

2017 ANNUAL REPORT CHICAGO POLICE BOARD



MESSAGE FROM THE PRESIDENT

Dear Chicagoans:

In 2017, Chicago continued to experience heightened civic awareness about all aspects of policing, oversight, and accountability. Arising from continued civic demands, reform efforts continued which were aimed at restoring trust between the police and the communities they serve, investment within the Chicago Police Department (“CPD”) on training and accountability, and substantial changes to organizations and existing policies and procedures to create better accountability and transparency. The Police Board is one of several organizations responsible for maintaining the integrity of the police disciplinary system in Chicago. The Police Board continues to play a unique role in promoting that trust in Chicago, and I am pleased to present our report as to the Board’s activities in 2017.

OUR DUTIES

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

Think of the Police Board like a court. The Police Board has jurisdiction over cases once charges are filed on behalf of the Superintendent of Police. Once a case is filed, a primary responsibility of the Police Board is to decide allegations of serious misconduct made against members of the Chicago Police Department. It is important to remember that the Board itself is not an investigatory body, but evaluates cases that were investigated in the first instance by either the CPD’s Bureau of Internal Affairs (“BIA”) or the COPA. These cases range from highly visible charges of police-involved shootings or other allegations of excessive force, to less visible, yet still quite important, other allegations of wrongdoing. As an impartial decision-maker, the role of the Board, like that of a court of law, is to undertake a thorough review of each case and render a fair, unbiased decision. You will find in the following pages detailed information and statistics on the Board’s decisions in 2017 on disciplinary matters brought before it.

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

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

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

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

Sincerely,

Lori E. Lightfoot
President
Chicago Police Board



MEMBERS OF THE POLICE BOARD

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



LORI E. LIGHTFOOT
PRESIDENT

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



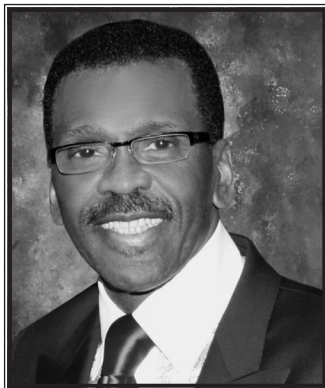
GHIAN FOREMAN
VICE PRESIDENT

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



EVA-DINA DELGADO

Manager, Local Government and Community Relations, Peoples Gas & North Shore Gas
Joined Board on June 22, 2016
Current Term Expires on August 10, 2022



REV. MICHAEL EADDY

Pastor, People's Church of the Harvest
Joined Board on February 5, 2014
Current Term Expires on August 10, 2019



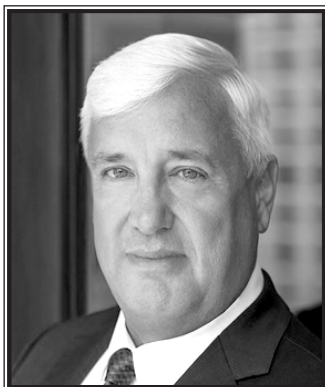
STEVE FLORES

Partner, Winston & Strawn LLP
Joined Board on November 1, 2016
Current Term Expires on August 10, 2022



JOHN P. O'MALLEY JR.

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



JOHN H. SIMPSON

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



RHODA D. SWEENEY

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



ANDREA L. ZOPP

President and CEO, World Business Chicago
Joined Board on November 21, 2017
Current Term Expires on August 10, 2022

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

POWERS AND RESPONSIBILITIES

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

The Police Board:

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



DISCIPLINARY MATTERS

Summary of the Disciplinary Process

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

In October 2016 the City Council passed and the Mayor signed an ordinance creating the Civilian Office of Police Accountability (COPA), which was established to replace the Independent Police Review Authority (IPRA). The transition from IPRA to COPA took effect on September 15, 2017. COPA, CPD, and the Police Board have different roles. The responsibility to receive complaints of alleged misconduct by sworn officers rests with COPA (any member of the public who has a complaint about the conduct of a Chicago police officer should file it with COPA—go to ChicagoCOPA.org for more information). Depending on the nature of the allegations, either COPA or CPD investigates the complaint; in certain instances, the complaint is referred for investigation to the City’s Office of Inspector General (OIG).

At the conclusion of an investigation, and once the Superintendent files charges, the Police Board’s role is to decide those disciplinary matters that are brought to the Board. The Board’s statutory mandate is to act as an administrative court; that mandate does not include independent investigation of complaints lodged by citizens or department members. The Board can take action only after the Superintendent of Police files charges against an officer with the Board.

1. A Complaint is Received and Investigated

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

Once a complaint is received, an investigation is initiated. COPA is responsible for conducting investigations into allegations of the following types of misconduct:

- use of excessive force,
- domestic violence,
- coercion,
- bias-based verbal abuse,
- improper search or seizure of either individuals or property, and
- unlawful denial of access to counsel.

COPA also investigates certain incidents even if no allegations of misconduct have been made, including all incidents where: (a) a CPD member discharges a firearm in a manner that could potentially strike someone, or discharges a stun gun or taser in a manner that results in death or serious bodily injury; and (b) a person dies or sustains a serious bodily injury while detained or

in police custody, or as a result of police actions.

All complaints concerning types of alleged misconduct other than those within COPA’s jurisdiction are referred to CPD’s Bureau of Internal Affairs (BIA) for investigation.

2. Decision Regarding Disciplinary Action

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

The Superintendent must respond to a disciplinary recommendation from COPA within 60 days (this deadline may be extended by an additional 30 days). If the Superintendent proposes less discipline than COPA, the Superintendent and the Chief Administrator of COPA must meet to discuss the matter. If the Chief Administrator does not concur with the Superintendent’s reasons for the differing disciplinary action, the Chief Administrator shall refer the matter to one member of the Police Board.

The reviewing Board member shall then resolve the disagreement between the Chief Administrator and the Superintendent. If, in the opinion of the reviewing member, the Superintendent’s response does not meet its burden of overcoming the Chief Administrator’s recommendation for discipline, the recommendation shall be deemed to be accepted by the Superintendent. The reviewing member must recuse her/himself from any future involvement with such case by the full Police Board.

3. The Police Board’s Role

Think of the Police Board like a court. The Police Board’s role in the disciplinary process is to decide whether the charges brought against an officer are supported by sufficient evidence, and if so, to determine the severity of the discipline that may be imposed against an officer. Whether a case comes to the Police Board depends on the seriousness of the potential discipline recommended:

Discharge Cases. In order to discharge a sworn officer from the Chicago Police Department, the Superintendent must file with the Board charges against the officer. The Board will then hold an evidentiary hearing, which is similar to a trial in court. The Board conducts a fair and impartial disciplinary hearing with the Superintendent and the accused officer. Both sides can present evidence and cross-examine witnesses, and the hearings are open to the public. The typical case begins with opening statements. The Superintendent’s case against the officer is presented first. The officer, usually represented by an attorney, may then present evidence in defense and mitigation. Each party may call

and examine witnesses (the Board has its own subpoena power to ensure the presence of witnesses). Hearsay evidence is not admissible. Following the officer’s case, the Superintendent’s attorney has an opportunity to offer rebuttal evidence. The hearing concludes with closing arguments.

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

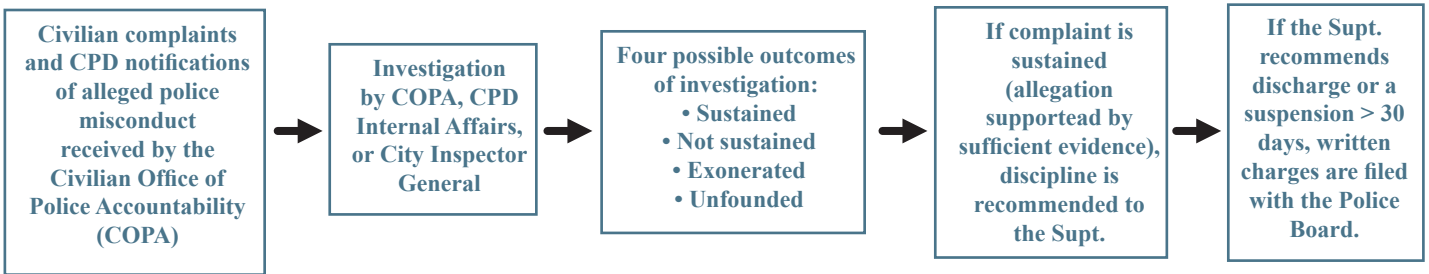
filed). The Board publicly votes on the case at one of its monthly meetings. The written decision is posted on the Board’s website.

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

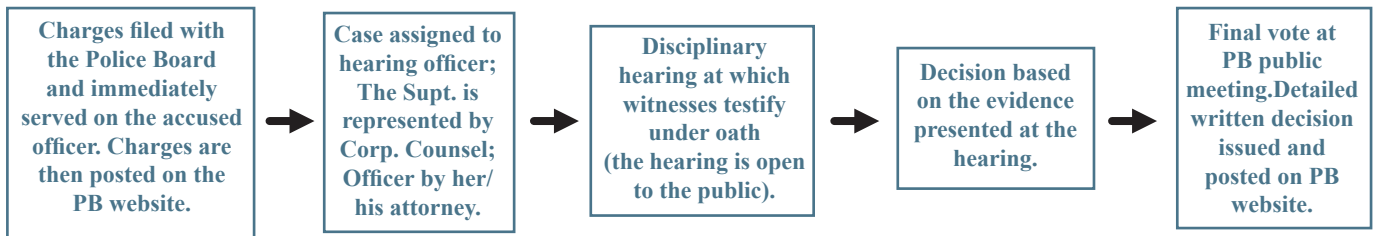
In order to suspend an officer of the rank of sergeant or above for a period of greater than 30 days, the Superintendent must file written charges, and the Board will then hold an evidentiary hearing, as described above.

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

How does a case reach the Police Board?



How does the Police Board decide cases?



Reviews of Disciplinary Recommendations Under the COPA Ordinance

As noted above, when the Chief Administrator of the COPA and the Superintendent of Police do not concur regarding discipline of a Department member, the Chief Administrator shall refer the matter to one member of the Police Board. (Prior to 2017, these matters were reviewed by a panel of three members of the Board.) The reviewing member shall then resolve the disagreement between the Chief Administrator and the Superintendent, as follows:

- If, in the opinion of the reviewing member, the Superintendent's response does not meet its burden of overcoming the Chief Administrator's recommendation for discipline, the Chief

Administrator's recommendation shall be deemed to be accepted by the Superintendent.

- If, in the opinion of the Reviewing Member, the Superintendent met the burden to overcome the Chief Administrator's recommendation for discipline, the Superintendent's response shall be implemented.

In 2017, the Chief Administrator referred for review disputes (instances in which there was a disagreement between the IPRA/ COPA and the Superintendent) involving 7 officers. The table below shows the outcomes of reviews over the past five years.

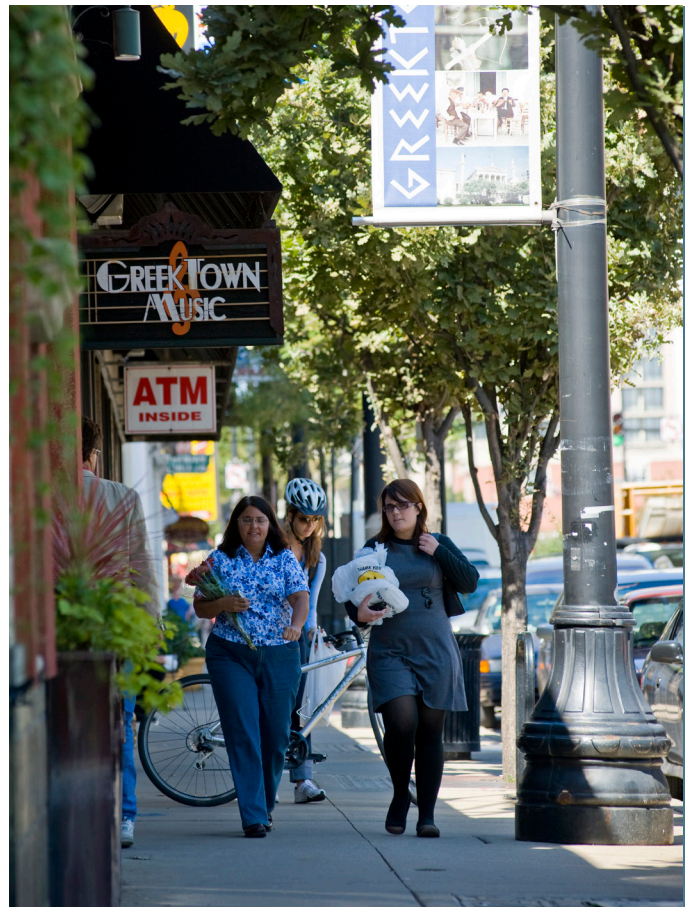
	Reviewing member(s) found for Chief Administrator	Reviewing member(s) found for Superintendent	Total
2013	6	5	11
2014	1	0	1
2015	0	0	0
2016	7	0	7
2017	6	1	7
Total	20	6	26
	76.9%	23.1%	100.0%

Discharge Cases

Cases Filed by the Superintendent

In 2017, the Superintendent filed charges against 16 sworn officers recommending that the officers be discharged from the CPD. The table below shows the data on charges filed over the past five years, broken out by the agency that conducted the investigation.

Discharge Cases Filed				
# of officers charged by the Superintendent				
Year	IPRA/COPA	BIA	OIG	TOTAL
2013	3	11	0	14
2014	6	23	0	29
2015	4	13	0	17
2016	7	11	6	24
2017	8	8	0	16
Total	28	66	6	100



Discharge Cases Decided by the Police Board

In 2017, the Police Board decided cases involving 13 officers that the Superintendent recommended be discharged from the Chicago Police Department, as shown in the table below.

Discharge Cases Decided, 2017	# of Officers				
	Guilty & Discharged	Guilty & Suspended	Not Guilty	Resigned*	Charges WD-Other
Excessive Force--On Duty (IPRA/COPA)	0	0	2	0	0
Other On-Duty Misconduct (IPRA/COPA)	1	0	0	0	0
Domestic Altercation--Off Duty (IPRA/COPA)	1	0	0	1	0
Other Off-Duty Misconduct (IPRA/COPA)	2	0	0	0	0
Drug/Alcohol Abuse (BIA)	1	0	0	1	1
Bribery/Official Corruption (BIA)	0	0	0	0	0
Commission of a Crime (BIA)	0	0	0	0	0
Conduct Unbecoming--Off Duty (BIA)	0	0	0	0	0
Operation/Personnel Violations (e.g., false reports, medical roll, insubordination, residency) (BIA)	0	0	0	0	3
Other (BIA)	0	0	0	0	0
Total	5	0	2	2	4

**The officer resigned from the CPD prior to a hearing rather than contest the charges, and the charges were therefore withdrawn.*

Over the past five years, the Police Board has decided discharge cases involving 103 officers. See the table below for the outcomes of these cases.

Discharge Cases Decided, 2013-2017			
	# of Officers	% of Cases to a Hearing	% of All Cases
Cases to a Hearing			
Guilty, Discharged	39	50.0%	37.9%
Guilty, Suspended	16	20.5%	15.5%
Guilty, Reprimanded	5	6.4%	4.9%
Not Guilty	17	21.8%	16.5%
Charges Dismissed	1	1.3%	1.0%
<i>Total</i>	<i>78</i>	<i>100.0%</i>	<i>75.7%</i>
Resolved Prior to Hearing			
Resigned from CPD	18		17.5%
Settlement	1		1.0%
Other	6		5.8%
<i>Total</i>	<i>25</i>		<i>24.3%</i>
Grand Total	103		100.0%

Suspension Cases: Greater Than 30 Days

Cases Filed by the Superintendent

In 2017, the Superintendent filed 1 case in which he recommended that a sworn officer be suspended for greater than 30 days. The table below shows the data on charges filed over the past five years, broken out by the agency that conducted the investigation.

Suspension Cases Filed (>30 days)				
# of officers charged by the Superintendent				
Year	IPRA/COPA	BIA	OIG	TOTAL
2013	2	4	0	6
2014	2	3	0	5
2015	1	0	0	1
2016	1	0	1	2
2017	1	0	0	1
Total	7	7	1	15



Cases Decided by the Police Board

In 2017, the Board decided no suspension cases. (Cases filed against three officers in 2016 -2017 are pending the outcome of litigation on the Board's power to hear these cases.)

Over the past five years, the Police Board has decided cases involving 12 officers whom the Superintendent recommended be suspended for greater than 30 days, as detailed in the table below

Suspension Cases (>30 Days) Decided, 2013-2017			
	# of Officers	% of Cases to a Hearing	% of All Cases
Cases to a Hearing			
Guilty, Recommended Penalty	4	57.1%	33.3%
Guilty, Penalty increased to Discharge	1	14.3%	8.3%
Guilty, Penalty Reduced	1	14.3%	8.3%
Not Guilty	1	14.3%	8.3%
<i>Total</i>	<i>7</i>	<i>100.0%</i>	<i>58.3%</i>
Resolved Prior to Hearing			
Resigned from CPD	1		8.3%
Settlement	3		25.0%
Other	1		8.3%
<i>Total</i>	<i>5</i>		<i>41.7%</i>
Grand Total	12		100.0%



Time to Hearing and Decision

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

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

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

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

	Median # of days from filing of charges to first day of hearing	Median # of days from filing of charges to Police Board Decision
Cases decided in 2017	169 (5.6 months)	269 (8.8 months)
Data as of December 31, 2017		

Suspension Cases: 6 Through 30 Days

As noted above, under the current union contracts, which became effective in 2014, sworn officers no longer have the option of requesting Police Board review of a suspension of 30 days or

fewer (except in cases in which the union decides to not advance a police officer's grievance to arbitration). There were no requests filed and no cases decided in 2017.

Appeals of Police Board Decisions

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

- The Illinois Appellate Court affirmed 1 Police Board decision from 2015 (Police Board Case No. 15 PB 2881, Holland).
- The Circuit Court of Cook County affirmed 1 Police Board decision from 2016 (Police Board Case No. 15 PB 2886, Gutierrez).

The sections below provide data on suits in administrative review during 2017, and also historical data on appeals filed since 2013. As noted above, a particular case may be reviewed at several levels; in addition, court rulings may cause the Board to issue more than one decision in the same case. The data on court decisions in the sections below pertain to final court decisions regarding the Board's original decision. (A court decision is considered final when the time limit for filing an appeal has expired and no appeal has been filed.)

In 2017, 4 Police Board decisions were appealed to the Circuit Court of Cook County (all by the accused officers); all 4 of these cases were pending as of December 31, 2017. In addition, 2 Circuit Court decisions were appealed to the Illinois Appellate Court (both by the accused officers); both of these cases were pending as of December 31, 2017.

Courts issued final decisions regarding 2 Police Board decisions in 2017:



Appeals Filed Since January 1, 2013					
PB Decisions Upheld*	%Upheld	PB Decisions Reversed	%Reversed	PB Cases Pending Final Court Decision**	Total PB Decisions Appealed
31	83.8%	6	16.2%	10	47
<i>*Police Board decision affirmed or appeal dismissed.</i>					
<i>**Cases (1) currently before a court, or (2) for which the time limit for appealing a court decision has not yet expired</i>					
<i>Data as of December 31, 2017.</i>					

SUPERINTENDENT SELECTION

The Board participates in the selection of the Superintendent of Police by reviewing applications, conducting interviews, and

nominating three candidates for consideration by the Mayor. There was no vacancy in the position during 2017.

OUTREACH ACTIVITIES

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

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

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

PERSONNEL & ADMINISTRATION

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

The Police Board's budget is proposed by the Mayor and approved by the City Council as part of the annual appropriation ordinance. The appropriation was \$473,644 for 2017.



A high-angle photograph of the Chicago skyline. The Willis Tower is the central focus, surrounded by other skyscrapers like the Aon Center and the Chicago Board of Trade Building. The sky is blue with scattered white clouds. A semi-transparent white box with a thin black border is overlaid on the right side of the image, containing contact information.

For further information please contact:

Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602
312-742-4194
ChicagoPoliceBoard.org