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USA

# Police violence in the spotlight

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**Our investigation concluded that there is reasonable cause to believe that CDP [Cleveland Division of Police] engages in a pattern or practice of using unreasonable force in violation of the Fourth Amendment.**

That pattern manifested in a range of ways, including:

• The unnecessary and excessive use of deadly force, including shootings and head strikes with impact weapons;

• The unnecessary, excessive or retaliatory use of less lethal force including Tasers, chemical sprays and fists;

• Excessive force against persons who are mentally ill or in crisis, including in cases where the officers were called exclusively for a welfare check; and

• The employment of poor and dangerous tactics that place officers in situations where avoidable force becomes inevitable and places officers and civilians at unnecessary risk.

(Investigation of the Cleveland Division of Police by United States Department of Justice Civil Rights Division, United States Attorney's Office Northern District of Ohio, issued December 4, 2014)

THE JUSTICE DEPARTMENT'S findings on Cleveland covered the period of 2010-2013. The Cleveland Division of Police (CDP) is typical of police departments nationwide, especially in big urban areas.

The police "not just a few rotten apples" are involved in violence and shootings directed disproportionately against African Americans, not just boys and men but also girls and women.

As the DOJ's conclusions quoted above indicate, the violence and crimes by cops are systemic. Where the police investigate themselves with the aid of malleable prosecutors, few "bad cops" are arrested or prosecuted "the main demand of protesters across the country.

## The Reforms

The Consent Decree is a 104-page document (<http://www.scribd.com/doc/266676340/Department-of-Justice-agreement-with-city-of-Cleveland>). According to the May 26 [www.cleveland.com](http://www.cleveland.com):

"Much of the consent decree surrounds changes to Cleveland's rulebook on the use of force. "Officers would face higher standards on unholstering and firing weapons and no longer will be allowed to use guns to strike suspects as they would with a baton. And all strikes to the head using any hard object would be banned unless lethal force is justified.

"Rules for using Tasers and pepper spray also would be revised, requiring more detailed reporting and justifications

for each use. If an officer used a Taser or pepper spray twice on someone, separate reports and justifications would be required.

"Officers would be required to take immediate steps to provide or secure first aid for suspects they injure, addressing an issue raised in many lawsuits that cost the city big money. It's also an issue that has been a flashpoint in the Tamir Rice killing case, as the first officers on scene made no attempt to administer first aid in the minutes after he was shot.

"Retaliatory force âEuros" such as tussling with a suspect at the end of a chase or to mete out punishment for disrespecting an officer âEuros" would be explicitly prohibited."

The Decree calls for the establishment of 13-member Community Police Commission. "The panel also would help develop the new bias-free policing strategy, which would take aim at racial profiling and discrimination. Data-collection is key to the initiative. So is a stricter search-and-seizures policy that is targeted at unjust stops by officers."

## Historic Agreement

"For the first time in its history," reports the Northeast Ohio Media Group, "Cleveland will have a civilian Inspector General review the work of police officers âEuros" one of the most extraordinary reforms to police accountability outlined under an agreement with the U.S. Department of Justice."

Many community activists responded positively to the changes but with extreme caution. "Terry Gilbert, a prominent local civil-rights attorney, also praised the deal but urged patience and persistence.

"This is an historic agreement, which has the potential to reduce the widespread abuses in the use of force within the department [that] has existed for decades," Gilbert wrote in an email. âEurosÜThe key to its success lies in the oversight by a federal judge and independent monitors. But keep in mind the reforms will take years to weed out the bad practices and attitudes that have been ingrained within the culture of the police.

"And it will require active community involvement that will stand the test of time regardless of changing politics and new administrations." <http://www.cleveland.com/metro/inde...>

The Rev. R.A. Vernon stated what many feel in the community. He said that the Consent Decree is a starting point on the path to genuine reform, though he has concerns about how the city will pay for its implementation. Vernon is cautiously optimistic about the agreement's power to change what he called the "culture of blue" in Cleveland.

"It's naïve to think we will fix the system in three months, when it has been broken all the way back to Jim Crow," said Vernon, who was among a small contingent of community leaders invited to a briefing at City Hall before the Consent Decree was announced May 26. "But there was a time when this kind of process wouldn't have even started. Just 150 years ago, a Black person would have been killed with no repercussion. Now people of all colors are realizing that there are systemic issues that must be addressed."

The cops' union head, as expected, strongly rejected the DOJ's conclusions even though the Mayor Frank Jackson signed it for the city. The African-American police chief Calvin Williams said it would be implemented.

Police "unions" generally function as protection cartels for the cops, especially those facing civil and criminal misconduct. It's a big reason why so few cops are ever indicted or prosecuted; the few who resign do so under public pressure.

## Cleveland - not Ferguson but it is

On June 8 community leaders, distrustful of the current justice system, said they would not wait for the internal police and prosecutor investigation of the cop who killed 12-year-old Tamir Rice last year while Tamir was playing with a toy gun.

Using a unique Ohio law, the community leaders went directly to a judge to request that murder charges be filed against the officers involved in the killing. The judge agreed that there is "probable cause" for the charges, but left the decision to the prosecutor's "discretion" — exactly what the community is afraid to trust.

Cleveland is unusual only in the sense that it not only has a large African American population (some 53%) but that police chief Calvin Williams is Black. The social composition of the police and city leadership of Ferguson, MO, a big factor in the protests there, is a non-issue in Cleveland.

What is common for African Americans, whether living in cities or rural areas, is the lack of respect by cops towards them. Skin color is a determining factor whether one is beat up, arrested or shot by cops. Whites in general are presumed to be law-abiding; African Americans are seen as suspects.

Cleveland and Ferguson police are united on the subject of "blue first" in blood and ideology. Chief Williams, since the DOJ findings, has gone out of his way to tell the media that he has never given his son "the talk" (about police attitudes toward Blacks) to his own son. He downplays the existence of racial profiling and racism in police work.

The December DOJ findings and May Consent Decree are significant for activists and the community because of the sweeping nature of the condemnation and difficulty in the future to overturn the agreed upon reforms. It puts in legal terms what has rarely happened since the 1960s — stronger and more transparent limits on what cops can freely do.

It must be noted, at the same time, that the decree does not include an admission of guilt by either party. It is a settlement that no city council or future mayor can veto.

The Consent Decree's central weakness, however, is that it does not call for the immediate arrest and prosecution of cops who violate the laws. While ordinary folks may be taken into custody even before a grand jury or prosecutor files charges, cops sit at home or on desk duty with full pay. The Cleveland cop who murdered Tamir Rice six months ago still hasn't been arrested or charged, and continues to receive a paycheck.

The Decree also does not overhaul the Internal Affairs division.

Nevertheless, the steps taken are positive and can be used by those seeking indictments as a new handle to push for the arrest and prosecution of criminal cops. It doesn't assure implementation, but mass public pressure can use the Consent Decree to push for justice.

## Broader Context

The power of mass mobilizations, and the rise of the Black Lives Matter movement that is not beholden to the political parties, government or other established institutions, is why the Justice Department and Mayor of Cleveland decided to act in May and write a legally binding Consent Decree.

Its implication for the country is that other cities and states might preempt the DOJ to enact similar reforms. It shows the dynamic relationship between mass people's action and its impact on future legal steps and political changes.

Ultimately, the test for the effectiveness of the reforms will not be the paper they're written on, but the actual arrest and prosecution of cops who commit brutality and murder innocent or non-threatening African Americans for the wrong eye contact, carrying a toy gun, walking or running away, or simply being Black.

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