

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

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.

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.