Cleveland's consent decree. He was amazed that some of these guidelines needed to be mentioned in the first place.

Lynch said a policy overhaul usually isn't enough to fix a department that's failed to properly investigate complaints for years. He's also not convinced that citizen oversight is the answer, given that civilians often lack knowledge of laws or police policy.

But one element missing in Detroit that the Justice Department implemented in Cleveland is a [police inspector general](#). This role is an extra set of eyes watching over the police department,

which is to open its records to the inspector general. That office will examine all investigations of misconduct and catch things other entities might have missed.

Inspectors general in other big cities have made strides in exposing corruption in police departments. But that's not necessarily telling of how it will work out here, experts say.

Brian Buchner, president of the National Association for Civilian Oversight of Law Enforcement, said it's hard to tell whether one city's model would function the same way somewhere else.

"It's a difficult but necessary characteristic of the field because each community is different," Buchner said. "Oversight must reflect community needs."