

# 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)

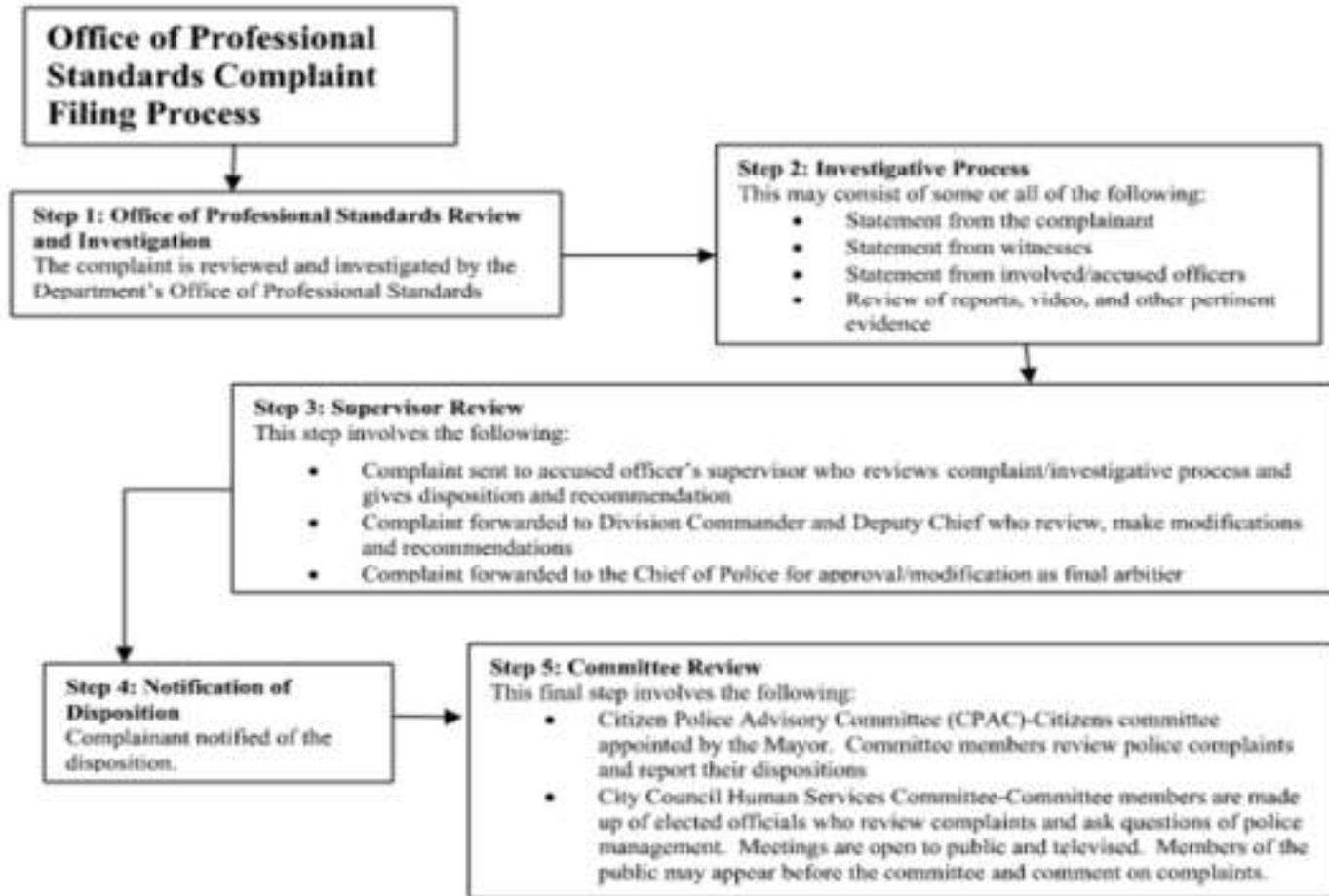
# Summary of Findings

- **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



# 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 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

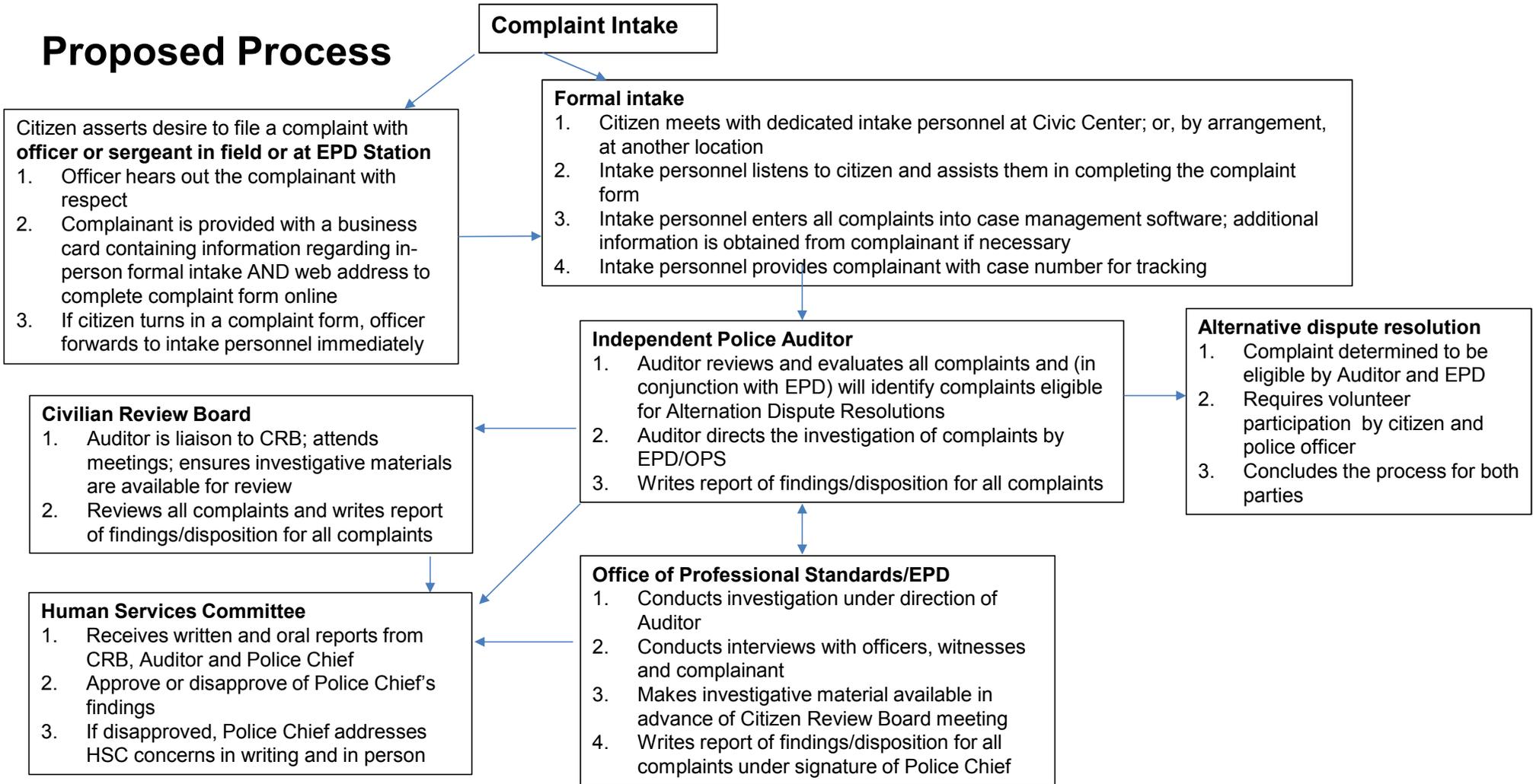
- **The Chief addresses the concerns of the HSC in writing and in person**
  - In the case of unresolvable disagreement between the Chief and HSC, the Chief's disposition will prevail
- **HSC would have the ability to make policy recommendations in writing separate from individual complaint dispositions**
  - 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**

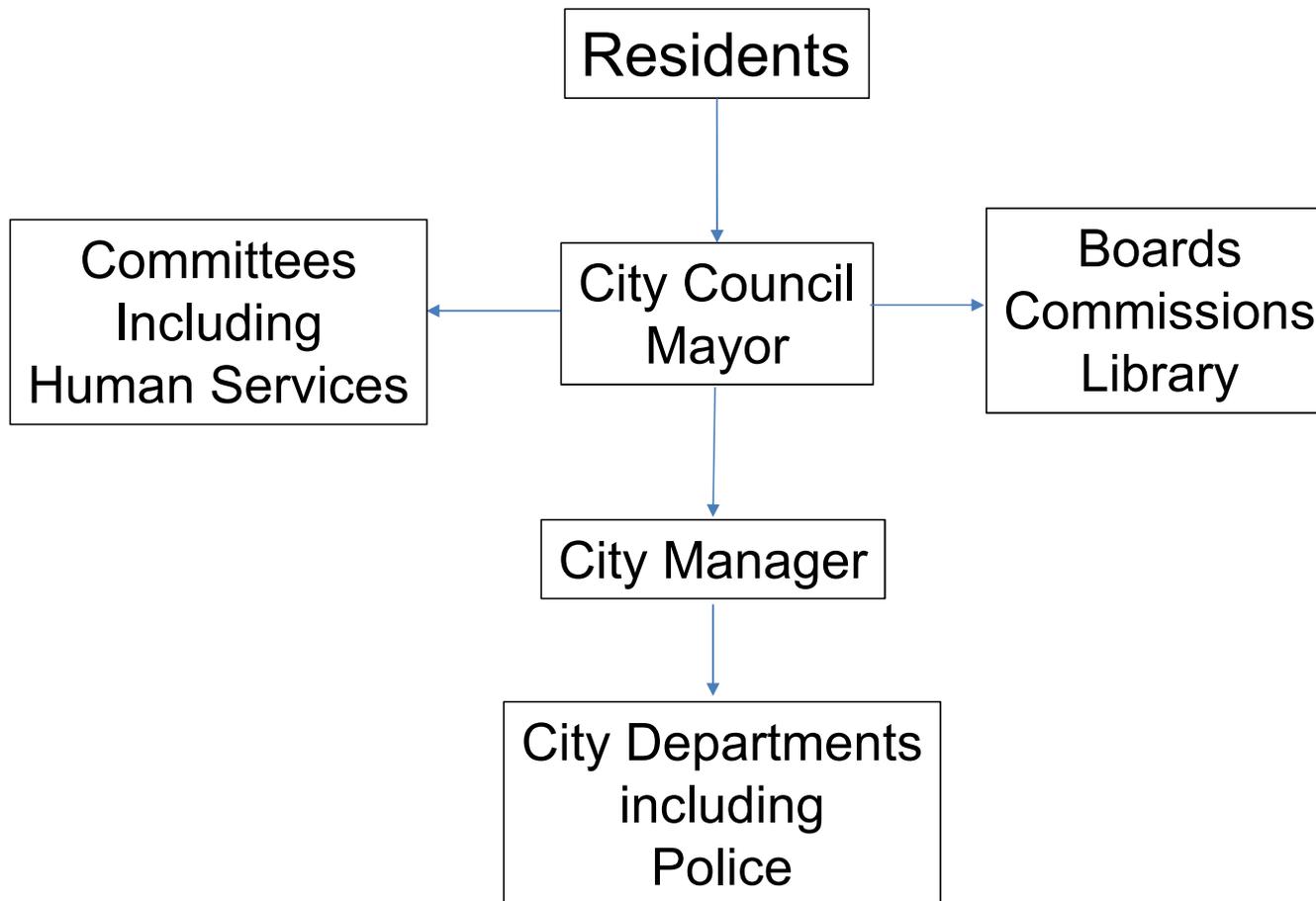
# Summary of Recommendations

## 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

# Proposed Process





# 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