

PROGRAM BRIEF

POLICE REFORM AND POLICE ACCOUNTABILITY

The Chicago Police Department is in desperate need of reform. Though most police officers carry out their difficult job with competence and care, too many are too quick to shoot without apparent justification. Others are too willing to lie to protect colleagues who have engaged in misconduct or broken the law. Too often, the victims are black and brown men or people suffering from mental illness. All too often, the system that was established to identify and address incidents of police misconduct fails to identify officers who act recklessly and fails to punish those who cause harm without justification.

The full measure of lives lost and families destroyed is incalculable. The social costs are staggering. Police accused of abusing civilians wind up back on the street, even when the City of Chicago is paying hundreds of millions of dollars to settle lawsuits related to their misdeeds. Surveys reveal that white and black Chicagoans' perceptions of the police department are so starkly different that one might reasonably conclude that they were describing police forces in different countries. Consider the corrosive effect on generations of black and brown children when their primary encounter with the power of government comes during interactions with police officers whom they perceive as dismissive of their dignity or, worse yet, a threat to their lives. With the social, civic, and political infrastructure so utterly frayed, our streets and neighborhoods become less safe for civilians and police officers alike.

Two reports issued within the last year provide some insight into the nature of the problems. In April 2016, the Police Accountability Task Force released its blistering report. (BPI played a substantial role researching and writing key sections of the Task Force Report.) In January 2017, following a year-long investigation, the United States Department of Justice issued a scathing report which concluded that Chicago police officers systematically violate the Constitution by using unnecessary and unreasonable force, particularly against African-American men. Both reports highlight inadequate policies, insufficient training, lax supervision, and broken system of oversight and accountability. Together, the reports help to create a roadmap to reform a badly broken system.

Drawing on the two reports and our experience, we believe that lasting reform must have several key components:

- Structural reform affecting police department governance and oversight
- Systemic reform of the police department
- External oversight to help overcome barriers to progress

BPI is working on multiple fronts to advance all three elements of the broad reform agenda.

1. Structural Reform: Governance and Oversight

A key element of BPI's work has been developing and building support for community engagement as an essential element of the process going forward. It is our view that at the heart of the current crisis is a fundamental breakdown in trust between the police department and the communities it serves and a related, widely-held belief that the police department lacks legitimacy. The lack of trust and legitimacy make it dramatically more difficult for police officers to do their jobs effectively. Trust, legitimacy and public safety are all intertwined. Building trust and legitimacy are key to improving public safety. That is why the Police Accountability Task Force recommended creation of a new civilian entity that would have substantial power over the police department, and why the Task Force insisted that specific plans to create such an entity be developed through a process of deep and meaningful community engagement. The Task Force report stated, "If the community board is to earn the legitimacy it requires and deserves, its precise powers and makeup should not be set by the task force, but should be developed with broad public input."

Thus, in May 2016, BPI helped convene a group of highly effective, experienced community-based organizations to develop a community-led engagement strategy. That group is now called the Grassroots Alliance for Police Accountability (GAPA). The ten GAPA organizations touch more than 30 wards—including the neighborhoods most directly impacted by both violence and police misconduct. BPI provides strategic guidance, technical assistance and staff support to GAPA.

Community Oversight Board/Community Police Commission

GAPA is now focused primarily on developing a proposal to create a new civilian entity that could have significant authority over the Chicago Police Department. Creating such an entity is a daunting challenge. Few examples exist anywhere in the country, several jurisdictions are also developing similar approaches, and the questions that must be answered in constituting such an entity are complex and controversial. For example, what role, if any, should this entity play in hiring key officials, such as the police superintendent, or the head of the new Civilian Office of Police Accountability? What role, if any, should the entity play in making final determinations about how to discipline police officers found to have engaged in serious misconduct? What role, if any, should the entity play in developing, reviewing and approving police department

policies and procedures? How can the entity be constituted in a way that ensures have the skills and expertise they need? How can the entity be constituted in a way that reinforces public perceptions of legitimacy? We are gathering information from across the country about similar efforts, consulting regularly with national experts, and guiding GAPA participants through a lengthy process to grapple with these questions.

Inspector General for Public Safety

Another key element of structural reform is the creation of a new Office of the Deputy Inspector for Public Safety, housed within the office of the City of Chicago Inspector General. For the Police Accountability Task Force, BPI took the lead on crafting recommendations regarding creation of this office. These recommendations built on a growing consensus around the country that inspectors general can fill critical gaps in the police oversight infrastructure. They can identify and address patterns of police misconduct, provide a unique system of checks to assess the work of new and existing police oversight bodies, and focus on identifying and addressing police department policies and practices that contribute to or fail to address police misconduct and bias. Our review of national best practices also served to highlight what an ordinance establishing this function needs to include if it is to succeed. Based on the Task Force's recommendations, the new Deputy Inspector General for Public Safety has been given broadly defined powers, a significant degree of political independence, and a guaranteed budget. We are continuing to work with the Inspector General to help ensure that this new office fulfills its promise.

2. Systemic Reform

Policies and Procedures

As both the Police Accountability Task Force and the Department of Justice found, police misconduct is, in no small part, the product of inadequate policies, insufficient training, and lax supervision. For example, CPD doesn't have a good official policy about when it is appropriate to use force, and CPD has no policy at all in some key areas, like what to do when pursuing a suspect on foot. CPD doesn't properly train officers about basic issues like when it appropriate to use of force, how to de-escalate tense and potentially dangerous situations, and how to handle situations involving people with mental illness. Supervisors sometimes accept officers' version of events even when they are contradicted by video evidence, consistently ignore CPD policy that requires them to investigate use-of-force incidents, and have only a fraction of the human resources required to ensure adequate supervision of all officers. Police Department policies and practices in hiring, promotions and deployment also require a top-to-bottom review and substantial overhaul. The new Deputy Inspector for Public Safety and the to-be-created Community Police Commission will play prominent roles defining these problems with greater specificity, making recommendations for reform, and following up on recommendations to hold CPD officials accountable. In addition, BPI is working with a coalition of legal organizations and civil rights groups to help prioritize reform activities, provide technical support, and, as an added accountability measure, to report publicly on progress.

Community/Police Relations

We are also working closely with GAPA groups to dramatically improve community/police relations. In November and December 2016, GAPA groups held 19 large meetings in communities throughout the city. Nearly 1700 people participated. In those meetings, participants consistently emphasized three points:

- We need to fundamentally rethink the role of the police officer and restructure the way in which police officers interact with residents.
- Current police practices have created deep mistrust and fear. Especially in predominantly black and Hispanic neighborhoods, too many police officers engage with residents in ways that are degrading, dehumanizing and probably illegal. As a result, many law-abiding residents don't just mistrust the police, they fear them.
- We need to abandon overly aggressive police tactics. They don't just harm its direct victims, they also make it harder for police to address real problems and solve crime. Police officers who are disrespectful, biased and violent poison the communities in which they work and make it impossible to build trust and working relationships.

Once GAPA groups are further along in the process of creating a Community Police Commission, we will work together to develop and implement plans to improve community/police relationships. That will likely include system-wide reform -- making substantial changes to the CAPS community policing program, and district-level reform -- through building stronger relationships between community-based organizations and police leadership and rank-and-file, especially in communities on the south, west and southwest sides.

3. External Oversight

We are deeply concerned about the City of Chicago's slow progress on police reform. Like many, we expected that the Department of Justice would, at the end of its investigation, enter into a legally-binding consent decree with the City, which would empower a federal judge and a court-appointed monitor to oversee reform efforts. Consent decrees and court oversight have been key elements of police reform efforts in other jurisdictions. However, current leadership of the Department of Justice has made clear that it does not support federal participation in such reform efforts and there is now reason to believe that DOJ will pursue a consent decree for Chicago. We are exploring other ways to bring about court oversight of police reform efforts in Chicago.