



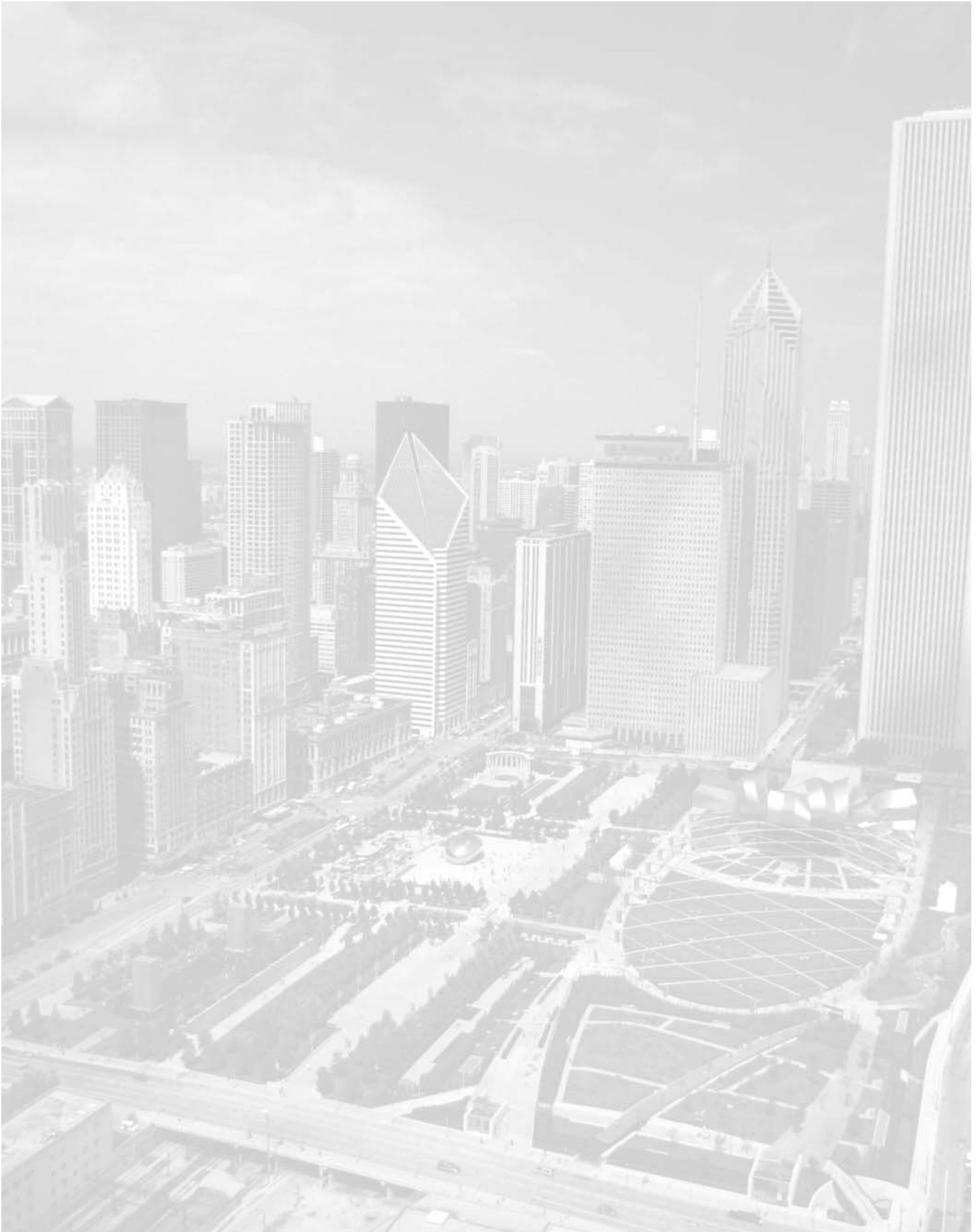
*2004-2005  
Biennial Report*

# *Chicago* Police Board

City of Chicago  
Richard M. Daley, Mayor

Police Board  
Demetrius E. Carney, President

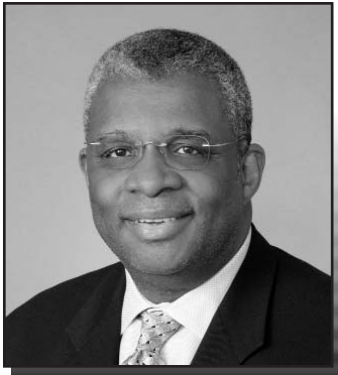




# CHICAGO POLICE BOARD

# *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 nine members served throughout 2004 and 2005.



**Demetrius E. Carney**  
**President**  
*Partner, Perkins Coie LLP*



**Scott J. Davis**  
**Vice President**  
*Partner, Mayer, Brown,  
Rowe & Maw LLP*



**Phyllis L. Apelbaum**  
*Founder & CEO, Arrow  
Messenger Service, Inc.*



**Patricia C. Bobb**  
*President, Patricia C. Bobb  
& Associates*



**Victor M. Gonzalez**  
*Executive Counsel,  
UniCare Health Plans*



**Dr. William C. Kirkling**  
*Dentist, Private Practice*



**Rev. Johnny L. Miller**  
*Pastor, Mount Vernon  
Baptist Church*



**Arthur J. Smith Sr.**  
*President, Art's Enterprises,  
Inc.*



**George M. Velcich**  
*Partner, Belgrade &  
O'Donnell P.C.*

# *Message from the President*

Ladies and Gentlemen:

I am pleased to present this report of the activities of the Chicago Police Board during the years 2004 and 2005.

The members of the Board are a diverse and experienced group of Chicago residents who devote an extraordinary amount of time and effort to their public responsibilities. Working with such knowledgeable and collegial individuals is a pleasure, and they have my sincere thanks.

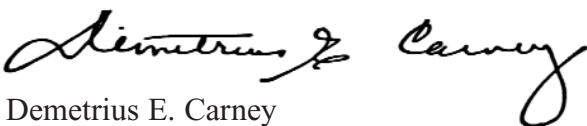
Our primary responsibility as Board members is to decide cases involving allegations of serious misconduct made against members of the Chicago Police Department. These cases range from highly visible charges of excessive force to less visible, yet still quite important, allegations of wrongdoing. As an impartial decision-maker, the Board, like a court, strikes a balance between the public's interest in addressing police misconduct and the rights of the accused. Our role 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 consideration of disciplinary matters.

A major highlight of 2004 was the co-hosting by the Board and the Police Department's Office of Professional Standards of the National Association of Civilian Oversight of Law Enforcement (NACOLE) annual conference, which brought together colleagues from around the country to discuss a variety of important issues on policing and oversight. Highlights of 2005 include the creation of the Board's website ([www.ChicagoPoliceBoard.org](http://www.ChicagoPoliceBoard.org)) and the construction of new, permanent facilities for the Board's office and hearing room.

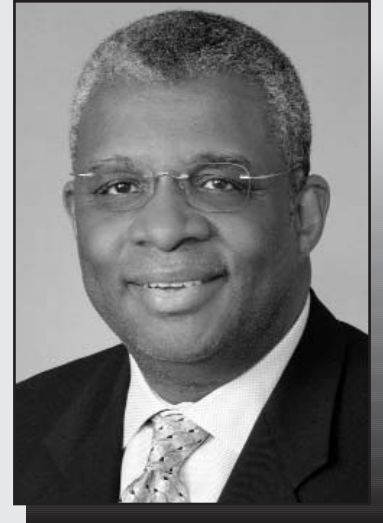
The year 2004 marked the end of an era for the Board, as Mark Iris retired as executive director and Carolyn Doheny retired as supervising clerk. Mark and Carolyn ran the day-to-day operations of the Board for over 20 years with exceptional skill, and the Board is most thankful for their dedicated service.

Finally, I thank Mayor Richard M. Daley and Superintendent of Police Philip J. Cline for their continued support of the Board's activities. My colleagues on the Board and I are 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



**Demetrius E. Carney**  
**President**  
*Partner, Perkins Coie LLP*

# *Powers and Responsibilities*

The Police Board is an independent civilian body that oversees various activities of the Chicago Police Department. The Board derives its authority from city ordinance, state law, and relevant court decisions. Its primary powers and responsibilities include the following.

- The Board decides disciplinary cases when the superintendent of police files charges to discharge or suspend for more than one year a police officer.
- The Board reviews, upon the request of police officers, disciplinary suspensions of 6 through 365 days.
- When there is a vacancy in the position of superintendent of police, the Board reviews applications, conducts interviews, and submits to the mayor a list of three candidates; the mayor must choose from the list or request another list from the Board.
- The Board is responsible for monitoring the Police Department's and the City's compliance with the terms of the federal court consent decree regarding individuals' First Amendment rights of freedom of expression and association.
- The Board adopts the rules and regulations governing the Police Department.

# *Disciplinary Matters*

## *Summary of the Disciplinary Process*

The roles of the Police Department and the Police Board in handling disciplinary matters are very different. The responsibility to receive complaints and conduct investigations rests with the Police Department. The Board's role is to adjudicate complaints—it is similar to a court. The Board cannot on its own reach out and investigate or hold a disciplinary hearing against an Department member suspected of misconduct; rather, it can take action only after the superintendent of police files charges against a member or suspends a member who then requests review of the suspension.

A summary of the disciplinary process appears below. More detailed information on the process is available on the Board's website. For simplicity's sake, the following summary applies to matters involving career-service police officers below the rank of sergeant; the procedures for supervisors and civilian members vary slightly.

### ***1. A Complaint Is Filed and Investigated***

The disciplinary process begins when a person files a complaint of misconduct with the Office of Professional Standards (OPS), a unit within the Police Department that is staffed by civilians and reports directly to the superintendent. Department personnel, including supervisors, as well as members of the public may file a complaint. Upon receipt of a properly filed complaint, OPS initiates a Complaint Register (CR) investigation, which proceeds one of two ways. If the primary allegation involves use of excessive force, a domestic incident/altercation, or a death in custody, OPS retains responsibility for investigating the complaint. Allegations of misconduct not investigated by OPS are forwarded to the Department's Internal Affairs Division (IAD) for investigation.

### ***2. The Superintendent Decides on Disciplinary Action.***

If after the investigation there is a recommendation that the complaint be sustained—that is, the allegation is supported by substantial evidence to justify disciplinary action—a thorough internal review process follows. The results of this review are advisory to the superintendent. The superintendent, assisted by staff, reviews the CR file and the recommendations, and then renders a decision.

### ***3. The Police Board's Role.***

The Police Board's role is determined by the superintendent's decision regarding disciplinary action.

If the superintendent wishes to discharge or suspend for more than one year an officer, the superintendent must file charges with the Board; the Board will then hold an evidentiary hearing and render a decision in the case. If the superintendent suspends an officer for a period from 31 days through 365 days, the officer has the right to request review by the Board, which will then hold an evidentiary hearing and render a decision (the superintendent's power to suspend for up to one year, and the right to request review of such a suspension, are changes to the process resulting from the recently signed contract between the City of Chicago and the Fraternal Order of Police). Following an evidentiary hearing, the Board's decisions regarding questions of guilt and penalty are binding on the parties unless subsequently reversed by a court. Information on disciplinary matters involving evidentiary hearings appears in the "Police Board Cases" section below.

If the superintendent suspends an officer for a period from 6 through 30 days, the officer has a right to request review of the suspension by the Board. When reviewing these suspensions, the Board acts similarly to an appellate court. The Board reviews material from the CR file, a written statement the officer may provide, and a response from the Department (there is no evidentiary hearing or oral argument). The Board then renders a decision to sustain, reduce, or reverse the suspension. Information on these matters appears below in the section titled “Reviews of Suspension.”

The Board does not review suspensions of one through five days, as there is no right to appeal these suspensions to the Board.

## Police Board Cases

In 2004, the superintendent filed charges against 34 Department members. In 2005, he filed charges against 15 members. In all of these cases the superintendent sought a penalty of discharge. There were no appeals of a suspension of 31 through 365 days during 2004 or 2005.

Tables I and II below present data on cases decided by the Board in 2004 and 2005 (some of these cases were filed prior to 2004). All of these cases involved the superintendent seeking to discharge the member. Each case is listed according to the nature of the primary allegations (based on complaint categories used by the Office of Professional Standards and the Internal Affairs Division) and whether the respondent was a sworn or civilian member.

In addition to the cases included in the tables, the Police Board approved the withdrawal of charges against 14 members in 2004 and 4 members in 2005 due to the resignation or death of the member.

Table I *Police Board Cases, 2004*

Primary Allegation	Guilty & Discharged		Guilty & Suspended		Not Guilty		Total
	Sworn	Civilian	Sworn	Civilian	Sworn	Civilian	
Excessive Force—On Duty	0	0	1	0	0	0	1
Domestic Altercation—Off Duty	1	0	1	1	0	0	3
Unnecessary Physical Contact or Display of a Weapon—Off Duty	0	0	1	0	0	0	1
Alcohol Abuse	0	0	0	0	0	0	0
Drug/Substance Abuse	0	0	0	0	0	0	0
Bribery/Official Corruption	0	0	0	0	0	0	0
Commission of a Crime	0	4	2	1	1	0	8
Conduct Unbecoming—Off Duty	0	0	0	0	0	0	0
Operation/Personnel Violation (e.g., Insubordination, Neglect of Duty, Medical Roll, Sexual Harassment)	1	1	1	0	3	0	6
Other	0	0	2	0	0	0	2
<b>Total</b>	<b>2</b>	<b>5</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>21</b>

Table II *Police Board Cases, 2005*

Primary Allegation	Guilty & Discharged		Guilty & Suspended		Not Guilty		Total
	Sworn	Civilian	Sworn	Civilian	Sworn	Civilian	
<i>Excessive Force—On Duty</i>	0	0	2	0	0	0	2
<i>Domestic Altercation—Off Duty</i>	0	0	0	0	1	0	1
<i>Unnecessary Physical Contact or Display of a Weapon—Off Duty</i>	0	0	0	0	0	0	0
<i>Alcohol Abuse</i>	0	0	0	0	0	0	0
<i>Drug/Substance Abuse</i>	3	0	0	0	1	0	4
<i>Bribery/Official Corruption</i>	0	0	0	0	0	0	0
<i>Commission of a Crime</i>	4	1	0	0	1	0	6
<i>Conduct Unbecoming—Off Duty</i>	0	0	0	0	0	0	0
<i>Operation/Personnel Violation (e.g., Insubordination, Neglect of Duty, Medical Roll, Sexual Harassment)</i>	1	0	2	0	0	0	3
<i>Other</i>	0	0	0	0	0	0	0
<b>Total</b>	8	1	4	0	3	0	16

A decision in a Police Board case may be reversed only by a court. That is, the Board’s decision is not subject to the superintendent’s approval, nor may the member challenge the decision through a union grievance procedure.

Under Illinois law, the parties to a Police Board case (the superintendent and the member) have the right to appeal the Board’s decision by filing a petition for administrative review in the Circuit Court of Cook County. Other individuals, such as a victim of police misconduct, do not have legal standing to appeal a Police Board decision with which they disagree; rather, such grievances are handled by a different means, such as a separate civil suit.

A party dissatisfied with the Circuit Court’s review of a Police Board case may appeal to the Appellate Court of Illinois. Following an adverse ruling at this level, a party may attempt a further appeal to the Supreme Court of Illinois. However, the Supreme Court has a great deal of discretion to determine whether to accept a case for review, and denies most petitions. The Supreme Court did not consider any Police Board cases in 2004 or 2005.

Table III provides data on suits in administrative review for 2004 and 2005. As noted above, a particular Police Board case may be reviewed at several levels; in addition, court rulings may cause the Board to issue multiple decisions in the same case. The data on court decisions in Table III pertain to *final* action regarding the Board’s *original* decision.

As of December 31, 2005 there were 3 Police Board decisions pending review in the Circuit Court, and 2 Police Board decisions pending review in the Illinois Appellate Court.



Table III Appeals of Police Board Cases

	Appeals Filed in the:		Appeals Decided by the:			
	Circuit Court of Cook County	Appellate Court of Illinois	Circuit Court of Cook County		Appellate Court of Illinois	
			A	R	A	R
2004	6	3	7	0	4	0
2005	3	1	3	0	3	0

**A-Affirmed**                      **R-Reversed and/or Remanded**

## Reviews of Suspension

As noted above, if the superintendent orders a suspension of 6 through 30 days (or 10 through 30 days for certain civilian staff), the affected Department member may request Police Board review of the suspension. The Board received 29 requests for review in 2004 and 12 in 2005.

Tables IV and V below present data on reviews of suspension decided by the Board in 2004 and 2005 (some of the requests for review were filed prior to 2004). Each matter is listed according to the nature of the primary allegations (based on complaint categories used by the Office of Professional Standards and the Internal Affairs Division) and whether the employee was a sworn or civilian member.

In addition to the decisions included in the tables, the Board did not act on three requests for review (all filed in 2004) because they failed to meet the Board's jurisdictional requirements, and did not act on one request in 2005 because it was withdrawn by the member.

Table IV Reviews of Suspension, 2004

Primary Allegation	Sustained Full Penalty		Sustained Penalty Reduced		Reversed		Total
	Sworn	Civilian	Sworn	Civilian	Sworn	Civilian	
Excessive Force—On Duty	2	0	1	0	2	0	5
Domestic Altercation—Off Duty	5	0	0	0	0	0	5
Unnecessary Physical Contact or Display of a Weapon—Off Duty	0	0	0	0	0	0	0
Alcohol Abuse	0	1	1	0	1	0	3
Drug/Substance Abuse	0	0	0	0	0	0	0
Bribery/Official Corruption	0	0	0	0	0	0	0
Commission of a Crime	2	1	0	0	0	0	3
Conduct Unbecoming—Off Duty	1	0	0	0	0	0	1
Operation/Personnel Violation (e.g., Insubordination, Neglect of Duty, Medical Roll, Sexual Harassment)	8	0	5	0	4	0	17
Other	2	0	0	0	0	0	2
<b>Total</b>	<b>20</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>36</b>

Table V *Reviews of Suspension, 2005*

<i>Primary Allegation</i>	<i>Sustained Full Penalty</i>		<i>Sustained Penalty Reduced</i>		<i>Reversed</i>		<i>Total</i>
	<i>Sworn</i>	<i>Civilian</i>	<i>Sworn</i>	<i>Civilian</i>	<i>Sworn</i>	<i>Civilian</i>	
<i>Excessive Force—On Duty</i>	1	0	0	0	0	0	1
<i>Domestic Altercation—Off Duty</i>	3	0	1	0	0	0	4
<i>Unnecessary Physical Contact or Display of a Weapon—Off Duty</i>	4	0	0	0	0	0	4
<i>Alcohol Abuse</i>	1	0	0	0	0	0	1
<i>Drug/Substance Abuse</i>	0	0	0	0	0	0	0
<i>Bribery/Official Corruption</i>	0	0	0	0	0	0	0
<i>Commission of a Crime</i>	2	0	0	0	0	0	2
<i>Conduct Unbecoming—Off Duty</i>	1	0	1	0	0	0	2
<i>Operation/Personnel Violation (e.g., Insubordination, Neglect of Duty, Medical Roll, Sexual Harassment)</i>	1	0	3	0	1	0	5
<i>Other</i>	1	0	2	0	0	0	3
<b><i>Total</i></b>	<b>14</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>22</b>

## *Oversight Regarding First Amendment Rights*

In 1974 and 1975 the Alliance to End Repression and the American Civil Liberties Union sued the City of Chicago in U.S. District Court, charging that the Chicago Police Department's intelligence division was violating individuals' First Amendment rights by overly intrusive and improperly motivated investigations of alleged subversive activities. Before a trial was held, the City entered into a consent decree, approved by the court in 1982, that imposed detailed restrictions on the City's investigative authority. In 1997, the City argued that the decree was hampering its efforts to counter threats to public safety, and asked the court to modify the decree to make it less onerous. A modified decree took effect in 2001 following a ruling by the U.S. Court of Appeals for the Seventh Circuit. The modified decree requires the Police Board to engage three types of oversight to help ensure that the Police Department and other City agencies comply with the terms of the decree.

First, the Board must review the Police Department's annual internal First Amendment compliance audit, and must report to the mayor, the superintendent of police, and the public concerning its findings. The Board received the Department's 2003 audit in July 2005 and conducted its review; the Board reported on its findings in September 2005.

Second, the Board is required to have a national independent public accounting firm conduct an external audit of the City's compliance with the decree. As of the end of 2005 the Board was working with Deloitte & Touche LLP in planning the audit, which is scheduled to be completed in 2006.

Third, if the Board learns of any probable substantial violation of the decree, it must refer the matter to the superintendent of police (or, if another City agency is involved, to the inspector general). The Board did not learn of any such violations during 2004 and 2005.

# *Superintendent Selection*

The Board participates in the selection of the superintendent of police by reviewing applications, conducting interviews, and nominating three candidates for consideration by the mayor. There was no vacancy in the position of superintendent of police during 2004–2005, as Philip J. Cline, who was appointed in 2003, continued in office.

## *Outreach Activities*

The Police Board holds monthly public meetings at Chicago Police Headquarters, 3510 South Michigan Avenue. Meetings take place in the evening, and members of the public are invited to attend and are welcome to address questions or comments to the Board (prior sign-up by 4:30 p.m. of the day before the meeting is required of those wishing to address the Board). In addition to receiving input from the community, the Board reports on disciplinary actions and other matters, and receives a report from the superintendent of police.

In 2005 the Board launched its website at [www.ChicagoPoliceBoard.org](http://www.ChicagoPoliceBoard.org). The site provides the public with information on the Board's powers and responsibilities, a detailed guide to the disciplinary process, the rules and regulations governing the Police Department, and other material.

The Board and the Office of Professional Standards co-hosted in October 2004 the annual meeting of the National Association for Civilian Oversight of Law Enforcement. The conference, which attracted representatives of agencies from throughout the U.S., addressed a variety of important issues in policing and oversight.

## *Personnel & Administration*

There were no changes to the membership of the Board during 2004 and 2005. There was turnover in the Board's two full-time staff positions in 2004, as Mark Iris retired after 20 years of service as executive director and Carolyn Doheny retired after serving as supervising clerk for more than 20 years; Max A. Caproni replaced Dr. Iris and Carisa A. Boatman replaced Ms. Doheny. The Board's three hearing officers, experienced attorneys who preside over hearings and report on cases, continued to serve the Board on a part-time basis during 2004 and 2005.

The Police Board's budget is proposed by the mayor and approved by the City Council as part of the annual appropriation ordinance. As the following information on appropriations and expenditures indicates, the Board has operated significantly under budget over the past two years.

	<i>Table VI</i>	<i>Appropriations &amp; Expenditures</i>
	<i>2004</i>	<i>2005</i>
<i>Appropriations</i>	<i>\$398,964</i>	<i>\$402,554</i>
<i>Expenditures</i>	<i>\$312,118</i>	<i>\$355,535</i>

In July 2005 the Board's office and hearing room moved to new, permanent space at 30 North LaSalle Street, Suite 1220.

# FOR FURTHER INFORMATION PLEASE CONTACT:

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