

2014 ANNUAL REPORT

CHICAGO POLICE BOARD

Rahm Emanuel, Mayor
Demetrius E. Carney, President



MESSAGE FROM THE PRESIDENT

Ladies and Gentlemen:

The events during 2014 in Ferguson, New York City, Cleveland, and throughout the country underscore the importance of trust between the police and the public they protect and serve. The Police Board plays a unique role in promoting that trust in Chicago, and I am pleased to present our annual report as to the Board’s activities in 2014.

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 Chicago Police Department and the Independent Police Review Authority.

A primary responsibility of the Police Board is to decide cases involving allegations of serious misconduct made against members of the Chicago Police Department.

These cases range from highly visible charges of excessive force to less visible, yet still quite important, allegations of wrongdoing. As an impartial decision-maker, the role of the Board, like that of a court of law, is to undertake a thorough review of each case and render a fair, unbiased decision. You will find in the following pages detailed information and statistics on the Board’s decisions in 2014 disciplinary matters.

To ensure that the Board is accountable to all stakeholders, transparency is a high priority throughout the disciplinary process.

A list of cases currently before the Board, which includes a brief description of the case and when it is scheduled for hearing, appears on our website at chicagopoliceboard.org. All of the Board’s disciplinary hearings, like trials in court, are open to the public. After the Board decides a case, its Finding and Decision, which includes a detailed explanation of the reasons for the Board’s decision, is posted on our website.

In addition, the Board takes final action on all cases at its monthly public meeting, where each Board member’s vote is announced and recorded.

In addition to deciding disciplinary cases, the Board plays a vital role in enhancing police-community relations.

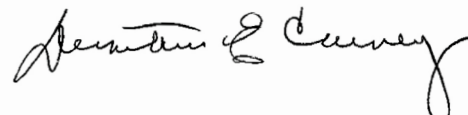
At its monthly meetings, the Board provides an opportunity for members of the public to engage in dialogue with the Board, the Superintendent of Police, and the Chief Administrator of the Independent Police Review Authority. I strongly encourage you to attend our monthly meetings, for they serve as an important forum for increasing responsiveness by the CPD and IPRA to the community’s issues of concern.

The members of the Board are a professional and diverse group of Chicago residents who devote an extraordinary amount of time and effort to their public responsibilities.

In February of 2014, the Board welcomed two new members: Rev. Michael Eaddy and Rhoda Sweeney. Mayor Rahm Emanuel made these appointments following the retirements of Scott Davis and Rev. Johnny Miller, whom I thank for their many years of distinguished service.

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 effective and professional police protection and service.

Sincerely,



Demetrius E. Carney
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. The following Board members served during 2014.



DEMETRIUS E. CARNEY
PRESIDENT

Partner, Bryan Cave LLP



GHIAN FOREMAN
VICE PRESIDENT

Partner, Maktub Development LLC



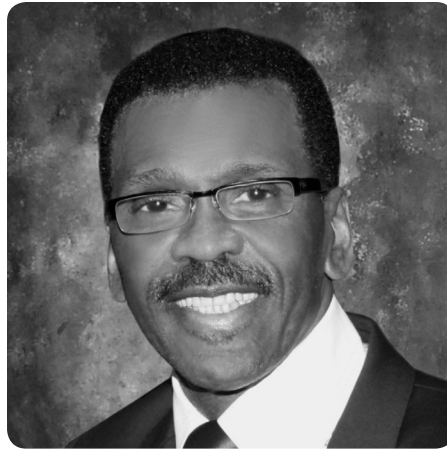
MELISSA M. BALLATE

President, Blue Daring, Inc.



WILLIAM F. CONLON

Partner, Sidley Austin LLP



REV. MICHAEL EADDY

Pastor, People's Church of the Harvest



RITA A. FRY

President, RAF Consulting, Inc.



SUSAN L. MCKEEVER

Principal, Law Firm of Susan L. McKeever



ELISA RODRIGUEZ

Partner, Rodriguez & Flores-Szeto LLC



RHODA D. SWEENEY

Judge, Cook County Circuit Ct. (Ret.)

POWERS AND RESPONSIBILITIES

WHAT IS THE POLICE BOARD?

The Police Board is an independent civilian body that oversees certain activities of the Chicago Police Department.

The Board derives its authority from city ordinance and state law, and its primary powers and responsibilities are listed below.

THE POLICE BOARD:

- **Decides disciplinary cases** when the Superintendent of Police files charges to discharge a sworn officer from the Police Department, or to suspend an officer for more than 30 days.
- **Decides matters regarding the discipline of an officer** in which the Chief Administrator of the Independent Police Review Authority and the Superintendent of Police do not concur.
- **Considers applications, conducts interviews, and submits three candidates for Police Superintendent** to the Mayor 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 Independent Police Review Authority (or his designee) also attend these meetings.



DISCIPLINARY MATTERS

Summary of the Disciplinary Process

The Independent Police Review Authority (IPRA), the Police Department, and the Police Board have different roles.

The responsibility to receive complaints of alleged misconduct by sworn officers rests with IPRA. Depending on the nature of the allegations, either IPRA or the Police Department will investigate the complaint.

The Board cannot on its own reach out and investigate or hold a disciplinary hearing against an officer suspected of misconduct. The Board can take action only after the Superintendent of Police files with the Board charges against an officer.

The Police Board’s role is to decide those disciplinary matters that are brought to the Board. Below is a summary of the disciplinary process for sworn officers who have completed the normal probationary period of 18 months.

1 COMPLAINT IS RECEIVED AND INVESTIGATED

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

Once a complaint is received, an investigation is initiated.

IPRA is directly responsible for conducting investigations into allegations of the use of excessive force, police shootings where an officer discharges his/her weapon and strikes someone, deaths in custody, domestic violence, verbal abuse including bias and coercion. IPRA also investigates allegations of off-duty misconduct relating to excessive force and weapon discharge incidents. All complaints concerning types of alleged misconduct other than those within IPRA’s jurisdiction are referred to the Police Department’s Bureau of Internal Affairs (BIA) for investigation.

More detailed information about the process is available at chicagopoliceboard.org

2 DECISION REGARDING DISCIPLINARY ACTION

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

The Superintendent must respond to a disciplinary recommendation from IPRA within 90 days.

If the Superintendent proposes less discipline than IPRA, the Superintendent and the Chief Administrator of IPRA must meet to discuss the matter. If the Chief Administrator does not concur with the Superintendent’s reasons for the differing disciplinary action, the Chief Administrator shall refer the matter to a separate panel consisting of three Police Board members.

The three-member panel shall then review the matter.

If the panel determines that the Superintendent’s response does not meet its burden of overcoming the Chief Administrator’s recommendation for discipline, the recommendation shall be deemed to be accepted by the Superintendent. There was one such case in 2014. The three members of the panel must recuse themselves from any future involvement with such case by the full Police Board.

DISCIPLINARY MATTERS

Summary of the Disciplinary Process

THE POLICE BOARD'S ROLE

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

DISCHARGE CASES

In order to discharge a sworn officer from the Chicago Police Department, the Superintendent must file with the Board charges against the officer.

The Board will then hold an evidentiary hearing, which is similar to a trial in court.

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

Once the hearing is completed, the Board decides whether the officer is guilty of one or more of the charges.

The Superintendent has the burden to prove the case by a preponderance of the evidence (a less rigorous standard than the beyond-a-reasonable-doubt standard used in criminal cases).

If the Board finds the officer guilty of one or more charges, it determines the penalty after considering the officer's complimentary and disciplinary histories. The penalty may be discharge or a lesser penalty (in certain types of cases the Board may attach conditions to a suspension, such as treatment for alcohol abuse or domestic violence).

If the Board finds the officer not guilty of all charges, the officer is restored to duty and awarded back-pay for the time served under suspension (the officer is ordinarily suspended without pay when the charges are filed).

SUSPENSION CASES

If the Superintendent suspends an officer below the rank of sergeant for a period from 31 days through one year, the officer has the right to request review by the Board.

If a timely request is made, the Superintendent is to file written charges against the officer, and the Board will then hold an evidentiary hearing, as described above.

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

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

BOARD DECISIONS

The Board takes final action on each case at a public meeting. The Board then issues a written decision, which is sent to the Superintendent and the officer. Each written decision is posted on the Board's website within ten business days, as required by the Municipal Code.

More detailed information about the process is available at chicagopoliceboard.org

DISCHARGE CASES

In 2014, the **Superintendent filed charges against 29 sworn officers** (21 police officers, 5 detectives, 2 sergeants, and 1 lieutenant). The table below presents data on cases decided by the Board in 2014 (some of these cases were filed prior to 2014). All of these cases involved charges filed against sworn officers (16 police officers, 4 detectives, 1 sergeant, and 1 lieutenant).

DISCHARGE CASES DECIDED: JAN 1 – DEC 31, 2014

Primary allegation (investigation)	Guilty & Discharged	Suspended or Reprimanded	Not Guilty	Case Dismissed	Resigned*
Excessive Force-On Duty (IPRA)	0	1	0	0	0
Other On-Duty Misconduct (IPRA)	0	0	0	0	0
Domestic Altercation-Off Duty (IPRA)	0	0	0	0	0
Other Off-Duty Misconduct (IPRA)	2	0	0	0	0
Drug/Alcohol Abuse (BIA)	0	1	3	0	1
Bribery/Official Corruption (BIA)	0	0	0	0	0
Commission of a Crime (BIA)	1	0	1	1	2
Conduct Unbecoming-Off Duty (BIA)	0	1	0	0	0
Operation/Personnel Violations	3	0	2	0	2
Other (BIA)	0	1	0	0	0
Total	6	4	6	1	5

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

SUSPENSION CASES: GREATER THAN 30 DAYS

In 2014, the Superintendent filed 5 cases in which he recommended a suspension of greater than 30 days. The table below presents data on cases decided by the Board in 2014 (some of these cases were filed prior to 2014). All of these cases involved charges filed against sworn officers (7 police officers and 1 sergeant).

SUSPENSION CASES (>30 DAYS) DECIDED: JAN 1 - DEC 31, 2014

Primary allegation (investigation)	Guilty & Recommended Penalty	Guilty & Penalty Inc to Discharge	Guilty & Lesser Penalty	Not Guilty	Charges Withdrawn*
Excessive Force-On Duty (IPRA)	0	0	0	0	0
Other On-Duty Misconduct (IPRA)	2	0	0	0	0
Domestic Altercation-Off Duty (IPRA)	0	0	0	0	0
Other Off-Duty Misconduct (IPRA)	0	0	0	0	0
Drug/Alcohol Abuse (BIA)	0	0	0	0	3
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	2
Operation/Personnel Violations	0	1	0	0	0
Other (BIA)	0	0	0	0	0
Total	2	1	0	0	5

*The Superintendent moved to withdraw the charges (for example, because the parties settled the case).

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 number of days from filing of charges to first day of hearing

Median number of days from filing of charges to Police Board decision

Cases filed in 2013 & 2014

131 (4.3 months)

198 (6.5 months)

Data as of December 31, 2014



SUSPENSION CASES: 6 THROUGH 30 DAYS

Until recently, if the Superintendent ordered a suspension of 6 through 30 days, the suspended officer had the option to request a Police Board review of the suspension. Under the current union contracts, an officer no longer has this option (except in cases in which the union decides to not advance a police officer's grievance to arbitration).

The Board received 18 requests for review in 2014 (from 17 police officers and 1 detective). The table below presents data on cases decided by the Board in 2014 (some of these cases were filed prior to 2014). All of these cases involved charges filed against sworn officers (21 police officers and 1 detective).

SUSPENSION CASES (6-30 DAYS) DECIDED: JAN 1 – DEC 31, 2014

Primary allegation (investigation)	Sustained Full Penalty	Sustained Penalty Reduced	Not Sustained Penalty Reversed
Excessive Force-On Duty (IPRA)	1	0	1
Other On-Duty Misconduct (IPRA)	6	2	0
Domestic Altercation-Off Duty (IPRA)	1	0	0
Other Off-Duty Misconduct (IPRA)	3	0	1
Drug/Alcohol Abuse (BIA)	0	0	0
Bribery/Official Corruption (BIA)	0	0	0
Commission of a Crime (BIA)	0	0	0
Conduct Unbecoming-Off Duty (BIA)	0	1	0
Operation/Personnel Violations	2	3	0
Other (BIA)	0	1	0
Total	13	7	2

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 first section below provides data on suits in administrative review during 2014. The second section provides historical data on appeals filed in the past five years. 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 tables below pertain to **final** court decisions regarding the Board's **original** decision.

In 2014, 8 Police Board decisions were appealed to the Circuit Court of Cook County
(3 by the Superintendent and 5 by the accused officer)

In addition, 5 Circuit Court decisions were appealed to the Illinois Appellate Court (1 by the Superintendent and 4 by the accused officer). Courts issued final decisions regarding 11 Police Board decisions in 2014 (some of these cases were appealed prior to 2014).

Of these 11 decisions:

- The Circuit Court of Cook County affirmed 6 of the Board's decisions, and the Illinois Appellate Court affirmed 1 of the Board's decisions (after an earlier reversal by the Circuit Court). None of these court decisions was appealed.
- In 2 cases, the Circuit Court reversed the Board's decision to discharge an officer and ordered it to impose a penalty less than discharge, and the Superintendent did not appeal the lesser penalty. In 1 case, the Circuit Court reversed the Board's decision to discharge an officer, and the Superintendent did not pursue an appeal. In 1 case, the Board discharged an officer, the Circuit Court's ordered the Board to impose a penalty less than discharge, and the Appellate Court affirmed the Board's order imposing a penalty less than discharge (the Superintendent did not appeal to the Appellate Court the Board's original decision to discharge the officer).

APPEALS FILED SINCE JANUARY 1, 2010

*Cases (1) currently before a court, or (2) for which the time limit for appealing a court decision has not yet expired.

Data as of December 31, 2014

PB Decisions Upheld	% Upheld	PB Decisions Reversed	% Reversed	PB Cases Pending Final Court Decision*	Total PB Decisions Appealed
23	85.2%	4	14.8%	16	43

As of December 31, 2014, courts issued final decisions regarding 27 Police Board decisions appealed since January 1, 2010. Of these 27 decisions:

- The Circuit Court of Cook County affirmed 17 of the Board's decisions, and the Illinois Appellate Court affirmed 4 of the Board's decisions; in addition, the Circuit Court dismissed 2 appeals, leaving the Board's original decision to stand. None of these court decisions was appealed.
- See above for information on the 4 Police Board decisions reversed by a court.

GENERAL INFORMATION

PERSONNEL

Executive Director Max A. Caproni serves as the Board's Secretary and manages the day-to-day operations of the Board. The Executive Director of the Board meets with members of the community and the Police Department to provide information on the Board's operations and the disciplinary process. Carisa A. Boatman serves as Supervising Clerk. The Board's three hearing officers, experienced attorneys who preside over disciplinary hearings, continued to serve the Board on an hourly basis during 2014.

BUDGET

The Police Board's budget is proposed by the Mayor and approved by the City Council as part of the annual appropriation ordinance. The 2014 appropriation was \$434,083.

ACTIVITIES

The Board holds monthly public meetings at Chicago Public Safety Headquarters, 3510 South Michigan Avenue.

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

CONTACT INFORMATION

Chicago Police Board

30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

312.742.4194

chicagopoliceboard.org

