

2015-2016 BIENNIAL REPORT
POLICE BOARD

RAHM EMANUEL, MAYOR • LORI E. LIGHTFOOT, PRESIDENT

MESSAGE FROM THE PRESIDENT

Ladies and Gentlemen:

The years 2015-2016 were a time of tremendous change and opportunity in Chicago regarding oversight and accountability for policing. In particular, beginning in late 2015, civic awareness about all aspects of policing, oversight, and accountability rose to historic levels. As a result of civic demands for reform, a number of changes were made and continue, aimed at restoring trust between the police and the communities they serve, investment within the Chicago Police Department (“CPD”) on training and accountability, and substantial changes to organizations and existing policies and procedures to create better accountability and transparency. The Police Board continues to play a unique role in promoting that trust in Chicago, and I am pleased to present our report as to the Board’s activities in 2015-2016.

The Board fosters public trust by serving as an independent decision maker in cases of alleged police misconduct, carrying out its responsibilities with openness and transparency, and providing a monthly forum for the public to communicate with the leaders of the CPD and the Independent Police Review Authority (“IPRA”).

A primary responsibility of the Police Board is to decide cases involving allegations of serious misconduct made against members of the Chicago Police Department. The Board itself is not an investigatory body, but evaluates cases that were investigated in the first instance by either the CPD’s Bureau of Internal Affairs (“BIA”) or the IPRA. These cases range from highly visible charges of police-involved shootings or other allegations of excessive force to less visible, yet still quite important, allegations of wrongdoing. As an impartial decision-maker, the role of the Board, like that of a court of law, is to undertake a thorough review of each case and render a fair, unbiased decision. You will find in the following pages detailed information and statistics on the Board’s decisions in 2015-2016 on disciplinary matters brought before it.

To ensure that the Board is accountable to all stakeholders, transparency is a high priority throughout the disciplinary process. A list of cases currently before the Board, which includes a brief description of the case and when it is scheduled for hearing, appears on our website at ChicagoPoliceBoard.org. Another important aspect of the transparency around Board decisions is that all of the Board’s disciplinary hearings, like trials in court, are open to the public. In addition, after the Board decides a case, it takes a public vote on the decision where each Board member’s vote is announced and recorded. Then the Board publishes its written Findings and Decision, which includes a detailed explanation of the reasons for the Board’s decision, on our website.

In addition to deciding disciplinary cases, the Board plays a vital role in enhancing police-community relations. At its monthly meetings, the Board provides an opportunity for members of the public to engage in dialogue with the Board, the Superintendent of Police, and the Chief Administrator of the Independent Police Review Authority. I strongly encourage you to attend our monthly meetings, for they serve as an important forum for increasing responsiveness by the CPD and IPRA to the community’s issues of concern.

The members of the Board are a professional and diverse group of Chicago residents who devote an extraordinary amount of time and effort to their public responsibilities. We all live in Chicago and therefore have a stake in making sure that we perform our duties with independence, integrity, and fairness to all involved.

My colleagues on the Board and I remain committed to providing the independent oversight that is essential for ensuring that all Chicagoans receive the most Constitutional, respectful, effective, and professional police protection and service possible.

Sincerely,

Lori E. Lightfoot
President
Chicago Police Board

MEMBERS OF THE POLICE BOARD

The members of the Police Board* are private citizens appointed by the Mayor with the advice and consent of the City Council.



LORI E. LIGHTFOOT
PRESIDENT

Partner, Mayer Brown LLP
Joined Board on July 29, 2015
Current Term Expires on August 10, 2019



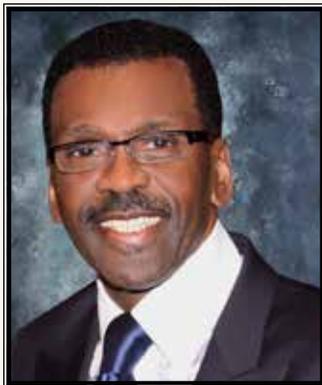
GHIAN FOREMAN
VICE PRESIDENT

Partner, Maktub Development LLC
Joined Board on June 30, 2010
Current Term Expires on August 10, 2018



EVA-DINA DELGADO

Manager, Local Government and Community Relations, Peoples Gas & North Shore Gas
Joined Board on June 22, 2016
Current Term Expires on August 10, 2017



REV. MICHAEL EADDY

Pastor, People's Church of the Harvest
Joined Board on February 5, 2014
Current Term Expires on August 10, 2018



STEVE FLORES

Partner, Winston & Strawn LLP
Joined Board on November 1, 2016
Current Term Expires on August 10, 2017



RITA A. FRY

President, RAF Consulting, Inc.
Joined Board on January 13, 2010
Current Term Expires on August 10, 2017



JOHN P. O'MALLEY JR.

Director of Corporate Security,
William Blair & Co.
Joined Board on January 25, 2017
Current Term Expires on August 10, 2019



JOHN H. SIMPSON

Partner, Broadhaven Capital Partners
Joined Board on September 24, 2015
Current Term Expires on August 10, 2019



RHODA D. SWEENEY

Retired Judge of the Circuit Court
of Cook County
Joined Board on February 5, 2014
Current Term Expires on August 10, 2018

*The Police Board members serve in their individual capacities and not as representatives of any entity by which they are employed.

POWERS AND RESPONSIBILITIES

The Police Board is an independent civilian body that oversees certain activities of the Chicago Police Department. The Board derives its authority from city ordinance and state law, and its primary powers and responsibilities are listed below.

The Police Board:

- Decides disciplinary cases when the Superintendent of Police files charges to discharge a sworn officer from the Police Department, or to suspend an officer for more than 30 days.
- Decides matters in which the Chief Administrator of the Independent Police Review Authority and the Superintendent of Police do not concur regarding discipline of an officer.
- Considers applications, conducts interviews, and submits to the Mayor a list of three candidates for the position of Superintendent of Police when there is a vacancy in that position.
- Adopts the rules and regulations governing the Police Department.
- Holds monthly meetings that provide an opportunity of all members of the public to present questions and comments directly to the Board. The Superintendent (or his designee) and the Chief Administrator of the Independent Police Review Authority (or her designee) also attend these meetings.



SUPERINTENDENT SELECTION

The Board participates in the selection of the Superintendent of Police by recruiting candidates, considering applications, conducting interviews, and submitting a list of three nominees for consideration by the Mayor.

Immediately after Garry F. McCarthy's final day as Superintendent on December 1, 2015, the Board began the process of searching for a successor. On December 10, the Board made available on its website the application materials, which the Board designed to require each candidate to not only describe his or her professional and personal qualifications, but to also directly address important challenges facing the Police Department.

For the first time as part of the selection process, the Board actively sought and received information from people across Chicago about the challenges communities face and their priorities for the next leader of the Chicago Police Department. Early in 2016, the Board held community meetings to hear from the public about the qualities the next Superintendent should possess, and to provide an opportunity for residents to share their experiences with the police and provide recommendations for changes needed to move forward.

The Board received 39 applications. The applicants came from within and outside of Chicago and were diverse in experience, gender, and racial and ethnic background. Following a thorough review of all applications, the Board conducted in-depth interviews and engaged in a thorough vetting process which resulted in the selection of the finalists.

On March 17, 2016, the Board announced its three nominees:

- Dr. Cedric Alexander, Deputy Chief Operating Officer for Public Safety in DeKalb County, Georgia;
- Anne E. Kirkpatrick, a veteran Chief of Police, serving three Washington cities over 16 years, including Spokane, its second largest city; and
- Eugene Williams, Chief of Support Services for the Chicago Police Department.

The Board submitted these three nominees to the Mayor for his consideration. On March 28, the Mayor announced that he decided to not appoint any of the three finalists, and to instead appoint Chicago Police Department Chief of Patrol Eddie T. Johnson as Interim Superintendent. On April 13, 2016, the Chicago City Council passed an ordinance making a one-time exception to the regular selection process and confirmed Eddie T. Johnson as permanent Superintendent of Police.



DISCIPLINARY MATTERS

Summary of the Disciplinary Process

The process for addressing allegations of misconduct by sworn officers of the Chicago Police Department (CPD) is carried out by several independent City agencies, each of which has a different role. This section summarizes how complaints of misconduct are received and investigated, and then describes the role of the Police Board.

In October 2016 the City Council passed and the Mayor signed an ordinance creating the Civilian Office of Police Accountability (COPA), which was established to replace the Independent Police Review Authority (IPRA). The transition from IPRA to COPA will take place in 2017. IPRA/COPA, CPD, and the Police Board have different roles. The responsibility to receive complaints of alleged misconduct by sworn officers rests with IPRA/COPA. Depending on the nature of the allegations, either IPRA/COPA or CPD investigates the complaint; in certain instances, the complaint is referred for investigation to the City's Office of Inspector General (OIG). The Police Board's role is to decide those disciplinary matters that are brought to the Board. The Board cannot on its own reach out and investigate or hold a disciplinary hearing against an officer suspected of misconduct; rather, the Board can take action only after the Superintendent of Police files with the Board charges against an officer.

1. A Complaint is Received and Investigated

As noted above, IPRA/COPA is responsible for receiving all complaints of alleged misconduct made against an officer. In addition to a member of the public filing a complaint, CPD personnel, including supervisors, may file a complaint against an officer.

Once a complaint is received, an investigation is initiated. IPRA is responsible for conducting investigations into allegations of the use of excessive force, domestic violence, coercion, and bias-based verbal abuse; IPRA also investigates some misconduct cases even if no allegations have been made, including all cases where: (a) a CPD member discharges a firearm, stun gun or taser in a manner that could potentially strike someone, and (b) a person dies or sustains a serious injury while in police custody, or where an extraordinary occurrence occurs in a lockup facility. In addition to these types of allegations, COPA will be responsible for investigating complaints alleging improper search or seizure of either individuals or property, or unlawful denial of access to counsel. All complaints concerning types of alleged misconduct other than those within IPRA/COPA's jurisdiction are referred to CPD's Bureau of Internal Affairs (BIA) for investigation.

2. Decision Regarding Disciplinary Action

If the head of IPRA/COPA or BIA (depending on which agency conducted the investigation) recommends that one or more allegations be sustained—that is, the allegation is supported by sufficient evidence to justify disciplinary action—a recommendation for discipline is submitted to the Superintendent of Police.

The Superintendent must respond to a disciplinary recommendation from IPRA/COPA within 60 to 90 days. If the Superintendent proposes less discipline than IPRA/COPA, the Superintendent and the Chief Administrator of IPRA/COPA must meet to discuss the matter. If the Chief Administrator does not concur with the Superintendent's reasons for the differing disciplinary action, the Chief Administrator shall refer the matter to one or more members of the Police Board.

The reviewing Board member(s) (a panel of three members under the IPRA ordinance, one member under the COPA ordinance) shall then resolve the disagreement between the Chief Administrator and the Superintendent. If, in the opinion of the reviewing member(s), the Superintendent's response does not meet its burden of overcoming the Chief Administrator's recommendation for discipline, the recommendation shall be deemed to be accepted by the Superintendent. Each reviewing member must recuse her/himself from any future involvement with such case by the full Police Board.

3. The Police Board's Role

The Police Board's role in the disciplinary process is determined by the severity of the discipline that may be imposed against an officer.

Discharge Cases. In order to discharge a sworn officer from the Chicago Police Department, the Superintendent must file with the Board charges against the officer; the Board will then hold an evidentiary hearing, which is similar to a trial in

court. The typical case begins with opening statements. The Superintendent's case against the officer is presented first. The officer, usually represented by an attorney, may then present evidence in defense and mitigation. Each party may call and examine witnesses (the Board has its own subpoena power to ensure the presence of witnesses). The opposing party may cross-examine the witnesses. Hearsay evidence is not admissible. Following the officer's case, the Superintendent's attorney has an opportunity to offer rebuttal evidence. The hearing concludes with closing arguments.

Once the hearing is completed, the Board decides whether the officer is guilty of one or more of the charges. The Superintendent has the burden to prove the case by a preponderance of the evidence (a less rigorous standard than the beyond-a-reasonable-doubt standard used in criminal cases). If the Board finds the officer guilty of one or more charges, it determines the penalty after considering the officer's complimentary and disciplinary histories. The penalty may be discharge or a lesser penalty (in certain types of cases the Board may attach conditions to a suspension, such as treatment for alcohol abuse or domestic violence). If the Board finds the officer not guilty of all charges, the officer is restored to duty and awarded back-pay for the time served under suspension (the officer is ordinarily suspended without pay when the charges are filed).

Suspension Cases. If the Superintendent suspends an officer below the rank of sergeant for a period from 31 days through one year, the officer has the right to request review by the Board; if a timely request is made, the Superintendent is to file written charges against the officer, and the Board will then hold an evidentiary hearing, as described above.

In order to suspend an officer of the rank of sergeant or above for a period of greater than 30 days, the Superintendent must file written charges, and the Board will then hold an evidentiary hearing, as described above.

Under the current union contracts, an officer no longer has the option of requesting Police Board review of a suspension of 30 days or fewer (except in cases in which the union decides to not advance a police officer's grievance to arbitration).

Decisions of a Three-Member Panel

As noted above, when the Chief Administrator of the Independent Police Review Authority and the Superintendent of Police do not concur regarding discipline of a Department member, the Chief Administrator shall refer the matter to a separate panel consisting of three Police Board members. Panel members are subsequently recused from participating in the matter should it come before the Police Board.

In 2015, no such matters were referred to a panel. In 2016, 8 matters were referred to a panel, one of which was subsequently withdrawn by the Chief Administrator. In the remaining 7 of these matters, the panel found that the Superintendent's proposal for less discipline did not meet its burden of overcoming the Chief Administrator's recommendation for discipline. (Beginning in 2017 under the COPA ordinance, these matters will be reviewed by one member of the Police Board rather than a panel of three members.)



Discharge Cases

In 2015, the Superintendent filed charges against 17 sworn officers (13 police officers, 3 detectives, and 1 sergeant). The table below presents data on cases decided by the Board in 2015 (some of these cases were filed prior to 2015). All of these cases involved charges filed against sworn officers (18 police officers, 2 detectives, and 2 sergeants).

DISCHARGE CASES DECIDED: JANUARY 1 - DECEMBER 31, 2015				
Primary Charges (Investigation)	Guilty & Discharged	Guilty & Suspended	Not Guilty	Resigned*
Excessive Force--On Duty (IPRA)	0	0	0	0
Other On-Duty Misconduct (IPRA)	0	0	2	0
Domestic Altercation--Off Duty (IPRA)	0	0	0	0
Other Off-Duty Misconduct (IPRA)	1	0	0	0
Drug/Alcohol Abuse (BIA)	0	0	0	0
Bribery/Official Corruption (BIA)	3	0	0	0
Commission of a Crime (BIA)	1	0	0	1
Conduct Unbecoming--Off Duty (BIA)	2	0	1	0
Operation/Personnel Violations (e.g., false reports, medical roll, insubordination, residency) (BIA)	3	2	4	2
Other (BIA)	0	0	0	0
Total	10	2	7	3
*The respondent resigned prior to a hearing rather than contest the charges, and the charges were therefore withdrawn.				

In 2016, the Superintendent filed charges against 24 sworn officers (18 police officers, 1 detective, 4 sergeants, and 1 lieutenant). The table below presents data on cases decided by the Board in 2016 (some of these cases were filed prior to 2016). All of these cases involved charges filed against sworn officers (10 police officers, 3 detectives, 1 sergeant, and 1 lieutenant).

DISCHARGE CASES DECIDED: JANUARY 1 - DECEMBER 31, 2016				
Primary Charges (Investigation)	Guilty & Discharged	Guilty & Suspended	Not Guilty	Resigned*
Excessive Force--On Duty (IPRA)	0	0	0	1
Other On-Duty Misconduct (IPRA)	0	0	0	0
Domestic Altercation--Off Duty (IPRA)	1	0	0	0
Other Off-Duty Misconduct (IPRA)	0	0	0	1
Drug/Alcohol Abuse (BIA)	0	0	0	1
Bribery/Official Corruption (BIA)	1	0	0	1
Commission of a Crime (BIA)	1	0	0	1
Conduct Unbecoming--Off Duty (BIA)	1	0	0	0
Operation/Personnel Violations (e.g., false reports, medical roll, insubordination, residency) (BIA/OIG)	3	1	0	2
Other (BIA)	0	0	0	0
Total	7	1	0	7
*The respondent resigned prior to a hearing rather than contest the charges, and the charges were therefore withdrawn.				

Suspension Cases: Greater Than 30 Days

In 2015, the Superintendent filed 1 case in which he recommended that a sworn officer (a sergeant) be suspended of greater than 30 days. The Board decided 2 such cases in 2015 (both cases were filed in 2014): (1) the Board suspended a police officer for 30 days for engaging in a domestic altercation (the Superintendent recommended a 45-day suspension); and (2) the Board found a police officer not guilty of unnecessarily displaying a weapon while off duty (the Superintendent recommended a 60-day suspension).

In 2016, the Superintendent filed 2 cases in which he recommended that a sworn officer (2 sergeants) be suspended of greater than 30 days. The Board decided 1 such case in 2016 (the case was filed in 2015): the Board suspended a sergeant for 60 days (the penalty recommended by the Superintendent) for having an arrestee escape and failing to make proper notification of the escape.

Time to Hearing and Decision

After the Superintendent files charges and they are served on the accused officer, the officer has a right to obtain legal representation, receive discovery, and prepare a defense to the charges. An evidentiary hearing is then scheduled.

Once a hearing is completed, the members of the Police Board receive and review the entire record of proceedings in preparation for their monthly meeting. The Board meets in closed session to consider the case. At the following month's public meeting, the Board will take final action on the case and adopt its written findings and decision.

The Board closely monitors the amount of time needed bring disciplinary cases to hearing and decision. A fair and efficient disposition of each case is an important component of due process, and keeping delays to a minimum is a priority because the accused officer is ordinarily suspended without pay when the charges are filed.

The table below shows the median amount of time from the filing of charges to a hearing and decision.

CASES FILED IN 2015 AND 2016	
Median # of days from filing of charges to first day of hearing	Median # of days from filing of charges to Police Board decision
138 (4.5 months)	232 (7.6 months)
Data as of December 31, 2016	

Suspension Cases: 6 Through 30 Days

As noted above, under the current union contracts, which became effective in 2014, sworn officers no longer have the option of requesting Police Board review of a suspension of 30 days or fewer (except in cases in which the union decides to not advance a police officer's grievance to arbitration). There were no requests filed and no cases decided in 2015 and 2016.

Appeals of Police Board Decisions

Under Illinois law, the parties to a Police Board disciplinary case (the Superintendent and the accused officer) have the right to appeal the Board's decision by filing a petition for administrative review in the Circuit Court of Cook County. A party dissatisfied with the Circuit Court's review of a Police Board case may appeal to the Appellate Court of Illinois.

The sections below provide data on suits in administrative review during 2015 and 2016, and also historical data on appeals filed since 2010. As noted above, a particular case may be reviewed at several levels; in addition, court rulings may cause the Board to issue more than one decision in the same case. The data on court decisions in the sections below pertain to *final* court decisions regarding the Board's *original* decision. (A court decision is considered final when the time limit for filing an appeal has expired and no appeal has been filed.)

2015 Data

In 2015, 15 Police Board decisions were appealed to the Circuit Court of Cook County (11 by the Superintendent and 4 by the accused officers). In addition, 2 Circuit Court decisions were appealed to the Illinois Appellate Court (by the accused officers).

Courts issued final decisions regarding 10 Police Board decisions in 2015. Of these 10 decisions:

- The Circuit Court of Cook County affirmed 9 of the Board's decisions.
- In 1 case, the Circuit Court reversed the Board's decision.

2016 Data

In 2016, 7 Police Board decisions were appealed to the Circuit Court of Cook County (all by the accused officers). In addition, 2 Circuit Court decisions were appealed to the Illinois Appellate Court (by the accused officers).

Courts issued 14 decisions regarding Police Board cases in 2016 that are considered final as of December 31, 2016:

- In 5 cases, the Illinois Appellate Court affirmed the Board's decision.
- In 4 cases, the Circuit Court of Cook County affirmed the Board's decision.
- In 2 cases, the Circuit Court dismissed the appeal, leaving the Board's original decision to stand.
- In 3 cases, the Circuit Court reversed the Board's decision.

Historical Data

APPEALS FILED SINCE JANUARY 1, 2010					
PB Decisions Upheld	% Upheld	PB Decisions Reversed	% Reversed	PB Cases Pending Final Court Decision*	Total PB Decisions Appealed
47	83.9%	9	16.1%	9	65
* Cases (1) currently before a court, or (2) for which the time limit for appealing a court decision has not yet expired.					
Data as of December 31, 2016					

OUTREACH ACTIVITIES

The Board holds monthly public meetings at Chicago Public Safety Headquarters, 3510 South Michigan Avenue. Meetings take place in the evening, and all members of the public are invited to attend and are welcome to address questions or comments to the Board. The Superintendent (or his designee) and the Chief Administrator of the Independent Police Review Authority (or her designee) also attend these meetings. In addition to receiving input from the community, the Board reports on disciplinary actions and other matters, and receives a report from the Superintendent.

The Board maintains a website at ChicagoPoliceBoard.org. The site provides the public with the Board's decisions in disciplinary cases, a schedule of cases currently before the Board, a guide to the disciplinary process, the rules and regulations governing the Police Department, and other material.

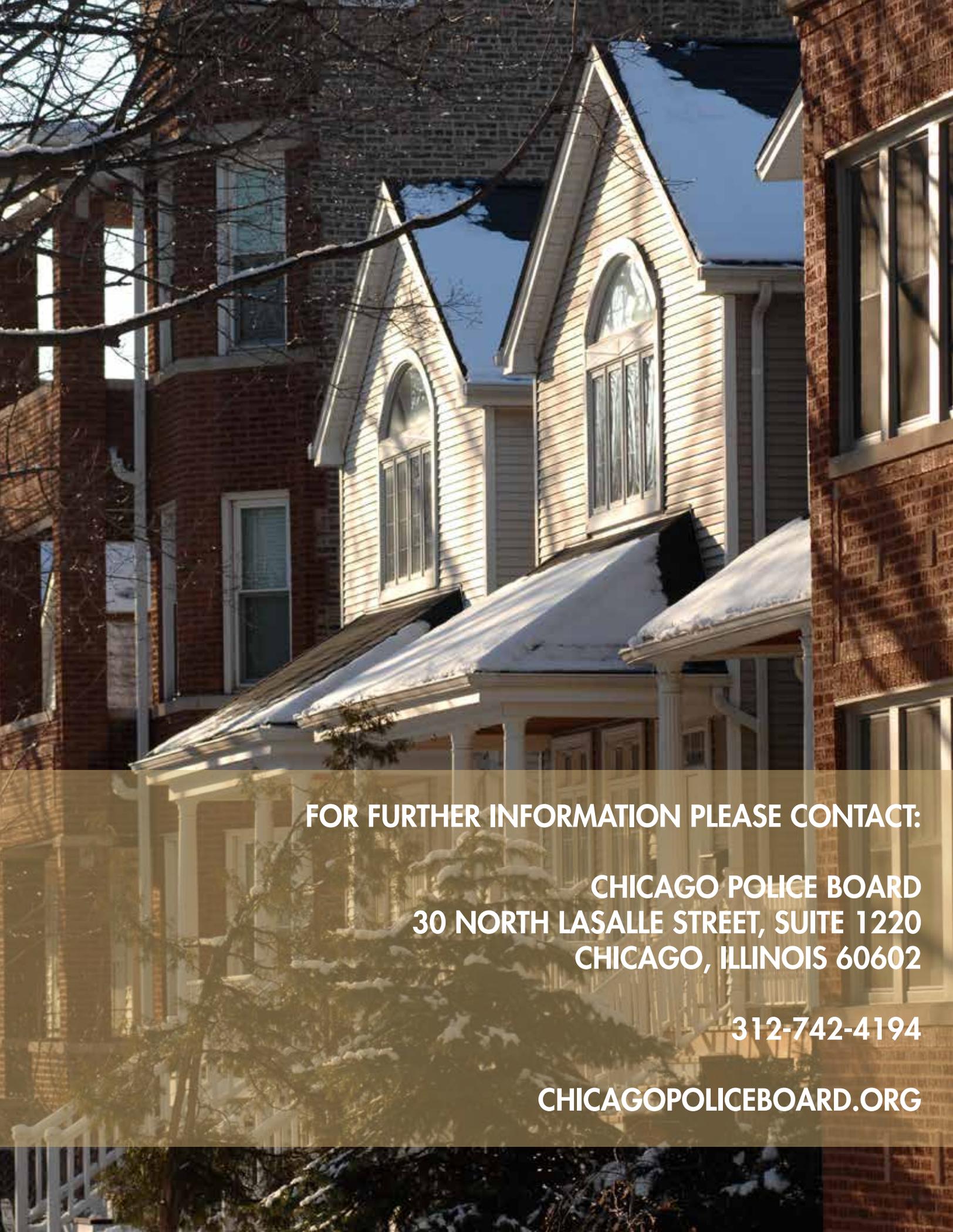
The President of the Board frequently meets with members of the community and is available to the media to provide information on the Board's operations and the disciplinary process.

PERSONNEL & ADMINISTRATION

Executive Director Max A. Caproni serves as the Board's Secretary and manages the day-to-day operations of the Board. Carisa A. Boatman serves as Supervising Clerk. The Board's hearing officers, experienced attorneys who preside over disciplinary hearings, serve the Board on an hourly basis.

The Police Board's budget is proposed by the Mayor and approved by the City Council as part of the annual appropriation ordinance. The appropriation was \$428,955 for 2015, and \$396,841 for 2016.





FOR FURTHER INFORMATION PLEASE CONTACT:

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