

THE CHICAGO JUSTICE PROJECT

CHICAGO POLICE BOARD
A Ten-Year Analysis





The Chicago Justice Project is an independent organization with the core mission of increasing public access to justice-related information, based on the guiding principle that access to accurate information is the foundation of any meaningful reform to the criminal justice system.

CHICAGO POLICE BOARD A 10-Year Analysis

TRACY SISKA, MA

Chicago Justice Project
Executive Director

SHERIE ARRIAZOLA

Chicago Justice Project
Research Assistant

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Executive Summary

The Chicago Police Board (Board) plays a vital role in the accountability systems in place for disciplining Chicago Police Officers in line with the established rules governing their conduct. Mutual trust between communities relies on how accountability mechanisms within and external to the Department operate. Citizen oversight of the Chicago Police Department plays an important role in giving citizens a voice in how their communities are policed. An important piece of that oversight must include transparency in the operations of the civilian oversight agencies. Transparency must be more than a slogan; it needs to be part of how the agencies operate. Community members need to see that officers whose actions are in violation of accepted rules of conduct are disciplined in line with Department policy. Fellow officers need to be assured that the practices are procedurally fair and representative of their larger forces' desires to be free of officers who are not representing the City or the Department with pride and a desire to serve the citizens of Chicago. In short, the accountability mechanisms serve both the citizens of Chicago and the members of the Chicago Police Department.

With this understanding, the Chicago Justice Project (CJP) examined ten years of the Board's decisions in cases for which the Superintendent of the Chicago Police Department sought the termination of either sworn officers or civilian employees.¹ We included the cases involving civilian employees for comparison purposes. Our study covered 310 cases over the course of a ten-year period starting in January 1999 and ending in December 2008.²

This study examines many factors to provide a more holistic view of the role played by the Board. We examine differences in outcomes of cases for which the Superintendent of Police found employee behaviors eligible for termination. Following current protocols for holding civilian employee or sworn officers accountable, either the Commander of the Internal Affairs Division of the Chicago Police Department or the Chief Administrator of the Independent Police Review Authority investigate the case and recommend an amount of discipline that the Superintendent reviews and then agrees with prior to charges being filed with the Board.³ Our study analyzed the following factors related to how the Board operates:

- The rate at which the Board upheld the recommendation of the Superintendent to terminate both sworn officer and civilian employees
- The average length of suspensions
- The length of time it takes a case to proceed through the Board from the time charges are filed until the time the Board renders a decision
- The rate at which the Board returned both the civilian employees and sworn officers to duty without any discipline
- The rate at which the Board produced unanimous decisions
- The effect played by the individual hearing officers, and
- The rate at which board members missed votes.

The review of cases details a startling difference in outcomes experienced between civilian employees and sworn officers. The Board upheld the recommended discipline of the Superintendent for a civilian employee in 73% of the cases. The

¹ Of 310 cases CJP reviewed only 2.3% of those cases were cases for which the Superintendent recommended suspension in lieu of termination. While the Board received charges in 312 cases (two were excluded because a Board member who served on the Board for only a few months of our study time period voted on the cases) only 188 resulted in judgments because individuals resigned prior to the hearings completion.

² Some of the cases reviewed resulted in judgments in 1999 but were filed with Board prior to January 1999. Likewise some cases that were filed in 2008 were not included in our study because they had not come to conclusion.

³ Only 2.3% of the cases analyzed were cases where the Superintendent recommended a suspension of the officer. See results section for a more detailed breakdown of the cases.

Board upheld the recommended discipline for a sworn officer in only 37% of the cases.

An analysis of the 188 cases for which the Board rendered a decision uncovered an additional difference between the rates at which the Board returned either the civilian employee or the sworn officer to duty without any discipline. For civilian employees they returned to work without any discipline in only 4% of the cases for which the Board rendered a decision compared to 20% of the cases involving sworn officers.

The Board is uniquely positioned within the system. Unless there is an appeal by the Superintendent or the officer to the Cook County Circuit Court, the Board's decision is binding on all parties. In their annual reports the Board states that they render their decision on discipline after reviewing the "officer's complimentary and disciplinary histories" (Board, 2008, p. 8). This allows the Board to balance the actions of an officer in a single incident against their work history. This provides the Board greater understanding of the life course of an officer's time with the Chicago Police Department but may also skew their opinion on the seriousness of the repercussions of that officer's actions in that single incident.

A superintendent's recommendations originate with either the Internal Affairs Division or the Independent Police Review Authority and then are reviewed and signed off by the Superintendent of Police. The Board can reverse or lower the amount of discipline against an officer after the recommendation has gone through two layers of oversight prior to reaching the Board. This is a question Superintendent Jody Weis himself raised after taking the job as the Superintendent of Police in February 2008, (Main & Sweeney, Sun-Times, 2008). We raise the same question here because after our analysis we believe their needs to be serious discussion of why this power still resides with the Board. We support civilian oversight in the police accountability system. But looking at the numbers generated in our analysis, it is hard to see how the Board serves the public's interests by retaining two-thirds of the officers the Superintendent of Police, in agreement with either the Internal Affairs Department or the Independent Police Review Authority, is trying to fire.

The Board does not produce written decisions to explain their rulings. This is a very important limitation to how the Board currently operates. Even if an individual could get access to the Board's decisions (currently it takes the filing of a request under Illinois' Freedom of Information Act), it is impossible to determine if the dissenting voters are voting to increase or decrease the discipline being handed down by the Board. This is due to the three possible outcomes for each case including termination, suspension (and possible treatment), and returning the individual to work without any discipline. In our analysis we determined there was differential results related to the rate at which the Board reached unanimous decisions. The Board reached unanimous decisions in 89% of the cases involving civilian employees but just 58% of the cases involving sworn officers.

During the 10 years of our study the appropriations for the Board have remained remarkably stagnate. From a high in 2008 of \$474,868 to a low in 2004 of \$398,964 the budget really has not fluctuated to any great degree. For the ten years of our study, the Board averaged a yearly appropriation of \$422,703. To enhance the transparency and operations of the Board, the Chicago City Counsel may need to reassess how the appropriations of the Board are determined.

Starting in 1999, coinciding with the first year of our study, the Board started issuing what they term as stipends to Board Members. The President of the Board and the other Board Members received the following payments for their work:

1999	Board Members: \$10,000	Board President: \$15,000
2000	Board Members: \$10,000	Board President: \$15,000
2001	Board Members: \$12,500	Board President: \$17,500
2002	Board Members: \$12,500	Board President: \$17,500
2003	Board Members: \$12,500	Board President: \$17,500
2004	Board Members: \$12,500	Board President: \$17,500
2005	Board Members: \$12,500	Board President: \$17,500
2006	Board Members: \$12,500	Board President: \$17,500
2007	Board Members: \$12,500	Board President: \$17,500
2008	Board Members: \$15,000	Board President: \$25,000

CJP believes the labeling of these payments as stipends misrepresents their purpose and leaves the public with the idea that these payments are small figures to cover out of pocket expenses for Board Members. For too many Chicagoans these figures represent a year's wages and should be labeled as such by the Board. Also, labeling them wages would demonstrate that the citizens of Chicago are expecting the Board Members to take their responsibilities as Board Members as serious as they would take any other type of employment they have engaged in.

The results of this study reveal numbers that indicate that the Board's operation could improve with greater public access to their operations. Data from criminal justice agencies needs to be made available to the public in as efficient a manner as possible to allow citizens to learn about the patterns and practices of our agencies. Currently, the Board maintains a policy that requires citizens to file a request under the Illinois Freedom of Information Act to acquire copies of Board case records. This policy is not a legal requirement and as such should be scraped, as it is antiquated and burdensome to the public.

Based on the findings presented here and others included in our report the Chicago Justice Project has five recommendations that we believe would greatly increase the transparency with which the Board operates and allow the citizens of Chicago and members of the Chicago Police Department the access they need to have confidence in the Board's rulings.

CJP'S RECOMMENDATIONS

1. The Chicago City Council should amend the ordinance governing the Chicago Police Board's powers and responsibilities to mandate that all decisions of the Chicago Police Board include a written explanation of both the majority and dissenting votes.
2. The Chicago Police Board should mandate that all documents that are made part of the public record in each case be submitted both in paper and digital format (whenever possible) to facilitate easier posting on the Board's web site.
3. The Chicago City Council should amend the current ordinance establishing the Chicago Police Board and mandate that each board member be allowed to miss no more than 10% of the votes during a single term without prior approval of the Chairman of the Police and Fire Committee of the Chicago City Council.
4. Each year the Chicago Police Board should be required to publish a report containing a summary of each case for which the Chicago Police Board overruled the recommendation of the Superintendent of the Chicago Police Department as well as the reasons associated with that decision. The Report should be submitted to the Superintendent of Police, the Chief Administrator of the Independent Police Review Authority, the Superintendent of the Chicago Police Department, and the Chairman of the Police and Fire Committee of the Chicago City Council. The report should be required to be posted on their web site for public inspection and download by the public no more than two days after it is published.
5. Each year after reviewing the report, the Police and Fire Committee of the Chicago City Council should be mandated to convene a public hearing with the Chicago Police Board about the recent year's work, discuss any legislative changes that need to take place to ensure that their oversight process is working fairly and properly, and take input from the public through questions and statements.

Introduction

The disciplinary process within any agency is a vital component to ensuring proper behavior by its employees. The process utilized by the Chicago Police Department includes internal mechanisms, external agencies, and a process that is governed by a labor contract negotiated every 4 years between the City of Chicago and the Fraternal Order of Police, the union representing the largest group of officers within the Department⁴. Although all parties value an accountable system, the process is often misunderstood. The disciplinary process receives attention only when it fails to achieve its stated goals, thus undermining public and officer support for it. When reporting on the issues surrounding the disciplinary process, journalists lack access to data from the criminal justice system generally and the disciplinary process specifically to put the reporting on this solitary event in the proper context.

This report examines a single agency within the larger disciplinary process, the Chicago Police Board, (Board). The Board is a civilian run city agency that is theoretically positioned to add a civilian voice to the disciplinary process used by the Chicago Police Department. The Chicago Police Board is staffed with two paid professional staff, an executive director and a supervising clerk. The Police Board consists of nine civilians appointed by the Mayor and approved by the City Council. The City Council appropriated \$474,868 for the Board in 2008, (Board).

In recent years the Board has come under media scrutiny for its failure to uphold the Chicago Police Superintendent's recommendation to fire an officer. The Board has the statutory obligation to hold hearings as part of the disciplinary process involving Chicago Police Officers. Upon completion of the hearings, the Board can uphold the recommendation of the Superintendent, reduce the recommendation to a suspension that might include completion of a treatment program on domestic violence for example, or return the officer to duty with back pay.

In an effort to provide citizens and policy makers with greater understanding of the role this agency in the disciplinary process the Chicago Justice Project has taken up a review of ten years of the decisions by the Chicago Police Board. What follows is analysis of these ten years worth of decisions that will provide significant insight into a variety of factors that are involved in how the Board operates.

CHICAGO POLICE BOARD HISTORY

The current Chicago Police Board was created by Mayor Richard J. Daley in the wake of the Summerdale scandal in 1960. The Board was presented to the public as a good government reform effort that would serve as a citizen oversight mechanism for a troubled department. However, the impetus for the Chicago Police Board actually originated with the corporation council's office which sought a legal means by which to appoint Mayor Daley's new police chief, O.W. Wilson. Since Chicago law mandated that the police commissioner be a resident of Chicago for at least one year (which Wilson was not), the corporation council proposed the creation of a Police Board which would be the official head of the police department while a new office, the police superintendent, would replace the commissioner and serve as the day-to-day manager of police operations. The City Council passed the new Chicago ordinance §-113 on March 2, 1960 creating the Chicago Police Board and empowering the Board to "enforce all necessary and desirable rules therefore, and direct the Superintendent of Police in the management of the department," (Knoohuizen, 1973, p. 3). §11-5 also passed on March 2, 1960 placing the superintendent under the "direction" of the Police Board, (Knoohuizen). Soon after its creation, the Daley appointed Board unanimously voted to transfer most of the Board's broad new powers back to the new Superintendent.

⁴ The last two contracts between the City and the Fraternal Order of Police included four-year durations. This is not a requirement and contract durations can vary.

After Wilson lived in Chicago for one year and met the residency requirements of state law the Board had served its intended purpose. To maintain an appearance of civilian input while also providing the mayor with another avenue of control in case Wilson proposed changes that the mayor did not approve, Mayor Daley decided to keep the Chicago Police Board and allow the Board the following powers:

- When a vacancy occurs in the position of the superintendent of police, it shall nominate three candidates to fill the position and submit the nominations to the Mayor.
- Adopt rules and regulations for the governance of the police department of the city.
- Prepare and submit to the budget director of the city the annual budget of the police department.
- Serve as a board to hear disciplinary actions involving officers and civilian employees of the police department in the classified civil service of the city, (Knoohuizen).

The following powers have been added through the years since:

- The Board decides matters in which the Chief Administrator of the Independent Police Review Authority and the Superintendent of Police do not concur regarding the discipline of the Department member.
- The Board performs certain court-ordered duties to monitor compliance with the terms of the federal court consent decree regarding individuals’ First Amendment rights of freedom of expression and association, (Board).⁵

It is the power to serve as a board to hear disciplinary actions that this report focuses on by examining ten years of decisions and charges resulting from the disciplinary actions involving both sworn officers and civilian employees of the Chicago Police Department.

The Board’s Role in the Disciplinary System

The process of disciplining an officer within the Chicago Police Department is a multi-staged multi-agency endeavor. The process can go through as many as three agencies, two of which are now independent of the Chicago Police Department.⁶ For a detailed account of the complaint and disciplinary process please see the following Board document: Allegations of Police Misconduct: A Guide to the Complaint & Disciplinary Process. This document provides a description of the current process that is in place as the process of closing of an internal office within the Chicago Police Department, Office of Professional Standards, and the creation of a new independent agency, the Independent Police Review Authority, in 2007 changed that process.

Complaints from citizens and those generated within the Department are investigated either by the Internal Affairs Division of the Chicago Police Department or by the Independent Police Review Authority. The Independent Police Review Authority investigates complaints stemming from excessive force, domestic violence, coercion through violence, or verbal bias-based abuse. The Internal Affairs Division of the Chicago Police Department investigates all other complaints against officers. If the results of the investigation determine that the allegations should be sustained the office that investigates the complaints makes a recommendation for discipline.⁷ That recommendation is then forwarded to the Superintendent of Police. The Superintendent reviews the file and if he confirms or denies the recommendation for discipline. If the recommendation is for a suspension of more than one year or termination from the Chicago Police Department, the Superintendent must file charges with the Chicago Police Board. Upon receipt of the charges, the Chicago Police starts their role in the process. The Board is uniquely positioned within the system. Without an appeal by the Superintendent or the officer to the Cook County Circuit Court their decision is binding on all parties. In their annual reports the Board states that they render their decisions on discipline after reviewing the “officer’s complimentary and disciplinary histories”, (Board, 2008, p. 8).

⁵ In 2009 the federal court in Chicago lifted the consent decree restrictions that was the basis for the audit conducted by the Chicago Police Board.

⁶ When CJP references an officer in this report (as the Board does in their reports) we are referring to sworn officers under the rank of sergeant who have completed their probationary period. The vast majority of officers with whom the Superintendent filed charges during our study time period were in this category.

⁷ Investigations completed by the Independent Police Review Authority and Internal Affairs Division can result in four possible findings: Sustained: The allegation was supported by sufficient evidence to justify disciplinary action. Not Sustained: The allegation is not supported by sufficient evidence, which could be used to prove or disprove the allegation. Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur. Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful and proper.

Methods

Through the use of the Freedom of Information Act and the cooperation of the Board CJP obtained copies of all decisions handed down by the Board during the time period being reviewed for this study, 1999-2008. In the cases for which no decision was reached, either because the officer or civilian employee resigned or the cases is still ongoing, CJP obtained copies of the charges that were filed by the Superintendent.

In their annual report the Board provides a list of categories, nine, they believe each case falls into. The nine categories are: excessive force on duty, excessive force off duty, domestic altercation, drug/substance abuse, bribery/official misconduct, commission of a crime, conduct unbecoming an officer, operations personnel, violations. CJP reviewed each case to determine under which of the nine categories the charges should be categorized. CJP confirmed that the Board does not have set criteria on paper that would allow anyone to determine how they categorize the charges as they enter the police board.⁸ Differences in categorization are to be expected between how CJP categorized cases and how the Board categorized the same cases over a ten year period that included two different Executive Directors.⁹

Each case was reviewed and the following information was captured for analysis:

- Case number
- Complaint registry number
- Hearing officer
- Officer name
- Star (badge) number
- Employee number
- Rank
- Date charges were filed
- Case resulted in judgment
- Board upheld recommendation
- Charge type
- Discipline sought
- Date of judgment
- Judgment reduced
- Final discipline
- Final judgment
- If and how each of the nine board members votes
- Summary of charges
- Which of the 54 rules were alleged to be broken.¹

Each decision, or set of charges when the case did not result in a decision, was categorized to fit into a set of 9 categories that the Board uses to categorize cases. One issue to note is that for any case that had a Rule 1 violation listed, Commission of a Crime, we listed that case in that category with a few exceptions. Where we could determine that a domestic violence incident occurred we listed that case under that category regardless of whether Rule 1 violation was listed on the charges. This was done to try to capture the number of domestic altercations that came in front of the Board. Unfortunately the charges / decisions were often limited in the amount of details provided about the incident thus CJP believes we under counted the number of domestic altercations that came in front of the Board. The other exception was where a sworn officer or civilian employee failed a drug test or refused to take a drug test. Both of these occurrences were listed under the Alcohol and Drug category.

⁸ Email exchange with Board Executive Director Max Caproni confirmed that the Executive Director based on his/her review upon the charges being received categorizes the cases and that no set criteria exists currently for categorization, April 2, 2009.

⁹ Mark Iris served as Executive Director from March 1984 - November 2004. Max Caproni has served as Executive Director since November 2004.

¹⁰ The Chicago Police Board is empowered to adopt the rules and regulations of the Chicago Police Department. Most of the rules have been in place since the original adopt in 1973. Through the years rules have been altered slightly. The current version of the rules in place can be found in Appendix A of our report.

Results

CJP analyzed cases were decisions were handed down by the Board during the ten year period and as such some charges that were filed prior to 1999 were included as well as charges that had not yet reached a decision during the calendar year of 2008 were excluded from our analysis. Two cases were excluded from our analysis because one of the past board members, Victor Armendariz, voted on those cases and Armendariz was on the Board only until August of 1999. Our original sample consisted of 312 cases and with the exclusion of the two cases involving a prior board member our final sample included 310 cases for which the Superintendent of Police filed charges with the Board against both sworn officers and civilian personnel.

As Table 1 indicates, 80 percent of the complaints were filed against sworn officers and 20 percent were filed against civilian employees. The majority of all complaints involved charges of criminal activity (45.8% of all complaints), followed by drug/substance abuse (14.2%), and operations/personnel violations (13.2%). Charges against sworn and civilian employees were generally similar; however, sworn officers were less likely to be charged with criminal activity than civilian employees (42.7% versus 58.1%) and were the only group charged with excessive use of force off duty (4.0% of charges against sworn officers) and conduct unbecoming an officer (10.1% of charges against sworn officers).

RULE VIOLATIONS

Rule violations were concentrated in just a few areas. The most common rule violation cited was Rule 2, cited in nearly 97 percent of cases. Violations of Rule 1 and Rule 6 were also fairly common, cited in 65 percent of cases and 55 percent of cases, respectively. The only other rules cited in more than 20 percent of cases were Rule 8 (26.8% of cases), Rule 14 (25.8% of cases), and Rule 9 (21.6% of cases). All other rules were cited in less than 10 percent of cases. Moreover, twenty-one rules were not cited in any cases.¹⁰ Sworn officers were more likely to be cited for all rule violations, with the exception of Rule 1: 79 percent of civilian employees were cited with violating Rule 1 compared to 61.9 percent of sworn officers.

CASE OUTCOMES

Case outcomes were also significantly different for sworn officers and civilian employees. Overall, roughly 41 percent of complaints were resolved prior to a judgment by the Board, most of these through resignation of the employee (39.0% of all complaints). Complaints against civilian employees were resolved prior to judgment at a significantly higher rate (59.7%) than complaints against sworn officers (36.7%). In fact, approximately 56 percent of all complaints against civilian employees resulted in the resignation of the employee, compared to just 35 percent of complaints against sworn officers. Thus, the Board rendered judgment in roughly 58 percent of all cases – 63 percent of cases involving sworn officers and 40 percent of cases involving civilian employees.

The Superintendent recommended termination in nearly 98 percent of all complaints filed, recommending termination in 100 percent of cases involving civilian employees and 97 percent of cases involving sworn officers. Of the complaints that were heard by the Board (n=188), the Board agreed with the Superintendent's recommendation just 42 percent of the time. As a result of this incongruity, just 39 percent of Board decisions actually resulted in termination; 43 percent resulted in suspension and 18 percent resulted in the employee returned to duty.

¹⁰ These were Rules 12, 17, 19, 29, 31, 32, 33, 34, 35, 42, 43, 44, 45, 46, 48, 49, 50, 51, 53, 54, 55.

Board disciplinary decisions were starkly different for sworn officers and civilian employees. Of the complaints that were heard by the Board (n=188), the Board agreed with the Superintendent's recommendation in 73 percent of cases involving civilian employees but agreed with the Superintendent's recommendation in just 37 percent of cases involving sworn officers. As a result of these differences, the final discipline imposed was quite different for civilian employees and sworn officers: 73 percent of Board decisions involving civilian employees resulted in termination compared to just 33 percent of decisions involving sworn officers. Just 4 percent of Board decisions involving civilian employees resulted in the employee being returned to duty, compared to over 20 percent of Board decisions involving sworn officers. Most sworn officers (46.3%) granted a hearing by the Board were disciplined through suspension, compared to roughly 23 percent of civilian employees.

UNANIMOUS DECISIONS

Overall, the Board reached a unanimous decision in nearly 63 percent of cases it heard. There was greater unanimity in cases involving civilian employees than in cases involving sworn officers; over 88 percent of the cases involving civilian employees resulted in unanimous decisions by the Board compared to just 58 percent of cases involving sworn officers.

The Board hires lawyers who are paid by the hour to preside over the hearings in much the same role a judge would in a civil or criminal trial. The Board hired three hearing officers during the 10 years of our study. The three hearing officers each administered roughly 33 percent of all cases. These distributions were the same for cases involving sworn officers, with each hearing officer administering roughly 33 percent of cases. Jacqueline Walker heard slightly more cases involving civilian employees (44%) than the other two hearing officers – Thomas Johnson and Michael Berland – who heard 20 percent and 36 percent of the cases involving civilian employees, respectively.

The following sections more closely examine case outcomes for distinct charges and specific hearing officers.

Table 1. Characteristics of Complaints Filed with the Chicago Police Board

	CIVILIAN EMPLOYEES	SWORN OFFICERS	TOTAL CASES
TOTAL COMPLAINTS			
	62	248	310
(Percent of total complaints)	(20%)	(80%)	(100%)
CHARGE			
Excessive use of force on duty	6.5%	6.9%	6.8%
Excessive use of force off duty	—	4.0%	3.2%
Domestic altercation	1.6%	2.0%	1.9%
Drug/substance abuse	14.5%	14.1%	14.2%
Bribery/official misconduct	3.2%	7.7%	6.8%
Commission of a crime	58.1%	42.7%	45.8%
Conduct unbecoming an officer	—	10.1%	8.1%
Operations/personnel violations	16.1%	12.5%	13.2%
RULE VIOLATION			
Rule 1	79.0%	61.9%	65.4%
Rule 2	96.8%	97.2%	97.1%
Rule 6	45.2%	58.3%	55.7%
Rule 8	19.4%	28.7%	26.9%
Rule 9	14.5%	23.5%	21.7%
Rule 14	12.9%	29.1%	25.9%
FINAL CASE OUTCOME			
Employee resigned prior to judgment	56.5%	34.7%	39.0%
Settlement reached prior to judgment	1.6%	2.0%	1.9%
Employee transferred prior to judgment	1.6%	0.0%	0.3%
Judgment by board	40.3%	63.3%	58.8%
SUPERINTENDENT RECOMMENDATION			
Suspension	0.0%	2.8%	2.3%
Termination	100.0%	97.2%	97.7%
BOARD AGREEMENT WITH RECOMMENDATION (for those cases with judgment, n=188)			
Agreed	73.1%	37.0%	42.0%
Disagreed	26.9%	63.0%	58.0%
BOARD DISCIPLINE DECISION (for those cases with judgment, n=188)			
Employee returned to duty	3.8%	20.4%	18.1%
Employee suspended	23.1%	46.3%	43.1%
Employee terminated	73.1%	33.3%	38.8%

Table 1. Characteristics of Complaints Filed with the Chicago Police Board (continued)

	CIVILIAN EMPLOYEES	SWORN OFFICERS	TOTAL CASES
MEAN TIME TO JUDGMENT			
(for those cases with judgment, n=173)	230 days	358 days	341 days
Minimum time to judgment	31 days	99 days	
Maximum time to judgment	538 days	2,010 days	
MEAN LENGTH OF SUSPENSION			
	200 days	444 days	429 days
BOARD DECISION REACHED UNANIMOUSLY			
(for those cases with judgment, n=188)	88.5%	58.4%	62.6%
HEARING OFFICER			
(for those cases with a hearing, n=188)			
Jacqueline Walker	44.0%	32.3%	33.9%
Thomas Johnson	20.0%	34.8%	32.8%
Michael Berland	36.0%	32.9%	33.3%

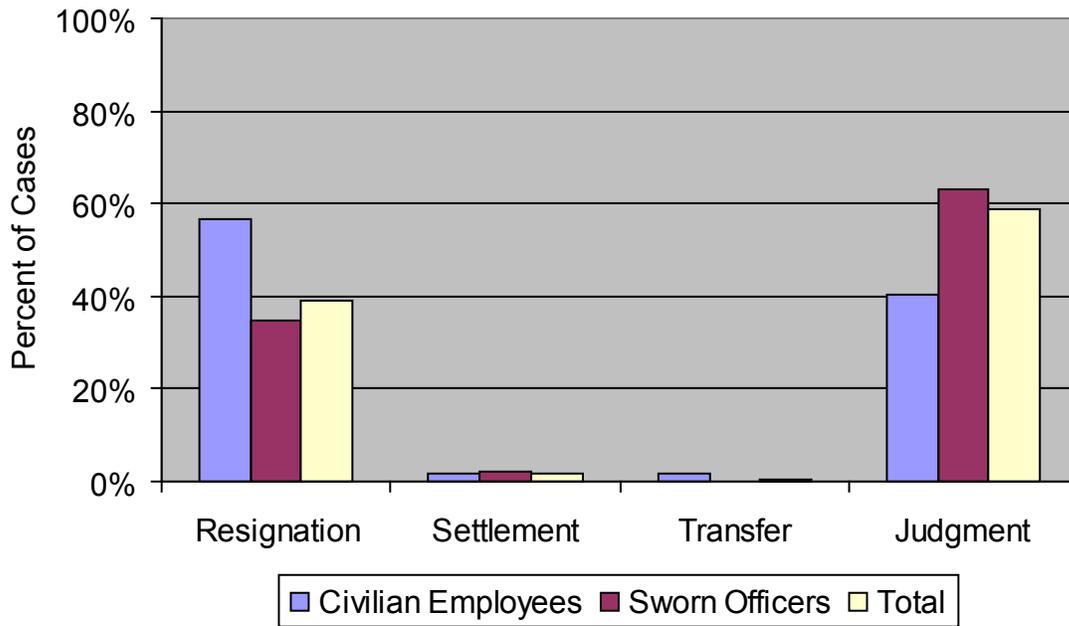


Figure 1. Final Case Outcomes for Cases Filed

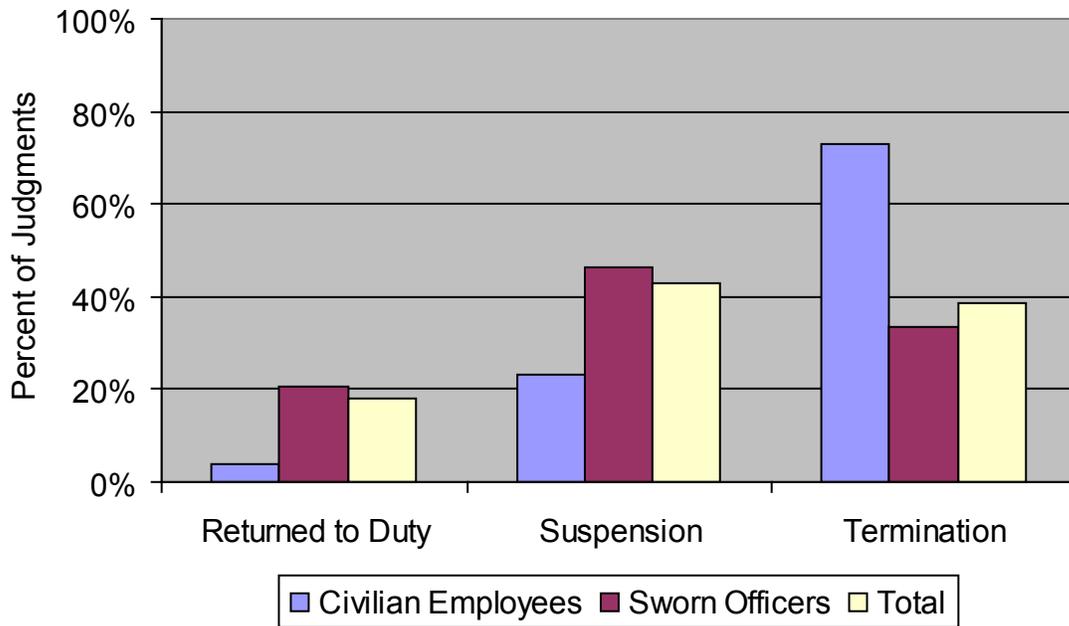


Figure 2. Final Disciplinary Action for Cases Reaching Judgment

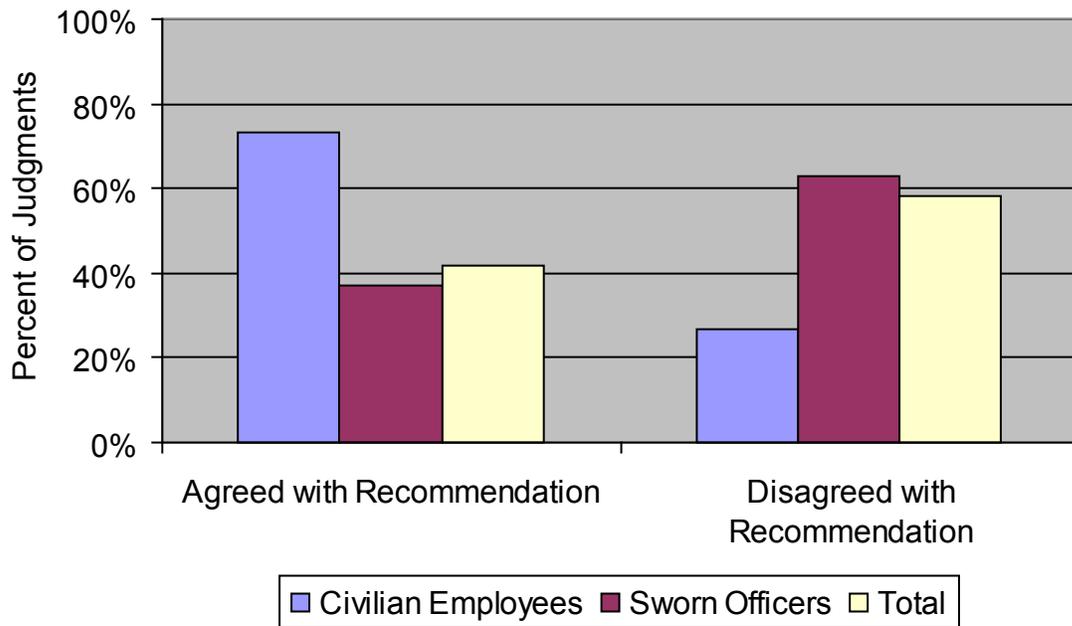


Figure 3. Board Agreement with Superintendent's Recommendation

CASE OUTCOMES BY CHARGE

Table 2 summarizes the Chicago Police Board's decisions for distinct charge types. As Table 2 indicates, case outcomes were significantly different for sworn officers and civilian employees. Overall, roughly 60 percent of complaints against civilian employees were resolved prior to judgment compared to just 37 percent of complaints against sworn officers. Thus, the Board rendered judgment in just 40 percent of cases involving civilian employees and roughly 63 percent of cases involving sworn officers.

The majority of cases against civilian employees were resolved prior to judgment by the board for all charge types. It is difficult to draw many conclusions about cases involving civilian employees because of the small number of cases filed against them. Only two charge types – operations/personnel violations and commission of a crime – had more than ten cases. For the former, 90 percent of the cases were resolved prior to judgment; for the latter, however, just 44 percent of cases were resolved prior to judgment. The rate of resolution prior to judgment for cases involving the commission of a crime was the same for sworn officers – roughly 41 percent of cases against sworn officers involving commission of a crime were resolved prior to judgment. For most other charge types against sworn officers, the rate of resolution was much lower, with the exception of cases involving drug/substance abuse charges; for such cases, 60 percent of cases were resolved prior to judgment.

For cases that reached judgment (n=188), the Board's decisions varied dramatically by charge type. For cases involving the commission of a crime, the Board overruled the Superintendent's recommendation in 33 percent of the cases against civilian employees (this is the only charge with enough cases to evaluate Board decisions involving civilian employees). In contrast, the Board overruled the Superintendent's recommendation in nearly 60 percent of cases against sworn officers involving commission of a crime. The Board overruled the Superintendent's recommendation at a similar rate for cases against sworn officers involving excessive use of force on duty (69.2%), excessive use of force off duty (60.0%), and operations/personnel violations (58.3%). The Board overruled the Superintendent's recommendation at a much higher rate for cases against sworn officers involving bribery/official misconduct (75.0%) and conduct unbecoming an officer (84.2%). Cases against sworn officers involving drug/substance abuse were treated quite differently than other cases – the Board overruled the Superintendent's recommendation in just 36 percent of such cases.

For nearly all charge types, the final judgment imposed by the Board involved suspension or return to duty. The exception was cases involving drug/substance abuse – roughly 64 percent of such judgments involved termination. For only one other offense type – cases involving operations/personnel violations – did the Board impose a judgment of termination in more than 40 percent of the cases. In contrast, nearly 60 percent of decisions involving bribery/official misconduct resulted in a return to duty.

Table 2. Case Outcomes by Charge Type

	TOTAL CHARGES	% RESOLVED PRIOR TO HEARING	TOTAL CHARGES HEARD BY BOARD	% OVERRULING SUPERINTENDENT'S RECOMMENDATIONS
CIVILIAN EMPLOYEES	62	59.7	26	26.9
Excessive use of force on duty	4	50.0%	2	0.0%
Excessive use of force off duty	0	—	0	—
Domestic altercation	1	100.0%	0	—
Drug/substance abuse	9	88.9%	1	0.0%
Bribery/official misconduct	2	50.0%	1	0.0%
Commission of a crime	36	44.5%	21	33.3%
Conduct unbecoming an officer	0	—	0	—
Operations/personnel violations	10	90.0%	1	0.0%
SWORN OFFICERS	248	36.7%	162	63.0%
Excessive use of force on duty	17	23.5%	13	69.2%
Excessive use of force off duty	10	0.0%	10	60.0%
Domestic altercation	5	40.0%	3	100.0%
Drug/substance abuse	35	60.0%	14	35.7%
Bribery/official misconduct	19	36.8%	12	75.0%
Commission of a crime	106	41.5%	67	59.7%
Conduct unbecoming an officer	25	24.0%	19	84.2%
Operations/personnel violations	31	22.6%	24	58.3%

Table 3. Final Disciplinary Action for Cases Reaching Judgment, by Charge Type (Sworn officers only)

	TOTAL JUDGMENTS	% TERMINATED	% SUSPENDED	% RETURNED TO DUTY
SWORN OFFICERS	157	34.4	43.9%	21.7%
Excessive use of force on duty	13	23.1%	53.8%	23.1%
Excessive use of force off duty	10	30.0%	60.0%	10.0%
Domestic altercation	3	0.0%	100.0%	0.0%
Drug/substance abuse	14	64.3%	7.1%	35.7%
Bribery/official misconduct	12	25.0%	16.7%	58.3%
Commission of a crime	62	37.1%	43.5%	19.4%
Conduct unbecoming an officer	19	15.8%	78.9%	5.3%
Operations/personnel violations	24	41.7%	33.3%	25.0%

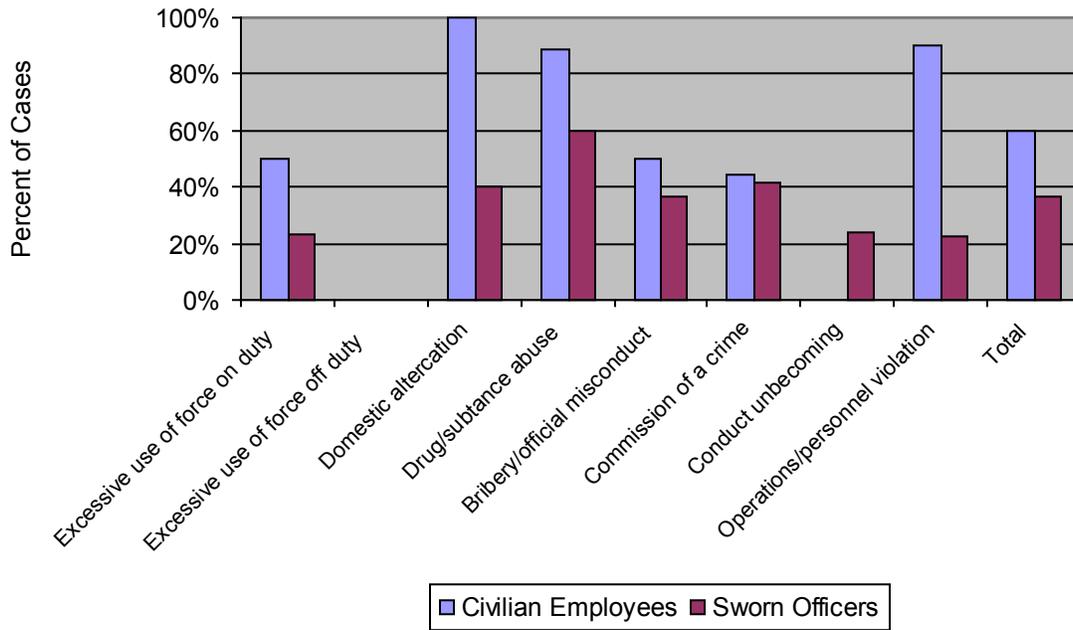


Figure 4. Cases Resolved Prior to a Hearing, by Charge Type

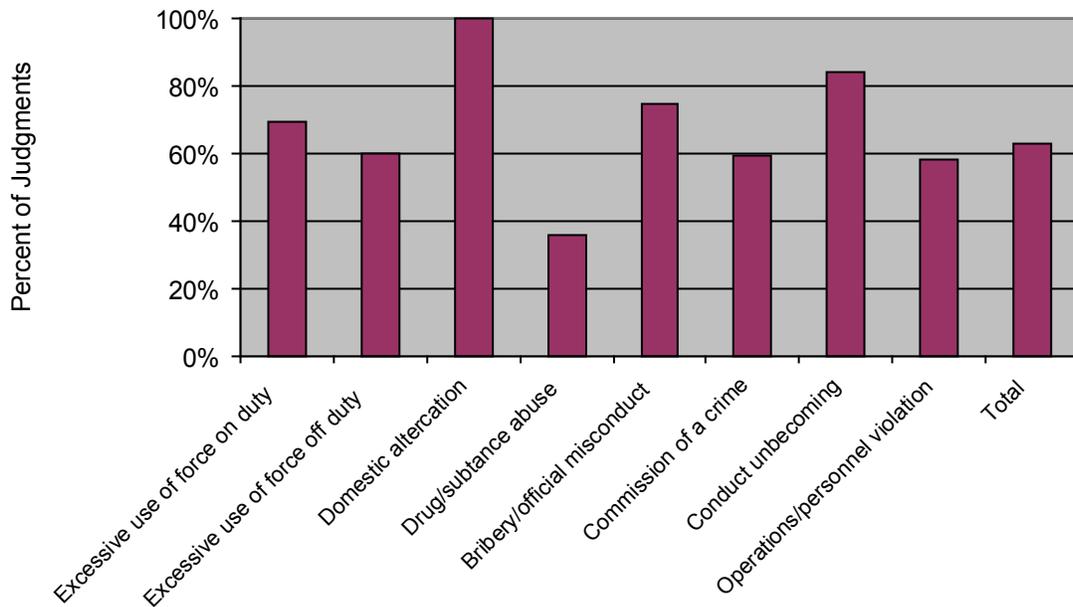


Figure 5. Board Judgments Overruling Superintendent’s Recommendation, by Charge Type (Sworn officers only)

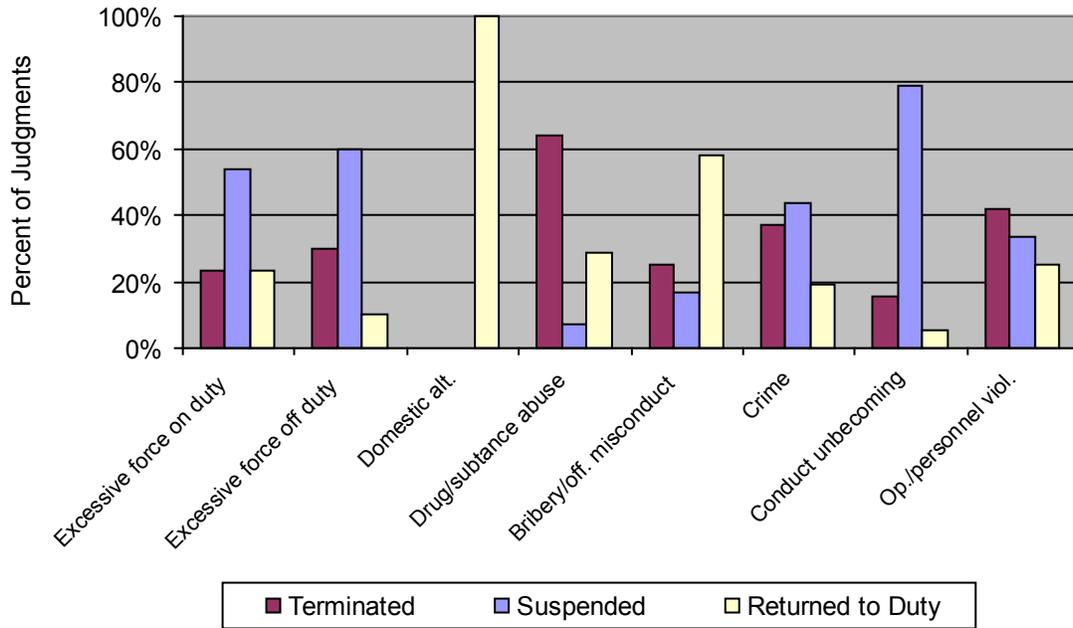


Figure 6. Final Disciplinary Action for Cases Reaching Judgment, by Charge Type (Sworn officers only)

CASE OUTCOMES BY HEARING OFFICER

Table 4 summarizes the Chicago Police Board’s decisions for different hearing officers. As Table 4 indicates, case outcomes were significantly different for sworn officers and civilian employees. Overall, the Board overruled the Superintendent’s recommendation in roughly 27 percent of cases involving civilian employees compared to 63 percent of cases involving sworn officers.

The Board’s decisions varied significantly depending on the hearing officer administering the case. For cases involving civilian employees, Board decisions administered by Jacqueline Walker overruled the Superintendent’s recommendation just 10 percent of the time; in contrast, the Board overruled the Superintendent’s recommendation roughly 40 percent of the time when cases involving civilian employees were administered by either Thomas Johnson or Michael Berland. In cases involving sworn officers, decisions were fairly consistent regardless of the hearing officer administering the case – the Board overruled the Superintendent’s recommendation in 63 percent of cases administered by Jacqueline Walker, 68 percent of cases administered by Thomas Johnson, and 56 percent of cases administered by Michael Berland.

Table 4. Case Outcomes by Hearing Officer

	TOTAL CHARGES HEARD BY BOARD	% OVERRULING SUPERINTENDENT’S RECOMMENDATION
CIVILIAN EMPLOYEES¹²	62	59.7
Jacqueline Walker	10	10.0%
Thomas Johnson	5	40.0%
Michael Berland	9	44.4%
SWORN OFFICERS¹³	248	36.7%
Jacqueline Walker	52	63.5%
Thomas Johnson	54	68.5%
Michael Berland	53	56.6%

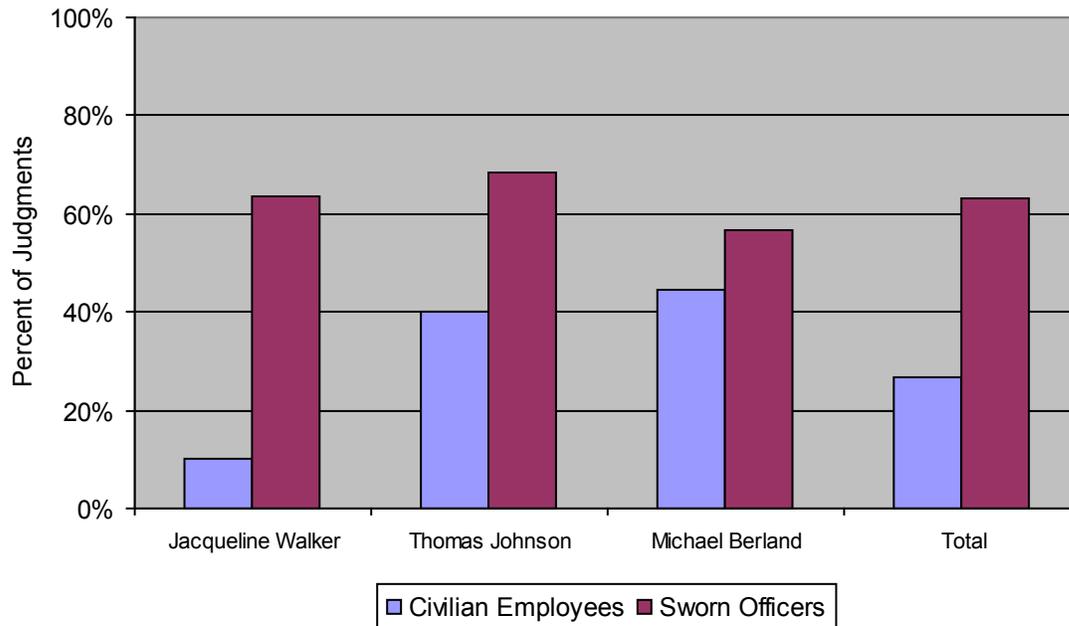


Figure 7. Board Judgments Overruling Superintendent's Recommendation, by Hearing Officer

CASE OUTCOMES BY RULE VIOLATIONS

Table 5 summarizes case outcomes for different Rule violations. As Table 5 indicates, case outcomes varied slightly based on specific rule violations. For the most common rule violations (Rules 1, 2, 6, 8, 9, and 14), some rules affected both whether the case was resolved prior to judgment and whether the Board overruled the Superintendent's recommendation.

Table 5. Case Outcomes by Rule Violation

	CIVILIAN EMPLOYEES		SWORN OFFICERS	
	TOTAL CHARGES	% RESOLVED PRIOR TO HEARING	TOTAL CHARGES	% RESOLVED PRIOR TO HEARING
Rule 1				
No Violation	13	76.9%	94	22.3%
Violation	49	55.1%	153	45.8%
Rule 2				
No Violation	2	100%	7	28.6%
Violation	60	58.3	240	37.1%
Rule 6				
No Violation	34	47.1%	103	34.0%
Violation	28	75.0%	144	38.9%
Rule 8				
No Violation	50	68.0%	176	43.8%
Violation	12	25.0%	71	19.7%
Rule 9				
No Violation	53	64.2%	189	40.7%
Violation	9	33.3%	58	24.1%
Rule 14				
No Violation	55	59.3%	62	40.6%
Violation	8	62.5%	175	27.8%

VOTING RECORDS FOR CHICAGO POLICE BOARD MEMBERS

Table 6 summarizes the voting records for members of the Chicago Police Board. As Table 6 indicates, voting behavior varied widely across Board members. Of the 181 cases heard by the Board, Phyllis Apelbaum did not vote in more than one-third of all cases. In contrast, Victor Gonzales missed just 5 percent of cases and Scott Davis missed just 9 percent of cases. Overall, four Board members – Demetrius Carney, Patricia Bobb, Johnny Miller, and Phyllis Apelbaum – did not vote in more than 20 percent of cases.

In contrast, there was little variation in Board member’s decisions to overrule the Superintendent’s recommendation. In cases in which they voted, Board members voted to overrule the Superintendent roughly 55 percent of the time. Scott Davis voted to overrule the Superintendent’s recommendation 48 percent of the time; Arthur Smith, in contrast, voted to overrule the Superintendent’s recommendation 63 percent of the time.

Table 6. Voting records for Chicago Police Board members

	TOTAL CASES	% DID NOT VOTE	NUMBER OF CASES VOTING	VOTING TO OVERRULE SUPERINTENDENT’S RECOMMENDATION
Demetrius Carney	181	20.3%	141	51.3%
Scott Davis	181	8.8%	161	44.7%
Patricia Bobb	181	29.1%	125	61.6%
Victor Gonzalez	181	4.9%	169	56.8%
William Kirkling	181	15.4%	149	58.4%
Johnny Miller	181	28.6%	127	56.7%
Arthur Smith	181	11.5%	157	63.0%
George Velcich	181	12.1%	156	56.6%
Phyllis Apelbaum	181	34.1%	116	56.0%

As Table 7 shows, voting behavior also varied for cases involving civilian and sworn officers. Overall, Board members voted to overrule the Superintendent’s recommendation in roughly 30 percent of cases involving civilian employees. Phyllis Apelbaum voted to overrule in 21 percent of cases involving civilian employees, while Victor Gonzalez voted to overrule in roughly 38 percent of such cases. All Board members voted to overrule the Superintendent’s recommendation at a much higher rate for cases involving sworn officers. Overall, Board members voted to overrule the Superintendent’s recommendation in roughly 60 percent of cases involving sworn officers. However, the variation across Board members was dramatic. Scott Davis voted to overrule in roughly 47 percent of cases involving sworn officers, while Arthur Smith voted to overrule in over 68 percent of such cases.

Table 7. Voting records for Chicago Police Board

	CIVILIAN EMPLOYEES		SWORN OFFICERS	
	NUMBER OF CASES	% VOTING TO OVERRULE	NUMBER OF CASES VOTING	% VOTING TO OVERRULE
Demetrius Carney	20	30.0%	121	56.2%
Scott Davis	22	31.8%	139	46.8%
Patricia Bobb	14	35.7%	111	64.9%
Victor Gonzalez	24	37.6%	145	60.0%
William Kirkling	19	36.0%	130	61.5%
Johnny Miller	16	25.1%	111	61.3%
Arthur Smith	23	30.4%	134	68.7%
George Velcich	23	34.7%	133	60.4%
Phyllis Apelbaum	14	21.4%	102	60.7%

Discussion

The perception of how the accountability mechanisms within the Chicago Police Department are operating is almost as important as how they really operate. The practices of the Board significantly impact the level of credibility the accountability mechanisms have in the public's view. It is vital that the accountability mechanisms operate in as transparent a manner as possible. Officers will understand the consequences of their actions, as officers who are abusive are held accountable. Transparency, which reveals fair and just responses, will build credibility with in the rank and file officers and the public at large. Clear signals of Board responsibility will build confidence in civilian oversight.

For policing agencies to be successful in assisting communities to secure their neighborhoods there must be a partnership that is maintained through holding both sides accountable for their actions. Communities of color must see that police that go outside the lines of acceptable behavior are held to account for their actions. Without this visible accountability, appropriate mutual trust will be hard to find. Mutual trust is essential to any meaningful partnership between communities throughout Chicago and the Chicago Police Department. Additionally, officers with the Chicago Police Department need to be able to validate the processes used by the Board to have confidence in the Board's decisions. Credibility among the rank and file is just as important as credibility within communities in Chicago.

The Board is not the single agency with responsibility for holding officers accountable for their actions. They are the single agency that can overrule the decisions made by other agencies in the system without having to explain their actions. It is a shortcoming of the current practices of the Board that the board members do not have to provide a written ruling explaining their decisions.

The Board has not embraced advancements in technology over the last 15 years. All documents filed with the Board are still in paper format and are not available for public access via their website. From the experience of researchers conducting this project, the Board remains very responsive to requests filed under the Illinois Freedom of Information Act. However, time and money could be saved while building a positive reputation of the board by forgoing the requirement that citizens file these requests to get access to information from the Board. The law does not require that the Board mandate requests only that it replies to them; thus, the Board is making a decision to allow this hurdle to stand in the way of increasing the transparency of their operations. The Board could easily utilize modern technology to digitize their operations while greatly advancing the transparency of the Board's operations. Technology offers an affordable means of posting all the material involved in each case online for efficient inspection from all interested parties. The Chicago Police Board, as the agency responsible for enforcing accountability in the CPD, also has the opportunity to demonstrate in practice the benefits of accountability.

Chicago Police Board members must also demonstrate a stronger dedication to serving the public. Our findings on the rate at which some board members fail to vote on cases demonstrates that there is a need for legislators to mandate a level at which board members must participate. The general public, the men and women of the Chicago Police Department, and those members that come in front of the Board deserve to find an engaged Board that is serving diligently and respectfully; anything less than a committed effort from all members should not be accepted.

Recommendations

Based on CJP's analysis of the past ten years of Board decisions we make the following recommendations for improving the operations and transparency of the Board's practices and the accountability mechanisms within the Chicago Police Department.

1. The Chicago City Council should amend the ordinance governing the Chicago Police Board's powers and responsibilities to mandate that all decisions of the Chicago Police Board include a written explanation of both the majority and dissenting votes.
2. The Chicago Police Board should mandate that all documents that are made part of the public record in each case be submitted both in paper and digital format (whenever possible) to facilitate easier posting on the Board's web site.
3. The Chicago City Council should amend the current ordinance establishing the Chicago Police Board and mandate that each board member be allowed to miss no more than 10% of the votes during a single term without prior approval of the Chairman of the Police and Fire Committee of the Chicago City Council.
4. Each year the Chicago Police Board should be required to publish a report containing a summary of each case for which the Chicago Police Board overruled the recommendation of the Superintendent of the Chicago Police Department as well as the reasons associated with that decision. The Report should be submitted to the Superintendent of Police, the Chief Administrator of the Independent Police Review Authority, the Superintendent of the Chicago Police Department, and the Chairman of the Police and Fire Committee of the Chicago City Council. The report should be required to be posted on their web site for public inspection and download by the public no more than two days after it is published.
5. Each year after reviewing the report, the Police and Fire Committee of the Chicago City Council should be mandated to convene a public hearing to question the president of the Chicago Police Board about the recent year's work, discuss any legislative changes that need to take place to ensure that their oversight process is working fairly and properly, and take input from the public through questions and statements.

Appendix A

Rules Governing the Chicago Police Department

Rule 1

Violation of any law or ordinance.

Rule 2

Any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department.

Comment: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

Rule 14

Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Comment: This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy, goals, rules, regulations, orders and directives of the Department or who fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

Rule 4

Any conduct or action taken to use the official position for personal gain or influence.

Rule 5

Failure to perform any duty.

Rule 6

Disobedience of an order or directive, whether written or oral.

Comment: This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

Rule 7

Insubordination or disrespect toward a supervisory member on or off duty.

Rule 8

Disrespect to or maltreatment of any person while on or off duty.

Rule 9

Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Comment: Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

Rule 10

Inattention to duty.

Rule 11

Incompetency of inefficiency in the performance of duty.

Comment: This Rule includes all incompetent and inefficient action on the part of any member and all failure to act when any policy, goal, rule, regulation, order, directive or rank would require positive action.

Rule 12

Failure to wear the uniform as prescribed.

Rule 13

Failure adequately to secure and care for Department property.

Rule 14

Making a false report, written or oral.

Rule 15

Intoxication on or off duty.

Rule 16

Entering any tavern or bar while on duty or in uniform, except in the performance of a police duty.

Rule 17

Drinking alcoholic beverages while on duty or in uniform, or transporting alcoholic beverages on or in Department property, except in the performance of police duty.

Rule 18

A. Engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment.

B. Engaging directly or indirectly in the ownership or leasing of a taxicab.

[Amended 8 November 1979]

Rule 19

(Repealed 8 May 1975 by the Police Board).

Rule 20

Failure to submit immediately a written report that any member, including self, is under investigation by any law enforcement agency other than the Chicago Police Department.

Rule 22

Failure to report promptly to the Department any information concerning any crime or other unlawful actions.

Rule 22

Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 23

Failure to obey Department orders concerning other employment, occupation, or profession.

Rule 24

Failure to follow medical roll procedures.

Rule 25

Failure to actually reside within the corporate boundaries of the City of Chicago.

Rule 26

Failure to provide the Department with a current address and telephone number.

Rule 27

Failure to report promptly any anticipated absence from duty.

Rule 28

Being absent from duty without proper authorization.

Rule 29

Failure to be prompt for duty assignment, including roll call and court appearance.

Rule 30

Leaving duty assignment without being properly relieved or without proper authorization.

Rule 31

Publicly criticizing the official actions of another Department member, when the result of such criticism can reasonably be foreseen to undermine the effectiveness of the official working relationship of the member within his assigned unit. All such criticism should be made and reported to the Department.

Comment: The nature of the mission of the Police Department requires a close and confidential relationship between members and their superiors and between fellow members. Public criticism of the official actions of other Department members could seriously impair that relationship, which would be detrimental to the Department's ability to achieve its goals and implement its policies. All public criticism of other members is not prohibited; however, when the effect of the public criticism can reasonably be foreseen to have a detrimental effect on the member's effectiveness within his unit, the member must refrain from such conduct for the good of the Department and the public welfare and safety.

Rule 32

Engaging in any public statements, interviews, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by: (a) false statements, or reckless, unsupported accusations; or (b) the use of defamatory language, abusive language, invective or epithets.

Rule 33

Sitting in a public conveyance while in uniform or as a non-paying passenger when paying passengers are standing.

Rule 34

Failure to keep vehicle in public view while assigned to general patrol duty except when authorized by a supervisory member.

Rule 35

Concealing a Department vehicle for the sole purpose of apprehending traffic violators.

Rule 36

Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.

Rule 37

Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Rule 38

Unlawful or unnecessary use or display of a weapon.

Rule 39

Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

Rule 40

Failure to inventory and process recovered property in conformance with Department orders.

Rule 41

Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

Rule 42

Participating in any partisan political campaign or activity.

Rule 43

Discussing bail with a person who is in custody except by those specifically authorized to let to bond.

Rule 44

Giving an opinion as to fine or penalty.

Rule 45

Recommending any professional or commercial service.

Rule 46

Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed.

Rule 47

Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.

Rule 48

Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendered as a Department member, or as a condition for the rendering of such service, or as a condition for not performing sworn duties.

Rule 49

Giving to or receiving from any other member any gift, present, or gratuity excluding gifts accepted from relatives or close friends upon appropriate occasions. No supervisory member will receive a present from subordinate members.

Rule 50

Giving any gift, present, or gratuity to another member or a person not in his family without the specific approval of the Police Board, excluding donations not exceeding three dollars given in honor of retirements, or to hospitalized or deceased members, provided a member above the rank of captain has approved of the donations. Party, dinner, and entertainment expenses will be paid for individually by persons attending without prior collection through Department channels.

Rule 51

A. Failure to testify or give evidence before any grand jury, coroner's inquest or court of law or before any governmental, administrative, or investigative agency (city, state or federal) when properly called upon to do so, and when there is no properly asserted constitutional privilege, or when immunity from prosecution has been granted.

B. Failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police Board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution. (Effective 1 January 1975)

Rule 52

Seeking or soliciting contributions of any kind from anyone, by any means, for any purpose, under any circumstances, including collections for charitable purposes by any member or his agent, group of members or their agents, and including any sale or solicitation by any member or his agent, group of members or their agents, of advertising for any police journal, magazine or other publication identified with the Chicago Police Department or any association of its members, except as specifically authorized by resolution of the Police Board.

The members shall be subject to disciplinary action for any violation of this provision by his agent. The officers, directors, or trustees of any association identified with members of the Chicago Police Department shall be subject to disciplinary action for any violation of this provision made on behalf of the association by any member thereof or agents.

These provisions do not apply to the solicitation of police personnel by police associations for memberships or dues.

Rule 53

Participating in, encouraging the participation of others in, or otherwise supporting any strike, demonstration, slowdown, or other such concerted action against the Department.

Rule 54

A. Joining or retaining membership in, or soliciting other members to join any labor organization whose membership is not exclusively limited to full time law enforcement officers. It is provided that this Rule will not apply to civilian members nor to membership in any labor organization in connection with, and relating solely to, approved secondary employment of sworn officers.

B. Joining or retention of membership by supervisory personnel in any labor organization, whose membership is composed of rank and file members of the Department, and whose purpose is to represent its members concerning wages, hours, and working conditions. It is provided that this Rule will not apply to the joining or retention of membership with rank and file members of the Department in organizations whose primary purpose is social, religious, ethnic or racial.

Comments:

A. Labor-management disputes frequently develop into situations requiring the presence and/or action of law enforcement officers to ensure that the rights of both labor and management are not violated by criminal acts. Law enforcement's posture in these disputes must be one of strict and absolute neutrality and impartiality. The policy of absolute neutrality and impartiality is seriously threatened and potentially undermined if the labor organization or union involved in the dispute is in any way associated with the representation of law enforcement officers of the law enforcement profession. Membership in a labor union as defined above creates a potential conflict of interest which conflict is specifically prohibited by the Law Enforcement Code of Ethics to which we all adhere and which could lead to acts or failures to act contrary to law.

B. Supervisory personnel means any sworn member of the rank of sergeant and above. Due to the growing activities of police labor organizations in regard to wages, hours, and working conditions, the membership of supervisory personnel who are charged with supervising rank and file members in regard to wages, hours, and working conditions would be present a conflict of interest. (Effective 19 January 1976)

Rule 55

Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

REFERENCES

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The Chicago Justice Project ardently supports the Illinois Freedom of Information Act and frequently uses it. However, many factors have diminished the effectiveness of this law in recent years. CJP believes future litigation will set new standards for the public availability of government records. Legal action may be necessary to include additional documentation in the database. Our mission is to keep the public domain accessible to the public.

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35 E. Wacker Drive, 9th Floor
Chicago, IL 60601
Phone (312) 564-5685
Fax (312) 376-0162
www.chicagojustice.org

