

WHO WATCHES THE WATCHMEN?

Police Oversight in Chicago

COMMUNITY RENEWAL SOCIETY

February 2016

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Community Renewal Society is a faith-based organization that works with people and communities to address racism and poverty. CRS transforms society towards greater justice and compassion.

Community Renewal Society is a progressive, faith-based organization that works to eliminate race and class barriers. Founded in 1882, Community Renewal informs, organizes and trains both communities and individuals to advocate for social and economic justice.

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I. EXECUTIVE SUMMARY

On November 24, 2015, the City of Chicago released video footage of black teenager LaQuan McDonald being shot 16 times by white Chicago Police Officer Jason Van Dyke. The death of LaQuan McDonald is not the result of a single bad police officer acting on his own. It is a consequence of a police oversight system in Chicago that has been designed and manipulated to protect abusive police officers. The McDonald shooting is not a rare incident. In fact, over the last five years officers of the Chicago Police Department have killed more civilians than any other police department in the country.

The two civilian oversight agencies charged with investigating and disciplining police misconduct in Chicago—the Independent Police Review Authority (IPRA) and the Police Board—are failing in their fundamental duty to protect the public from police misconduct. An analysis of all 649 documented IPRA sustained findings¹ and disciplinary recommendations shows that few police officers found guilty of misconduct face meaningful consequences. An analysis of Police Board decisions in the most severe cases of misconduct also reveals that many police officers who have been recommended for termination are, in fact, still on the beat. In addition, the difficulty in accessing comprehensive, complete, and reliable information about the investigatory and disciplinary actions of either of these agencies underscores the need for reform and additional oversight.

This report recommends a policy solution—the FAIR COPS (Freedom through Accountability, Investigation, and Reform for Community Oversight of Policing Services) Ordinance—which would establish the Office of Police Auditor, a legitimately independent, transparent, and accountable agency that would oversee the entire process of police oversight. Though the Department of Justice has announced a federal investigation of the Chicago Police Department, the investigation may span two years and its proposed reforms may only

¹ IPRA reports to have sustained 655 cases of police misconduct dating back to the agency's inception in September of 2007. However, IPRA has only published 649 abstracts for sustained cases, so this report will work from the assumption that IPRA has in fact only sustained 649 cases of police misconduct.

IPRA sustained a mere 130 cases in which excessive force was the primary misconduct—a sustained rate of 1.2%.

be temporary. The Office of Police Auditor is a permanent institution that would serve as an independent police accountability agency that has access to all police records and data in order to perform routine audits of the Chicago Police Department, the Independent Police Review Authority, and the Police Board.

POLICE BIAS IN IPRA INVESTIGATIONS

Since its inception in 2007, IPRA has investigated more than 10,000 separate allegations of excessive force. However, **IPRA sustained a mere 130 cases in which excessive force was the primary misconduct—a sustained rate of 1.2 percent.**² According to a report from the Bureau of Justice Statistics, the average sustained rate for excessive force complaints is 8 percent nationally³—more than six times the rate in Chicago.

Over the course of its short eight year existence, IPRA has produced some strong trends in the outcomes of its investigations. While it is true that IPRA has found more officers guilty of misconduct over the past three years, its inflated sustained rate is largely due to an increase in off-duty police misconduct and a flood of relatively minor violations that rarely result in any meaningful discipline. Approximately three quarters of the uptick in IPRA's sustained cases over the past three years can be attributed to off-duty misconduct, technical violations of departmental code, and officers who accidentally discharged a weapon. **Overall, it is fair to say that more than half of IPRA's 649 sustained cases have nothing to do with policing**—57.8 percent of all sustained findings are for a domestic incident or other off-duty misconduct, the accidental discharge of a firearm or Taser, or an intra-departmental incident between officers.⁴

The data also reveal that the IPRA's disciplinary recommendations have become significantly more lenient over the past few years. From 2008-11, IPRA recommended separation almost as often as a simple reprimand without suspension (18.5% and 19.2% of sustained cases

2 All IPRA data cited in this report was obtained from public records on the Independent Police Review Authority's website, or from records obtained from IPRA through Freedom of Information Act requests.

3 United States. Department of Justice. Office of Justice Programs, Bureau of Justice Statistics. By Matthew J. Hickman. June 2006. Web. Sept. 2015.

4 Appendix C contains a full account of the categorization of misconduct and the research methodology used in this report.

IPRA concluded that only 7 out of every 1,000 reports of officer misconduct justified firing an officer.

respectively). From 2012-14, IPRA recommended a reprimand without suspension nearly twice as often (35.2% of sustained cases) and separation in far fewer cases (7.1%). The average suspension recommended by IPRA also plummeted from 16.2 days between 2008 and 2011 to 10.7 days over the past three years.

SERIOUS MISCONDUCT DISMISSED BY POLICE BOARD

Between 2008 and 2014, IPRA reported receiving 12,297 complaints of police misconduct, yet recommended the separation of only 88 sworn police officers.⁵ Therefore, IPRA concluded that only 7 out of every 1,000 reports of officer misconduct justified firing an officer. For these separation cases, the average time from the date the complaint was filed to the public reporting of IPRA's decision was 3 years and 3 months.

For any case in which IPRA recommends the separation of an officer and the Police Superintendent agrees with the recommendation, the Superintendent files charges with the Police Board to discharge the officer. The Police Board then completes a full review of the case and makes a final decision. **The Police Board is the only entity with the authority to terminate a sworn officer.** Given the years of rigorous investigation and review it takes to recommend the discharge of an officer, it would be expected that the Police Board would rarely overturn the joint recommendation of IPRA and the Superintendent. However, a study of the 63 Police Board cases for which the outcome can be confirmed provides ample evidence to the contrary.⁶

In total, **the Police Board discharged the accused officer less than a third of the time—19 cases. On the other hand, the Police Board ruled that an astounding 31 officers—nearly half—should return to duty as a police officer.** In 13 of those 31 cases, the Police Board returned officers to duty without any suspension whatsoever, including 11 cases in

⁵ IPRA also recommended to terminate 2 probationary officers. However, those cases are not included in the analysis because CPD has unilateral authority to fire probationary officers without the approval of the Police Board.

⁶ Of the 88 cases in which IPRA recommended the separation of a sworn officer, the outcome of 25 cases cannot be confirmed because no Police Board documents referencing these cases could be located. It is likely that many of these officers received a reduction in discipline through arbitration and served a suspension. The analysis that follows is based upon the final outcome of the 63 cases that can be confirmed through Police Board records.

The Police Auditor would have the power and the responsibility to identify, investigate, and proactively address patterns of misconduct—both by individual officers and across the entire police department.

which the Police Board found the officer not guilty on all counts of misconduct. In 17 cases, the Police Board found officers guilty of some or all counts of misconduct brought forth, but disagreed with the joint recommendation for discharge from IPRA and the Superintendent, and instead disciplined the guilty officer with a suspension. Overall, the suspensions meted out by the Police Board ranged from 20 days to one year.⁷ In effect, only 2 officers were discharged for every 1,000 reports of police misconduct that IPRA investigated between 2008 and 2014.

Of the 88 sworn officers that IPRA recommended be discharged, it's possible that as many as 61 of those officers are still wearing a CPD uniform today. It can only be confirmed that 25 of these officers are no longer members of the Chicago Police Department because they were either fired or voluntarily resigned.

POLICY RECOMMENDATION: THE OFFICE OF POLICE AUDITOR

There are significant structural deficiencies in the transparency and objectivity of IPRA's investigation process and in the Police Board's reviews of the most severe cases of misconduct. In an effort to establish legitimate independent oversight, Community Renewal Society has proposed the FAIR COPS (Freedom through Accountability, Investigation, and Reform for Community Oversight of Policing Services) Ordinance. **FAIR COPS would establish a Police Auditor Office in Chicago to: audit compliance with federal, state, city, and departmental codes; analyze patterns and practices of police misconduct or bias; and implement changes in policies to promote more efficient, fair, and transparent policing and police oversight.** The Police Auditor would maintain greater independence than IPRA or the Police Board because the Chief Auditor would be appointed by a third-party outside of city government and its budget would be protected by law.

Unlike IPRA, the Police Auditor would have the power and the responsibility to identify, investigate, and proactively address patterns of misconduct—both by individual officers and across the entire police department. Looking for patterns of misconduct by individual police officers, the Police Auditor can identify “problem officers”

⁷ All Police Board data cited in this report was accessed from public records obtained by the Chicago Justice Project.

and intervene with training, additional supervision, or discipline before those officers commit more serious misconduct. Looking for patterns of misconduct at the department level, the Police Auditor could identify areas of improvement for the police department and propose changes to policing policies or practices to reduce excessive force, officer-involved shootings, or other misconduct across the entire department.

The patterns of misconduct by individual officers and the entire Chicago Police Department cannot continue to go unchecked. Moreover, the independence and integrity of IPRA investigations and Police Board decisions must also come under greater public scrutiny. The FAIR COPS Ordinance would create a Police Auditor in Chicago with legitimate independence and authority to police the police as well as the existing oversight agencies to ensure that the citizens of Chicago are protected against police abuse.

II. POLICE MISCONDUCT

Over the past 8 years, African Americans have been 8.25 times more likely to be shot by a Chicago police officer than whites.

As the Department of Justice begins its investigation in Chicago, its task will be to uncover myriad patterns and practices of abuse by the police department. The examples that follow highlight just a few of the intended and unintended consequences of officer misconduct. They serve to illustrate the depth of the systemic abuse within the Chicago Police Department.

Chicago police officers are using unnecessary physical force at a much higher rate than police departments across the country. Since September of 2007, more than 10,000 complaints for excessive force have been filed against Chicago police officers. Over that time period, Chicago has employed an average of approximately 12,500 sworn officers each year, which translates to 10.7 excessive force complaints for every 100 officers on a yearly basis. According to the U.S. Bureau of Justice Statistics, the national average is 6.6 complaints per 100 officers. **Chicago police officers garner excessive force complaints at more than 1.5 times the national average.**

People of color are more likely to be killed by police officers in Chicago. Since September of 2007, Chicago police officers have shot 393 civilians—123 of whom were killed by police. Based solely on the population demographics of Chicago, you would expect those 393 shooting victims to be fairly evenly distributed between whites, blacks, and Latinos. However, the reality is that 291 of the 393 victims (74%) were black. That is despite the fact that African Americans make up only 32.9% of Chicagoans. A mere 34 shooting victims (8.7%) were white, while whites make up 31.7% of Chicagoans. This means that over the past 8 years, **African Americans have been 8.25 times more likely to be shot by a Chicago police officer than whites. Latinos are roughly 1.75 times more likely to be shot than whites.** And according to a Better Government Association report, Chicago police officers fatally shot more civilians over the past five years than officers from any other city.⁸ Between 2010 and 2014, CPD officers killed 70 civilians.

⁸ Schroedter, Andrew. *Fatal Shootings By Chicago Police: Tops Among Biggest U.S. Cities*. Better Government Association, July 26, 2015. Web. Sept. 2015.

Since 2004, the City of Chicago has spent \$521.3 million and counting in settlements to victims of police abuse and their families.

The next highest total belongs to Phoenix—more than a dozen shooting victims behind—with 57 fatalities.

Since 2004, the City of Chicago has paid \$521.3 million and counting in settlements to victims of police abuse and their families.⁹ When compared with other large municipal police forces, Chicago is spending a disproportionate amount of taxpayer money on settlements for police misconduct, more than any other major city in the country. Since 2010, Chicago has spent \$249.7 million on settlements.¹⁰ The only city that has paid more in settlement money is New York City, which spent \$601.3 million over the same period. But New York’s police force is nearly three times the size of Chicago’s. The next closest city to Chicago is Los Angeles, which paid out only \$57.1 million over the last five years. But if you consider the ratio between police misconduct payouts and sworn officers, Chicago tops the list.

From 2010-2014, Chicago spent an average of \$4,147 per officer each year to settle its police misconduct cases. New York was the only other city that came close to matching that figure, but spent only \$3,490 per officer. Other major cities such as Los Angeles (\$1,151), Philadelphia (\$1,667), Houston (\$121), and Washington, D.C. (\$1,578) didn’t come close to spending as much per officer as Chicago. To put this in perspective, if Chicago’s settlement costs had been similar to Los Angeles’—the city with a police force most similar in size—Chicago’s total spending from 2010-14 would have been reduced from a quarter of a billion dollars to less than \$70 million—a savings of nearly \$200 million.

9 Shaw, Andy. “City pays heavy price for police brutality.” *The Chicago Sun-Times*, April 14, 2014.

10 Elinson, Zusha, and Dan Frosch. “Cost of Police-Misconduct Cases Soars in Big U.S. Cities.” *The Wall Street Journal*, July 15, 2015. Web. Sept. 2015.

III. POLICE OVERSIGHT IN CHICAGO

The problem in Chicago extends beyond police bias and abuse to an oversight system that is theoretically intended to protect civilians from such police misconduct. Of thousands of complaints against police officers each year, a miniscule number of officers are disciplined for misconduct. Moreover, in the past several years, it has become increasingly rare for officers who are found to have committed the most egregious acts of misconduct to be fired.

There are two civilian agencies in Chicago that are responsible for investigating and making determinations on cases of alleged police misconduct: the Independent Police Review Authority (IPRA) and the Police Board.

IPRA is the agency primarily responsible for holding officers of the Chicago Police Department accountable when there are allegations of misconduct. IPRA serves as the point of intake for all complaints against police officers, the body that investigates the most serious allegations and determines the culpability of officers, and the agency that recommends discipline for officers found to have committed misconduct. IPRA should be the protector of the people—the civilian oversight agency that defends the public from the faction of police officers who abuse their power.

The second civilian oversight agency, the Police Board, reviews only a minute fraction of police misconduct cases. In fact, the Police Board only gets involved in two specific instances of the oversight process. In the first instance, a three-member panel of the Police Board is assigned to settle disputes between the IPRA Chief Administrator and the Police Superintendent when the two cannot agree upon an appropriate disciplinary action for an officer. And in the second instance, the full nine-member Police Board decides cases in which there is a recommendation for separation, or in cases in which a suspension of more than 30 days has been recommended and the accused officer chooses to appeal their case to the Police Board.

Of thousands of complaints against police officers each year, a miniscule number of officers are disciplined for misconduct.

This report provides background information on Chicago’s police accountability system and process, exposes its flaws, critiques its effectiveness, and proposes a policy solution for moving Chicago forward towards greater police accountability.

The Internal Affairs Department (IAD) of the Chicago Police Department is the final agency involved in oversight. The IAD investigates all complaints against police officers that do not fall under the jurisdiction of IPRA. In cases of minor allegations of misconduct, the complaints are forwarded to the immediate supervisor of the officer for resolution. In cases involving more serious allegations, the complaints are handled by IAD investigators.

This report provides background information on Chicago’s police accountability system and process, exposes its flaws, critiques its effectiveness, and proposes a policy solution for moving Chicago forward towards greater police accountability. This section will demonstrate the significant failures of the Independent Police Review Authority and the Police Board to protect the city’s residents from police misconduct and to hold the Chicago Police Department accountable.

OVERVIEW: THE INDEPENDENT POLICE REVIEW AUTHORITY

The Independent Police Review Authority (IPRA) was established by a city ordinance (Appendix A) in 2007 “in response to concerns about how allegations of police misconduct were being investigated by the Chicago Police Department.”¹¹ The agency is headed by its Chief Administrator, a position appointed by the Mayor of Chicago. IPRA is responsible for the intake and assignment of all complaints filed against members of the Chicago Police Department. If a complaint includes any allegations of domestic violence, excessive force, coercion, or verbal abuse, IPRA retains the complaint and initiates an investigation into the alleged misconduct. Regardless of whether or not a complaint is filed, IPRA also investigates all instances in which a member of CPD discharges their firearm or Taser, and incidents in which there is an “extraordinary occurrence” in a lockup facility or when an individual is injured or dies while in police custody.

All other complaints are sent to the Chicago Police Department’s Internal Affairs Department (IAD) for review and investigation. Lastly, the enabling ordinance that established IPRA gives the agency one other noteworthy charge—the power to make recommendations to the Police Department, the Police Board, or the City Council for changes in policy or operating

¹¹ In the “About IPRA” section on the IPRA website: <http://www.iprachicago.org/about.html>.

Since IPRA was established in 2007, approximately 47% of all complaints were never investigated because an affidavit could not be attained.

procedure. However, over the course of the past few years, there is no evidence that IPRA has exercised this power.¹²

IPRA'S INVESTIGATIVE PROCESS

Before IPRA can begin a full investigation, it must make a “good faith effort” to obtain a sworn affidavit—a legal document attesting to the veracity of the complaint—from the complainant. This is a requirement stipulated both by Illinois state law¹³ and the Fraternal Order of Police (FOP) Agreement.¹⁴ There is no specific legal deadline for the receipt of the affidavit, but IPRA’s current internal policy requires that a complaint be closed if a sworn affidavit cannot be obtained within 30 days from the date the complaint was filed. Since IPRA was established in 2007, **approximately 47% of all complaints were never investigated because an affidavit could not be attained.**¹⁵ This is a direct result of the fact that people who experience police misconduct are wary of signing a sworn affidavit because they fear retaliation by the police or prosecution for perjury, which is allowed by state law if a complaint is deemed to contain any false information.

IPRA is permitted to conduct a “preliminary investigation” into the allegations within a complaint. If, in the course of the preliminary investigation, IPRA deems that there is “objective verifiable evidence” that corroborates the allegations in the complaint, the Chief

12 As of the publishing of this report, there is an outstanding Freedom of Information Act Request to IPRA asking for all records of policy recommendations made by IPRA from 2012 to the present.

13 Section 50 ILCS 725/3.8 of the Uniform Peace Officers’ Disciplinary Act: “Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State’s Attorney for a determination of prosecution.”

14 “No officer will be required to answer any allegation of misconduct unless it is supported by an appropriate affidavit... In the event that no affidavit is received within a reasonable time, the investigation will be terminated and no record of the complaint or investigation will appear on the Officer’s Disciplinary History,” *Agreement Between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago: July 1, 2012 to June 30, 2017*, p. 76.

15 Between September 2007 and June 2015, IPRA reported that it retained 13,600 complaints against police officers. Over the same time period, IPRA reported that it closed 6,323 complaints because it could not obtain a sworn affidavit from the complainant.

It is impossible to determine whether these preliminary investigations take place and, if so, how thorough they are and how often they result in the initiation of a full investigation.

Administrator may sign a sworn affidavit and authorize a full investigation into the complaint.¹⁶ However, since IPRA does not publish any public records related to its preliminary investigations—including instances in which the Chief Administrator has signed an affidavit—it is impossible to determine whether these preliminary investigations take place and, if so, how thorough they are and how often they result in the initiation of a full investigation.

For cases in which an affidavit is signed, IPRA assigns a Complaint Register (C.R.) number to the investigation. An IPRA investigator is assigned to the case and has the power to subpoena witnesses—including the complainant, police officer(s), and other civilian witnesses—and relevant documents. At the conclusion of an investigation, IPRA can issue one of the following findings:

- (a) Sustained—sufficient evidence to prove the allegation;
- (b) Not Sustained—insufficient evidence to either prove or disprove the allegation;
- (c) Exonerated—the alleged action did occur, but the action fit within department protocol;
- (d) Unfounded—the alleged action did not occur, or was misrepresented by the complainant.

It is important to note that IPRA will separate out multiple allegations within a single complaint and issue a discrete finding for each allegation. This means that, in some cases, IPRA may sustain one allegation against an officer and not sustain other allegations against the same officer within a single complaint. Finally, the Chief Administrator reviews each and every finding before it is finalized, and he or she can overrule or amend any finding.

In each case with a sustained finding, IPRA will recommend disciplinary action for the

¹⁶ “When an appropriate affidavit cannot be obtained from a citizen complainant, the head of either IPRA or IAD may sign an appropriate affidavit according to the following procedure. An “appropriate affidavit” in the case of the head of either IPRA or IAD is an affidavit wherein the agency head states he or she has reviewed objective verifiable evidence of the type listed below, the affidavit will specify what evidence has been reviewed and in reliance upon that evidence, the agency head affirms that it is necessary and appropriate for the investigation to continue.” *Agreement between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago: July 1, 2012 to June 30, 2017*, p. 75.

Once IPRA has submitted a final recommendation for disciplinary action, a lengthy and complicated process ensues with virtually no public transparency.

officer(s) found to have committed the misconduct. IPRA can recommend three types of discipline:

- (a) Reprimand or Violation Noted—the sustained finding should be noted in the officer’s personnel record, but no additional disciplinary action is recommended;
- (b) Suspension—the officer should serve a suspension without pay for the period of time specified; or
- (c) Separation—the officer’s employment with the Chicago Police Department should be terminated.

While IPRA issues distinct findings for each allegation of misconduct, it will only issue one disciplinary recommendation for each officer with a sustained finding. Consequently, even if there are multiple sustained findings against an officer in a complaint, IPRA will make one disciplinary recommendation that takes into account all sustained findings.

Once IPRA has submitted a final recommendation for disciplinary action, a lengthy and complicated process ensues with virtually no public transparency. First, the Police Superintendent has 90 days to review and respond to the recommendation. The Superintendent can concur with IPRA and implement the discipline as recommended, or implement a harsher discipline than that recommended by IPRA. But if the Superintendent wishes to impose a lesser disciplinary action than that recommended by IPRA, the Superintendent must outline his or her reasons and submit them in writing to the Chief Administrator.

Then, the Chief Administrator has five days to review the Superintendent’s dissenting opinion and counter-proposal. The Chief Administrator can choose to accept the Superintendent’s counter-proposal and allow this disciplinary action to be imposed, or the Chief Administrator can submit objections. Ultimately, if the Superintendent and the Chief Administrator cannot come to an agreement on the appropriate disciplinary action in a sustained case, a three-person panel—made up of members of the Police Board—will review the case and make the final determination on the disciplinary action. There are no requirements for public reports during or at the conclusion of this process. Consequently, it is very difficult to track the final outcome of a case.

The causes behind the increase are hidden because the data made publicly available by IPRA is quite limited in scope.

Once a final determination of discipline is set, police officers have a few options on how to proceed. First, the accused officer can choose to accept the discipline and its consequences. Second, rank-and-file police officers (below the rank of Sergeant) can choose to utilize the grievance process outlined in the Fraternal Order of Police's collective bargaining agreement, which allows officers to challenge a disciplinary recommendation in arbitration. The third option—only allowed in the case of a recommendation for a suspension of more than 30 days—is to bring the case before the Police Board. Finally, all cases in which separation is recommended must go before the entire Police Board.

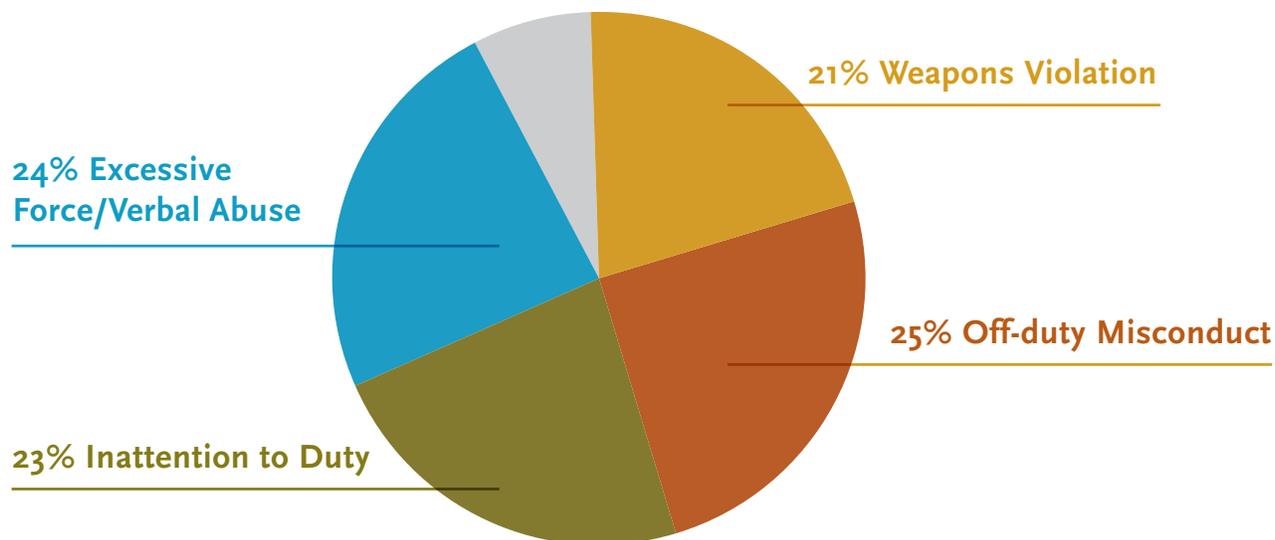
TRENDS IN IPRA INVESTIGATIONS

When an Independent Police Review Authority investigation finds that a member of the Chicago Police Department is guilty of any allegation of misconduct made against them, IPRA will “sustain” the complaint and make a recommendation for discipline of the officer. At IPRA's 2016 budget hearing before the City Council, former IPRA Chief Administrator Scott Ando claimed that IPRA has made “significant progress” over the past few years, including a sharp increase in its “sustained rate”—the rate at which IPRA finds officers guilty of alleged misconduct. That there has been an increase in both the total number of cases that IPRA has sustained and its sustained rate over the past few years is true as averred. However, the causes behind the increase are hidden because the data made publicly available by IPRA is quite limited in scope.

Distribution of Misconduct by Category

Reviewing all 649 sustained cases, each was placed within one of five broad categories: (1) Excessive Force and Verbal Abuse; (2) Weapons Violations; (3) Off-Duty Misconduct; (4) Inattention to Duty; and (5) Intra-departmental Incidents. A full account of the research methodology and the types of misconduct included in each of these categories can be found in Appendix C of this report. Chart A illustrates the sustained complaints in each category as a percentage of all sustained complaints.

Chart A: Sustained Cases by Category of Misconduct



Excessive Force and Verbal Abuse

Excessive Force and Verbal Abuse is the second largest category of sustained IPRA investigations. There are 28 cases in which verbal abuse was the primary sustained misconduct and 130 cases in which excessive force was the primary sustained allegation. An astonishing 63 of the sustained excessive force complaints—48.5 percent—were registered against off-duty officers.

Since its inception in 2007, IPRA has investigated more than 10,000 separate allegations of excessive force. According to a report from the Bureau of Justice Statistics, the average sustained rate for excessive force complaints is 8% nationally. In other words, a civilian who files a complaint against an officer for excessive force can expect an 8% chance that their complaint will be upheld and the officer disciplined. **Yet IPRA has sustained the allegation of excessive force in a mere 1.2% of cases.**

IPRA's Sustained Rate

Over the nearly eight years since IPRA was established, the agency's number of sustained cases has fluctuated quite a bit (Chart B). From 2008-11, IPRA investigated 7,662 cases (1,915.5 per year, on average) and sustained 207 cases for an average of 51.8 sustained cases per year. **This means IPRA's sustained rate from 2008-11 was 2.7 percent.** During that period of four years, IPRA never sustained more than 65 cases in a single year.

Then, in 2012, IPRA's number of sustained cases nearly doubled to 111. Between 2012 and 2014, IPRA investigated 5,157 cases (1,719 per year, on average) and sustained a total of 372 cases. Even though IPRA was investigating, on average, nearly 200 fewer cases each year, it was sustaining far more cases. From 2012-14, IPRA's average of 124 sustained cases per year produced a 7.2% sustained rate. In total, IPRA sustained an average of 72.2 additional cases per year from 2012-2014 over its totals from 2008-11. Chart C compares IPRA's findings over these two periods.

Chart B: Sustained Cases

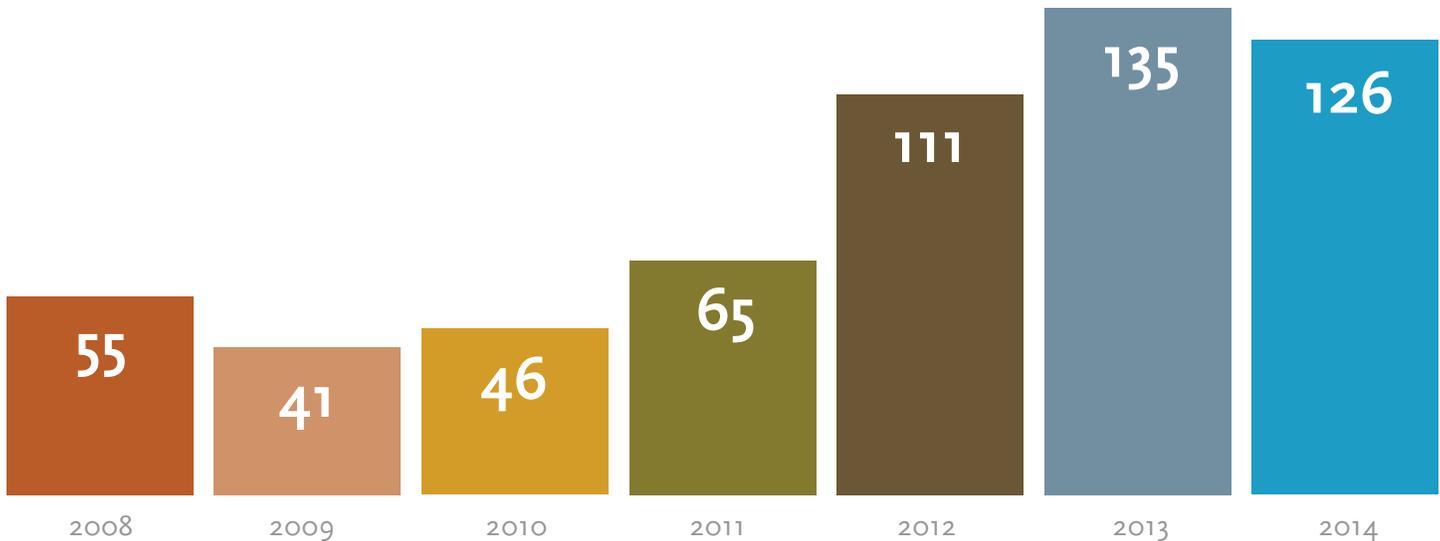
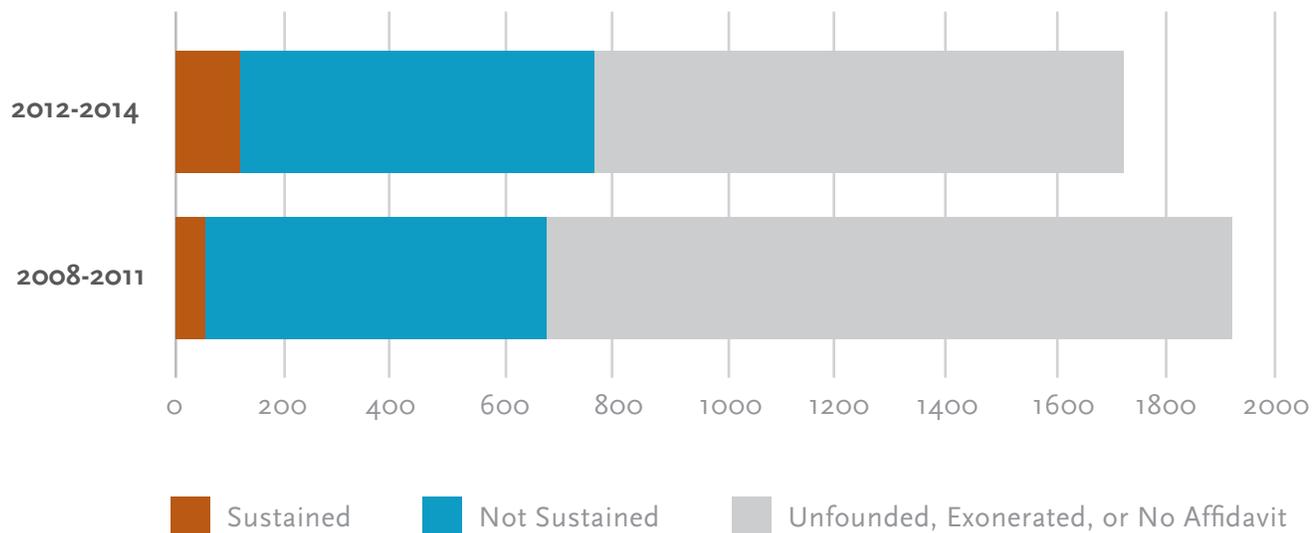


Chart C: Findings for All Complaints

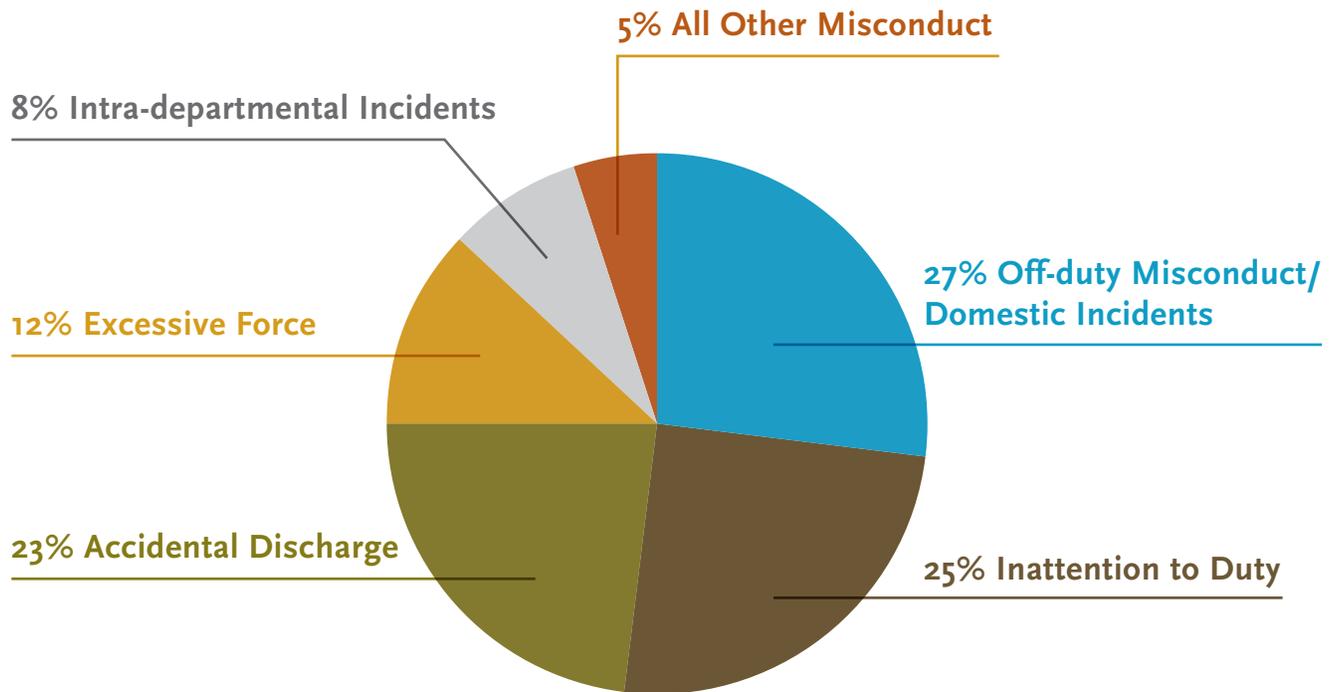


From a political perspective, this data raises questions about what caused IPRA's sustained rate to jump so rapidly from 2011 to 2012, how IPRA has maintained this higher sustained rate, and how IPRA findings for different types of misconduct have changed over time. It is significant to note that in May 2011 Rahm Emanuel was inaugurated as the new mayor of Chicago and he appointed Garry McCarthy as the new Superintendent of the Chicago Police Department.

Chart D breaks down which types of misconduct were responsible for the increase in IPRA's sustained cases between 2012 and 2014 when compared with the period of 2008-11.

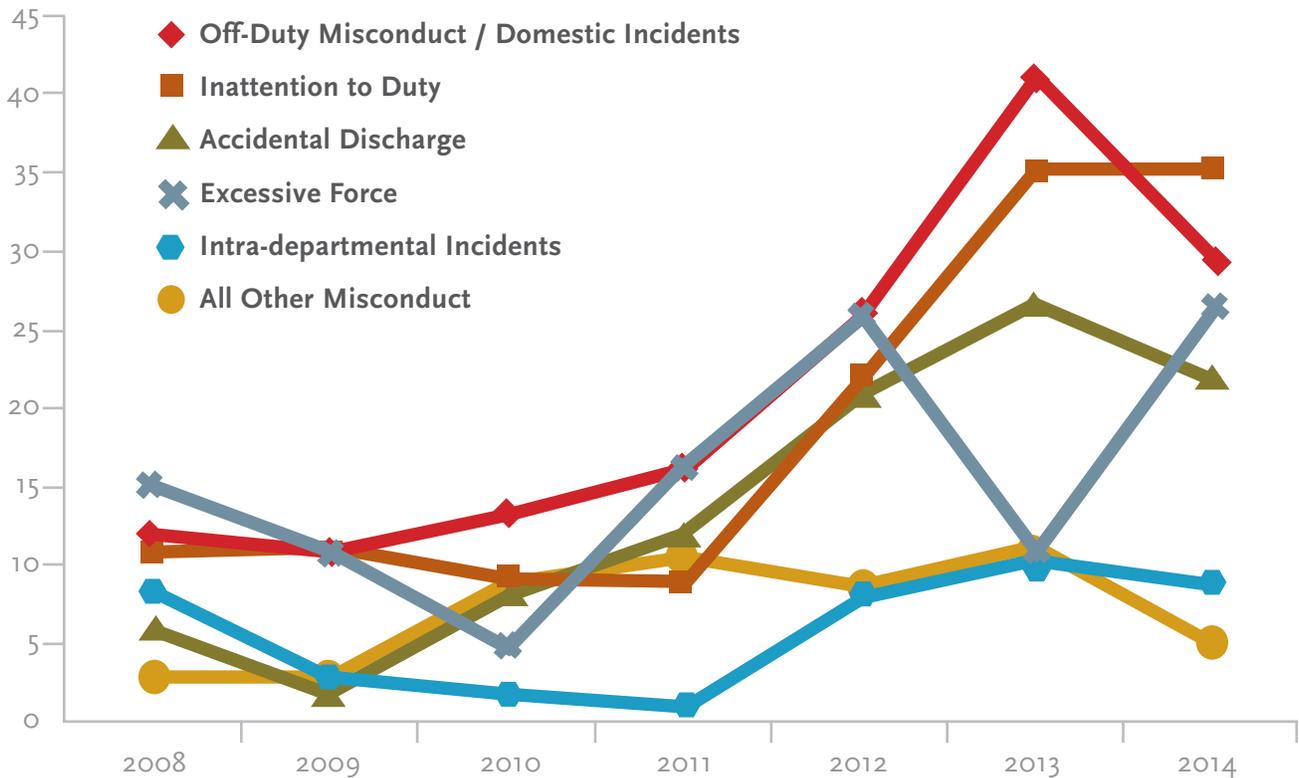
Three types of offenses—Off-Duty Misconduct/Domestic Incidents, Inattention to Duty, and Accidental Discharge of a Weapon—account for roughly three quarters of the uptick in IPRA’s sustained cases over the past three years. **In other words, most of the increase in IPRA’s sustained rate can be chalked up to an increase in catching off-duty bad behavior and victimless accidents or minor infractions of standard operating procedure which rarely result in any meaningful discipline.**

Chart D: Increase in Sustained Findings by Category of Misconduct



While it should certainly be noted that IPRA has found more officers guilty of excessive force over the past few years, it represents a relatively minor portion of the overall increase in IPRA's sustained rate. And it is also worth noting that if excessive force cases committed by an off-duty officer were re-categorized as Off-Duty Misconduct, the increase in the sustained excessive force cases would nearly vanish. Chart E below shows how sustained findings in each of these categories/subcategories has fluctuated over the past eight years.

Chart E: Sustained Cases by Misconduct Type



DISCIPLINE RECOMMENDED BY IPRA

IPRA can recommend three types of discipline: (a) Reprimand or Violation Noted; (b) Suspension; or (c) Separation. From 2008-11, IPRA sustained 207 cases—an average of 51.8 cases per year. Because some of those cases sustained misconduct against more than one officer, IPRA in fact sustained findings against 286 total officers during that period—an average of 71.5 officers per year. For each of those 286 officers, IPRA made a disciplinary recommendation. **IPRA recommended a reprimand without suspension for 55 officers (19.2%), separation for 53 officers (18.5%), and suspension for the remaining 178 officers (62.2%). The average suspension recommended by IPRA for officers was 16.2 days.**¹⁷

The average suspension recommended by IPRA for officers dropped to 10.7 days.

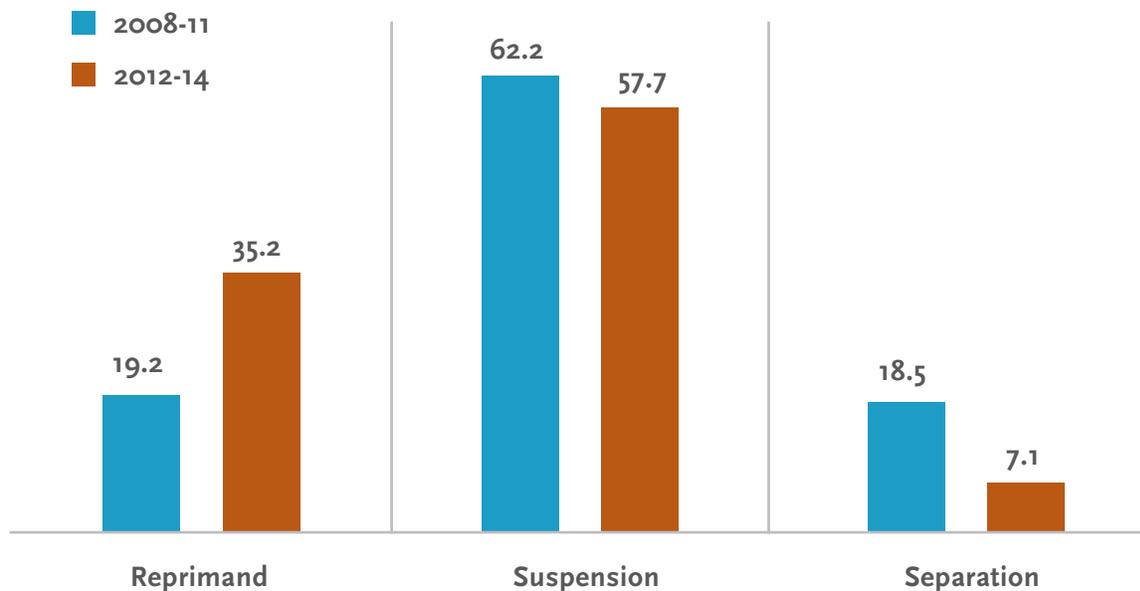
It is reasonable to expect those numbers to remain relatively stable between 2012 and 2014. But the data presents a much different story. From 2012-14, IPRA sustained 372 cases, but once again, because some of those cases sustained misconduct against more than one officer, IPRA sustained findings against 522 total officers during that period—an average of 174 officers per year.

Once we examine the disciplinary recommendations for officers, however, we begin to see some glaring discrepancies between these two periods in IPRA's short existence. Of the 522 officers with a sustained finding between 2012 and 2014, IPRA recommended to reprimand 184 officers (35.2%), separation for 37 officers (7.1%), and suspension for the remaining 301 officers (57.7%). **The average suspension recommended by IPRA for officers dropped to 10.7 days.**¹⁸ Chart F shows a side-by-side comparison of the distribution of disciplinary recommendations per 100 sustained findings.

¹⁷ If all recommendations of “Reprimand” or “Violation Noted” were to be counted as zero day suspensions, the average suspension drops to 12.4 days.

¹⁸ Again, if recommendations of “Reprimand” and “Violation Noted” were to be counted as zero day suspensions, the average suspension drops further to 6.6 days.

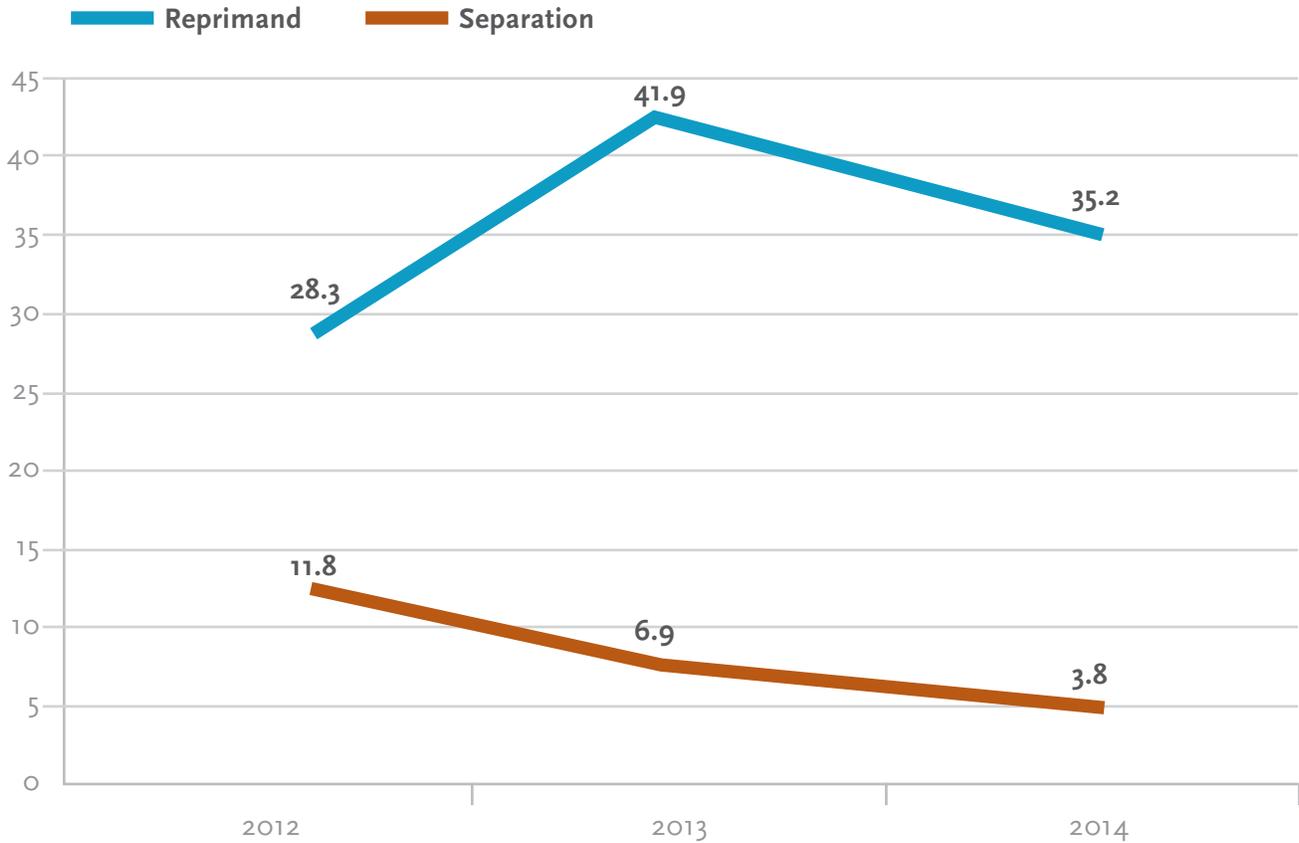
Chart F: Disciplinary Recommendations (per 100 Sustained Findings)



IPRA recommendations for separation have also plummeted over the last few years.

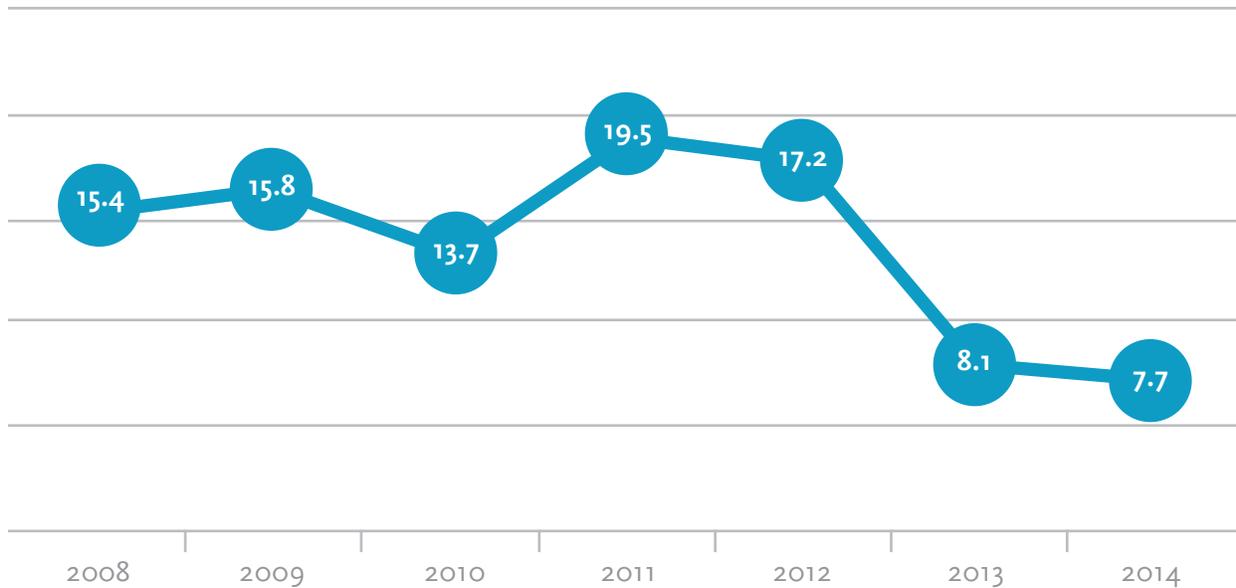
The trend towards leniency has been perpetuated in other notable ways. In 2012, IPRA recommended no suspension for 28.3% of officers with sustained cases. In 2013, that number jumped to a whopping 41.9% before a slight downtick in 2014 when IPRA recommended no suspension for 35.2% of officers. **IPRA recommendations for separation have also plummeted over the last few years. IPRA recommended separation for 11.8% of officers with sustained cases in 2012, then 6.9% of officers in 2013, and finally a mere 3.8% of officers in 2014.** Chart G shows how many officers per 100 sustained findings received recommendations for a reprimand or separation over the past three years.

Chart G: Recommendations for Reprimand or Separation (per 100 Sustained Findings)



While the proportion of officers receiving a recommendation for a suspension from IPRA remained roughly even between 2012 and 2014, the average length of the suspensions recommended by IPRA did not. In 2012, the average suspension recommended by IPRA was 17.2 days. The following year, **IPRA’s average recommendation for suspension plunged to 8.1 days—less than half of the prior year’s average—and then dropped further to 7.7 days in 2014.** Chart H shows the average suspension from 2008-14.

Chart H: Average Suspension (in days)



Excessive Force

IPRA recommends discipline when sufficient evidence is found to support the complaint and cases are sustained. In the 130 sustained cases, 137 officers were found to have used excessive force (a handful of cases sustained complaints against more than one officer). In determining discipline for 137 officers found to have violated the department's use-of-force policy, IPRA recommended a reprimand with no suspension for 9 officers (6.6%), a suspension of 30 days or less for 82 officers (59.9%), a suspension of more than 30 days for 10 officers (7.3%), and separation for 36 officers (26.3%).¹⁹ Chart I breaks down disciplinary recommendations from IPRA in even greater detail.

¹⁹ These totals—the number of sustained cases for excessive force, the total number of officers, and the disciplinary recommendations in each case—were gathered by reviewing the abstracts of each of the 649 investigations that IPRA has sustained since it was established in September, 2007.

Timeline of Police Misconduct Investigation: IPRA to Police Board

● Month 0:
Complaint is filed

● Month 39:
IPRA Makes Recommendation for Separation

● Month 47:
Superintendent Files Charges with Police Board

● Month 54:
Police Board Final Decision

POLICE BOARD DECISIONS

For any case in which IPRA recommends the separation of an officer and the Police Superintendent agrees with the recommendation, the Superintendent files charges with the Police Board to discharge the officer. The Police Board then completes a full review of the case and makes a final decision. **The Police Board is the only entity with the authority to terminate an officer's employment.**

Between 2008 and 2014, IPRA recommended the separation of 88 sworn police officers. Yet over the same period of time, IPRA reported receiving 12,297 complaints of police misconduct. In other words, **IPRA deemed that only 7 out of every 1,000 reports of officer misconduct justified firing an officer.** The prolonged length of such IPRA investigations into the most serious allegations of police misconduct also gives cause for concern. For the 88 cases in which IPRA recommended separation, **the average time from the date the complaint was filed to the public reporting of IPRA's decision was 3 years and 3 months.**

After IPRA has made a recommendation for the separation of a sworn officer, it is forwarded to the Police Superintendent for review. The Superintendent has the two options: concur with the recommendation, or propose an alternative disciplinary action. If the Superintendent agrees with IPRA's recommendation, he then files charges with the Police Board seeking the discharge of the officer. Due to provisions in the Fraternal Order of Police collective bargaining agreement with the City of Chicago, the Superintendent does not have the authority to fire an officer. For the confirmed cases in which the Superintendent agreed with IPRA's recommendation, it took an average of 8 months for the Superintendent to review the case and file charges with the Police Board.

Once charges have been filed with the Police Board, the case is assigned to a hearing officer contracted by the Police Board. The hearing officer hears arguments from the Superintendent—who is represented by Corporation Counsel—and the accused officer—who is represented by his or her own attorney. The hearing officer gathers testimony from all relevant parties, collects evidence, and ultimately submits a summary of the hearing to the Police Board. The Police Board, after reviewing the summary, then holds a public hearing on each case, comes to a decision on the guilt or innocence of the officer on each count of

misconduct, and, if necessary, imposes a disciplinary outcome. The nine members of the Police Board then vote on the final decision.²⁰

Of the 88 cases in which IPRA recommended the separation of a sworn officer, the final outcome of only 63 cases is known. The outcome of the remaining 25 cases cannot be confirmed because no Police Board documents referencing these cases could be located. There are two plausible explanations as to what may have occurred in these cases. First, it is possible that some of the officers voluntarily resigned after IPRA made its recommendation but before the Superintendent filed charges with the Police Board. However, the low rate at which officers resign during Police Board reviews suggests that few officers voluntarily resign without challenging IPRA's recommendation.

The much more likely explanation is that, in many of these cases, the Superintendent countered IPRA's recommendation for separation with a recommendation to reduce the discipline to a suspension for the accused officer. If the Chief Administrator of IPRA agrees to the Superintendent's counterproposal, the accused officer then has the option of serving the suspension or filing a grievance through the Fraternal Order of Police to challenge the suspension in arbitration. The outcome of the arbitrated cases is hidden from the public, but it is presumable that arbitration often concludes with an officer accepting a lesser discipline than separation.

By the time a case reaches the Police Board, it has already been through a rigorous vetting process. In these cases, IPRA has taken an average of 39 months to investigate the allegations and come to the conclusion that the accused officer committed misconduct egregious enough to warrant dismissal from the department. The Superintendent then took an average of 8 months to review the cases and concur that the accused officer should no longer be a member of the Chicago Police Department. Given the nearly 4 years of rigorous investigation and review, it would be expected that the Police Board would rarely disagree with the joint conclusion of IPRA and the Superintendent to discharge an officer. However, a study of the 63 confirmed cases provides ample evidence to the contrary.

²⁰ Only the Cook County Circuit Court can overturn a decision of the Police Board.

In total, the Police Board only discharged the accused officer in 19 of the 63 confirmed cases.

In total, the Police Board only discharged the accused officer in 19 of the 63 confirmed cases. On the other hand, the Police Board ruled that 31 officers—just shy of half of all confirmed cases—should return to duty as a police officer. In 13 of those 31 cases, the Police Board returned officers to duty without any suspension whatsoever, including 11 cases in which the Police Board found the officer not guilty on all counts of misconduct. In 17 cases, the Police Board found officers guilty of some or all counts of misconduct brought forth, but disagreed with the joint recommendation for discharge from IPRA and the Superintendent, and instead disciplined the guilty officer with a suspension. In a single instance, the Superintendent filed charges against an officer for a 45-day suspension in a case which the Superintendent evidently disagreed with IPRA's initial recommendation for the separation of the officer.²¹ Overall, the suspensions meted out by the Police Board ranged from 20 days to one year.²²

There are 7 cases in which the charges were withdrawn by the Superintendent—in five cases because the Superintendent agreed to reduce the discipline to a suspension and in two cases because the officer resigned prior to the conclusion of the Police Board's review.

For 4 cases, it appears that charges were never formally filed with the Police Board—in two cases because the officers resigned voluntarily and in two cases because the Police Board had already discharged the accused officers in a prior case. Finally, in two cases the charges were combined into another case that included separate and unrelated charges brought against the same officer.

Overall, of the 88 sworn officers that IPRA recommended be discharged, it's possible that as many as 61 of those officers are still wearing a CPD uniform today. It can only be confirmed that 25 of these officers are no longer members of the Chicago Police Department because they were either fired or voluntarily resigned. In effect, only 2 officers were discharged for every 1,000 reports of police misconduct that IPRA investigated between 2008 and 2014.

²¹ Police Board case 14 PB 2856.

²² There was a single case (12 PB 2824) in which the Police Board ruled for an indefinite suspension of an officer found guilty of domestic violence who would be eligible for reinstatement upon the fulfillment of specific requirements, including anger-management counseling.

Overall, of the 88 sworn officers that IPRA recommended be discharged, it's possible that as many as 61 of those officers are still wearing a CPD uniform today.

CONCLUSION

The bias towards police officers is apparent at each step in the police oversight system in Chicago. IPRA has completely undermined any notion of its independence by recommending separation in only 7 of every 1,000 allegations of police misconduct. The Police Board has also played a key role in returning corrupt and abusive police officers back to the street because it has followed through on firing officers in less than a third of cases in which separation was recommended by both IPRA and CPD.

The Independent Police Review Authority is failing in its duty to protect the public from police misconduct. While it is true that IPRA is finding a higher number of officers guilty of wrongdoing, its inflated sustained rate is largely due to an increase in off-duty police misconduct and a flood of relatively minor violations that rarely result in any meaningful discipline. In fact, **more than half of IPRA's sustained cases have nothing to do with policing**—57.8 percent of all sustained findings are for a domestic incident or other off-duty misconduct, accidental discharge of a firearm or Taser, or an intra-departmental incident.

The data also reveals that—in contrast with the increase in IPRA's sustained rate—the agency's disciplinary recommendations have become significantly more lenient over the past few years. Despite handing out discipline to nearly twice as many officers from 2012-14 than it did from 2008-11, **IPRA recommended separation for fewer officers over the past three years than in its first four years.** Additionally, in cases for which IPRA recommended the suspension of an officer, IPRA's average recommendation of more than three weeks of suspension between 2008-11 dropped to roughly two weeks between 2012-14.

Moreover, in the increasingly rare cases in which IPRA has made a recommendation for the separation of an officer, there are serious unanswered questions about how often those recommendations are carried out. **Police Board reports indicate that only 19 of the 88 officers that IPRA recommended for separation were in fact discharged by the Police Board.** And since no public data is published concerning the FOP grievance process or disciplinary negotiations between the Superintendent and the Chief Administrator, it is quite possible that officers with the most severe sustained cases routinely receive less discipline than IPRA recommends in its initial finding.

Chicago's system of police accountability is broken at every step along the way. Police officers are resorting to force far more often than necessary and shooting black and brown Chicagoans at alarmingly disproportionate rates. The Independent Police Review Authority—the very agency created to hold police accountable for misconduct—is sustaining excessive force complaints against officers at a rate more than 6 times below the national average and recommending less discipline for officers who are found guilty of misconduct. Additionally, many of the most severe sustained misconduct cases never make it to the Police Board. Of those that do, the Police Board often overturns recommendations for separation and allows an abusive officer to continue to wear a CPD badge. Many people in Chicago do not trust the police to protect them, but there is no doubt that police officers are protected by the current oversight system.

IV. POLICY RECOMMENDATION: THE OFFICE OF POLICE AUDITOR

The FAIR COPS Ordinance would establish an independent Office of Police Auditor that would work on behalf of the citizens of Chicago to ensure that every police officer – from the beat cops to the superintendent – is held accountable for their actions.

There is no shortage of proposals to bring greater transparency and accountability to the oversight of police in Chicago. There are proposed reforms to the structure and policies of IPRA and the Police Board that would give those agencies greater independence from the police department and make them more directly accountable and transparent to the community. Similarly, changes in specific police practices and policies have the potential to curb police bias, harassment, and violence—particularly in communities of color. But specific changes to policing and existing police oversight assume that there is a broken system that can be fixed with a handful of stand-alone reforms. There is, however, a solution with the potential to bring lasting police reform to Chicago: **the FAIR COPS (Freedom through Accountability, Investigation, and Reform for Community Oversight of Policing Services) Ordinance.** The FAIR COPS Ordinance would establish an independent Office of Police Auditor that would work on behalf of the citizens of Chicago to ensure that every police officer—from the beat cops to the superintendent—is held accountable for their actions.

A Police Auditor is an independent police accountability agency that has access to all police records and data to: audit compliance with federal, state, city, and departmental codes; analyze patterns of police misconduct or bias; and propose and enforce changes in policies to promote more efficient, fair, and transparent police oversight. Unlike IPRA, **the Police Auditor would have the power and the responsibility to identify, investigate, and proactively address patterns of misconduct—both by individual officers and across the entire police department.** Looking for patterns of misconduct by individual police officers, the Police Auditor can identify “problem officers” and intervene with training, additional supervision, or discipline before those officers commit more serious misconduct. Looking for patterns of misconduct at the department level, the Police Auditor could identify areas of improvement for the police department and propose changes to policing policies or practices to reduce excessive force, officer-involved shootings, or other misconduct across the entire department.

It is imperative that the Chief Auditor not be appointed by the mayor, the police superintendent, or anyone else within city government so that the Police Auditor can remain truly independent.

In the FAIR COPS Ordinance drafted by Community Renewal Society (Appendix B), the Police Auditor would receive funding equivalent to a fixed percentage of the Chicago Police Department's budget each year (currently \$1.4 billion) to hire investigators, attorneys, researchers, and other necessary staff to perform complete oversight of the police department, IPRA, and the Police Board. The Police Auditor would be headed by the Chief Auditor, who would be a civilian appointed by an independent, third-party agency outside of city hall. It is imperative that the Chief Auditor not be appointed by the mayor, the police superintendent, or anyone else within city government so that the Police Auditor can remain truly independent. **In creating such an auditor, Chicago would be following the successful blueprints of New York, Los Angeles, San Jose, Denver, and Seattle—all of which have created similar offices.**

The Police Auditor would be responsible for auditing three city agencies: the Chicago Police Department, the Independent Police Review Authority, and the Police Board. These entities and their employees would be required by law to cooperate with the Police Auditor by providing testimony, data, records, and anything else that the Police Auditor deems necessary to complete an audit. There would be serious and unambiguous penalties for agencies or employees who refuse to cooperate.

The Police Auditor's audits of the Chicago Police Department would include:

- Department policies and practices to determine compliance and identify problematic policing trends and patterns, including excessive force, officer-involved shootings, and racial bias;
- Investigations of officers who have received a disproportionate number of complaints and the power to recommend specific types of intervention for officers who exhibit patterns of misconduct; and
- Review of Contact Cards, Tactical Response Reports, Arrest Reports, and other police reports to identify specific cases for further investigation or patterns of problematic police practices.

The Police Auditor would audit each step of the Independent Police Review Authority's role in the complaint process:

- ***Intake:*** inspect for a simple, non-threatening process for citizens to file a complaint against a police officer;
- ***Classification:*** ensure that complaints are being assigned properly, including the power to change a complaint classification or refer a complaint to the proper authority for criminal investigation of an officer;
- ***Investigation:*** review for timely, unbiased, and professional investigations in which the finding is supported by a preponderance of the evidence, including the power to require further investigation into a specific complaint; and
- ***Discipline:*** ensure discipline is being applied in a fair and consistent manner adhering to the standards of a discipline matrix, including the power to recommend a different disciplinary action.

Based upon the findings of these audits, the Police Auditor would have the power to propose and enforce policy recommendations to reform the Police Department, IPRA, or the Police Board.

The Police Auditor's audits of the Police Board would include:

- The policies and practices of the Police Board, including the appointment of its members, its hearings, and its public meetings;
- The findings and disciplinary decisions of the Police Board; and
- The structure and guidelines of the standardized discipline matrix used to determine appropriate discipline for officer misconduct.

Based upon the findings of these audits, the Police Auditor would have the power to propose and enforce policy recommendations to reform the Police Department, IPRA, or the Police Board. In order to give the Police Auditor's proposals fair and objective consideration, there would be a multi-step process.

First, the Chief Auditor would submit the recommendation to the head of the agency which the recommendation affects. Then, if the head of the agency approves the recommended reform, a plan for implementation will be agreed upon. However, if the head of the agency refuses to accept or implement the change, they must submit a written reason refusal to the Chief Auditor and the City Council Committee on Public Safety. In this case, the Public Safety Committee would hold a public hearing on the proposal and then vote on whether to require its implementation. For the purposes of transparency, each step of this policy recommendation process would require documentation and a detailed report to the public.

In all its audits, investigations, and policy proposals, the Police Auditor would remain transparent and accountable to the citizens of Chicago by publicly reporting its findings. A series of mandated public reports would be published online and give citizens full access to the Police Auditor's oversight of police.

Overhauling Chicago's police accountability system and resolving the problem of police misconduct in our communities cannot be achieved with any single policy reform, a blue-ribbon task force, or even a federal investigation. However, creating a Police Auditor with the power to identify patterns of misconduct and continually address them through reforms is the best step we can take towards establishing real police accountability in Chicago. A Police Auditor is the best hope for systemic change—to create and sustain reforms over the long term and reduce police misconduct year after year.

CHAPTER 2-57 INDEPENDENT POLICE REVIEW AUTHORITY

2-57-010 Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

- (a) **Chief administrator** means the chief administrator of independent police review.
- (b) **Coercion** means the use of express or implied threats of violence that puts a person in immediate fear of the consequences in order to compel that person to act against his or her will.
- (c) **Department** means the Chicago department of police.
- (d) **Police Board** means the police board established by Chapter 2-84 of this code, as amended.
- (e) **Superintendent** means the superintendent of police or his designated representative.
- (f) **Verbal abuse** means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived race, color, sex, religion, national origin, sexual orientation, or gender identity of that person.

2-57-020 Establishment—Composition.

There is hereby established an office of the municipal government to be known as the independent police review authority, which shall include the chief administrator of independent police review and such deputies, assistants and other employees as may be provided for in the annual appropriation ordinance. The offices of the independent police review authority shall be located in a facility outside of the department of police.

2-57-030 Chief Administrator—Appointment as chief administrative authority.

The chief administrator shall be the chief executive officer of the independent police review authority. The chief administrator shall be appointed by the mayor subject to the approval of the city council. The chief administrator shall be responsible for the general management and

control of the independent police review authority and shall have full and complete authority to administer the office in a manner consistent with the ordinances of the city, the laws of the state, and the rules and regulations of the police board. The chief administrator shall be appointed for a term of four years, or until his or her successor is appointed and approved. In the event that the chief administrator does not complete his or her four-year term, the mayor shall, subject to the approval of the city council, appoint a new chief administrator who shall be appointed for a new four-year term.

2-57-040 Chief Administrator—Powers and duties.

In addition to other powers conferred herein, the chief administrator shall have the following powers and duties:

- (a) To receive and register all complaints filed against members of the department;
- (b) To conduct investigations into complaints against members of the department concerning domestic violence, excessive force, coercion, and verbal abuse;
- (c) To conduct investigations into all cases in which a department member discharges his or her firearm, stun gun, or taser in a manner which potentially could strike an individual, even if no allegation of misconduct is made;
- (d) To conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made;
- (e) To review all cases settled by the department of law in which a complaint register was filed against a member of the department, and if, in the opinion of the chief administrator, further investigation is warranted, to conduct such investigation;
- (f) To forward all other complaints filed against members of the department to the department's internal affairs division;
- (g) To conduct investigations in a manner consistent with Article IV of Chapter 2-84, the rules and regulations established by the police board, and all department operating procedures, general orders, collective bargaining agreements, and other applicable laws and regulations;

- (h) To make recommendations to the superintendent concerning the appropriate disciplinary action against members of the department found to be in violation of department rules and regulations;
- (i) To make recommendations to the superintendent, the police board, and the chairman of the city council committee on police and fire concerning revisions in policy and operating procedures to increase the efficiency of the department;
- (j) To request information related to an investigation from any employee or officer of the city;
- (k) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-57-050;
- (l) To address police personnel and community groups on regulations and operations of the independent police review authority; and
- (m) To promulgate rules, regulations and procedures for the conduct of the independent police review authority's investigations consistent with the requirements of collective bargaining agreements, due process of law and equal protection under the law.

Nothing in this chapter shall preclude the chief administrator from referring a complaint or information concerning a member of the department to the appropriate federal, state or local law enforcement authorities.

2-57-050 Subpoena issuance.

The chief administrator, or his or her designee, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of relevant information. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the

subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

2-57-060 Decisions; recommendations.

- (a) If the chief administrator issues a recommendation of discipline against one or more members of the department, the superintendent must respond to such recommendation within 90 days. The response must include a description of any disciplinary action the superintendent has taken with respect to the member in question.
- (b) If the superintendent did not take any disciplinary action, or takes a different disciplinary action than that recommended by the chief administrator, the superintendent must describe the proposed different action and explain the reasons for the different action in the written response. The superintendent's response shall include, but is not limited to, the following reasons for taking a different action:
 - (i) an analysis of the employee's work history, including any prior disciplinary actions, any prior complaints filed against the employee, and/or any prior complimentary history;
 - (ii) the superintendent's professional opinion with regard to the case;
 - (iii) the existence of any lawsuits arising out of the performance of police duties to which the employee has been a named party, and the outcome of such lawsuits, including those in which the employee has been exonerated; and
 - (iv) any evidentiary concerns with regard to the investigation.

This response must be submitted to the chief administrator within the 90-day decision period.

- (c) Within ten business days after the submission of a response letter which proposes less discipline than that recommended by the chief administrator, the superintendent and the chief administrator shall meet to discuss the reasons for the superintendent's actions. If the chief administrator does not concur with regard to the superintendent's reasons for the differing disciplinary action, the chief administrator shall, within five business days, send the superintendent's response, along with the chief administrator's objections, to a separate panel consisting of three persons who shall be designated by the police board from its membership.

The three-member panel shall, within ten business days of receipt, review the superintendent's response and the chief administrator's objections. Upon the request of the three-member panel, the superintendent and the chief administrator may be required to present additional documentation or present oral arguments in support of their positions. If the superintendent's response does not meet its burden of overcoming the chief administrator's recommendation for discipline, in the opinion of the majority of the three-member panel, the recommendation shall be deemed to be accepted by the superintendent. Such members of the panel shall then recuse themselves from any future involvement with such case by the full police board.

- (d) No action of the superintendent which proposes to take less discipline than that recommended by the chief administrator shall be valid until the provisions of subsection (c) of this section are followed.
- (e) If the officer fails to respond to the recommendation within the 10-day decision period, such recommendation shall be deemed to be accepted by the officer and be forwarded to the superintendent to impose.
- (f) Nothing in this section shall limit the superintendent's ability to impose any additional discipline than that recommended by the chief administrator.

2-57-070 Investigations not concluded within six months.

If the chief administrator does not conclude an investigation within six months after its initiation, the chief administrator shall notify the mayor's office, the city council committee on police and fire, the complainant, and the employee named in the complaint or his or her counsel of the general nature of the complaint or information giving rise to the investigation and the reasons for failure to complete the investigation within six months.

2-57-080 Cooperation in investigations.

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the chief administrator in any investigation or hearing undertaken pursuant to this chapter. Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

2-57-090 Retaliation prohibited—Penalty.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the chief administrator in the performance of his or her office. Any person who violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation.

2-57-100 Final Summary Reports—Open to public inspection.

All final summary reports of the independent police review authority shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act, collective bargaining agreement, or any other applicable law.

2-57-110 Quarterly reports to legislative and executive branches.

No later than the fifteenth day of January, April, July and October of each year, the chief administrator shall file with the mayor's office, the city council committee on police and fire public safety, the office of the city clerk, and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating: (1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any individual, the number of complaints filed against each police officer in each district since the last report; and (8) the number of complaints referred to other agencies and the identity of such other agencies. Such reports shall be open for public inspection and shall be posted on the city's website.

2-57-120 Chief Administrator—Conditions for removal from office.

Prior to serving a complete term, the chief administrator may be removed only for cause and in accordance with the provisions of this section. The mayor shall give written notice (a) to the city council of his intent to remove the chief administrator; and (b) to the chief administrator of the cause of his intended removal. Within ten days after receipt of the notice, the chief administrator may file with the city council a request for hearing on the cause for removal. If no such request is made within ten days, the chief administrator shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If

such a request is made, the city council shall convene a hearing on the cause for removal of the chief administrator, at which the chief administrator may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and conclude within 14 days thereafter. The mayor's notice of intended removal shall constitute the charge against the chief administrator. Removal of the chief administrator for cause after the hearing shall require the affirmative vote of a majority of the members of the city council.

2-57-130 Obstructing or interfering with investigations—Penalty.

No person shall wilfully refuse to comply with a subpoena issued by the chief administrator, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of the independent police review authority. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

2-57-140 Violation—Penalty—Discharge or other discipline.

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

2-57-150 Rules and regulations.

The chief administrator is authorized to adopt such rules, regulations and procedures as he or she may deem expedient for the proper administration and enforcement of the provisions of this chapter.

2-57-160 Public policy.

The public policy of this chapter is to make certain that complaints concerning police misconduct and abuse are resolved fairly and timely. All collective bargaining agreements must be in accord with this policy.

COMMUNITY RENEWAL SOCIETY PROPOSED ORDINANCE

THE FAIR COPS ORDINANCE

Freedom through Accountability, Investigation and Reform for Community Oversight of Policing Services

Chapter 2-XX

POLICE AUDITOR OFFICE

2-XX-010 Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

- (a) **Chief auditor** means the chief auditor of the police auditor office.
- (b) **Chief executive** means the superintendent of the department, the chief administrator of the independent police review authority, or the president of the police board.
- (c) **Department** means the Chicago department of police.
- (d) **Police Board** means the police board established by Chapter 2-84 of this code, as amended.
- (e) **Superintendent** means the superintendent of police or his designated representative.
- (f) **Independent contractor** means the Police Assessment Resource Center, a registered 501(c)(3) organization.
- (g) **Discipline matrix** means a standardized matrix which stipulates the minimum and maximum allowed disciplinary action for officer misconduct based on the type and level of misconduct as well as any mitigating or aggravating factors.

2-XX-020 Establishment—Composition.

There is hereby established an office of the municipal government to be known as the police auditor office, which shall include the chief auditor of the police auditor office and such deputies, assistants and other employees as may be required to implement the powers and duties stated herein. The appropriations available to pay for the expenses of the police auditor office each fiscal year shall not be less than one percent (1.0%) of the annual appropriation of the department, and the police auditor office must have at least one full-time employee for every 250 sworn officers in the department. The offices of the police auditor shall be located in a facility outside of the department and the independent police review authority, and the police auditor shall maintain full administrative rights to an electronic database that is independent from any such databases used by the department, the independent police review authority, and the police board. The employees of the police auditor office shall not be current or former employees of the department, the independent police review authority, or the police board.

2-XX-030 Chief Auditor—Appointment as chief auditing authority.

The chief auditor shall be the chief executive officer of the police auditor office. The chief auditor shall be appointed by the independent contractor and approved by the city council. The chief auditor shall be responsible for the general management and control of the police auditor office and shall have full and complete authority to administer the office in a manner consistent with the ordinances of the city and the laws of the state. The chief auditor shall be appointed for a five year term. In the event that the chief auditor cannot complete his or her term or is removed from the office, the independent contractor shall appoint a new chief auditor for a new, full five year term. A chief auditor may be reappointed to a new term after completing a five year term. The chief auditor shall not be a current or former employee of the department, the independent police review authority, or the police board.

2-XX-040 Chief Auditor—Powers and duties.

In addition to other powers conferred herein, the chief auditor shall have the following powers and duties as they pertain to the auditing and investigation of the department, the independent police review authority, and the police board:

- a. review department policies and practices to determine compliance with state, federal, and municipal codes and statutes;
- b. audit compliance with department policies, procedures, and directives;
- c. audit the performance recognition system, the personnel concerns program, the

- behavioral intervention system, the non-disciplinary intervention program, and any other officer intervention or discipline program;
- d. analyze policing trends and patterns, including but not limited to: officer use of force; officer-involved shootings; registered complaints against officers; and racial, ethnic, gender, sexuality, or geographic biases in policing;
 - e. propose specific recommendations to the department, the independent police review authority, and the police board concerning changes to policies, procedures, practices, directives, training, and equipment to create greater efficiency, fairness, and transparency in policing services and oversight;
 - f. for recommendations that have been implemented, perform an audit of the affected agency at least six months but not more than 18 months after the implementation of the recommendation to ensure compliance and measure effectiveness; perform subsequent audits as necessary;
 - g. analyze investigations conducted by the independent police review authority and the department's internal affairs division to determine whether they are timely, professional, unbiased, complete, and thorough, and whether recommended dispositions are supported by the preponderance of the evidence;
 - h. review all investigations into officer-involved shootings, unnecessary or excessive force, racial/ethnic bias, and extraordinary occurrences;
 - i. collect and analyze all sustained findings and the discipline recommended or imposed by the independent police review authority, the police board, or the department's internal affairs division to assess disciplinary trends and to determine whether discipline is consistently applied, fair, and within the guidelines of the disciplinary matrix, and to determine whether final disciplinary decisions are being executed as resolved;
 - j. require the independent police review authority to revise a recommendation for discipline to adhere to the standards of the discipline matrix as necessary;
 - k. refer a complaint or information concerning a member of the department to the appropriate federal, state or local law enforcement authorities for prosecution of a criminal offense;
 - l. review the discipline matrix in use by the independent police review authority and the police board to determine whether disciplinary guidelines for each type and level of misconduct are appropriate;
 - m. audit the citizen complaint process, including but not limited to: procedures by which

the department and the independent police review authority publicize complaint-filing process; procedures by which the independent police review authority receives complaints; procedures by which the department's internal affairs division and the independent police review authority register and classify complaints; the thoroughness of the preliminary investigations of the independent police review authority prior to obtaining a sworn affidavit, if one is required by law; and analyzing patterns of complaints;

- n. require the independent police review authority or the department's internal affairs division to change a complaint classification or further investigate a complaint or notification as necessary, including the power to recommend that an investigation of a specific police incident be initiated;
- o. conduct an investigation into the complaint history and general conduct, including the department's performance recognition system, of any officer who has received a disproportionate number of complaints and submit the results of the investigation to the independent police review authority or the police board for consideration in any open investigations of the officer, recommend the officer for the behavioral intervention system, and/or recommend the officer for the personnel concerns program;
- p. review all documents, including all depositions, in any civil suit pertaining to alleged police misconduct that resulted in a settlement, judgment, or resulted in a trial of any kind; review all filings in civil actions that do not result in a judgment, settlement, or trial; require the independent police review authority or the department's internal affairs division to initiate an investigation of cases, whether or not a complaint has been filed, in which there is objective verifiable evidence of potential police misconduct; and determine if any changes to policy, training, or supervision could decrease the city's liability for police misconduct;
- q. review data on contact cards collected after stops, searches, and detentions to verify that all required data is reported, there are valid legal reasons for stops, searches, and detentions, and officers issue receipts to all civilians as required by law;
- r. review tactical response reports, arrest reports, and any other police reports deemed necessary for review;

- s. audit video footage from police body-worn cameras and police car dashboard cameras to ensure that all city ordinances and state laws are followed and all violations evidenced in video footage are properly investigated; and
- t. audit policies and practices of the police board, including but not limited to: findings, reports, and disciplinary determinations of the police board.

2-XX-050 Subpoena issuance.

The chief auditor, or his or her designee, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of relevant information. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas. A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

2-XX-060 Policy recommendations.

The police auditor has the authority to make recommendations to the department, the independent police review authority, and the police board for changes in policies, procedures, practices, directives, training, and equipment to improve police services and accountability. The chief auditor must submit a written recommendation to the city council committee on public safety and the chief executive of the appropriate agency based upon the substance of the recommendation: the department, the independent police review authority, or the police board. The recommendation shall be published in a publicly accessible area of the police auditor's website within 5 business days. Upon receipt of the recommendation, the chief executive of the corresponding agency must issue a written response to the police auditor within 30 days stating whether the agency will accept and implement the recommendation. If the chief executive chooses to accept the recommendation, the agency must submit a written plan, including a timetable, which fully implements the recommendation within 120 days of original receipt. The written plan shall be published in a publicly accessible area of the police auditor's website within 5 business days of receipt. If the chief executive chooses not to implement the policy recommendation, he or she must submit to the city council committee on public safety and the chief auditor, in writing, the reason for rejecting the recommendation.

The written reason shall be published in a publicly accessible area of the police auditor's website within 5 business days. Upon receipt of the written response of rejection, the chair of the committee on public safety must schedule a public hearing on the police auditor's policy recommendation within 30 days, unless the police auditor notifies the chair of the committee on public safety that the recommendation is rescinded. The hearing will be open to public and must be publicized by the city no less than 14 days before the hearing. The hearing may include testimony from civilians, representatives of the police auditor office, and representatives of the agency that rejected the recommendation. Upon conclusion of the hearing, the committee on public safety must vote on whether to require implementation of the police auditor's policy recommendation at their next scheduled committee meeting. In every case, if the affected agency refuses or otherwise fails to implement an accepted or upheld policy within 120 days, the affected agency shall be fined \$20,000 per day until the policy is implemented.

2-XX-070 Cooperation in investigations.

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the chief auditor in any investigation or hearing undertaken pursuant to this chapter. Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter. Each department's premises, equipment, personnel, books, records, and papers shall be made available immediately upon request to the police auditor without charge. The police auditor will have unfettered access to all documents, audio recordings, video recordings, and any other data or records necessary to perform the duties stated herein. Upon request, the chief executive of the department, the independent police review authority, or the police board shall meet with the chief auditor within a reasonable amount of time.

2-XX-080 Retaliation prohibited—Penalty.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the chief auditor in the performance of his or her office. Any person who violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation.

2-XX-go Reports—Open to public inspection.

The following reports that must be published at least annually include but are not limited to:

- a) **Body Cameras:** Review videos from department body-worn cameras and any related reports.
- b) **Contact Cards:** Review department contact cards for compliance with all state laws, city ordinances, and department directives, and to identify any patterns of racial, ethnic, geographic, or other disparity.
- c) **Citizen Complaints:** Review filed complaints to verify correct registration and categorization of complaints, and to identify any patterns or trends in complaints received.
- d) **Misconduct Investigations:** Review investigations, findings, and disciplinary determinations from the independent police review authority and the department's internal affairs division for compliance with all state laws, city ordinances, and department directives, and to identify any patterns of racial, ethnic, geographic, or other disparity.
- e) **Police Board:** Review policies, procedures, findings, reports, and disciplinary determinations of the police board.
- f) **Police Reports:** Review police reports by crime type to validate original and final crime type coding.
- g) **Arrest Reports:** Review arrest reports by crime type to examine for probable cause.
- h) **Traffic stops:** Review traffic stops reports to identify any racial, ethnic, geographic, or other disparity.
- i) **Domestic Violence and Sexual Assault:** Review calls for police service for domestic violence and sexual assault police event types and analyze how those calls do or do not result in police reports, arrests, and charges. Examine for disparities by race, ethnicity, gender, sexual orientation, geography, or other demographic.
- j) **Use of Force:** Review of department's compliance with use of force policies, patterns in complaints and investigations of use of force incidents, and outcomes of cases for sustained use of force violations.

These reports are intended to provide the public with an audit of compliance with all applicable laws and policy directives, detect instances and patterns of violation or bias, and identify areas in which the chief auditor should recommend reforms to policies or procedures. No reports shall be subject to review by the department or any other agency before publication.

2-XX-100 Transparency.

All reports of the chief auditor office shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act, or any other applicable law. All audits conducted by the police auditor's office shall be released publicly at the time of completion and will be published on the website of the police auditor's office and remain available on the website for at least 10 years from the date of publication. All data sets associated with each audit will be released publicly via publishing on the website of the police auditor's office at the time of the publishing of the audit. The data sets will remain on the website for at least 10 years from the date of publication. All policy recommendations and subsequent records related to these recommendations are open to public inspection and shall be published on the auditor's website at the time of completion and remain on the website for at least 10 years.

2-XX-110 Chief Auditor—Conditions for removal from office.

Prior to serving a complete term, the chief auditor may be removed only for cause and in accordance with the provisions of this section. The independent contractor shall give written notice (a) to the city council of his or her intent to remove the chief auditor; and (b) to the chief auditor of the cause of his or her intended removal. Within ten days after receipt of the notice, the chief auditor may file with the city council a request for hearing on the cause for removal. If no such request is made within ten days, the chief auditor shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the city council shall convene a hearing on the cause for removal of the chief auditor, at which the chief auditor may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and conclude within 14 days thereafter. The independent contractor's notice of intended removal shall constitute the charge against the chief auditor. Removal of the chief auditor for cause after the hearing shall require the affirmative vote of a majority of the members of the city council.

2-XX-120 Obstructing or interfering with investigations—Penalty.

No person shall willfully refuse to comply with a subpoena issued by the chief auditor, or otherwise knowingly interfere with or obstruct an audit authorized by this chapter and conducted by an announced employee of the police auditor office. Any person who willfully violates the provisions of this section shall be subject to a fine of not less than \$1,000.00

and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

2-XX-130 Violation--Penalty—Discharge or other discipline.

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

2-XX-140 Rules and regulations.

The chief auditor is authorized to adopt such rules, regulations and procedures as he or she may deem expedient for the proper administration and enforcement of the provisions of this chapter.

2-XX-150 Public policy.

The public policy of this chapter is to create a system of publicly accountable policing by creating and empowering a police auditor office to audit police records and data for day-to-day compliance with state, city, and departmental codes as well as patterns of misconduct or bias.

Raw Data

At the end of each quarter, IPRA is required by city ordinance to file a public report indicating: “(1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any individual, the number of complaints filed against each police officer in each district since the last report; and (8) the number of complaints referred to other agencies and the identity of such other agencies.”¹

The same municipal code also requires IPRA to produce “final summary reports” available for public inspection. IPRA has interpreted this requirement to mean that—for all investigations with a sustained finding—the agency provides a written summary of the allegation(s) of misconduct against an officer, the finding(s) of IPRA’s investigation, and any recommendation for discipline made by IPRA. Similarly, the Police Board is required to publish copies of all charges filed against officers with the Police Board as well as the final decision for each case. All data pertaining to IPRA and Police Board cases in this report is limited to the analysis of these publicly available documents.

Research Methodology

IPRA reports to have sustained 655 cases of police misconduct dating back to the agency’s inception in September of 2007.² However, IPRA has only published 649 abstracts for sustained cases, so this report will work from the assumption that IPRA has in fact only sustained 649 cases of police misconduct. And since IPRA’s quarterly reports do not include a breakdown of the sustained cases, the only way to analyze the sustained cases in any systematic way is to read the final summary reports one-by-one and record data on the type of misconduct being sustained in each investigation and any disciplinary recommendation made by IPRA. Because IPRA has not consistently categorized its cases, any process of categorizing sustained

1 Chapter 2-57-110 of the Chicago Municipal Code.

2 This total covers the period of September 2007-June 2015.

cases will be, to some degree, subjective. However, the following methodology is an attempt to be as objective as possible. Reviewing all 649 sustained cases, each was placed within one of five broad categories: (1) Excessive Force and Verbal Abuse; (2) Weapons Violations; (3) Off-Duty Misconduct; (4) Inattention to Duty; and (5) Intra-departmental Incidents. The most straightforward cases involve a single allegation against a single officer, or multiple allegations against a single officer within the same category of misconduct.

However, it should be said that some cases are more complicated. For instance, a single investigation (identified by its C.R. number) may include multiple allegations against a single officer that fall under more than one category of misconduct. In other cases, there multiple officers accused of misconduct in the same category. And still yet, other cases in which there are multiple officers with multiple allegations of misconduct in different categories. In any case in which there are multiple allegations (whether against a single officer or multiple officers), IPRA may sustain some of the allegations and not others.

In an effort to simplify this very complicated set of raw data, this report follows a few simple rules. First, each C.R.—regardless of how many sustained findings it contains—is assigned to only one category of misconduct. Second, the most egregious sustained finding is used to determine the appropriate category. For example, if in a single C.R. allegations were sustained against Officer A for unjustified use of a weapon and an allegation was sustained against Officer B for failing to file a complaint register, the case was categorized as a “Weapons Violation” because the former violation was considered more serious than the latter. To give another example, if a single case included sustained findings against a single officer for using racially biased language and failing to generate a field contact card, that case was categorized as Verbal Abuse.

Finally, this report automatically categorized cases containing either of two specific sustained offenses. First, any sustained case that involved an on-duty or off-duty police officer using unnecessary physical force against a private civilian was automatically categorized as Excessive Force regardless of any other sustained allegations in the same case. Likewise, any sustained case that involved an off-duty domestic incident was automatically placed in Off-Duty Misconduct.

Next is some background on the types of offenses within each of these categories of misconduct, including two examples of typical types of misconduct in each category. The examples are directly quoted excerpts from actual IPRA abstracts.

(1) Excessive Force and Verbal Abuse

This category includes all sustained cases of on-duty and off-duty police officers physically or verbally abusing private civilians. If an officer used unnecessary physical force or verbal abuse against a fellow department member or a private civilian who is personally known to that officer (e.g. a spouse, child, or boyfriend/girlfriend), those offenses are counted in other categories.

Log/C.R. No. 1026439—“IPRA recommended a finding of ‘SUSTAINED’ for the allegations that Officer A pushed the Victim and punched the Victim.”

Log/C.R. No. 1038683—“IPRA recommended a finding of ‘SUSTAINED’ for the allegations that Officer A used racially biased language and engaged in conduct that brought discredit upon the Department.”

(2) Weapons Violations

This category contains any violation of Chicago Police Department policy concerning both lethal and non-lethal weapons, including: accidental discharge of a firearm; accidental discharge of a Taser; discharge of a firearm without justification; discharge of a Taser without justification or proper notification; and unnecessary display of a weapon.

Log/C.R. No. 1032752—“IPRA recommended to ‘SUSTAIN’ the allegation that the accused [officer] was inattentive to duty in that she unintentionally discharged a Taser.”

Log/C.R. No. 1025413—“IPRA recommended to ‘SUSTAIN’ the allegations that Officer A discharged his weapon without justification; failed to report the discharge; provided a false statement to IPRA; and brought discredit upon the Department.”

(3) Off-Duty Misconduct

This category includes all personal misconduct of off-duty police officers—frequently cited as off-duty officers who “engaged in conduct which brought discredit upon the Department.” The most common sustained violation in this category is a domestic incident, including domestic

violence. The next most common is a public disturbance caused by an off-duty officer, often under the influence of drugs or alcohol. This category does not include any sustained cases of an off-duty officer using excessive force against a private civilian who is not related to that officer.

Log/C.R. No. 1032554—“It was alleged that the accused Officer punched his ex-wife, the Victim, struck her multiple times with a chair, choked her, pushed her to the floor multiple times, pulled her by the hair, and grabbed her arm, threatened to kill the Victim and her son, and failed to notify the Department that he was the respondent to an Order of Protection granted on February 5, 2010. Based upon a mediation, the accused officer agreed to accept IPRA’s finding of ‘SUSTAINED’ for all allegations.”

Log/CR No. 1019576—“IPRA recommended to ‘SUSTAIN’ the allegations that [off-duty] Officer A was intoxicated, carried a firearm while intoxicated, engaged in an unjustified verbal altercation with the complainant, unnecessarily displayed his firearm, failed to properly identify himself, failed to secure his firearm, violated a traffic law by driving recklessly and brought discredit upon the Department.”

(4) Inattention to Duty:

This category is, by all measures, the broadest because it captures all procedural violations of police officers. The most common offense in this category is failure to file the proper police reports. These procedural violations span a wide range: failing to generate a field contact card, a Tactical Response Report (TRR), or other police report; failing to initiate a complaint register; violation of standard operating procedure for arrest, custody, or Administrative Notice of Violation (ANOV); using department resources for personal gain; and other various violations of department directives. Some of the less frequent cases of misconduct that fall in this category are: “Extraordinary Occurrences” (when injury or death occurs to someone in police custody); improper handling of evidence; improper execution of a search warrant; and lying on a police report and/or in an IPRA investigation.

Log/C.R. No. 1029189—“IPRA recommended to ‘SUSTAIN’ the allegation that the accused Officer failed to complete a Tactical Response Report (TRR) documenting his use of force during the arrest of the complainant.”

Log/C.R. No. 1008640—“IPRA recommended to ‘SUSTAIN’ the allegation that Lieutenant A improperly executed a search warrant.”

(5) Intra-departmental Incidents:

This category includes all sustained cases that involve a conflict between two or more members of the Chicago Police Department. The most common cases involve physical or verbal altercations between officers. None of these cases involve private civilians.

Log/C.R. No. 1015651—“IPRA recommended to ‘SUSTAIN’ the allegations that Officer A punched Detective B in the face and by his overall actions brought discredit on the department.”

Log No. / C.R. No. 1003995—“A Chicago Police Department detention aide was allegedly involved in a physical altercation with and made disparaging remarks about a fellow department member... IPRA recommended to ‘SUSTAIN’ the allegations...against the accused member.

