The Psychology of Policing

How Flawed Reforms are Prolonging a Crisis

A Forensic Fridays Seminar

Friday, SEPTEMBER 15

Background material

Presenter: Chuck Bosetti

Included for review are file copies (some with handwritten notes/corrections) of documents, memos, court records, news reports and commentaries. They reflect the actions, anger, distrust and hope of communities and their cops, from 1996-present.

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- MacDonald, Heather “Conjuring Disrespect”. The City Journal, 8/6/17

- MacDonald, Heather “How Chicago’s Streets Became the Wild West”. The Wall Street Journal, 6/16/16

- Bosetti, Chuck “Malice in Wonderland”. Pittsburgh Post-Gazette, 6/27/04

- Bosetti, Chuck “Police, Politicians and Pathology”. Pittsburgh Post-Gazette, 11/30/05

- Pittenger, Elizabeth “Letter to the Editor, About Police Review” Pittsburgh Post-Gazette, 7/28/02
No Justice, No Police: Flawed reforms alienate good cops and prolong a crisis

September 10, 2017 12:00 AM

By Chuck Bosetti

Police reform efforts will be discussed by the writer and others at the Cyril H. Wecht Institute of Forensic Science and Law’s seminar, “The Psychology of Policing,” on Sept. 15 from 1 p.m. to 4:30 p.m. in Duquesne University’s Power Center Ballroom. (For information or to register: duq.edu/forensics)

Justice and truth are two sides of the same coin. You can’t have one without the other. A protester lying to frame a cop is no better than a cop lying to cover excessive force. Both only beget violence, and the punishment should fit the crime for each. Thanks to a lot of good people who usually go unsung, things are reasonably calm in Pittsburgh right now.

But before past becomes prologue yet again, let’s look back — and forward — to reform alternatives.

Since 1997, beginning here in Pittsburgh, federal consent decrees have been the preferred tool of liberals to address police misconduct by mandating discipline, retraining or termination for cops violating criminal or civil law — regardless of rank. Conservatives believe the broad brush of federal intervention is invasive and costly, and penalizes an entire department for the actions of a few. While the past 20 years have seen polarization increase, they have also provided a public record to rebut opinion and spin. We all should remember that only fools continue to fight each other inside of a house on fire.

The decree process for any given city is outlined in a court order, which is essentially a contract between the police, the local government and the community. The decree is then monitored by a federal auditor. Like all contracts, though, it is only as good as its provisions and the character of those who enforce it. And there’s the rub.

One can’t really understand patrol-level issues without understanding their integration with the rest of the criminal justice system. And whether spin comes from the left or the right, respective proponents usually assume that “police culture” refers to patrol division alone. Each faction within the justice system loudly defends its own agenda and actions. But unifying, academic objectivity doesn’t appear to be a priority.
Consider the following absurdities revealed by public records during the past 20 years:

In an April interview, Emily Sussman of the Center for American Progress stated that Department of Justice investigations establish systemic corruption before imposing decrees. But in 1997 DOJ did not interview a single Pittsburgh officer, did not allow the police union (the Fraternal Order of Police) any input and ignored a 10-year performance audit by the city controller that largely contradicted their investigation (of which there is no written record). The federal action was based on 66 uncorroborated ACLU complaints. Five years and millions of Pittsburgh tax dollars later, only five cases went to court: cops 2, plaintiffs 3. One plaintiff got $3,000 and the other two got nothing. Federal judges in Torrance, Calif., and Columbus, Ohio, dismissed DOJ “investigations” without trials.

In September 2000, as Pittsburgh FOP legal chair, I met with then Deputy U.S. Attorney General Eric Holder to detail constitutional and contractual conflicts in the Pittsburgh decree, which was the nation’s first. In January 2001 I received a letter from Mr. Holder thanking me for my “suggestions.” There was no further contact.

By December 2001 “stop and frisk” had notably decreased. Local news reported a 48 percent overall increase in homicides, but the increase for black citizens alone was 71 percent. As a result of political fallout after violent unrest over a 2014 police shooting in Ferguson, Mo., local cops began to hold back. This became known as the “Ferguson effect.” But it really began in Pittsburgh 20 years ago. The government had decreed only letter-perfect stops and it got them.

After 40 years of policing in patrol, investigations and administration, the only attempt to punish an action of mine was in 1998 for writing an analysis of the first consent decree in this newspaper. The attempt failed. The ACLU represented me because it didn’t want the decree it authored to appear as a “tool of oppression” for then-Chief Robert McNeilly. After persistent controversy, the chief left Pittsburgh in January 2006 and is now a “monitor” for the New Orleans Police Department. The Pittsburgh decree auditor ignored the above First Amendment violation even though a federal judge had to correct it.

In July 2002, the U.S. 3rd Circuit issued a stinging opinion against the Pittsburgh police administration, whose unconstitutional restrictions on cops, approved by the city’s Law Department, cost Pittsburghers millions more dollars in fees and punitive damages for violating the civil rights of various officers. The decree demanded punishment for such violations but there was none for those in the administration, only for patrol officers. Like rogue cops, political appointees broke the law in order to enforce it. From 1998 through 2004 examples include:

- A reopened homicide case involving a white cop shooting an unarmed black suspect 13 times included “a critical incident review” that addressed only “policy” but not the possibility of criminal acts. Disposition: involuntary manslaughter.

- The decree auditor “lost” the 1998 use of force analysis after discrepancies arose.
• The U.S. 3rd Circuit struck down a regulation allowing the chief to restrict expert testimony at trial. The court's description: "disturbing ... unbounded discretion ... could severely undermine a department."

• Federal oversight in Pittsburgh was lifted in 2002, but the city agreed to maintain its provisions (however selectively).

• In 2004 the ACLU advised the chief's office of six more unconstitutional regulations. These were settled out of court.

Twenty years ago I was extensively interviewed by Time Magazine about the Pittsburgh decree. This year the Pittsburgh FOP president was extensively interviewed by The New York Times. The lengthy articles both described the decree flaws, but did not report officer alienation, continued political influence and compromised enforcement. So why did both publications spend so much time to hear our best arguments? To deconstruct them in order to reconstruct their predetermined support of federal intervention? The public deserves to hear from their police on national issues of public safety and funding.

Meanwhile, back on planet Earth, every honest cop knows that corruption and racism exist, but nowadays determining when and to what degree often pits the rule of law against mob psychology. A few of the roughly 20 decrees in force around the nation have worked well. But that's due to a lucky mix of level-headed principal parties. The process itself depends on rigid, programmatic rules that are enforced, or not, by local politicians and their appointees who then exert more power over officers with punitive measures that end-run collective bargaining. Actual and perceived racism is often countered with repression of cops, which results in cultural stalemate — as in Baltimore now.

No level of government can "decree" ethical behavior or legislate morality. The goal should be to breed character into the hiring and promotion process. But how? Some alternatives:

• Since the 1970s, the New York Police Department has proven that reform permeates from the top down and that fundamental morality does not automatically come with rank. To date, Pittsburgh still chooses a command staff by direct political appointment. Some bad apples can still slip in and the good ones deserve more job security.

• To promote, some chiefs ask for a detailed plan to improve one of the department's basic functions. The most promising plan is chosen by a police/civilian committee and its author given six months to exhibit the leadership to implement it. If successful, that officer goes to the top of the list.

• Some police departments require a four-year degree to apply. This ensures a level of competence and a socialization level far more broadly based than what a young adult experiences in a police academy. Extra points are also given for each year of graduate school and previous, unblemished police service.
In the 1990s New Orleans faced epic police corruption. That chief rejected a consent decree and instead asked for a team of FBI agents to work with his most trusted detectives. Numerous felony arrests resulted and NOPD received $9 million in federal funds to help do the job. Good police work removed bad cops, as it should.

In September 2011, The Washington Post published a pro-decree report on Pittsburgh’s decree, quoting Mr. McNeilley: “It changed the culture of the entire organization. We became accountable.”

But in February 2014 Pittsburgh’s police chief, Nathan Harper, was sentenced to prison by a federal court upon conviction of charges related to public corruption.

Decree proponents have rationalized the aforementioned malfeasance, believing their end justifies the means — but not realizing that by the time they get to the end they have become the means. They have only proven that virtue is still the mask most often worn by corruption.

Official corruption in the name of reform is hardly new. By degrees, it alienates all cops, especially the most moral and legally savvy — the ones we need most.

*Chuck Bosetti is retired after serving with the Pittsburgh Police, the Allegheny County Detective Bureau and as VP/legal chair of the Pittsburgh FOP (vinculum.juris.cjb@gmail.com).*
‘It Did Not Stick’: The First Federal Effort to Curb Police Abuse

By SHERYL GAY STOLBERG  APRIL 9, 2017

PITTSBURGH — Federal intervention to curb police abuse did not begin after chants of “I can’t breathe,” viral cellphone videos or the Black Lives Matter movement.

It began 21 years ago here in Pittsburgh, where the police were laden with complaints that black residents were routinely singled out for false arrest and abuse. In a City Hall conference room, Chief Robert McNeilly faced a team of lawyers from the Justice Department — young, smartly dressed and newly empowered to rein in the department.

Sizing up the investigators, Chief McNeilly — dressed, as usual, in uniform — had one thought he could not get out of his mind: “There was nobody with any police experience.”

Still, the negotiators groped their way to the first federal “consent decree,” an 83-paragraph court-enforced agreement in 1997 that turned Pittsburgh into a widely emulated model department — for a time, at least.

Since then, there have been consent decrees in 19 other cities, from little Steubenville, Ohio, and Ferguson, Mo., to Los Angeles, Seattle and, as of Friday, Baltimore. Though widely regarded as a net positive, consent decrees, based on a
1994 statute that gave the federal attorney general the authority to combat systemic constitutional violations, have had varying degrees of success and have fallen in and out of favor, buffeted by political winds.

They were pioneered by President Bill Clinton’s Justice Department, largely rejected by President George W. Bush and vigorously revived by the Obama administration. Now, under President Trump, their future is in doubt. Attorney General Jeff Sessions has ordered a review of all federal interventions in law enforcement agencies and tried to delay Baltimore’s new decree.

To revisit the very first police consent decree is to examine a microcosm of the agreements’ potential, and their limitations. Many of the issues, including poor training, racial bias, union opposition and the high cost to carry out the decree, could have been plucked from last week’s headlines. Under its decree, Pittsburgh curtailed strip searches, began documenting traffic stops, gave officers “cultural diversity” training and tracked civilian complaints.

But from the outset, the police union balked, warning of “more drive-by shootings, more drugs” and a spike in crime. Four years after the consent decree ended in 2002, a new mayor, elected with union backing, took office and promptly dismissed Chief McNeilly. (The former chief says he retired voluntarily.) Over time, various aspects of the consent decree fell out of use. One of Chief McNeilly’s successors went to prison during a corruption scandal.

“The only realistic way to look at this is that it did not stick,” said David Harris, a University of Pittsburgh law professor who has written extensively about police reform and who studied the Pittsburgh experience.

Discovering Section 14141

In 1991, long before cellphone videos, there was Rodney King, an unarmed black man whose beating by four Los Angeles police officers was captured in grainy television footage. The episode led to widespread public outrage and congressional hearings on how to address police misconduct. A tiny provision, known as Section 14141, was inserted into a crime bill signed into law by Mr. Clinton in 1994.
The attorney general was authorized to investigate and sue to eliminate any “pattern or practice” of unconstitutional conduct by law enforcement officers. In the Justice Department, civil rights lawyers wrestled with how, and where, to exercise their new authority.

In Pittsburgh, lawyers had been collecting civilian complaints and learned that over 20 years, only one police officer had been disciplined — one who had an altercation with a black man who happened to be the deputy city solicitor.

In 1995, Pittsburgh had its own Rodney King — Jonny Gammage, a black businessman and cousin of a lineman for the Pittsburgh Steelers, who died of asphyxiation during a struggle with white police officers in the suburbs. Though his death did not involve the Pittsburgh police, it galvanized blacks and whites here to work together, said Tim Stevens, the president of the local chapter of the N.A.A.C.P. at the time.

In March 1996, Witold Walczak, a lawyer for the American Civil Liberties Union, learned about Section 14141 while preparing a class-action suit against the Pittsburgh police. He called the Justice Department and offered up his documents, which led to the federal investigation. The city was offered the chance to avoid a federal lawsuit if it agreed to make certain changes — a consent decree.

Though Section 14141 was envisioned as a way to force change, Chief McNeilly, who was new to the job and had been brought on for that very purpose, did not resist.

“When the D.O.J. came in, I pulled out my list and said, “These are the things I would do — ethics training, diversity training, communications training for every officer,”” Chief McNeilly said. Also on his list: computers, which the Justice Department ultimately required the city to buy.

“Pittsburgh could very well have been stuck in the ’60s with no computers if it hadn’t had a consent decree,” he said.

The Justice Department had a list of demands — for instance, that every passenger’s race and sex be recorded during traffic stops. Chief McNeilly protested,
questioning the practicality and legality of such a requirement. In the end, only the driver’s information was tracked. The Justice Department also required an “early warning system,” opposed by the union, that would flag officers prone to using force.

“Bob McNally was like a test pilot in the Mercury flight program,” said Chuck Wexler, the president of the Police Executive Research Forum, a group of law enforcement professionals. “No one knew what an ‘early warning system’ was, how to build it or what to measure.”

Will ‘Ripple Effects’ Fade?

By 2002, when the Pittsburgh decree expired, the department was considered a model of progressive policing.

By then, Mr. Bush was in the White House, having campaigned on a promise not to meddle with the local police. His attorney general, John Ashcroft, told law enforcement executives that “he did not want the federal government managing local police departments.” Years later, Mr. Trump and Mr. Sessions would strike the same chords.

“These lawsuits undermine the respect for police officers,” Mr. Sessions said at his confirmation hearing.

Mr. Bush preferred voluntary arrangements, known as memorandums of agreement. Cleveland, Miami and New Orleans were all investigated by the Bush-era Justice Department, but none were required to enter into consent decrees. All three were reinvestigated by the Obama administration.

President Barack Obama’s first civil rights division chief, Thomas Perez, came in determined to build on the work of the Clinton administration and consent decrees like that in Los Angeles, which had been hailed as a success in a Harvard study.

But Mr. Perez’s hard-charging style drew the ire of union leaders, including James O. Pasco Jr., the national president of the Fraternal Order of Police. In an interview, Mr. Pasco accused Mr. Perez of waging “a virtual jihad against rank-and-file police officers.”
Christy Lopez, a former Justice Department lawyer who worked on police abuse investigations during the Clinton and Obama administrations, said of Mr. Perez: “He represented a shift, and it was very hard for police officers. He was telling them things that no one really had the nerve to tell them before.”

Mr. Perez’s successor, Vanita Gupta, sought to mend fences, but by then, many union leaders say, the relationship had been poisoned.

The Fraternal Order of Police, which was founded in 1915 by two Pittsburgh police officers and now has a membership of well over 300,000 nationwide, has backed presidential candidates of both major political parties over the years but declined to choose between Mr. Obama and his Republican challenger, Mitt Romney, in 2012.

In 2016, the organization backed Mr. Trump.

Obama-era investigative reports were filled with vivid anecdotes and statistics: a 75-year-old homeless man shot with a stun gun for refusing to leave a bus stop; a gang-rape victim who was told that it was “probably just a drunken night and a mistake”; a city where blacks were more than twice as likely as whites to be accused of “milling” or “loitering.”

The consent decrees grew longer and more detailed, and included metrics and public reports. Instead of simply reviewing documents, Justice Department investigators included the views of officers, union leaders and community advocates in an attempt to make changes last.

“In the end, a city completes a consent decree, then the judge goes away, the monitor goes away,” said Samuel Walker, an expert on police accountability. “All cities are on their own, and then it’s dependent on the local community and local politics.”

In 2010, Jordan Miles, 18, an African-American honor student here, was badly beaten by police officers. Suddenly, Pittsburgh was thrown back into its past. Local news media outlets later reported that between 2010 and 2015, the city had used
$4.9 million in tax money to settle more than 28 civil rights-related lawsuits against the police.

Despite the backsliding, Mr. Stevens, the civil rights leader, said the consent decree had had lasting “ripple effects” in Pittsburgh. The city’s recently retired police chief, who left after just two years, pushed hard to improve relations with black residents, and the new chief is also talking about police reform.

But Mr. Stevens is worried that what he is hearing from Washington will cause the ripples to subside.

So are officials in Chicago and Baltimore, who, in a sign of how some cities have come to embrace federal intervention, have objected to a retreat from court-ordered police overhauls. The Baltimore police commissioner, Kevin Davis, called the Justice Department’s effort to delay the agreement “a punch in the gut.”

Chief McNeilly and his wife, a former police commander, now consult with departments seeking to improve and see the federal government as a powerful ally.

“To suggest that there aren’t police departments out there that need massive help is naïve,” he said. “You’ve got some of the smartest, best, most experienced attorneys in D.C., and it’s all going to be for naught.”

**Correction: April 9, 2017**

An earlier version of this article incorrectly identified Christy Lopez. She is no longer a lawyer with the Justice Department.

Matt Apuzzo contributed reporting from Washington.

Follow Sheryl Gay Stolberg on Twitter @SherylNYT

A version of this article appears in print on April 10, 2017, on Page A12 of the New York edition with the headline: The Rise and Fall of Federal Efforts to Curb Police Abuse.
 Conjuring Disrespect
A much-touted study of Oakland police shows researchers’ determination to find racism, not cops’ bias.
Heather Mac Donald

The attempt to find systemic police bias has come to this: the difference between an officer saying “uh” and saying “that, that’s.” According to Stanford University researchers, police officers in Oakland, California, use one of those verbal tics more often with white drivers and the other more often with black drivers. If you can guess which tic conveys “respect” and which “disrespect,” you may have a career ahead of you in the exploding field of bias psychology.

In June, a team of nine Stanford psychologists, linguists, and computer scientists released a paper purporting to show that Oakland police treat black drivers less respectfully than white ones. The study, published in the Proceedings of the National Academy of Sciences, elicited a huzzah from the press. The Washington Post, the New York Times, and Science, among many other outlets, gave it prominent play. “Police officers are significantly less respectful and consistently ruder toward black motorists during routine traffic stops than they are toward white drivers,” gloated the New York Times.

Reading the coverage, one expected reports of cops cursing at black drivers, say, or peremptorily ordering them around, or using the N-word. Instead, the most “disrespectful” officer utterance that the researchers presented was: “Steve, can I see that driver’s license again? It, it’s showing suspended. Is that—that’s you?” The second most “disrespectful” was: “All right, my man. Do me a favor. Just keep your hands on the steering wheel real quick.”

The researchers themselves undoubtedly expected more dramatic results. Undaunted by the lackluster findings, they packaged them in the conventional bias narrative anyway, opening their study by invoking the “onslaught of incidents” involving
officers' use of force with black suspects that have “rocked” the nation. A cofounder of the Black Lives Matter movement helpfully commented in the San Francisco Chronicle that the study goes beyond individual racism to highlight a “systemic set of practices that has impacts on people’s lives.”

The study is worth examining in some detail as an example of the enormous scientific machinery being brought to bear on a problem of ever-diminishing scope, whether in police departments or in American society generally. The most cutting-edge research designs, computer algorithms, and statistical tools, such as Fisher’s exact tests, Cronbach’s alpha, and Kernel density estimates, are now deployed in the increasingly desperate hunt for crippling white racism, while a more pressing problem—inner-city dysfunction—gets minimal academic attention.

Lead researcher Jennifer Eberhardt, a Stanford psychology professor, specializes in implicit bias, the idea that nearly everyone approaches allegedly disfavored groups with unconscious prejudice. The Oakland Police Department has given Eberhardt virtually unlimited access to its policing data as part of a federal consent decree governing the department’s operations. Her first study of the department—on racial profiling in police stops—managed to run nearly 400 pages without ever disclosing black and white crime rates in Oakland. (Hint: they are vastly disparate.)

This latest study analyzed officer body-camera footage from 981 car stops that Oakland officers made during April 2014. Blacks were 682 of the drivers in those stops, whites 299. The resulting officer-driver conversations yielded 36,738 discrete officer utterances. In the first phase of the study, college students rated 414 of those officer utterances (1.1 percent of the total) for levels of respect. The students were shown what, if anything, the driver said immediately preceding each officer statement but were not shown any more of the earlier interaction between officer and driver. They were not told the race of the driver or officer or anything else about the stop. The students rated police utterances to white drivers as somewhat more respectful than those to black drivers, though the officers were equally “formal,” as the researchers defined it, with drivers of both races.

In the second phase of the study, the linguists tried to tease out which features of the 414 officer utterances had generated the student ratings. They came up with 22 categories of speech that seemed most determinative. On the positive scale were, inter alia, officer apologies, the use of surnames, the use of “um” and “uh” (known in linguistics as “filled pauses”), use of the word “just,” and what is referred to as “giving agency” (saying “you can,” “you may,” or “you could”). The eight negative categories
included asking a question, “asking for agency” (phrases such as “do me a favor,” “allow me,” “may I,” “should I”), “disfluency” (a repeated word such as “that, that”), informal titles (“bro,” “my man”), first names, and, most disrespectful, the phrase “hands on the wheel.” If some of those distinctions seem arbitrary—“could I” is disrespectful, “you could” is respectful; “um” is respectful,” a word repetition is not—they are. More important, they are minute and innocuous. The 22 categories each received a score allegedly capturing their degree of respect or disrespect, with apologizing at the top of the respect scale and “hands on the wheel” at the bottom. There were no categories for swear words or even for unsoftened commands, presumably because officers never engaged in those forms of speech.

Finally, in phase three, the researchers turned their computers loose on all 36,738 officer utterances, using the 22-category rating system. They found that officers’ utterances toward white drivers scored somewhat higher in respect than utterances toward black drivers, even after controlling for whether the stop resulted in a search, citation, arrest, or warning. (The sample size for white arrests and searches was quite small, however: one arrest and two searches; black drivers were 15 times more likely to be arrested than whites.) Black officers scored the same as white officers in respect toward black and white drivers. White drivers were 57 percent more likely than black drivers to hear something from the top 10 percent of the respect categories, and black drivers were 61 percent more likely to hear something from the bottom 10 percent of the disrespect categories.

There is plenty to criticize in the study’s methodology and assumptions. Doing so, however, risks implying that the substantive claims are significant. They are not. Nevertheless, if it were the case that we should worry about whether an officer says “you can” (good) or “can I” (bad) to black drivers, the study leaves out critical components of officer-civilian interactions. The most disrespectful phrase in the disrespect scale is “hands on the wheel.” Black drivers are 29 percent more likely to hear those words than white drivers. Why might an officer ask a driver to put his hands on the wheel? Perhaps because the driver was not complying with an officer’s initial requests or was otherwise belligerent. Yet nothing about driver behavior is included in phase three’s regression analyses—not drivers’ words, demeanor, or actions.

Moreover, given crime rates in Oakland, a black driver is far more likely than a white driver to be on parole or probation, a fact that will show up when an officer runs his plates or his license. In 2013, blacks committed 83 percent of homicides, attempted homicides, robberies, assaults with firearms, and assaults with weapons other than
firearms in Oakland, according to Oakland PD data shared with San Francisco Chronicle columnist Chip Johnson, even though blacks are only 28 percent of Oakland’s population. Whites were 1 percent of robbery suspects, 1 percent of firearm assault suspects, and an even lower percent of homicide suspects, even though they are about 34 percent of the city’s population. (The roadways draw on a population beyond Oakland, but Oakland’s crime disparities are repeated in neighboring towns.) Being on parole or probation could contribute to an officer’s hands-on-the-wheel request, but drivers’ criminal history is not included in the study’s models.

The authors claim to have controlled for the severity of any underlying offense that may have triggered the stop, but they do not show whether offense severity differed between blacks and whites. The proportion of male drivers in the black sample was higher than in the white sample, which will also skew the results toward a more crime-prone population. Males were 67 percent of all black drivers but only 59 percent of white drivers.

The study’s much-cited statistic that black drivers are about 60 percent more likely to hear a phrase from the bottom 10 percent of the disrespect scale is entirely accounted for by the “hands on the wheel” phrase, since there are only eight items on the disrespect list. The next two items on the disrespect list are first names and informal titles. Whites were 4 percent more likely to have a first name used with them, and blacks were 65 percent more likely to have an informal title used with them, by far the greatest discrepancy on the eight-item disrespect scale. An officer who uses “my man” or “bro” with a black driver in Oakland is likely trying to establish rapport through the use of street vernacular, hardly an invidious impulse; black officers were as likely to use such informal titles as white officers. The white drivers stopped were, on average, three years older than the black drivers. Though age had a greater effect on respect and formality than race in the regression models, the study did not test the connection between age and race. Given the socioeconomic profile of the Bay Area’s white population, class differences, too, could explain why officers are less likely to use “man” and “bro” with white drivers.

Whether a young black male in Oakland would feel affirmatively disrespected by “my man” is nowhere demonstrated. Eberhardt claimed in an e-mail exchange that black and white DMV patrons in a replication effort also rated utterances from the study’s phase one as “more respectful” toward white drivers, from which she concluded that “the use of urban vernacular by officers is not seen as more respectful by black citizens.” The question is, however: Are such street terms affirmatively experienced as disrespectful?
None of these methodological objections really matters, though, because the substantive results are so innocuous. Consider again the most disrespectful utterance provided by the researchers: “Steve, can I see that driver’s license again? It, it’s showing suspended. Is that—that’s you?” In no possible universe with any minimal connection to common sense should that utterance be deemed disrespectful. Why does it get that rating? A first name is used, which is the second most disrespectful item on the researchers’ disrespect scale. “Can I see” is “asking for agency,” the fifth most disrespectful thing an officer can say. Worse, “can I see” is part of a question, and questions are the eighth most disrespectful term on the list. If “can I see that driver’s license?” is now deemed racially disrespectful, it’s hard to see how police officers can do their jobs.

More demerits follow from “It, it’s showing.” The repeated “it” counts as a “disfluency,” fourth on the disrespect scale. The chance that a driver is even aware of such verbal tics is almost zero. The chance that he would distinguish a disfluency from a so-called filled pause (“um” or “uh”) and experience the one as disrespectful and the other as respectful is less than zero. The word “suspended” generates another strike because it is “negative.” Again, it is hard to see how officers can conduct traffic stops if such “negative words” are off-limits. The final sentence also racks up two demerits: “Is that—that’s you?” is a disfluency and a question. The question may have been asked to soften the fact that the driver is operating with a suspended license.

This is madness. In their franker moments, the researchers all but admit that their study makes a mountain of a molehill. “To be clear,” Dan Jurafsky, a linguistics and computer science professor told Science, “these were well-behaved officers.” The “differences are subtle,” Eberhardt said to Science. The language used with blacks was not “really disrespectful,” she added. No kidding. But the authors cannot resist pumping up their results to fit the conventional policing narrative. “We have found that police officers’ interactions with blacks tend to be more fraught,” they write at the end. They have found no such thing. Even if the professors had actually measured drivers’ reactions to the 36,738 officer utterances, rather than simply running those utterances through a computer algorithm, a de minimis difference on the respect scale is not tantamount to a finding of “fraughtness.” Nevertheless, Eberhardt repeated the “fraughtness” claim in numerous interviews. The study goes on to conclude that “we now have a method of quantifying these troubled interactions.” But the authors also did not measure whether the interactions were “troubled” from the driver’s perspective. Their method recalls campus-rape surveys that never ask alleged victims if they think they have been raped.
The authors titled their study “Language from police body camera footage shows racial disparities in officer respect.” A more accurate title would have been: “Language from police body camera footage shows that officers treat all drivers courteously but are more colloquial with young black drivers.”

In 2015, the last year for which full data are available, Oakland’s violent-crime rate was nearly four times the national average: 1,442 violent crimes per 100,000 residents, compared with 372 violent crimes per 100,000 residents nationwide. Oakland’s violent crime rate was 14 times higher than Palo Alto’s and twice as high as San Francisco’s. If police training starts insisting that officers refer to everyone as Mr. and Ms. and scrupulously avoid street appellations, there would be no loss. But it is the disparity in criminal offending and victimization that should concern race researchers, not whether police officers are more likely to repeat words or use “my man” with black drivers.

Heather Mac Donald is the Thomas W. Smith Fellow at the Manhattan Institute, a contributing editor of City Journal, and the author of the New York Times bestseller The War on Cops.

Photo by Joe Raedle/Getty Images
OPINION | COMMENTARY

How Chicago’s Streets Became the Wild West

The Ferguson effect, failed city leadership and an ill-advised deal with the ACLU have made the city ever more dangerous.

By HEATHER MAC DONALD
Updated June 16, 2016 9:26 a.m. ET

Someone was shot in Chicago every 150 minutes during the first five months of 2016. Someone was murdered every 14 hours, and the city saw nearly 1,400 nonfatal shootings and 240 fatalities from gunfire. Over Memorial Day weekend, 69 people were shot, nearly one an hour, topping the previous year’s tally of 53 shootings. The violence is spilling from the Chicago’s gang-infested South and West Sides into the business district.
downtown. Lake Shore Drive has seen drive-by shootings and robberies.

The growing mayhem is the result of Chicago police officers’ withdrawing from proactive enforcement, making the city a dramatic example of what I have called the Ferguson effect. Since the shooting of Michael Brown in Ferguson, Mo., in August 2014, the conceit that American policing is lethally racist has dominated media and political discourse, from the White House on down. Cops in minority neighborhoods in Chicago and other cities have responded by backing away from pedestrian stops and public-order policing; criminals are flourishing in the vacuum.

Chicago Mayor Rahm Emanuel warned in October 2015 that officers were going “fetal” as the violence grew. But 2016 produced an even sharper reduction in proactive enforcement. Failures in city leadership after a horrific police shooting, coupled with an ill-considered pact between the American Civil Liberties Union and the police department, are driving that reduction. Residents of Chicago’s high-crime areas are paying the price.

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victims in the current crime wave are already known to police. Four-fifths of the Memorial Day shooting victims were on the Chicago Police Department’s list of gang members deemed most prone to violence. But innocents are being attacked as well: a 6-year-old girl playing outside her grandmother’s house earlier this month, wounded by gunfire to her back and lungs; a 49-year-old female dispatcher with the city’s 311 call center, killed in May while standing outside a Starbucks a few blocks from police headquarters; a worker driving home at night from her job at FedEx, shot four times in the head while waiting at an intersection, saved by the cellphone at her ear.

Police officers who try to intervene in this disorder often face virulent pushback. “People are a hundred times more likely to resist arrest,” a police officer who has worked a decade and a half on the South Side told me. “People want to fight you; they swear at you. ‘F--- the police, we don’t have to listen,’ they say. I haven’t seen this kind of hatred towards the police in my career.”

Antipolice animus is nothing new in Chicago. But the post-Ferguson Black Lives Matter
narrative about endemically racist cops has made the street dynamic much worse. A detective told me: “From patrol to investigation, it’s almost an undoable job now. If I get out of my car, the guys get hostile right away.” Bystanders sometimes aggressively interfere, requiring more officers to control the scene.

In March 2015, the ACLU of Illinois accused the Chicago PD of engaging in racially biased stops, locally called “investigatory stops,” because its stop rate did not match population ratios. Blacks were 72% of all stop subjects during a four-month period in 2014, said the ACLU, compared to 9% for whites. By the ACLU’s reasoning, with blacks and whites each making up roughly 32% of the city’s populace, the disparity in stops proves racial profiling.

This by now familiar and ludicrously inadequate benchmarking methodology ignores the incidence of crime. In 2014 blacks in Chicago made up 79% of all known nonfatal shooting suspects, 85% of all known robbery suspects, and 77% of all known murder suspects, according to police-department data. Whites were 1% of known nonfatal shooting suspects in 2014, 2.5% of known robbery suspects, and 5% of known murder suspects, the latter number composed disproportionately of domestic homicides. Whites are nearly absent among violent street criminals—the group that proactive policing aims to deter.

Despite the groundlessness of these racial-bias charges, then-Police Superintendent Garry McCarthy and the city’s corporation counsel signed an agreement in August 2015 giving the ACLU oversight of stop activity. The agreement also created an independent monitor. “Why McCarthy agreed to put the ACLU in charge is beyond us,” a homicide detective told me.

On Jan. 1 the department rolled out a new form for documenting investigatory stops to meet ACLU demands. The new form, called a contact card, was two pages long, with 70 fields of information to be filled out. This template dwarfs even arrest reports and takes at least 30 minutes to complete. Every card goes to the ACLU for review.

The arrangement had the intended deterrent effect: Police stops dropped nearly 90% in the first quarter of 2016. Criminals have become emboldened by the police disengagement. “Gangbangers now realize that no one will stop them,” says a former high-ranking official with the department. People who wouldn’t have carried a gun before are now armed, a South Side officer told me. Cops say the solution is straightforward: “If tomorrow we still had to fill out the new forms, but they no longer went to the ACLU, stops would increase,” a detective said.

A profound pall also hangs over the department because of a shockingly unjustified police homicide and the missteps of top brass and the mayor in handling it. In October
2014, 17-year-old Laquan McDonald, behaving erratically and suspected of breaking into cars, was shot to death by a Chicago police officer. A police dashboard camera captured the terrible scene as he was killed despite not posing an immediate threat.

The police department never corrected the initial reports that falsely portrayed the shooting as justified—until a judge ordered the video’s release in November 2015. The police department had cleared the officers involved; now one is charged with murder. Mayor Emanuel fired Superintendent McCarthy and appointed a task force that subsequently accused the Chicago police of systemic racism.

Mr. McCarthy says he didn’t release the video or correct the record because he didn’t want to compromise a federal investigation. That is a justified protocol under ordinary circumstances. But this was no ordinary shooting, and the damage done by the prolonged false narrative, also left uncorrected by City Hall, is incalculable.

Mayor Emanuel, genuflecting to the city’s activists, has adopted many of his task force’s sweeping recommendations. Yet the premise of those recommendations—that the department is fatally racist and brutal—is false. The McDonald shooting was a tragic aberration. In 2015, even as crime was increasing under the Ferguson effect, the Chicago police shot 30 people, eight fatally, representing 1.6% of the 492 homicides that year. Chicago’s ratio of fatal police shootings to criminal homicide deaths is less than the national average; among the 10 most populous cities, the department’s per capita rate of fatal shootings is far less than that in Phoenix, Dallas and Philadelphia, even though the Chicago PD takes more guns off the street than any other police department in the nation.

I recently met Felicia Moore in a South Side neighborhood late one night. A wiry middle-aged woman with tattoos on her face and the ravaged frame of a former drug addict, she told me: “I’ve been in Chicago all my life, it’s never been this bad. Mothers and grandchildren are scared to come out on their porch.” Mayor Emanuel needs to quickly reassure Chicago police officers that they will be supported for proactive policing before more lives are lost.

*Ms. Mac Donald is the Thomas W. Smith fellow at the Manhattan Institute and the author of “The War on Cops,” out this month from Encounter Books. This op-ed was adapted from an article for the summer issue of the institute’s City Journal.*
MALICE IN WONDERLAND

Date: Sunday, June 27, 2004
Section: EDITORIAL
Edition: TWO STAR
Page: E-1

CHUCK BOSETTI

Memo: Chuck Bosetti is a Pittsburgh police officer. He has also served as a detective in the Allegheny County District Attorney's Office, assistant director of public safety for Duquesne University and senior investigator for the Civil Service Commission of Pittsburgh.

In the public debate over our financial crisis and public safety costs there is an obvious, broad and significant context from which key events have not been viewed. Pittsburgh is a one-party town of Democrats. There has been no member of an opposition party in a citywide office since 1936. Consequently, credible, dissident voices only become targets of ridicule and reprisal while absolute power continues to corrupt absolutely.

As a past vice president of the Pittsburgh police union, I readily acknowledge that labor's camp includes those who are greedy, incompetent and/or politically compromised. But in that broader context, Pittsburgh's municipal labor is hopelessly outgunned by its management and the public is caught in their crossfire.

On June 15 the Intergovernmental Cooperation Authority (the state-appointed fiscal oversight board) reported that "the absence of balanced budgets, frequent and multiple budget transfers and an aging financial reporting system make it difficult to construct an accurate historic picture of city finances." Thus sense became nonsense in wonderland. Behold, your tax dollars at work.

1) Between January and July of 2003 Mayor Tom Murphy had over $1 million transferred out of the public safety budget, which is routinely padded by his appointees during the annual budget hearings then raided the next year. All budget transfers require a majority vote of City Council. While budget padding and transfers are routine, even advisable in small doses, in excess they become economic cancer. On Feb. 19, 2003, council OF'd switching $885,000 from the public-safety budget to the Nine Mile Run development project. (Earlier, the city's protracted, failed attempts to hijack the land in Panther Hollow from owner Sol Gross cost you $14 million.) The "Nine Mile Run" of land includes the Summerset housing plan in Squirrel Hill developed by the Rubinoff Co., the president of which is Mark C. Schneider who is also chairman of the Stadium Authority and vice chair of the Sports and Exhibition Authority. Schneider is also a longtime friend of Mayor Murphy with whom he worked at Northside Civic Development Council years ago.

Now here's the rub. In August of 2003 the mayor laid off 93 police officers then blamed the police union for not making $800,000 worth of concessions which he claimed would keep the 93 officers on the payroll until December 2003. Doing this to 93 families requires a lack of integrity but does not violate any law.

I informed the police union, but in our one-party town municipal unions survive by compromise, not principle. They would not alert their peers or the public. Indeed, at a public meeting on May 12 of this year oversight board member and former county Chief Executive Jim Roddey asked police union President Michael Havens and union trustee Gene Grattan to comment on the budget transfers. Both of them claimed not to recall. The compromise lies in only addressing broad themes, never specific acts that would require focused investigation and public attention. Ellen McLean, the mayor's finance director and an ex-officio board member, remained silent.

Both the officers and the public suffer when the police union fails to act on legitimate city issues since there is no opposition party to turn to.

2) Funds from all sources go into a "general fund" and are filtered from there through the "aging" and deliberately under-documented city financial reporting system which has been the subject of various legal inquiries. Examples: Since 1996 the Department of Justice has found $3 million in irregularities and the FBI has investigated disbursement of a $200,000 grant from insurance.
companies to the auto squad resulting in personnel changes but no charges. The FBI has also attempted to trace how funds are routed through our municipal authorities. Despite $4 million in grants since 1997 for computers, most police cars still have none.

Other creative accounting: the city lists $15 million annually for "miscellaneous" use. Contract arbitrations and even City Council meetings reveal annual budget padding in the millions. And when firefighters union president Joe King claimed that millions of tax dollars were pumped into their contract in return for an endorsement in the 2001 primary, the mayor blamed -- or framed -- labor arbitration. But if his version is truthful, why didn't he appeal such an excessive award?

3) The mayor and his team have relentlessly demonized the arbitration process, which they sabotage by initiating flawed legal actions that inevitably fail but force the union to pay endless defense costs. Contrary to their propaganda, there are four elements of appeal to any decision arbitrated under the state's Act 111 on collective bargaining. But when the city violates labor law with excessive discipline or discipline designed for retaliation or suppression of dissent, it deserves to lose. The courts (not arbiters) have upheld claims of unlawful conduct by Murphy administration appointees against city officers so often that combined legal costs have topped $4 million.

4) When the city signed a federal consent decree (an apparently failed attempt to cure bad police management) in 1997, it agreed to an unfunded federal mandate largely paid for by millions of Pittsburgh tax dollars -- exactly how much we still don't know because the mayor, Solicitor Jacqueline Morrow and Police Chief Robert McNeilly claim that compliance involved changes that the chief would have made anyway. Precisely why this means that millions of local dollars need not be accounted for only makes sense to the mayor and his appointees.

Since City Council has asked for -- but has never enforced -- an accounting, the oversight board should.

Pittsburgh's consent decree demands sanctions for officers found liable by the courts. But the most punitive awards since McNeilly became chief in 1996 have been against Chief McNeilly, former Deputy Chief Charles Moffitt and some members of the command staff for violating the constitutional rights of their own officers. Naturally, their personal obligations were paid for with tax dollars, no sanctions were imposed and our internal affairs unit found them innocent even after a federal judge, jury and an appeals court (which called their actions "troubling" and "disturbing") found the opposite. Well, that's politics.

Nonetheless, Act 47 coordinator James Roberts, who heads Gov. Rendell's fiscal recovery team, states in a May 28 Post-Gazette report that controls are designed to be put "back into management's hands." This echoes the Murphy team's bombast that labor has somehow usurped management's right to manage.

This is an utterly false and dangerous fabrication. Act 111 and the federal courts have simply attempted to remedy the Murphy administration's systemic abuse of management authority. When a police chief causes 4 million tax dollars to be spent due to unlawful conduct, one would expect the mayor to fire him. Roberts, perhaps unwittingly, is supporting pathological management -- the very thing he is supposed to help the city recover from.

Regarding the police bureau, the recovery team is actually participating in a variation on the federal intervention/consent decree theme: end run collective bargaining. This time, the tool is state intervention. Exigent economic conditions that management created become rationalizations to coerce non-economic controls over labor.

These controls include diluting seniority so that management "team players" can be placed at will within the bureau and dissenters can be banished to the worst assignments. (Our seniority system is flexible and does not block merit appointment. Political influence does that, as the tragically flawed management of the SWAT team recently proved.) The Act 47 team would also prohibit a minimum staffing requirement and a table of organization. The city asked for all these "controls" in the last contract arbitration. They were denied because arbiters enforce labor law, not oligarchy. The "Act 47/Murphy team" is using Act 47 to negate Act 111. Rendell used a similar MO as mayor of Philadelphia.

Arbitration is the last line of defense against political manipulation of law enforcement. In fact, Pittsburgh police were granted arbitration in 1968 to combat the "ward boss" mentality. The non-economic conditions listed above are desired by both labor and management in truly progressive cities because they help ensure integrity. But here the plan is to punish officers for management's
sins while the public learns to measure response time with a calendar.
Over the years Pittsburgh has been home to some truly talented and visionary citizens. Their voices have been heard but not really listened to. Rather, a plodding, linear mentality that is void of depth, color and humor characterizes management of the police bureau and reflects the mismanagement that has turned our city into a municipal version of Euron.
In the politically malicious wonderland of a one-party town you work for the Mad Hatter and your only source of appeal is the March Hare.
Police, Politicians and Pathology

By Chuck Bosetti
© October 2005

In police-related shootings the bridge from perception to reality is often a bridge too far, says Officer Chuck Bosetti, and the next mayor needs to know why.

When race predominates a trial and the accused is a cop, especially a dissident cop in a one-party town, does political influence trump justice and inflame racial tension?

What the public does have a right to know is often compromised because Pittsburgh Police Chief Robert McNeilly, who preaches about accountability ad nauseam, practices official oppression with unconstitutional orders. He roadblocks formal complaints by dissident officers, then claims they never came forward.

Of course, hypocrisy and dissociative disorder have been staples of management for ages. In the 70s, when legendary NYPD cop Frank Serpico exposed corruption via the New York Times, management’s obligatory counterstrike (used here also) was to cry “McCarthyism”—at least until the indictments were handed down.

In Gore Vidal’s political drama “The Best Man” the outgoing U.S. president opines that corruption begins with the desire for power. After thirty years of policing in this town I would add that there is a point where garden variety corruption ends and sociopolitical pathology begins. Essential credibility is replaced by systemic dysfunction when the character of those who administer the law does not reflect the inseparable nature of freedom, ethics and responsibility, as the law is meant to.

In a new documentary, Judge Robert Colville refers to the 1995 investigation into the shooting death of fleeing car thief Jerry Jackson by Housing Authority Officer John Charmo as a “straight out cover-up...or stupidity.” On October 4 of this year, at a hearing in city council chambers, an investigation of this case was again requested. Why an eclectic mix including Coroner Wecht, local attorneys, community groups, the civilian review board, some council members and officers believe the feds and/or state attorney general should do this is best answered by refuting the false statements made by Chief Robert McNeilly about this case and about those who dare to challenge his version of reality.

Focusing on this chief’s transparent falsehoods also underscores the importance of choosing his successor.

Officer Bob Swartzwelder, a use-of-force expert, and I, a former vice president of the police union (the FOP), were asked to speak at council. Afterward, McNeilly claimed that Bob and I had contradicted each other. He told council, the media and all officers (in e-mail) that if I knew of any inappropriate action I had failed to come forward during the past ten years, and that he had played “no role” in this case.

McNeilly’s statements are void of truth.

Swartzwelder’s position was that one element of justification for deadly force was that Jackson created a clear threat of serious injury to citizens by driving like a maniac
while on cocaine. I do not disagree. My position was that regardless of justification there should have been a complete and timely reconstruction of the chase route and death scene as per order. There was not. Documents, interviews and photos taken in the days after the incident then vanished from the case file. There was never a meaningful attempt to resolve this obstruction. McNeilly says nothing disappeared. But court records say the opposite.

As for not coming forward, the only two people on the city payroll who did come forward were then Councilman Mike Diven and myself. In 1999, when I became convinced the case was dirty, I released an FOP legal committee report (that the then FOP president refused to release) and simultaneously filed a complaint with our bureau’s internal affairs unit (OMI), the FBI and the civilian review board on November 28 of that year.

My complaint was against McNeilly, as a chief, for failing to address command level misconduct. In 1995 McNeilly was a zone commander. But he was chief during a reopened investigation in 1999, the second coroner’s inquest, the trial and ultimate plea of John Charmo to involuntary manslaughter, and hence played the lead role in maintaining the official cover story. Of course, my complaint was duly ignored by all, even though the manager of OMI publicly acknowledged the complaint was “important.”

Three years later, on October 18, 2002, I was finally interviewed by OMI. But that was shortly before a certain trial was to begin in federal court. Swartzwelder had sued McNeilly for authoring an unconstitutional order that would allow the chief and/or city law department (not the court) to determine the validity of expert testimony before a trial. McNeilly posted the order in 1999 prior to the upcoming trials of Charmo and a dissident Pittsburgh officer widely known as the “Blue Knight.”

In December of 2000 an injunction had been issued in federal court allowing Swartzwelder to testify. In November of 2002 he was awarded $113,000. The total cost to taxpayers was more than $860,000. In December of 2002 I was notified by OMI that McNeilly’s oversight of the “shooting investigation and court proceedings was within the scope of his authority.” Translation: It’s okay for the chief not to establish accountability when orders are disobeyed by command staff and documents disappear from a homicide file. It’s also okay for the city solicitor, council and mayor to ignore it. Swartzwelder had also filed an internal complaint, which OMI also did not uphold, even though two federal courts had already upheld rulings against the chief. Through all of this the auditor of the federal decree monitoring police management from 1997 to 2002 raised no red flags.

This level of obstruction could only happen at command level. A patrol officer can fix a ticket, but not a homicide.

The chief’s spin job on the October 4 hearing includes innuendo that I’m in league with the civilian review board to put a cop on trial. Alas, that diversionary smear tactic only reminded us of the Blue Knight and his essential question: Is the rank of chief high enough to be above the law?

In 1998 Officer Jeff Cooperstein, a.k.a. the Blue Knight, an Internet übercritic of McNeilly, shot and killed a suspect who was charging his stationary position in an auto at 70 mph. A complete vehicular reconstruction was not done. As in the Charmo case a white cop shot a black suspect and the order to reconstruct the scene was ignored. McNeilly has stated that these incidents were shootings, not accidents. But the order
states that if there is an “implication of criminal intent” then there “will be”
reconstruction. “To ensure integrity” McNeilly then gave the case to county police—
after the morning rush hour traffic had driven through the unreconstructed downtown
scene.

Proving once again that the only beast in the arena is the crowd, local hacks cried
racism, ignored the evidence and put a cop on trial.

But even the mother and sister of the deceased stated on a television talk show
that they saw no racism in Cooperstein’s relentless criticism of McNeilly, which the DA
portrayed as a “predisposition” to violence. At trial’s end a multiracial jury acquitted
Cooperstein within hours.

Here’s what still nags apolitical cops: Was the Charno “investigation” designed
to avoid a huge wrongful death verdict in civil court? Why didn’t then Commander
McNeilly, Assistant Chief Edwards or Investigations Commander Freeman speak up, as
they were obliged to, at the first open inquest in 1995, instead of falsely claiming that
because the assistant DA didn’t ask they weren’t obliged to tell the hearing officer of
crucial evidence they observed while present at the death scene? Because they did not
come forward themselves, the case was obstructed and the criminal justice system was
rendered useless.

In 1996 McNeilly became chief. Edwards and Freeman were later picked by city
council to serve on the “independent” civilian review board. And the band played on.

Would competent reconstruction have negated charges against Cooperstein in the
first place? The DA claimed Cooperstein fired when the suspect was parallel and passing
his position and hence no threat. An expert explained that glass dispersion analysis, done
by the defense for the trial but not by the DA before trying an officer, proved three rapid
shots were fired while the auto was still closing on Cooperstein’s position, the first one
striking the windshield near the roofline at full front, dead center.

Competent, timely reconstruction stops bias, disguised as “theory of the crime,”
from sneaking into the courtroom. It stops hacks from playing the race card to divide and
conquer police/community dissidents. Reconstruction limits fiction with fact, so it’s
critical to know which officials block it and why.

In October 2001 the civilian review board agreed to investigate the lack of
reconstruction and its consequences. Since then city council has twice announced that it
would do the same, but neither of them did anything. For years cops have been the
subject of bombast on deadly force by cloistered officials who couldn’t commit suicide
without reloading. And unconstitutional orders, meant to restrain us from testifying,
writing in our local newspapers and revealing disciplinary issues even after they become
public record, have all been approved by the current administration and unchallenged by
the FOP.

In an August 27, 2004 news report McNeilly claims those orders were authored
by previous chiefs. But they were all his, signed and dated—and all removed by
dissident officers.

Inevitably each corrupt act leads to collateral misconduct.

In the Swartzwelder case former Commander Valenta testified that Swartzwelder
never expressed any constitutional complaints to him. But in her deposition (also under
oath) Assistant Solicitor Malie stated that Valenta had relayed Swartzwelder’s complaints
to her. Perjury?
All of this is public record. Yet, come the moment for all the usual critics to speak truth to power there is only silence.

If Mayor-elect Bob O’Connor means to practice what he preaches, what must he do? He must act with the knowledge that he has a majority of honorable officers who fully understand that pervasive political influence of the police bureau is a “secret” hiding in plain sight. He must act on what Frank Serpico explained to the Knapp Commission on police corruption more than thirty years ago: Systemic corruption can only exist when it is condoned, if not initiated, at the top.

word count: 1,700
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Column: LETTERS TO THE EDITOR
As the director of the Pittsburgh Citizen Police Review Board, I was intrigued by two recent Post-
Gazette commentaries.
Pittsburgh Police Officer Chuck Bosetti argues in the "Politics of Policing" (July 7 Forum) that
political influence in a one-party town like Pittsburgh is far more pervasive than it is in cities
where the balance of power is equal. He contends that this influence is reflected in a federal
consent decree, politically appointed police management and the Fraternal Order of Police
executive board.

On July 14, the PG published an apparent administrative response signed by Pittsburgh Police
Commander William T. Valenta Jr. It calls Bosetti's argument (in the words of the headline) "A
Conspiracy Theory So Pathetic." Yet it so aggressively pursues both the argument and the author
that it ironically gives the impression that within the politics of policing, criticism is inherently
intolerable. It brings to mind Shakespeare's famous quote about the lady who "dooth protest too
much."
But Bosetti has never spoken of conspiracy. He simply contends that local intraparty cronyism
often compromises the quality of policing. In fact, the Justice Department's stated purpose for the
consent decree was to correct bad management. Indeed, the CPRB exists because of citizen
dissatisfaction with the politics of policing. Bosetti thinks that is still the case.
On that we agree. While Bosetti and I remain deeply divided over civilian review of individual
officers, we agree on the need for outside review of police policy. Accordingly, after reviewing
credible documentation provided by Bosetti, the board agreed late last year to investigate the
disappearance of case files in the John Charmo case, the deliberate lack of reconstruction in the
Jeffrey Cooperstein case, the use of at least a half-million taxpayer dollars to legally justify a
sergeant choking a recruit as a "training exercise" and various other procedural inconsistencies that
really are "pathetic."
Regarding the issues Bosetti brought to the board's attention and hence to the public's, the question
is not if they occurred, but why. The people have the right to know. And in that regard, Officer
Bosetti provides a valid voice of criticism and reform.

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