

**City of Chicago**  
**COMMUNITY COMMISSION FOR PUBLIC SAFETY AND ACCOUNTABILITY**

**MEETING MINUTES**

MEETING TYPE	Regular Meeting
MEETING DATE	Monday, November 28, 2022
MEETING LOCATION	Virtual
TIME CALLED TO ORDER	6:30 pm

ATTENDANCE:

Commissioner Name	Present or Absent / In-Person or Remote
<b>Rev. Dr. Beth Brown</b>	Present, Remote
<b>Anthony Driver, Jr. – President, Chair</b>	Present, Remote
<b>Oswaldo Gomez – Vice President</b>	Present, Remote
<b>Yvette Loizon</b>	Present, Remote
<b>Cliff Nellis</b>	Present, Remote
<b>Remel Terry</b>	Present, Remote
<b>Isaac Troncoso</b>	Present, Remote

QUORUM PRESENT: Yes.

Acronyms:

CCPSA = Community Commission for Public Safety and Accountability  
 CEIS = Criminal Enterprise Information System (commonly known as the gang database)  
 COPA = Civilian Office of Police Accountability  
 CPD = Chicago Police Department  
 OIG = Office of the Inspector General

AGENDA

- I. President Driver called the meeting to order and welcomed everyone to the meeting of the Commission. He cited the Governor’s disaster proclamation regarding the COVID-19 pandemic and announced, pursuant to Section 7(e) of the Illinois Open Meetings Act, his determination that an in-person meeting is not practical or prudent. The meeting was therefore conducted virtually via Zoom. It was also livestreamed.
- II. President Driver called the roll and established the quorum.
- III. The Commission held a public comment session. 13 speakers offered comments. Public comment may be viewed at the Chicago CCPSA YouTube page:  
[www.youtube.com/@chicagoccpsa](http://www.youtube.com/@chicagoccpsa).
- IV. Reports

**Report on COPA**

Commissioner Brown presented the report. Commissioner Brown stated that she and Commissioner Loizon had met with the Civilian Office of Police Accountability (COPA) Chief Administrator Andrea Kersten and various other COPA personnel to discuss COPA’s 2023 goals and to learn more about COPA’s processes, policies, challenges, and successes. Meetings with COPA will continue to occur biweekly for oversight and benchmark-meeting purposes. Commissioner Brown ended by noting that COPA had provided comments to her

and Commissioner Loizon on issues related to disciplinary recommendations, Police Board policies that impact COPA, and efficiency issues in the disciplinary process.

#### **Report on the Police Board**

Commissioner Loizon presented the report. She explained the Commission's role in providing the Mayor with three candidates for each Police Board vacancy. She discussed the work to fill three existing vacancies on the Police Board. She and Commissioner Troncoso conducted substantial outreach to promote the opportunity for applying, and the application period closed on November 20. The Commission received ten applications; interviews will take place over the next two weeks. Those most qualified will have a second interview before the Commission makes recommendations to the Mayor. Commissioners have also met with Police Board members and the Board's Executive Director regarding an existing Board policy that requires one Board member to make a final decision to resolve disagreements between the Police Superintendent and COPA regarding police officer discipline. (When an officer faces a complaint, COPA and the Superintendent may sometimes disagree on the appropriate form of discipline for the officer; current Police Board policy has one single member making the decision of whether the case proceeds to a full hearing.) Commissioner Loizon stated that the Commission is working with COPA and the Board on possible solutions and will seek input from the Chicago Police Department (CPD) as well.

#### **Report on the Noncitizen Advisory Council**

Vice President Gomez presented the report. He explained what the Noncitizen Advisory Council is and how it serves to ensure the perspectives and experiences of non-citizen Chicagoans are included in the Commission's work. The Commission is currently holding an open application process for individuals interested in joining. To be eligible, the applicant must either be a non-citizen Chicagoan or an individual who works to represent and advocate for non-citizens in the United States. The application period technically closed on November 20, but Commissioners decided to change the process to an open and rolling application process. Commissioners are now in the process of interviewing applicants. Vice President Gomez then expounded upon the functions of the Council and how it will influence the work of the Commission, specifically noting the Council's role in boosting outreach and communication with non-citizen communities and in representing these community voices in the Commission's decisions and policy work. Since the application process is now rolling, interested and eligible members of the public can continue to apply for the Council via the Commission's website, [www.Chicago.gov/ChicagoCommunityCommission](http://www.Chicago.gov/ChicagoCommunityCommission). The goal is to install the new Council in January 2023. The Commission will post updates and resources on this Council to the website.

#### **Report on CPD Policy Review and Development**

Commissioner Terry presented the report. She stated that she and Commissioner Loizon met with CPD leadership to establish a process for the Commission to give input on CPD directives. She explained that one of their goals is to ensure the Commission has ample time to review proposed directives and to provide community-driven recommendations. Conversations with CPD will continue.

#### **Report on CPD Goal-Setting and Performance Assessment**

Commissioner Nellis presented the report. He announced that the process for developing and setting 2023 goals for the Police Superintendent will begin in December. He explained how the process will work: By December 1, the Superintendent will propose goals. Then, by December 31, the Commission will draft goals and share them with the Superintendent for review and feedback. The Superintendent will have two weeks to propose changes to what the Commission proposed in its feedback. The Commission will establish finalized goals by

the end of January 2022. Towards the end of 2023, the Commission will compose a written evaluation of the Superintendent's progress regarding its 2023 goals. The process will repeat each year.

V. Item for Discussion: CPD's Proposed Criminal Enterprise Information System (CEIS)

President Driver commenced a discussion of CPD's proposed policy for a Criminal Enterprise Information System (CEIS). He thanked the CPD, the Office of the Inspector General (OIG), the Commission, and the public for joining the discussion. He then explained the events that led to this discussion. The Commission had previously stated at its first meeting that CEIS, also known as the "gang database", would be a key issue of concern. The Commission became aware in early October of CPD's plans to launch CEIS, potentially as soon as October 28. President Driver stated that the Commission will work to ensure that communities have the chance to better understand the proposed system and to weigh in on it. Commissioners had already met with the Mayor's office and CPD to discuss CEIS. CPD informed the Commissioners that CEIS does not have a launch date, and that CPD is willing to work with the Commission on the issue. President Driver then explained that today's discussion will function as a hearing on the issue. He reviewed several community concerns with CEIS, including the question of checks and balances and the risk of harm to members of the public. He expressed the Commission's desire to seek out collaboration and alignment on this issue, as well as the Commission's duty to exercise its oversight powers.

Representatives of CPD in attendance for the hearing:

- Lieutenant Mike Kapustianyuk – Commanding Officer of the Research and Development Unit
- Sergeant Reynaldo Serrato – Bureau of Counterterrorism
- Dana O'Malley – CPD General Counsel
- Mike Milstein – Deputy Director of the Office of Community Policing

Four representatives of the Office of the Inspector General (OIG) were also in attendance, including:

- Inspector General Deborah Witzburg
- Tobar Richardson, Deputy Inspector General for Public Safety

CPD delivered an opening statement:

- Sgt. Serrato provided an overview of the history behind the Criminal Enterprise Information System (CEIS). He referenced litigation against CPD's past gang database, which led to the City deciding to end its usage of the past database and allow for a new database to be developed. The OIG reviewed the past database and identified inconsistencies. CPD then developed the CEIS in a manner intended to address concerns that have been raised. The past database contained approximately 35,000 individuals; after three levels of vetting and following the requirements of the proposed CEIS, CPD reduced the total number of individuals in the database to approximately 1,000. These individuals meet six different criteria for being included in the database, as set forth by CEIS.
- Lt. Kapustianyuk expressed a desire to ensure that CEIS is reflective of and responsive to the needs of the community and the concerns of people with lived experience, and to meet what is expected of CPD. He then provided an overview of how CEIS would work and how it reflects learned lessons. He stated that the

proposed General Order to establish CEIS is posted online for public comment. He described CEIS as utilizing highly specific criteria for a person to be added to the system, and he reviewed what those criteria are and how they work. He also described the time limits for criteria to apply, the multiple layers of approval required for a person to be added, and the measures planned for transparency around how the database works. Information will be posted on the CPD website. CPD will establish a process for people to see if they are on the database, and if so, to appeal their inclusion. If the appeal is denied, the respective individual can apply via the Police Board for removal of their name. He stated that officers will undergo training on how to use the system, and CPD will maintain rules around access to the system as well. He ended by stating that the information on the system would not be shared and used for the purposes of immigration enforcement, licensing, and employment.

- General Counsel O'Malley explained that for litigation purposes, CPD must maintain the old information from the past gang database, but the antiquated information would be "walled off", and when the few people who can access this information do so, they will see a flag showing that the information is invalid. She responded to the concerns over why a database should exist by citing the significant levels of gang-related crime and gang rivalries and the necessity for CPD to be able to collect and track information. She also gave a general overview of how CEIS resulted from past litigation and stated that in devising CEIS, CPD sought input from the plaintiffs from the now-settled 2018 lawsuit on the gang database (*Chicagoans for an End to the Gang Database v. City of Chicago*).\*\*

President Driver expressed serious concerns with the proposed CEIS and conveyed his request that representatives of CPD provide visuals, one-page overviews, and other learning materials that are accessible to community members, since the proposal itself is challenging to understand, and since many community members may be unable to attend the Commission hearing or follow the comments made by CPD.

Deputy Inspector General Richardson delivered a presentation on OIG's investigations into CPD gang data collection. Her presentation covered OIG's findings and recommendations from April 2019 regarding the CPD gang database, CPD's responses to the recommendations, OIG's follow-up report from March 2021 that described CPD's lack of progress, and CPD's CEIS proposal and how it does and does not address OIG concerns from 2019. The concerns that CPD did not fully address included:

- Which records did CPD vet for inclusion in CEIS? (OIG identified 134,242 individuals designated as gang-affiliated based on gang arrest cards.)
- How will CPD ensure removal of records after five years as required by policy?

General Counsel O'Malley responded to the OIG presentation by describing CPD's efforts to convene with OIG officials on gang data collection issues.

\*\* Vice President Gomez shared a comment from Sheila Bedi, lawyer for the plaintiffs in the lawsuit challenging the gang database, stating that the gang database plaintiffs (*Chicagoans for an End to the Gang Database v. City of Chicago*) did not sign off on the changes when CPD sought their input on the CEIS proposal, nor did they receive the final draft of the CEIS proposal.

**Commissioners questioned CPD and OIG about the following topics:**

- CPD efforts to communicate with and incorporate feedback from the plaintiffs from *Chicagoans for an End to the Gang Database v. City of Chicago* on CEIS;
- Time taken by CPD to develop CEIS;
- New safeguards featured in CEIS compared to past gang data collection systems and their projected impact on public safety;
- Which entities had access to gang data in the old database;
- How CPD officers will use CEIS data in their day-to-day jobs;
- Process for entering a name into the database, personnel with direct input access, and the three-tier vetting system;
- How the data collection process corresponds with a chain of command, and where CPD representatives outside the chain of command engage in the process;
- Gang data collection between 2018 and the present (i.e. whether the collection process has been placed on hold);
- The cost of the gang database systems;
- CPD's classification of the CEIS proposal as a Special Order (vs a General Order): prior classification decisions on database directives, criteria for classifying directives, and motivations behind the classification (e.g. circumventing oversight by the Commission per the ordinance creating the Commission);
- Usage of CEIS to make objections to concealed carry permits;
- How and where individuals can ask about their inclusion in the gang database;
- The safeguard against patrol officer access to CEIS during stops and arrests, and whether the safeguard is explicitly included in the draft directive;
- CPD's usage of social media to determine if an individual meets the CEIS criteria;
- Time duration for appealing inclusion in the database;
- Whether CPD has conducted/will conduct a failure mode and effects analysis;
- Data on the benefits of the gang database in terms of clearance rates;
- Data-sharing agreements and leveraging gang data from other law enforcement agencies;
- Remediation or retribution for individuals wrongly placed on the database;
- Whether the requirement that a person is placed under arrest before being added to the database is written explicitly in the CEIS proposal;
- Procedures for handling children added to the database;
- Number of individuals previously vs. currently in the database;
- Procedures for checking for other potential errors in the database related to an identified error;
- Safeguards against officer misuse of the database (e.g. third-party monitoring) and disciplinary actions for such;
- Access to the database for the State's Attorney's Office;
- Documentation of the vetting of individuals on the old gang database, and availability of the documentation for review;
- Performance evaluation and training requirements for officers who submit names for inclusion that ultimately are removed;
- Why the CEIS plan provides no notification to individuals regarding their inclusion in the database (against OIG recommendations);
- Connection between CPD's Specialized Gang Unit and CEIS;
- Access to CEIS data for law enforcement bodies that have access to data under the Crime Prevention Information Center;

- Potential conflicts between the Information and Intervention Support Section's reliance on District-level command for gang-related information and the Section's role in the appeals process for gang database removals;
- Funding sources for CEIS, including federal grant money;
- Definitions used for "street gang", whether it includes hate groups, and whether the current database includes any hate groups;
- Appeals process for a group to protest its designation as a gang under CEIS;
- Self-admissions of gang affiliation and the body-worn camera act;
- Potential safe methods for proactively notifying someone that they have been added to the CEIS database;
- Specific purposes of the gang database;
- Use of database status (and underlying criteria) to satisfy the elements of a crime;
- Demographic makeup of the updated gang database;
- Demographic data on gangs documented in the database;
- Continuous or periodic publishing and sharing of aggregate data on the gang database as well as data on the number of people being removed from the database.

**CPD made the following commitments during the hearing:**

- To share which entities had access to the former gang database, including who had access to gang data;
- To provide the annual cost CPD would pay to use and maintain the new system, the funding sources for the new system (including any specific federal grants), and the annual cost to CPD for using and maintaining the old system;
- To address whether CEIS will be used to object to concealed carry permits;
- To consider conducting a failure mode and effects analysis;
- To share data on the benefits of the gang database in terms of clearance rates;
- To share age data for the people on the database, specifically the youngest;
- To consider policies around special handling of minors being added and included in the database;
- To share past or future/planned examples of disciplinary actions issued against officers for misusing the database;
- To delineate the scope of access to gang data for the State's Attorney's Office and other criminal attorneys;
- To describe any supervisory checks on the vetting for the old gang database;
- To explain the connection between CPD's Specialized Gang Unit and CEIS;
- To describe CEIS data access for law enforcement bodies involved in the Crime Prevention Information Center, based on data-sharing agreements;
- To respond to the concern that the Information and Intervention Support Section may not be able to fulfill its appeals process role based on its reliance on information from District-level command;
- To determine whether a "street gang" in CEIS (as defined by state statute) will include hate groups;
- To address whether CPD will remove an entire gang from the database if someone successfully appeals their inclusion based on misclassification of a group as a gang;
- To address whether CPD could proactively send a notification to an individual who was added to CEIS, without causing a safety issue;
- To share the demographic makeup of the current updated gang database;

- To review CPD's ability to share general demographic data on the gangs listed in the gang database, and if possible, to share that data or provide an explanation as to why CPD cannot share it.

Members of the public can listen to the specific questions and responses in the video recording of the November 28<sup>th</sup> meeting, which is available at the Chicago CCPSA YouTube page: [www.youtube.com/@chicagoccpsa](http://www.youtube.com/@chicagoccpsa).

VI. Announcements

**Email Updates from CCPSA**

President Driver announced that members of the public can sign up to receive updates from the Commission by sending their name and email address to [CommunityCommission@cityofchicago.org](mailto:CommunityCommission@cityofchicago.org).

**Presentations on CCPSA and the District Councils**

President Driver announced that groups can request to receive a presentation on the Commission and the future District Councils by emailing [CommunityCommission@cityofchicago.org](mailto:CommunityCommission@cityofchicago.org) or by calling the Commission at 312-742-2888.

**Next Commission Meeting: 12/12/22**

President Driver announced that the next regular meeting will take place on December 22, 2022 at 6:30 pm at Truman College. He stated that the focus of the meeting would be on goal-setting for CPD, COPA, and the Police Board. He briefly explained how the goal-setting process and performance review process will work. He invited members of the public to attend, and he referred them to the Commission's website for further information, [www.Chicago.gov/ChicagoCommunityCommission](http://www.Chicago.gov/ChicagoCommunityCommission).

TIME MEETING WAS ADJOURNED: 9:26 pm