AGENDA

Citizen Police Complaint Assessment Committee
Wednesday, August 1, 2018
7:00 PM
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2402

1. Call to Order and Declaration of Quorum
2. Public Comment
3. Approval of July 11, 2018 Meeting Minutes
4. Staff Report
5. Chair Report
6. Working Group Reports
7. Executive Session
8. New Business
9. Adjournment

Special Meeting – Saturday, August 18, 2018 – 11 a.m. to 4 p.m.

Order & Agenda Items are subject to change. Information about the Citizen Police Complaint Assessment Committee is available at: www.cityofevanston.org. Questions can be directed to Kimberly Richardson at 847-448-8029.

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Citizen Police Complaint Assessment Committee
Minutes of Meeting
Wednesday, July 11, 2018
Lorraine H. Morton Civic Center, 2100 Ridge Avenue

Members Present: Matthew Mitchell; Karen Courtright; Jared Davis; Randy Foreman; Jr.; Jeff Parker; Joi Russell; Dr. Peter Demuth; Dr. Vincent Thomas; and Dr. Meggie Smith;

Presiding Member: Matthew Mitchell, Committee Chair

Others Present: Kimberly Richardson, Deputy City Manager, Shanalee Gallagher, ICMA Fellow; Dennis Leaks, Police Commander; and Jason Garner, Police Sergeant

I. Call to Order and Declaration of Quorum
Chair Matthew Mitchell called the meeting to order at 7:03 p.m.

II. Public Comment
None

III. Approval of the June 6, 2018 Meeting Minutes
The June 6, 2018 meeting minutes approved as written.

IV. Staff Report
No report.

V. Chair Report
Chair Mitchell discussed having a second meeting in August to finalized the review of police documentation and begin the next phase to craft the recommendations to the Human Services Committee meeting in November. The Committee approved the second August meeting be held on August 18 from 11 a.m. to 4 p.m. The meeting will be held at Chair Mitchell’s house and it will be open to the public to attend. It was also discussed sending an update to the Human Services Committee before October.

Chair Mitchell informed the Committee of the status on the redacted cases for 2016, requested by the Committee at the last meeting. He informed the Committee that they received 3 CR cases for the Process Critique working group to review after a meeting with Police Chief Richard Eddington, Corporate Counsel Michelle Masoncup and Ms. Richardson.
With that said, Chair Mitchell stated that he did not realize that there were only 3 completed CRs in 2016 out of the 22 for that year. The consensus of the Committee is that three files were inadequate for the critique process. Ms. Courtright recommended to the Chair for request files to include 2016 DIs and all of 2017 DIs and CRs, the Committee agreed. Ms. Richardson stated her concerns that the DIs would not provide the same level of information as CRs and the amount of time to redact all the files may be burdensome.

The Process Critique working group will arrange a time with Ms. Richardson to review the 3 files at the Civic Center.

VI. Working Group Assignments Update

1. Complaint Register Form Group
No new report from the Committee. Ms. Richardson stated that the Legal Department have not provided any feedback at this time but will hopefully be ready by the next meeting.

2. Process Critique Group
Ms. Courtright created a document following the Office of Professional Standards (OPS) complaint filing process. She walked through the five steps of the complaint process providing a rationale for each of the steps along with preliminary recommendations. Step 1. OPS Review and Investigation, Step 2. Investigate Process, Step 3. Supervisor Review, Step 4. Notification of Disposition, and Step 5. Committee Review. The working group will continue to refine the document as part of the final recommendation to the Human Services Committee. Document attached with the minutes.

3. FOP Police Interview Group
Dr. Smith, Mr. Parker and Mr. Mitchell met with a police sergeant to discuss how complaints are handled. The takeaway from the conversation was that the amount discretion sergeants may have in handling complaints could lead a perception of a lack of transparency. This sentiment was stated in the survey, as several people were dissatisfied with the complaint process because they were dissuaded to file a formal complaint by the sergeant or their compliant were not being taken seriously.

4. Alternative Dispute Resolution Group
The members of the Alternative Dispute Resolution (ADR) working group began compiling information on other cities that offer mediation or ADR as a part component to their police complaint process. The group looked at Minneapolis, MN New Orleans, OR, Eugene, OR, Austin, Tx, Baltimore, MD, Edmonton, AB, and Portland, OR.

5. Outreach Group
Committee members Mr. Parker, Dr. Demuth and Dr. Thomas will begin to discuss outreach to the community on the final recommendations to the Human Services Committee.
VII. New Business

VIII. Adjournment
The meeting was adjourned at 9 p.m.
Critique of current complaint process
Karen Courtright for Process Working Group
July 4, 2018

Office of Professional Standards Complaint Filing Process is described in the diagram below:

The first step listed in the Evanston Police Department’s complaint process is “Office of Professional Standards Review and Investigation. Based on our working group’s reading of complaints, survey findings, anecdotal reports from interviews of citizens and police officer descriptions of how complaints are received, we recommend creation of a process for the intake of the complaints to ensure consistency in how citizen’s complaints are handled from the first contact with EPD in the complaint process.

Intake process
Rationale:
1. Citizens have reported being dissuaded from filing a complaint by sergeants who say that there is no reason to make a formal complaint now that he/she (the sergeant) is aware of the complaint. Our working group is personally aware of at least six instances of this occurring in the past 1-2 years.
2. Survey findings indicate that 20% of those who had initiated a complaint were dissuaded from doing so, or had their complaint refused: “The supervisor with whom I
spoke talked me out of filing a complaint through the formal process, and told me that he would make a note in the officer's file instead.”

3. Further survey findings indicated that citizens were not taken seriously, were not treated with respect or were threatened: “[I wish they had been] more receptive to hearing that there are problems being ignored. I felt as though my complaint wasn’t acknowledged and brushed aside.”

Critique:
- Establish intake process to ensure that the complaint process is initiated with complete and accurate information
- Ensure that complainant is treated respectfully

Specific recommendations:
1. All Service Desk officers receive training to ensure that citizens who wish to file a complaint are treated with courtesy and respect.
2. Complaint forms readily accessible at Service Desk.
3. All sergeants receive training to ensure respectful treatment of citizens who wish to file a complaint.
4. Availability of an ombudsman/woman. An ombudsman can provide guidance for the complainant beginning with intake of a complaint.
   - Trained in social work, not a police officer
   - Demonstrate respect for and provide support for complainant
   - Instill confidence in complainant that complaint will be heard, will be taken seriously and will be thoroughly and objectively investigated
   - Ombudsman is experienced in complaint process to guide complainant through the process
   - Will be available to complaint throughout the complaint review process
   - Act as point of contact for complainant throughout the process

**Step One:** Office of Professional Standards Review and Investigation. The complaint is reviewed by the Department of Professional Standards.

No critique for step one.

**Step Two:** Investigative process.
This may consist of some or all of the following:
- Statement from the complainant
- Statement from witnesses
- Statement from involved/accused officers
- Review of reports, videos and other pertinent evidence

Critique:
- Initial statement/complaint form is critical to the investigation
• Original statement is often referenced in OPS reports to Citizen Police Advisory Committee (CPAC) and Human Services Committee (HSC)
• Original statement is key in identifying potential rules violations for the investigation

• Best effort should be made to contact and interview all witnesses identified by involved/accused officers and the complainant (no discretion by investigator)

• The working group has observed that summary reports presented to CPAC and HSC can lack clarity, sometimes appear biased, can contain non-relevant information or presents information in a manner that could bias readers (in department and at CPAC/HSC). We understand that a dedicated administrative assistant with long tenure and strong relationships with police personnel prepares the reports.

Recommendations:
1. Ombudsman/woman informs complainant of witnesses contacted/interviewed by OPS and provides complainant with opportunity to identify additional witnesses for OPS to contact and interview.
2. If not already standard procedure or in violation of contract requirements, officers’ statements should be made independently and without consultation among officers involved/accused/witnessed the incident cited in the complaint. It may be helpful to develop a checklist of items that officers should include in their report.
3. Provide complainant access to all reports and evidence prior to Step 3, through the ombudsman/woman. An early review of video with complainant may obviate need for further investigation. Complainant may request that ombudsman/woman join the complainant during review of video. Complainant may ask to have additional evidence considered.
4. Objectivity is essential in compiling/writing the report that is reviewed in the EPD chain of command. It is important to ensure that the summary report to be submitted to chain of command, and later to CPAC and HSC is clear, objective and does not present information which may bias the disposition at any level of review.
   a. Information about complainant’s past encounters with EPD beyond what is contained in the report are not relevant and should not be included.
   b. The report should not include information unrelated to the complaint (e.g., information about other parties to the incident which led to the contact with EPD), beyond what is contained in the complaint.
   c. The report should be prepared by an unbiased non-EPD employee.

Step 3: Review by accused officer’s supervisor/Commander/Deputy Chief/Chief of Police
• Complaint sent to accused officer’s supervisor who reviews complaint/investigative process and gives disposition and recommendation
• Complaint forwarded to Division Commander and Deputy Chief who review, make modifications and recommendations
• Complaint forwarded to the Chief of Police for approval/modification as final arbiter
No critique of this step.

Recommendations:
1. Provide complainant with the summary report prior to review by chain of command; complainant may refer comments about report to OPS directly or through the ombudsman/woman.
2. At any level of review the supervisor/DC/Chief may ask ombudsman to clarify information or to ask complainant additional questions to clarify information.

Step 4: Complainant notified of disposition

No critique of this step.

Recommendations:
1. Ombudsman/woman informs complainant of disposition including notes made from each level of review, as provided by supervisor/DC/Chief.
2. Ombudsman/woman informs complainant of dates for CPAC meeting when the complaint will be reviews, and when the complaint will be reported to HSC.
3. Complainant should be advised that s/he may make public comment at opening of any meeting where his/her complaint is reviewed.

Step 5: Review by CPAC

The CPAC process is critiqued elsewhere. However, the working group makes these two recommendations:
1. CPAC should receive all investigative materials
   a. Complaint form/initial statement
   b. Accused officer’s statements
   c. Witness statements
   d. Additional information provided by complainant
   e. Evidence, including video
   f. Disposition statements by each level of review
2. Ombudsman/woman should appear at meeting where a complaint that s/he provided citizen support is reviewed.
3. Committee members may ask for additional information/clarification from OPS and ombudsman/woman.