







# MESSAGE FROM THE PRESIDENT

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Ladies and Gentlemen:

I am pleased to present this report of the activities of the Chicago Police Board during 2010.

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. Working with such knowledgeable and collegial individuals is a pleasure.

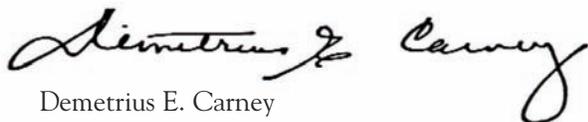
A primary responsibility of the Police Board is to decide cases involving allegations of serious misconduct against members of the Chicago Police Department. These cases range from highly visible charges of excessive force to less visible, yet still quite important, allegations of wrongdoing. As an impartial 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 disciplinary matters.

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 meetings, for they serve as an important forum for increasing accountability and responsiveness by the Police Department to the community's issues of concern. For example, the Board recently had a series of productive discussions with members of a West Side neighborhood group on issues impacting their community.

I thank Mayor Richard M. Daley, the City Council, Interim Superintendent Terry G. Hillard, and Chief Administrator Ilana B.R. Rosenzweig for their continued support of the Board's activities. My colleagues on the Board and I are committed to providing the independent oversight that is essential for ensuring that all Chicagoans receive the most effective and professional police protection and service.

Sincerely,



Demetrius E. Carney

President, Chicago Police Board

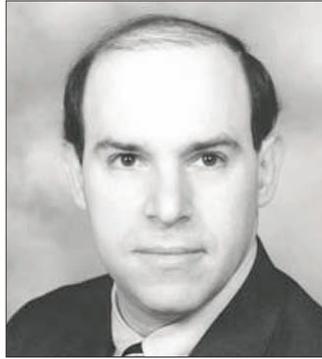
# MEMBERS OF THE POLICE BOARD

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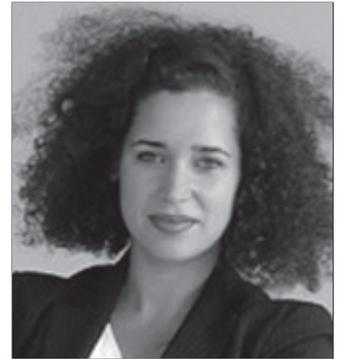
The members of the Police Board are private citizens appointed by the Mayor with the advice and consent of the City Council.



**Demetrius E. Carney**  
President  
Partner, Perkins Coie LLP



**Scott J. Davis**  
Vice President  
Partner, Mayer Brown LLP



**Melissa M. Ballate**  
President, Blue Daring



**Ghian Foreman**  
Partner, Maktub  
Development LLC



**Rita A. Fry**  
President  
RAF Consulting, Inc.



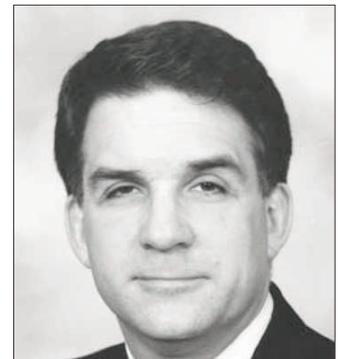
**Victor M. Gonzalez**  
Assistant General Counsel,  
Blue Cross-Blue Shield of Illinois



**Rev. Johnny L. Miller**  
Pastor, Mount Vernon  
Baptist Church



**Arthur J. Smith Sr.**  
President,  
Art's Enterprises, Inc.



**George M. Velcich**  
Partner, Belgrade &  
O'Donnell P.C.





## DISCIPLINARY MATTERS

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### SUMMARY OF THE DISCIPLINARY PROCESS

The Independent Police Review Authority (IPRA), the Police Department, and the Police Board have different roles. The responsibility to receive complaints rests with IPRA. Depending on the nature of the allegations, either IPRA or the Police Department will investigate the complaint. The Board's role is to decide the disciplinary cases that are filed with the Board. The Board cannot on its own reach out and investigate or hold a disciplinary hearing against a Department member suspected of misconduct; rather, it can take action only after the Superintendent of Police files charges against a member or suspends a member who then requests review of the suspension.

A summary of the disciplinary process appears below. More detailed information on the process is available on the Board's website. For simplicity's sake, the following summary applies to matters involving a police officer below the rank of sergeant who has completed the initial probationary period; the procedures for supervisors and civilian members vary slightly.

# DISCIPLINARY MATTERS

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## I. A COMPLAINT IS FILED AND INVESTIGATED

As noted above, IPRA, an independent City agency, is responsible for receiving all complaints of misconduct made against a police officer. In addition to a member of the public filing a complaint, Police Department personnel, including supervisors, may file a complaint against a police officer.

Upon receipt of a properly filed complaint, an investigation is initiated. IPRA is responsible for conducting investigations into complaints concerning excessive force, domestic violence, coercion, and verbal abuse; IPRA also conducts investigations into all cases in which a Department member discharges a weapon in a manner which potentially could strike an individual, and all cases in which there is a death or injury of a person while in police custody, even when no allegation of misconduct is made. All complaints concerning types of alleged misconduct other than those mentioned above are forwarded to the Police Department's Internal Affairs Division (IAD) for investigation.

## 2. DECISION REGARDING DISCIPLINARY ACTION

If the head of IPRA or IAD (depending on which unit 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 within ninety days. If the Superintendent proposes less discipline than IPRA, the Superintendent and the Chief Administrator of IPRA 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 a separate panel consisting of three Police Board members.

The three-member panel shall review the matter. If the panel determines that 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. The three members of the panel must recuse themselves 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 a police officer.

### DISCHARGE CASES

In order to discharge an 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 assistant corporation

counsel then presents the Superintendent's case against the officer. The officer, usually represented by an attorney, may then present evidence in defense or mitigation. Each side may call and examine witnesses (the Board has its own subpoena power to ensure the presence of witnesses). The opposing side 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 suspension without pay. If the Board finds the officer not guilty, the officer is restored to duty and awarded back-pay for the time served under suspension (the officer is ordinarily suspended without pay at the time charges are filed).

## SUSPENSION CASES

If the Superintendent suspends a police officer for a period from thirty-one 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 formal charges against the officer, and the Board will then hold an evidentiary hearing, as described above.

If the Superintendent suspends an officer for a period from six through thirty days, the officer has a right to request review of the suspension by the Board. When reviewing these suspensions the Board considers material from the Complaint Register Investigation file, a written statement the officer may provide, and a response from IPRA and/or the Department (there is no evidentiary hearing or oral argument in these cases). The Board then renders a decision to sustain, reduce, or reverse the suspension.

The Board does not review suspensions of one through five days, as there is no right to appeal these suspensions to the Board.

## DECISIONS OF A THREE-MEMBER PANEL

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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 matter shall be referred to a separate panel consisting of three Police Board members. Four such matters were referred to a panel in 2010. In all four cases 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.

# DISCHARGE CASES

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In 2010, the Superintendent filed charges against 12 Department members. All of these cases involved charges filed against sworn members of the Department (11 police officers and 1 sergeant). As of December 31, 2010, there were 9 open cases before the Board.

Table I below presents data on cases decided by the Board in 2010 (some of these cases were filed prior to 2010).

**TABLE I: 2010 DISCHARGE CASES**

Primary Allegation	Guilty and Discharged	Guilty and Suspended	Not Guilty	Resigned*	Total
Excessive Force/On-duty	0	0	0	1	1
Excessive Force/Off-duty	0	0	0	0	0
Domestic Altercation	0	0	0	1	1
Alcohol Abuse	0	0	0	0	0
Drug/Substance Abuse	0	0	0	0	0
Bribery/Official Corruption	0	0	0	0	0
Commission of a Crime	1	0	0	1	2
Conduct Unbecoming/Off-duty	0	2	2	0	4
Operation/Personnel Violations (e.g., insubordination, neglect of duty, medical roll abuse, sexual harassment)	4	0	0	0	4
Other	0	0	3	0	3
<b>Total</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>15</b>

\*The respondent resigned prior to a hearing and the charges were therefore withdrawn.

A decision in a discharge case may be reversed only by a court. That is, the Board's decision is not subject to the Superintendent's approval, nor may the officer challenge the decision through a union grievance procedure.

Under Illinois law, the parties to a Police Board case (the Superintendent and the 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. Following an adverse ruling at this level, a party may attempt a further appeal to the Supreme Court of Illinois.

Table II provides data on suits in administrative review for 2010. As noted above, a particular Police Board case may be reviewed at several levels; in addition, court rulings may cause the Board to issue multiple decisions in the same case. The data on court decisions in Table II pertain to *final* action regarding the Board's *original* decision.

The Illinois Supreme Court did not accept for review or decide any Police Board decisions in 2010.

TABLE II: 2010 APPEALS OF DISCHARGE CASES						
	Appeals Filed in the:		Appeals Decided by the:			
	Circuit Court of Cook County	Appellate Court of Illinois	Circuit Court of Cook County	Appellate Court of Illinois		
			A/D	R	A/D	R
	4	7	6	2	3	0
<i>(A/D—Police Board Decision Affirmed or Appeal Dismissed R—Police Board Decision Reversed)</i>						

## SUSPENSION CASES

In 2010, the Superintendent filed charges against one sworn member (a sergeant) recommending a suspension of greater than thirty days; this case was open as of December 31, 2010. The Police Board decided one such case in 2010; in that case (filed in 2009), the Board found a police officer guilty of insubordination and unauthorized dissemination of information, and suspended the officer for 180 days, the penalty recommended by the Superintendent.

If the Superintendent orders a suspension of six through thirty days, the suspended Department member may request Police Board review of the suspension. The Board received 15 requests for review in 2010.

Table III below presents data on reviews of suspension decided by the Board in 2010 (some of the requests for review were filed prior to 2010). All of these cases involved suspensions of sworn members of the Department. As of December 31, 2010, there were 5 open cases before the Board.

## SUSPENSION CASES

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**TABLE III: 2010 SUSPENSION CASES, 6-30 DAYS**

Primary Allegation	Sustained Full Penalty	Sustained Reduced Penalty	Reversed	Total
Excessive Force/On-duty	0	0	1	1
Excessive Force/Off-duty	0	0	0	0
Domestic Altercation	1	0	0	1
Alcohol Abuse	0	0	0	0
Drug/Substance Abuse	0	0	0	0
Bribery/Official Corruption	0	0	0	0
Commission of a Crime	0	0	0	0
Conduct Unbecoming/Off-duty	0	0	0	0
Operation/Personnel Violations (e.g., insubordination, neglect of duty, medical roll abuse, sexual harassment)	3	6	0	9
Other	1	0	0	1
<b>Total</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>12</b>

## SUPERINTENDENT SELECTION

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The Board participates in the selection of the Superintendent of Police by reviewing applications, conducting interviews, and nominating three candidates for consideration by the Mayor. There was no vacancy in the position during 2010.

## OUTREACH ACTIVITIES

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The Board holds monthly public meetings at Chicago Police Headquarters, 3510 South Michigan Avenue. Meetings take place in the evening, and members of the public are invited to attend and are welcome to address questions or comments to the Board, the Superintendent of Police, and the Chief Administrator or the Independent Police Review Authority (prior sign-up by 4:30 p.m. of the day before the meeting is required of those wishing to address the Board). In addition to receiving input from the community, the Board reports on disciplinary actions and other matters, and receives a report from the Superintendent of Police.

The Board maintains a website at [www.ChicagoPoliceBoard.org](http://www.ChicagoPoliceBoard.org). The site provides the public with information on 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 Executive Director of the Board meets frequently with members of the community and government agencies to provide information on the Board's operations and on the complaint and disciplinary process.

## PERSONNEL AND ADMINISTRATION

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Three new Board members were appointed during 2010: Rita A. Fry replaced Phyllis L. Apelbaum, Melissa M. Ballate replaced Patricia C. Bobb, and Ghian Foreman replaced William C. Kirkling.

Executive Director Max A. Caproni manages the day-to-day operations of the Board. Carisa A. Boatman serves as supervising clerk. The Board's three hearing officers, experienced attorneys who preside over hearings and report on cases, continued to serve the Board on an hourly basis during 2010.

The Police Board's budget is proposed by the Mayor and approved by the City Council as part of the annual appropriation ordinance. The 2010 appropriation was \$442,978.



CHICAGO BOARD OF TRADE

The Chicago Board of Trade



Downtown Chicago River

FOR FURTHER INFORMATION, PLEASE CONTACT:

CHICAGO POLICE BOARD

30 NORTH LASALLE STREET

SUITE 1220

CHICAGO, IL 60602

PHONE: 312.742.4194

FAX: 312.742.4193

[WWW.CHICAGOPOLICEBOARD.ORG](http://WWW.CHICAGOPOLICEBOARD.ORG)