

2018 ANNUAL REPORT
CHICAGO POLICE BOARD



MESSAGE FROM THE PRESIDENT

As 2018 comes to a close, we are in the midst of a period of great change in policing in Chicago, with increased attention to the importance of police-community relations for effectively fighting crime, the consent decree on police reform, and negotiating new contracts with the unions representing officers of all ranks. During this time of change, the values of impartiality, transparency, and accountability are more important than ever. The Police Board furthers these important values in the way the Board decides the most serious police disciplinary cases—those in which the Superintendent of Police files charges recommending that an officer be discharged from the Chicago Police Department—and carries out its other responsibilities. I am pleased to present this report of the Board's work in 2018.

The Board fosters public trust by serving as an impartial decision maker in cases of alleged police misconduct, performing this duty with openness and transparency. 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 decides cases that were investigated in the first instance by either the Civilian Office of Police Accountability or the Chicago Police Department's Bureau of Internal Affairs. These cases range from highly visible charges of police-involved shootings and 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 the evidence in each case and render a fair, unbiased decision. You will find in the following pages detailed information and statistics on the Board's decisions.

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 transparency is that all of the Board's dis-

ciplinary 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 on its website the written Findings and Decision, which includes a detailed explanation of the reasons for the Board's action.

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 Civilian Office of Police Accountability. I strongly encourage you to attend our monthly meetings, for they serve as an important forum for increasing responsiveness to the community's issues of concern.

The members of the Board are a professional and diverse group of Chicagoans who devote an extraordinary amount of time and effort to their public responsibilities. We all live in the City 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,

Ghian Foreman
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.



GHIAN FOREMAN
PRESIDENT

Executive Director, Greater Southwest
Development Corporation
Joined Board on June 30, 2010
Current Term Expires on August 10, 2023



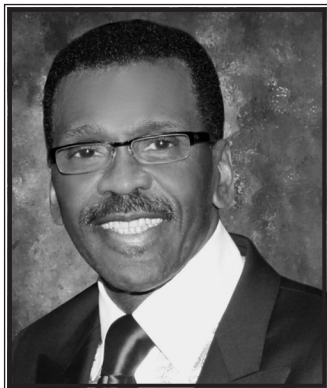
PAULA WOLFF
VICE PRESIDENT

Director, Illinois Justice Project
Joined Board on June 27, 2018
Current Term Expires on August 10, 2019



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, 2023



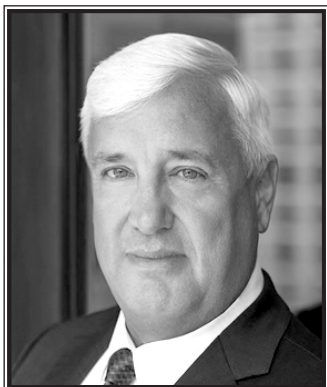
STEVE FLORES

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, 2023



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 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 for 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.

The Civilian Office of Police Accountability (COPA), CPD, and the Police Board have different powers and duties. 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 with the Board charges against an officer.

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 no discipline or 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

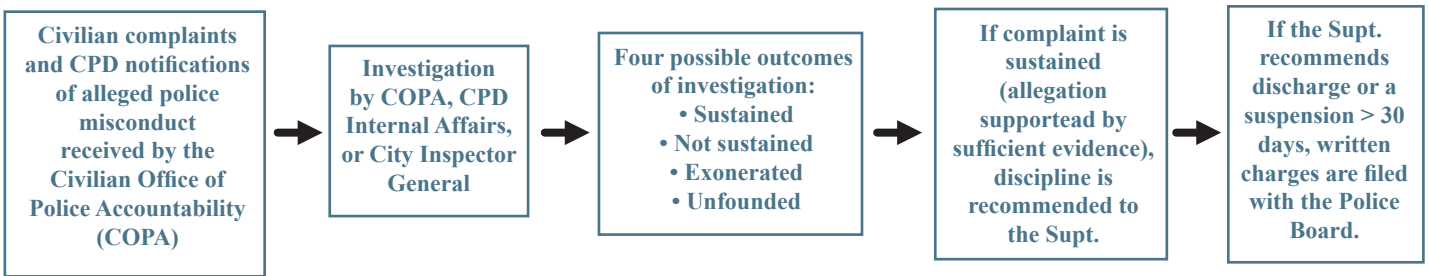
filed). The Board publicly votes on the case at one of its monthly meetings. The written decision is posted on the Board’s website.

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.

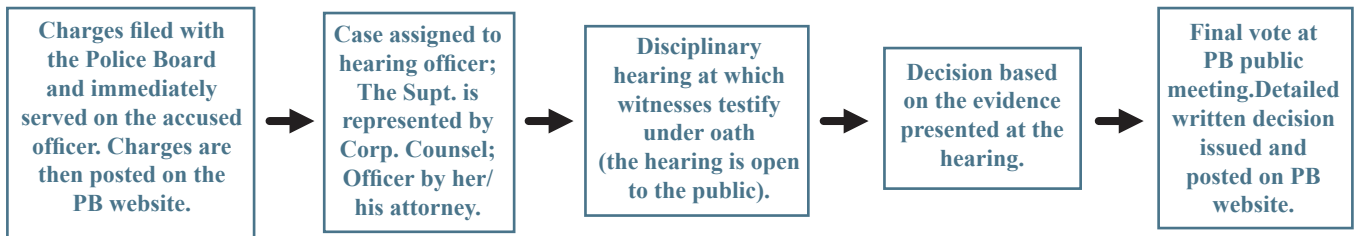
In order to suspend an officer of the rank of sergeant or above for a period of greater than 30 days, the Superintendent must file written charges, and the Board will then hold an evidentiary hearing, as described above.

Under the current union contracts, an officer does not 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).

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 COPA and the Superintendent of Police do not concur regarding discipline of an officer, 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 2018, the Chief Administrator referred for review disputes (instances in which there was a disagreement between COPA and the Superintendent) involving 7 officers. The table below shows the outcomes of reviews over the past five years.

	Reviewing member(s) ruled for Chief Administrator	Reviewing member(s) ruled for Superintendent	Total
2014	1	0	1
2015	0	0	0
2016	7	0	7
2017	6	1	7
2018	2	5	7
Total	16	6	22
	72.7%	27.3%	100.0%

Discharge Cases



Discharge Cases Filed				
# of officers charged by the Superintendent				
Year	IPRA/COPA	BIA	OIG	TOTAL
2014	6	23	0	29
2015	4	13	0	17
2016	7	11	6	24
2017	10	6	0	16
2018	8	5	0	13
Total	35	58	6	99

Discharge Cases Decided by the Police Board

In 2018, the Police Board decided or otherwise disposed of cases involving 18 officers that the Superintendent recommended be discharged from the Chicago Police Department, as shown in the table below.

Discharge Cases Decided, 2018	# of Officers			
	Guilty & Discharged	Guilty & Suspended	Not Guilty or Case Dismissed	Resigned*
Excessive Force--On Duty (COPA)	0	2	1	1
Other On-Duty Misconduct (COPA)	2	2	1	0
Domestic Altercation--Off Duty (COPA)	1	0	0	1
Other Off-Duty Misconduct (COPA)	0	0	0	2
Drug/Alcohol Abuse (BIA)	0	0	0	0
Bribery/Official Corruption (BIA)	0	0	0	0
Commission of a Crime (BIA)	0	0	0	1
Conduct Unbecoming--Off Duty (BIA)	1	0	0	0
Operation/Personnel Violations (e.g., false reports, medical roll, insubordination, residency) (BIA)	1	0	2	0
Other (BIA)	0	0	0	0
Total	5	4	4	5

*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 90 officers. See the table below for the outcomes of these cases.

Discharge Cases Decided, 2014-2018			
	# of Officers	% of Cases to a Hearing	% of All Cases
Cases to a Hearing			
Guilty, Discharged	33	51.6%	36.7%
Guilty, Suspended	8	12.5%	8.9%
Guilty, Reprimanded	3	4.7%	3.3%
Not Guilty	18	28.1%	20.0%
Charges Dismissed	2	3.1%	2.2%
<i>Total</i>	<i>64</i>	<i>100.0%</i>	<i>71.1%</i>
Resolved Prior to Hearing			
Resigned from CPD	22		24.4%
Settlement	0		0.0%
Other	4		4.4%
<i>Total</i>	<i>26</i>		<i>28.9%</i>
Grand Total	90		100.0%

Suspension Cases: Greater Than 30 Days

Cases Filed by the Superintendent

In 2018, the Superintendent filed no cases 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
2014	2	3	0	5
2015	1	0	0	1
2016	1	0	1	2
2017	1	0	0	1
2018	0	0	0	0
Total	5	3	1	9



Cases Decided by the Police Board

In 2018, the Board decided no suspension cases. (Cases filed against three sergeants in 2016 -2017 were put on hold pending the outcome of litigation on the Board's power to hear these cases; the Illinois Appellate Court ruled in 2018 that the Board has the exclusive jurisdiction to hear these cases.)

Over the past five years, the Police Board has decided or otherwise disposed of cases involving 11 officers whom the Superintendent recommended be suspended for greater than 30 days, as detailed in the table below.

Suspension Cases (>30 Days) Decided, 2014-2018			
	# of Officers	% of Cases to a Hearing	% of All Cases
Cases to a Hearing			
Guilty, Recommended Penalty	3	50.0%	27.3%
Guilty, Penalty increased to Discharge	1	16.7%	9.1%
Guilty, Penalty Reduced	1	16.7%	9.1%
Not Guilty	1	16.7%	9.1%
<i>Total</i>	6	100.0%	54.5%
Resolved Prior to Hearing			
Resigned from CPD	1		9.1%
Settlement	3		27.3%
Other	1		9.1%
<i>Total</i>	5		45.5%
Grand Total	11		100.0%

Amount of Time to Bring Charges and Decide Cases

As noted above, once a complaint of alleged misconduct is received, it is investigated by COPA or BIA and then reviewed by the Superintendent. If the recommended discipline falls within the jurisdiction of the Police Board, the Superintendent files charges with the Board. The Board will then hold an evidentiary hearing and decide the case.

The table below presents data on the average amount of time it takes to bring charges and to decide cases. The information below is for the 10 cases that the Board decided in 2018 (three of these cases each involved charges against two officers).

POLICE BOARD CASES DECIDED IN 2018				
	Median # of Days Investigation by IPRA/COPA (6 cases)	Mean # of Days Investigation by IPRA/COPA (6 cases)	Median # of Days Investigation by BIA (4 cases)	Mean # of Days Investigation by BIA (4 cases)
Investigation and Review				
From date of incident to filing of charges with Police Board	1630 (4.5 years)	1969 (5.4 years)	1374 (3.8 years)	2036 (5.6 years)
From date complaint received to filing of charges with Police Board	1565 (4.3 years)	1943 (5.3 years)	1373 (3.8 years)	2031 (5.6 years)
Police Board				
From filing of charges with Police Board to 1st day of PB hearing	213 (7.0 months)	226 (7.4 months)	236 (7.8 months)	238 (7.8 months)
From filing of charges with Police Board to PB decision	331 (10.9 months)	334 (11.0 months)	284 (9.3 months)	303 (10.0 months)
Entire Process				
From date of incident to Police Board decision	1961 (5.4 years)	2303 (6.3 years)	1696 (4.6 years)	2339 (6.4 years)
From date complaint received to Police Board decision	1896 (5.2 years)	2278 (6.2 years)	1695 (4.6 years)	2334 (6.4 years)

Suspension Cases: 6 Through 30 Days

As noted above, under the current union contracts, which became effective in 2014, sworn officers do not 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 2018.

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.

In 2018, 3 Police Board decisions were appealed to the Circuit Court of Cook County (all by the accused officers); 2 of these cases were pending as of December 31, 2018. In addition, 3 Circuit Court decisions were appealed to the Illinois Appellate Court (all by the accused officers); 1 of these cases was pending as of December 31, 2018.

The sections below provide data on suits in administrative review during 2018, and also historical data on appeals filed since 2014. 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.)

Courts issued final decisions regarding 9 Police Board decisions in 2018:

- The Illinois Appellate Court upheld 4 Police Board decisions and reversed 1.
- The Circuit Court of Cook County affirmed 4 Police Board decisions.

Appeals Filed Since January 1, 2014					
PB Decisions Upheld*	% Upheld	PB Decisions Reversed	% Reversed	PB Cases Pending Final Court Decision**	Total PB Decisions Appealed
30	88.2%	4	11.8%	3	37
<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, 2018.</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 2018.

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 \$473,519 for 2018.



An aerial photograph of the Chicago skyline at sunset. The sun is low on the horizon, casting a golden glow on the glass facades of several skyscrapers. The Willis Tower is visible in the background. The foreground shows a street with cars and a building with a prominent 'SS' logo.

For further information please contact:

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