EVANSTON ILLINOIS

Citizen Police Complaint Assessment Committee (CPCAC)
Final Report and Recommendations

Matthew M. Mitchell, Chair

December 3, 2018
Committee Members

- Matthew M. Mitchell, Esq., Chair
  - Karen Courtright
  - Jared Davis
  - Dr. Peter Demuth
  - Randall Foreman
  - Jeff Parker, Esq.
  - Joi-Anissa Russell
  - Dr. Meggie Smith
  - Dr. D. Vincent Thomas
Background

• CPCAC has worked for 14 months to fulfill its mandate:
  − Evaluate and critique current citizen complaint process
  − Recommend changes to the current system

• Our activities included but were not limited to:
  − Study of current practices, including CPAC
  − Study of best practices
  − Survey of community
  − Individual meetings with citizens
  − Engagement with community and City of Evanston stakeholders
    (EPD staff, CNP, HSC members, Mayor, etc.)
Background

- Recommendations took many factors into consideration
  - Best practices
  - Community input and values
  - City Code, FOP contracts and state statutes
  - Weaknesses/opportunities in current process

- Many aspects of recommendations are consistent with current EPD General Orders
  - Evanston’s current practice has room for improvement and was not created as a unified process.

- Recommendations will, in some cases, require new ordinances
  - Also, future negotiations with police bargaining units may need to address differences in these recommendations from current practice
Summary of Recommended Actions

- Dissolve Citizen Police Advisory Committee (CPAC) and implement new Citizen Review Board (CRB) within 90 days
- Implement new intake process for formal complaints within 90 days
- Create RFP for consultant to craft Alternative Dispute Resolution (ADR) mediation program within 90 days
- Craft scope of work for Police Auditor by CRB and City staff (upon completion of CRB implementation)
- Create RFP for Police Auditor position
Summary of Findings

- **BEST PRACTICES OF CIVILIAN OVERSIGHT**
  - Review/appellate model (Urbana, IL; Indianapolis, IN; Albany, NY)
  - Investigative/quality assurance model (Berkeley and San Francisco, CA)
  - Evaluative/performance-based models (Fairfax, VA; Eugene, OR)
- Many communities opt for hybrid of these primary models
- Evanston’s current system falls into Review/appellate model
- CPCAC’s recommendations include improvements to the current model, and adds elements of the Evaluative/performance-based models ( auditor)
Summary of Findings

• CRITIQUE OF EVANSTON’S CURRENT SYSTEM
  − Lack of awareness in community of formal complaint process
  − Perception of lack of/poor communication with complainant, beginning with intake
  − Lack of training on complaint intake
  − Perception of bias in having police investigate police misconduct
  − Lack of transparency
  − Some community members are uncomfortable reporting police complaint to police, at police department; fear of retaliation
Summary of Findings

- CRITIQUE OF EVANSTON’S CURRENT SYSTEM, continued
  - Citizen oversight board (CPAC) lacks charter, bylaws, chair and clear mandate
  - CPAC has no term limits
  - CPAC staffed by EPD/OPS and Law Department – both of which may give perception of a conflict of interest
  - Lack of transparency of process to citizens
  - CPAC has no structural power to provide feedback or input to police department other than agreement/disagreement with disposition
Current Process

Office of Professional Standards Complaint Filing Process

Step 1: Office of Professional Standards Review and Investigation
The complaint is reviewed and investigated by the Department’s Office of Professional Standards

Step 2: 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, video, and other pertinent evidence

Step 3: Supervisor Review
This step involves the following:
- 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

Step 4: Notification of Disposition
Complainant notified of the disposition.

Step 5: Committee Review
This final step involves the following:
- Citizen Police Advisory Committee (CPAC)-Citizens committee appointed by the Mayor. Committee members review police complaints and report their dispositions
- City Council Human Services Committee-Committee members are made up of elected officials who review complaints and ask questions of police management. Meetings are open to public and televised. Members of the public may appear before the committee and comment on complaints.
Summary of Recommendations

Intake Process
• Purchase case management software for tracking and oversight
• Formal intake by City staff, independent of Police Department
  − Available at Civic Center during normal business hours
  − Accommodations may be made to take complaint at other locations
• Web-intake integrated with case management software
  − Separate from main City of Evanston website to ensure confidentiality
• Use new intake form developed by committee and OPS
• Officers carry business cards with information about intake process
• Sergeants receive training for receiving complaints; direct citizens to formal intake process
Summary of Recommendations

**Investigation and Police Auditor**
- EPD’s Office of Professional Standards conducts investigations of complaints
- Independent Police Auditor hired (independent contractor) by City
  - Oversees the process of civilian complaints
  - Hired by City Manager’s office, regularly reports to HSC
  - Scope of work for Auditor to be developed by Citizen Review Board (CRB)
  - Oversight of civilian complaints against police officers to protect against appearance of conflict of interest of police department investigating police misconduct
Summary of Recommendations

Independent Police Auditor, continued
- Evaluates new complaints; works with OPS to identify those suitable for Alternative Dispute Resolution (ADR)
- Directs police department investigation of civilian complaints in cooperation with Police Chief
- Makes formal policy recommendations arising from complaints
- Liaison with CRB
- Writes and presents oral report of each complaint to HSC
Summary of Recommendations

Alternative Dispute Resolution (ADR)
• Implement an ADR system to handle certain conflicts between community members and police officers
  − Requires voluntary participation by officer and community member
• ADR system incorporates a facilitative mediation model by trained volunteer mediators
• CPCAC recommends that the City of Evanston hire an ADR consultant to create an ADR program unique to Evanston, and with stakeholder cooperation
Summary of Recommendations

Alternative Dispute Resolution (ADR), continued

• Police Auditor, in consultation with EPD, screens complaints for suitability for ADR
  − Auditor and CRB develops standards and guidelines for officer and complainants’ eligibility for ADR
  − Cases of alleged serious misconduct not eligible for ADR

• Mediation is confidential and compliant with State of Illinois Uniform Peace Officers’ Disciplinary Act

• Police officers may initiate ADR to mediate with members of the community outside of the complaint process
Summary of Recommendations

Civilian Review Board
- City Council creates clear charter for CRB
- Staffed by member of City Manager’s office
- Composed of 7-9 members Evanston residents
  - Mayor selects/Council confirms with strong consideration to character and experience rather than professional skills, education or ward residence
  - Current union-represented police officers are not eligible, nor are others with clear conflict of interest
  - Rolling 3-year term limits; 2 terms maximum (staggered terms for initial Board appointees)
  - Board elects chair for 1 year term
Summary of Recommendations

Civilian Review Board, continued
• CRB will include in its bylaws and publish in agendas clear policy for using Executive Session
• CRB members will recuse themselves where there is a conflict of interest
• Training is required in police procedures and standards of practice
• CRB is empowered to provide police policy recommendations. When a recommendation arises from a specific complaint, the report will be provided to the complainant and the officer(s)
Summary of Recommendations

Civilian Review Board, continued

• CRB has ready access to primary investigative documents in advance of meetings (EPD maintains possession); materials redacted of complainant and officer names
• CRB informs complainant when their complaint is being heard by the Board
• Draft summary of each case available to the public in advance of monthly meetings
• Writes report of findings and opinion of disposition of each complaint and may present these reports in person at HSC meetings
Summary of Recommendations

Civilian Review Board, continued

• Meeting held monthly. If no complaints are heard, other topics in purview include:
  − Craft scope of work for Police Auditor; consult on hiring the Auditor
  − Oversight of ADR system; CRB informed of cases diverted to ADR
  − Collaborate with police to craft scope of police training for complaint process
Summary of Recommendations

Human Services Committee of Evanston City Council

• Evanston City Council through the Human Services Committee will provide *final civilian oversight* of the complaint process
  ‒ This is different than the current role that HSC plays, wherein they simply receive the report of complaints from EPD

• CPCAC recommends that EPD, CRB and the Police Auditor make independent written and oral reports to HSC of complaint
  ‒ HSC approves or disapproves of the EPD report, based on the report of the Chief’s final disposition
  ‒ If HSC disagrees with disposition they will notify the Chief in writing and may submit their alternative proposed disposition
Summary of Recommendations

Human Services Committee of Evanston City Council, continued

• The Chief addresses the concerns of the HSC in writing and in person
  – In the case of unresolvable disagreement between the Chief and HSC, the Chief’s disposition will prevail
• HSC would have the ability to make policy recommendations in writing separate from individual complaint dispositions
  – The Chief will respond to these recommendations in writing
• The Chief of Police serves at the pleasure of the City Manager
  The City manager serves at the pleasure of the City Council
Summary of Recommendations

Human Services Committee of Evanston City Council, continued

• City Council’s ultimate recourse in the case of a dispute with the Police Chief is taking steps to terminate the Chief’s employment (through the City Manager)
  − This power exists in the City Code and should be made clear in the hierarchy of power within City Government
Citizen asserts desire to file a complaint with officer or sergeant in field or at EPD Station
1. Officer hears out the complainant with respect
2. Complainant is provided with a business card containing information regarding in-person formal intake AND web address to complete complaint form online
3. If citizen turns in a complaint form, officer forwards to intake personnel immediately

Formal intake
1. Citizen meets with dedicated intake personnel at Civic Center; or, by arrangement, at another location
2. Intake personnel listens to citizen and assists them in completing the complaint form
3. Intake personnel enters all complaints into case management software; additional information is obtained from complainant if necessary
4. Intake personnel provides complainant with case number for tracking

Independent Police Auditor
1. Auditor reviews and evaluates all complaints and (in conjunction with EPD) will identify complaints eligible for Alternative Dispute Resolutions
2. Auditor directs the investigation of complaints by EPD/OPS
3. Writes report of findings/disposition for all complaints

Alternative dispute resolution
1. Complaint determined to be eligible by Auditor and EPD
2. Requires volunteer participation by citizen and police officer
3. Concludes the process for both parties

Office of Professional Standards/EPD
1. Conducts investigation under direction of Auditor
2. Conducts interviews with officers, witnesses and complainant
3. Makes investigative material available in advance of Citizen Review Board meeting
4. Writes report of findings/disposition for all complaints under signature of Police Chief

Civilian Review Board
1. Auditor is liaison to CRB; attends meetings; ensures investigative materials are available for review
2. Reviews all complaints and writes report of findings/disposition for all complaints

Human Services Committee
1. Receives written and oral reports from CRB, Auditor and Police Chief
2. Approve or disapprove of Police Chief’s findings
3. If disapproved, Police Chief addresses HSC concerns in writing and in person

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Addressing Concerns

• There is not a problem with the complaint process
  − Citizens are not aware of the complaint process
  − Current process is underutilized
  − Perception of conflict of interest
  − No oversight
  − Little transparency

• Cost
  − Evanston will have to invest more money than it currently spends to strengthen the complaint process