

CITIZENS alert working for humane law enforcement

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Dear Alderman:

We understand that Mayor Daley will shortly be proposing an ordinance for City Council action that will remove the Chicago Police Department's Office of Professional Standards ("OPS") from the Police Superintendent's supervision and make OPS a separate, independent City Department, whose head will report directly to the Mayor.

The signers of this letter all have a deep and longstanding commitment to the concept of independent, civilian review of allegations of police abuse. A group of us recently drafted a model Independent Civilian Review Ordinance and forwarded it to you and your colleagues for your consideration. Subsequently, we have had the opportunity to discuss it with several Aldermen. Therefore we are pleased that the Mayor has recognized the importance of this issue and is considering ways to establish OPS as an agency separate from the Police Department.

We hope, however, that in a rush to find a solution to the obvious problems of poor police discipline that have dominated the news in recent weeks, the City Council will not enact a civilian review ordinance that lacks key, essential provisions to promote effective investigations and truly independent disciplinary responses to Police mistreatment of civilians. It is our serious concern that if implemented in its current form, the Mayor's plan will do little more than support business as usual at OPS.

We urge you, in the strongest possible terms, to ensure that Chicago's civilian review ordinance includes *all* of the following elements (none of which, so far as we can tell, are in the Mayor's proposal):

- Provision for an adequate budget to enable the agency to fully and aggressively investigate allegations of Police misconduct. Although this may

involve a larger appropriation than is now allocated for OPS, that expenditure can be expected to pay for itself in the form of fewer meritorious lawsuits regarding Police misconduct.

- Provision for the agency to be housed at a location – preferably in the Loop and convenient for the public – removed from Police headquarters, in order to signal the separate, independent character of the agency.
- A clear requirement that the head of the agency be a civilian, not a Police officer, and provision for community input in the process of selecting the agency head.
- Job protection for the agency head – *i.e.*, provisions that the agency head be appointed for a set term (at least five years) and that he or she be removed only for cause, by a super-majority vote of the City Council after a public hearing. The agency head may have to make unpopular decisions and, therefore, should not serve entirely at the pleasure of the Mayor.
- A requirement that records of all disciplinary cases handled by the agency be retained for a substantial period of time (we recommend 20 years). Retention of disciplinary records is essential in order to track and flag individual Police officers who are repeatedly accused of abuse.
- Specific provisions to ensure that the agency's annual (or more frequent) public report include a clear accounting as to the number of cases handled, the number of those cases in which any discipline was recommended, the number of cases in which discipline was imposed and the nature of the discipline, and the identity of any Police officer who has been the subject of 10 or more misconduct allegations within any five year period.

We mention the above essential provisions because none of them is included in the Mayor's proposed ordinance, as that ordinance was described at the Mayor's press conference last week. Of course, there are important (and essential) provisions in the Mayor's proposal – vesting the civilian review agency with subpoena power, for example – that must also remain in any enacted ordinance. The above list is not exhaustive. But it is an essential list.

We urge you to be careful and diligent in addressing this issue. We believe that ultimately this should be one of the most historic and crucial ordinances passed in decades. It could achieve historic changes in the character of the Chicago Police Department and significantly reduce instances of Police abuse while improving the national and international image of this City.

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It would be a tragic mistake to rush to enact an ineffective ordinance. OPS itself was created in 1974 in an effort to quell public concern and dissatisfaction regarding internal police investigations and discipline. Now, more than 30 years later, it is clear that OPS has been grossly ineffective. History should not be allowed to repeat itself. Careful consideration must be given to this issue. The input of members of the community and of others with specific expertise should be sought before the City Council promulgates any ordinance. Anything less would be grave disservice to Chicagoans, who have the right to expect that Police officers who abuse their public trust will be firmly held to account.

Please feel free to contact any signers of this letter to discuss this very important issue.

Sincerely,

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