

## **Changing the Way Police Officers are Disciplined in Chicago**

For too long the City of Chicago has paid millions of dollars to compensate the victims of police misconduct while the officers involved in the same cases have often escaped professional sanction. The agency charged with investigating and prosecuting public complaints against police officers, the Office of Professional Standards or OPS, must be reformed to close this unacceptable gap.

The vast majority of Chicago Police Officers serve with honor and distinction, but the conduct of some falls short of what must be expected from those vested with a vital public trust. In such cases, discipline must be imposed in order to correct the officer's behavior, to deter other officers from engaging in similar behavior, to bring a sense of justice to the victim of the misconduct, and to ensure that the public has confidence that those charged with enforcing the law are not above it.

On June 7, 2007 the [Chicago Council of Lawyers](#), along with the American Constitution Society (Chicago chapter), sponsored a public forum on disciplining police misconduct in Chicago. Law professors from the MacArthur Justice Center and the University of Chicago presented research showing that just 5% of police officers are responsible for the majority of reported police misconduct. Mara Georges, Corporation Counsel for the City of Chicago, discussed a proposed Chicago city ordinance that would overhaul OPS, the civilian police discipline agency. Respected individuals and organizations, including the Chicago Council of Lawyers, have suggested amendments to the proposed ordinance. The Cook County Public Defender's Office, working with Citizens Alert and other groups, has been negotiating these proposals constructively and productively with the City. It is time to create a new system of police accountability and discipline.

It is now widely acknowledged that the OPS, as it is currently constituted, is simply not up to its task. The proposed ordinance may not include everything that everybody wants. This is the nature of the political process. But we must move forward. To this end, the [Chicago Council of Lawyers](#) suggests five items deemed to be critical to the creation of an effective replacement for OPS. We urge the City Council to pass an ordinance that includes the following provisions:

- 1) The ordinance should announce that it is the established public policy of the city of Chicago to resolve complaints against the police fairly and promptly, and that all subsequent collective bargaining agreements (including the City's agreement with the Fraternal Order of Police) must be consistent with this public policy.
- 2) The ordinance should include a broad definition of the term "coercion" as one of the subjects the new agency would investigate, defined as use of express or implied threats putting a person in immediate fear of consequences to compel the person to act against their will. Examples of coercion should include but not be limited to non-physical threats or reprisals -- allegations that police officers threaten witnesses by telling them that if they do not cooperate in identifying

suspects, either a parental neglect complaint will be filed against them with the Department of Children and Family Services or they will be charged with a crime. Another example of coercion would be threats made by police officers against persons wishing to file misconduct complaints.

- 3) The ordinance should authorize investigations of allegations that involve discriminatory abuse – abusive actions by a police officer directed against a person based upon race, color, gender, religion, national origin, or sexual orientation.
- 4) The ordinance should provide for true civilian review by providing the agency’s Chief Administrator with the power to discipline an officer when the investigation warrants it. Currently, the Police Superintendent has the power to discipline an officer. However, the Superintendent may be reluctant to punish an officer because it may be construed that he or she failed to provide adequate oversight. Ideally, the Superintendent should have no role in the proposed police discipline agency. Short of this, however, if the Superintendent and the head of the new agency disagree in a particular case, the Superintendent should have the burden of overcoming the recommendation of the Chief Administrator of the proposed agency.
- 5) The ordinance must provide for public disclosure of the number of complaints filed in each police district and the number of complaints filed against each police officer in each district. The new agency should use these statistics to monitor trends in the filings of police misconduct complaints.

The [Chicago Council of Lawyers](#) has been seeking fair and effective administration of justice for more than 35 years. We represent thousands of lawyers in Chicago. As an organization representing a large segment of the legal profession, we call upon the City Council to act promptly in enacting an ordinance that will usher in a new era for dealing with police misconduct.

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