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CIVILIAN OVERSIGHT

Record Number of Complaints against NYPD

The New York City Civilian Complaint Review Board (CCRB) received 3,154 civilian complaints from January through June 2004, alleging New York City Police Department (NYPD) officer misconduct. According to the Board's latest status report, the number of complaints filed during the first six months of 2004 were "the most filed during any six-month period in the history of the CCRB as an independent agency." The number of complaints represents a 15 percent increase compared to the first half of 2003 and a "cumulative increase" of 39 percent over the first six months of 2002. The CCRB cautioned that the increase in complaints across the City and every category is difficult to attribute to a single cause. One contributing factor was the City's 311 system allowing citizens to make complaints by telephone; the CCRB received 40 percent more telephoned complaints in the reviewed period than during the first six months of 2003.

The CCRB divides received complaints into four categories: force, abuse of authority, discourtesy, and offensive language. Each category is comprised of various types of allegations. The report showed that 50 percent of the total complaints, and the one or more allegations contained therein, were for abuse of authority—a proportion that has risen from 44.8 percent in the first half of 2003. The most commonly recurring abuse of authority allegations were in the subcategories of "Question and/or stop" (16.4 percent of total abuse of authority allegations); "Frisk and/or search" (15.1); "Threat of arrest" (11.5); and "Refusal to give name/shield number" (10.3). The average allegation-substantiation rate was 10 percent for cases closed between January 2003 and June 2004, while "frisk and/or search" allegations were substantiated at a rate of 21 percent, "refusal to give name/shield

PARC

POLICE
ASSESSMENT
RESOURCE CENTER

Biltmore Court
520 South Grand Avenue, Suite 1070
Los Angeles, California 90071

Tel (213) 623-5757
Fax (213) 623-5959
Email: information@parc.info

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number" at 22 percent, and "retaliatory arrest" and "retaliatory summons" both at 25 percent.

The race of NYPD officers had little bearing on the rate at which they were the subjects of allegations; white, black, Latino, and Asian officers received percentages of all complaints similar to their racial groups' percentages of the police force. Of alleged victims, blacks were the only racial group overrepresented in filed complaints. During the 18-month period ending in June 2004, blacks made up 53.6 percent of the alleged victims of police misconduct while making up 24.5 percent of the City's population. The report stated, "alleged victims of police misconduct complaints filed with the CCRB are still most likely to be young, Black, and male." The CCRB status report can be accessed online at <http://www.nyc.gov/html/ccrb/pdf/ccrbsemi2004.pdf>.

CONSENT DECREES/ MEMORANDA OF AGREEMENT

Steubenville in Compliance with All Tasks

The City of Steubenville (OH), which has been in substantial compliance since March 2003 with the consent decree between the City and U.S. Justice Department requiring police reforms, recently came into compliance with the final outstanding task. The twenty-seventh quarterly report on City compliance covers the time period between July 1 and September 30, 2004. In the previous quarter, the City was found in non-compliance with a task relating to search and seizure, an area of continuing concern for the court-appointed auditor, Charles D. Reynolds. Police officers "were failing to document sufficient justification for searches, which most often were in fact justified, and appeared uncertain whether searches were incident to arrest, based on probable cause, officer safety or other legal and justified reasons," the latest report explained. Reynolds noted that the Steubenville Police Department (SPD), held a search and seizure training class for supervisors and officers to address the concerns; as a result, the Auditor changed that task's status from "Pending" to "In Compliance."

Steubenville, which entered into the consent decree in September 1997, must remain in substantial compliance with its provisions until March 2005 for

the decree to be lifted. The decree addresses areas such as officer training and supervision, citizen-complaint investigations, use-of-force policies and review, and performance evaluation. During the quarter, the Auditor was again impressed with officer-training courses and with Internal Affairs' open and thorough citizen-complaint process.

The Police Chief recently appointed a Captain as head training officer charged with designing and running all training programs. The Captain and Chief meet daily to review reports and/or misconduct complaints so as to identify training-related issues. The SPD's annual in-service training, which "has been completed by all officers," met decree requirements and included 44 hours of training in use of force, response to domestic violence, ethics and integrity, cultural diversity, first aid, and defensive tactics. The various programs' improvement over the past year is "significant and demonstrative of a commitment by the Chief to provide SPD officers with relevant, quality training programs," said Reynolds.

Though Steubenville is in substantial compliance with the decree, the Auditor warned that "continued compliance depends upon a strengthening of supervision and discipline systems." The Quarterly Supervisors Audit Review (QSAR), a program to strengthen SPD supervision, requires that supervisors review citizen-complaint data to identify trends that may require intervention on an individual- or Department-wide basis. However, the Auditor questioned the impact of QSAR interventions because some of the same officers identified as the subjects of multiple complaints who have participated in the QSAR program continue to receive a disproportionate number of citizen complaints.

The Auditor again expressed concern that the Chief, who is not solely responsible for SPD supervision and discipline, has not received adequate legal support from the City "to insure that disciplinary processes are expeditious, competent and fair and moreover that proper and fair disciplinary actions imposed or recommended by the Chief are not reversed if [the City] expects him to effectively manage the police department." *Auditor's Quarterly Report: Compliance Audit for the Steubenville, Ohio, Police Department, July 1 – September 30, 2004.*

Seventh Report on Cincinnati Released

The Independent Monitor Team for Cincinnati, led by Monitor Saul Green, has released its seventh quarterly report on the City of Cincinnati's and Cincinnati Police Department's (CPD) compliance with the 2002 Memorandum of Agreement (MOA) with the U.S. Justice Department, and the Collaborative Agreement (CA) between the City, Fraternal Order of Police, and Plaintiffs. The MOA requires reforms in the areas of use of force, citizen complaints, risk management, and training. The CA calls for implementation of Community Problem Oriented Policing (CPOP), mutual accountability between the CPD and community, bias-free policing, and creation of the Citizen Complaint Authority to investigate "serious interventions by police" and to review citizen complaints. The report covers the period from May 1 to June 30, 2004, though it includes activity through September 30.

CPD's policies on dealing with mentally-ill persons continue to comply with the MOA, the Monitor noted. Just over 100 officers have been trained to respond to situations involving mentally-ill persons as part of the Department's Mental Health Response Team (MHRT), with a new training class scheduled for 30 more officers. Over 76 percent of MHRT calls during the quarter concluded in the dispatch of an MHRT officer, a percentage CPD has maintained over the last four quarters. The Monitor conducted an audit of the calls where there was no MHRT response and found that they were "handled appropriately."

The quarterly report commended the CPD for progress on the MOA's foot pursuit provision. Though the Department's foot pursuit policy was already in compliance, supervisory review of incidents involving foot pursuits during the quarter "suggests that the policy and training are beginning to become part of CPD's routine reporting and review," the report noted. The Monitor also gave high marks to the Department's progress on implementation of the Employee Tracking Solution—its risk management system that, among other functions, evaluates officer performance. During the quarter, the system received Justice Department approval for meeting MOA requirements, and almost all supervisors, said the Monitor, have been trained on the program.

The Monitor highlighted several areas of concern. Documentation and reporting provisions for officer

ACADEMIC RESEARCH

“Interactive police-civilian encounters that result in force,” an article featured in the December issue of *Police Quarterly*, explores how the relationship between police officers and citizens affects the nature of the force used in a police-citizen interaction. The authors—Geoffrey P. Alpert, Roger G. Dunham, and John M. MacDonald—examine whether a difference in perceived status (measured by the authors using age and race as provided in police use-of-force reports) between officers and suspects will result in an increased likelihood that asymmetrical force will be used in such interactions. Asymmetrical force is a difference in the level of force used by the officer relative to the level of resistance by the suspect.

In classifying use of force for their analysis, the authors draw from a wealth of literature that places use of force into two categories: dominant and accommodating. Dominant force is “relative force greater than the suspect’s resistance.” Accommodating force is force “equal to or less than the level of suspects’ resistance.” Data for the study came from 676 official Miami-Dade Police Department use-of-force reports during the years 1997 and 1998. Those reports were prepared by the officer’s supervisor and described police-citizen incidents where officers used force, suspects physically resisted an officer, or suspects were injured during arrest.

The study found that dominant force is more likely to be used when there was a larger gap in perceived social status between officers and suspects. Additionally, the authors included measures of type of call in their analyses. The results show that police-citizen interactions during a call involving violent or property crimes were more likely to result in dominant force than administrative calls for service. The authors note the need for more research with more comprehensive measures of authority and indicators of social status. *Police Quarterly*, December 2004; Vol. 7, No. 4.

In the Academic Research article featured in the October 2004 Police Practices Review, we summarized an article about COMPSTAT and the Lowell Police Department. Data for the Justice Quarterly article we featured stemmed from a Police Foundation research project on COMPSTAT and organizational change. More information is available at the Police Foundation’s Web site www.policefoundation.org.

“hard hands” and takedowns with or without suspect injury are not yet in compliance with the MOA. The Monitor reviewed incident reports and found that they included narratives describing the use of force but “did not include the supervisors’ comments or determinations.” In assessing compliance with the Collaborative Agreement, the Monitor acknowledged progress regarding CPOP—such as joint CPD and Community Policing Partnering Center training—but reported that there “continues to be much work to do on development and implementation of CPOP.” The report also noted that the parties to the CA are not in compliance with the requirement to research how other agencies conduct problem-solving policing and to disseminate findings on related best practices. Additionally, the Parties were found in partial compliance regarding development of continuous CPOP training throughout academy, in-service, and field officer training programs. The Monitor’s report

can be accessed online at http://www.cincinnati.gov/police/downloads/police_pdf9386.pdf.

COMMUNITY POLICING

New Gainesville Police Website Up

The Gainesville Police Department (GPD) recently unveiled its P2C (Police to Citizen) website—a new link accessible from GPD’s main Internet page. According to the Department, P2C “will provide citizens with up-to-the-hour access to police records and events, accident information, recent arrests, community calendars and daily bulletins,” some of which are public records previously available only at GPD headquarters. The website is connected to GPD’s Records Management System, allowing information to be viewed as soon as it is entered into the system.

P2C visitors can view the twenty most recent arrests, with location, date, charge, arrestee information, and a photograph of the arrestee. The website's daily bulletin function displays information from the first page of incident reports, including: event descriptions; victims' and arrestees' names, age, race, and gender; and involved officers. The incidents can be searched by day, month, or year. Additionally, accident reports—closed to the public for 60 days by Florida state law—can be immediately accessed online by involved individuals, insurance companies, and members of the media. After the 60-day period, the crash reports will be made publicly available.

The website includes several search functions. One is an "event search" that can be restricted by accident, arrest, or incident. Another is a "quick search" where visitors can retrieve information by entering report or case numbers. The P2C website can be accessed online at <http://www.gainesvillepd.org/>. *Gainesville Sun*, November 23, 2004.

RACIAL PROFILING

Eugene PD Releases Racial Profiling Report

The Eugene Police Department (EPD) has released a racial profiling study it initiated several years ago with the goal of answering three questions:

- "Are Asian, Black, Latino, and other minority drivers stopped more or less frequently than White drivers, as would be suggested by their percentage of the population?"
- "Are Asian, Black, and Latino drivers treated differently during traffic stops than are White drivers?"
- "Are there differences in the general pattern of traffic stops between the groups?"

To address these, a "data collection task group" comprised of EPD representatives and community members designed a data collection program to gather information about traffic stops, with a survey to be completed by officers for every officer-initiated stop. The EPD-commissioned study was conducted by a University of Oregon doctoral candidate who analyzed information from 36,011 stops made between January 1, 2002, and December 31, 2003.

Asian, African-American, Latino, and white Eugene residents (non-residents were not counted) were stopped with frequencies "similar to overall racial/ethnic distribution of the Eugene residential population," which the report said could be "interpreted to mean that any profiling problems that may exist are not as pronounced and pervasive as those discovered in studies of other communities and other law enforcement agencies across the United States." However, the report noted that "the most pronounced differences in stop rates were between Black residents and White residents." According to officer perception of driver race, whites accounted for 90.1 percent of stopped drivers and made up 91.8 percent of Eugene's driving-age population. Latinos made up 3.9 percent of the total stops (and 4.3 percent of the driving-age population), African Americans made up 2.2 percent of the stops (and 1.6 percent of the driving-age population), and Asians made up 2.1 percent of the stops (and 4.5 percent of the driving-age population).

The study found that even after adjusting for variables such as sex, age, stop location, and an officer's ability to identify a driver's race before a stop, black and Latino drivers were more likely than whites to be searched, while Asian drivers were less likely. Whites and Asians accounted for a lower percentage of total searched drivers than they did of stopped drivers; Latinos, on the other hand, accounted for a percentage of total searched drivers twice that of their percentage of stopped drivers. Though the four groups were searched with different frequencies, "there were no statistically significant differences... in terms of search success rates," the report said, "[and] searches of Black and Latino drivers were no more or less likely to produce contraband than searches of White drivers."

There were also differences between groups in the duration and outcome of stops. Black and Latino drivers were more likely to be involved in stops lasting more than 15 minutes, and Latinos were twice as likely to be arrested as predicted by their proportion of drivers. Language barriers between officers and drivers disproportionately affected Asian and Latino drivers and extended the duration of their stops—and in cases where there was a language barrier, stops were 54.2 percent more likely to result in enforcement action (such as discretionary searches). The report said the study does not provide definitive answers about racial profiling in Eugene, but "can serve as a resource to inform current and future discussions,

debates, and public policy.” The report can be accessed online at <http://www.ci.eugene.or.us/police/RACIAPROF/RACIALPROF.htm>. *Oregon Daily Emerald*, November 5, 2004.

LEGAL AFFAIRS

Judge Issues Order on Prison Officers' Union

In an on-going legal battle over California Department of Corrections (CDC) investigations of alleged employee misconduct at Pelican Bay State Prison, U.S. District Court Judge Thelton Henderson has issued an order that includes a ban on prison officers' union participation in such investigations. The court-appointed Special Master previously reported to the judge, noted the order, that this union participation may “hinder or obstruct fair investigations into allegations of abuse of force by correctional staff and deter the initiation of complaints.”

After two Pelican Bay officers were charged in 2001 with conspiracy to violate inmates' civil rights, the CDC launched investigations into the conduct of three other prison officers who had allegedly perjured themselves when testifying in defense of the two charged employees. When the CDC subsequently dropped the investigations, the Special Master became concerned that the CDC had not followed its own use-of-force remedial plan created to govern the internal investigations of employees suspected of abuse of force. In July 2003, Judge Henderson directed the Special Master to investigate the handling of the cases; the Special Master's report concluded that the investigations “were riddled with failures and mishandled from the start.” The report also found instances in which the CDC had deferred to the union on investigatory and disciplinary matters in abuse-of-force cases.

The judge's recent order focused attention on the union—the California Correctional Peace Officers Association (CCPOA)—rather than on CDC administrators. “CDC's system for investigating and disciplining officers... is subject to interference and obstruction from the CCPOA,” Henderson said. He questioned the extent of CCPOA's influence on Pelican Bay's Executive Review Committee (ERC) meetings, where prison administrators review officer use of force and discipline. For several years, union representatives have attended the ERC meetings. On the Special Master's recommendation, Judge Henderson ordered

that CCPOA officials be removed from the prison's ERC meetings within 10 days of the order's issuance. He stated it was not appropriate for the union to be present at the meetings, “the effectiveness of which are critical to the successful implementation of the remedial orders in this case.” The court order can be accessed online under “Recent Orders – Judge Henderson” at <http://www.cand.uscourts.gov/cand/judges.nsf/>. *Madrid v. Woodford*, C90-3094-T.E.H., June 24, 2004; *Los Angeles Times*, November 18, 2004; *San Francisco Chronicle*, November 18, 2004; *Sacramento Bee*, November 27, 2004.

NEWS BRIEFS

Voters Approve Denver Oversight Proposal

Denver residents have approved by a two-to-one margin a ballot measure that takes the first step toward implementing Mayor John Hickenlooper's plan for civilian oversight of the City's police. The plan's proposal, approved by the City Council, calls for creation of an Office of Independent Monitor “to actively monitor and participate in any criminal investigation” of Denver Police Department (DPD) officers or Denver County Sheriff's deputies, and also to audit citizen-complaint investigations of officer misconduct. The Monitor would make disciplinary recommendations to the City Manager of Safety. A Citizen Oversight Board would also be appointed to review the Monitor's work.

Before November, Denver's City Council passed an ordinance creating the Monitor's office and the Board, among other provisions; the approved measure, known as Referred Question IA, was considered a necessary tool for Hickenlooper's proposal. The measure amends the city charter to exempt the Independent Monitor and the office's staff from civil service rules, making them susceptible to being fired. It also gives the Monitor access to DPD internal investigations documents. *Denver Post*, November 3, 2004; *Rocky Mountain News*, November 4, 2004.

132 Officers Killed in 2003, Data Show

Last year, there were 132 felonious and accidental deaths of sworn law enforcement officers (local, state, tribal, and federal) on duty, according to the Federal Bureau of Investigation's annual *Law Enforcement Officers Killed and Assaulted* (LEOKA) report. The

number of felonious deaths during 2003 was 52, down from 56 in 2002 and 70 in 2001.

According to the LEOKA report, the average age of officers killed feloniously was 29 and the average law enforcement experience was 10 years, though more officers between the ages of 18 and 24 were killed than in any other age bracket. Fourteen officers were killed during traffic stops or pursuits, more than in any other activity category. The highest numbers of felonious deaths were reported in Virginia (7) and California (6). Of the 616 total felonious officer-deaths since 1994, LEOKA reported, such slayings happened with the greatest frequency in the South (275), followed by the West (130), Midwest (113), Northeast (57), and U.S. territories (41).

Eighty accidental deaths occurred in 2003 from vehicle crashes and unintentional shootings, among other causes. Automobile accidents accounted for 49 such deaths, while motorcycle accidents (10) and being struck by vehicles (10) were the next most prevalent causes of accidental deaths. The 10,141 reporting law enforcement agencies, which serve nearly 75 percent of the country's population, recorded 57,841 officers assaulted in the line of duty in 2003. The full LEOKA report can be accessed online at <http://www.fbi.gov/ucr/ucr.htm#leoka>.

INTERVIEW

Karen A. Rowan served as a sworn officer in the Chicago Police Department (CPD) for 22 years. During her career, she rose from patrol officer to eventually become the Department's first female Assistant Deputy Superintendent in charge of the Internal Affairs Division. She earned a law degree from the School of Law of Loyola University Chicago while working as an officer. In 2000, she was appointed as the first female General Counsel to the Police Superintendent and advised him on policy, legal, and legislative issues. In 2003, Karen Rowan received the Women's Bar



Association of Illinois' "Woman with a Vision" award. She now works for Chicago's Office of Emergency Management and Communications. PARC recently spoke with Karen Rowan about her work in the Chicago Police Department.

PARC: Please describe your relevant professional background in policing and police administration.

KR: In 1982, I began my 22-year career as a sworn police officer in the Chicago Police Department (CPD). The first half of my career I worked as a patrol officer. For a majority of those years, I was assigned to the Cabrini-Green Development, an area known for its violence and high murder rate. During the second half of my career, I worked in the Internal Affairs Division (IAD)—first as administrative support and later worked through all the ranks in IAD as an investigator, sergeant, and lieutenant. In 1996, I was appointed Department Advocate, the person responsible for reviewing the administration of discipline and ensuring its consistency throughout the Department. In February 2000, I served as General Counsel to the CPD Superintendent. In October 2003 I was appointed Assistant Deputy Superintendent, in the Internal Affairs Division.

PARC: Why did you decide to become a lawyer after having worked as a sworn officer?

KR: I have always believed that as a human being, you have three choices: you can be satisfied with who and what you are; you can do things that have a negative impact on your life; or you can do things that have a positive impact. I have always been the type of person who sees the glass half full and that played out with my choice of attending law school. Instead of going out with my friends every night, I chose to continue my education. At the end of three years I had accomplished something positive. I received my law degree in 1989. I also had finished my last year of undergraduate work while a police officer as well. I worked full time as an officer on the midnight shift while going to school.

PARC: What were your responsibilities as General Counsel to the Chicago Police Department Superintendent?

KR: The General Counsel to the Superintendent does many things. Providing legal advice to the

Superintendent on legislative, labor, policy, contractual, and discipline issues is a primary responsibility. The General Counsel also is the liaison to the City's law department as well as state and federal agencies and partners. The Office of Legal Affairs, which had a million-dollar budget, also reports to the General Counsel. Legal Affairs has sworn officers who are attorneys, and we worked daily on legal issues that faced officers on the street as well as the Department. Another important role was being part of the Department's negotiating team while working with the Fraternal Order of Police on contract renewals.

An additional responsibility during my term as General Counsel was starting a Risk Management Unit. Superintendent Terry Hillard strongly supported a proactive approach and believed that risk management was key. That unit was the genesis for many of the changes made by Superintendent Hillard.

PARC: *Were there similarities between your job as General Counsel and your earlier positions in the Internal Affairs Division?*

KR: There were many similarities. As General Counsel, one focus was litigation, and how litigation related to discipline. A large chunk of the City's budget is paid out yearly on judgments and settlements, and a lot of those evolve from disciplinary issues. As Assistant Deputy Superintendent in charge of Internal Affairs, I oversaw the day-to-day operations and made sure that Department policies were implemented and that people got feedback in a timely manner. As General Counsel, I stepped back and looked at the larger picture of litigation and proper Equal Employment Opportunity (EEO) investigations. It was extremely helpful to have a background in IAD, as I could really understand how the investigations were conducted. When I went back to IAD, I could apply a wider perspective and principles I learned as General Counsel to our investigations.

"The team laid the different layers of information on top of each other—a cop's interests and concerns, my concerns as General Counsel, national interests and concerns, and the federal "pattern or practice" consent decree provisions as they existed at the time. We sifted through those interests and concerns and found commonalities. That's how we really started defining what our concerns were and identifying what issues needed work."

PARC: *When you first became General Counsel, what were your concerns about CPD practices and policies, and how did you identify them?*

KR: As a member of the Police Department, you always carry your experiences from the street with you no matter what assignment you may have later in your career. I brought those experiences with me to the position of General Counsel. Before any decisions were made in the office, the ramifications to street officers were of the highest concern. I had always believed that some decisions were made in a vacuum, with no thought to the effect on officers on the street. A defining moment came early on when Superintendent Hillard had a retreat for Department command staff. There was one presenter who was a "change agent" from Motorola. He talked about the nuts and bolts of making change and how to become

a master of change. What resonated was once an organization decided to make a change that organization had to dedicate resources to it, must understand all the ramifications and nuances of the decision, and then really go at it from A to Z. You have to jump in with both

feet and put your money where your mouth is when it comes to change. I realized that if the organization didn't follow that strategy, any efforts to implement changes would be more difficult and less effective. It was important to be able to bring to fruition any changes recommended to the Superintendent.

My team and I were concerned that even though the Department's policies and practices were sound, they weren't strong enough. The legal team came up with a strategy and started investigating policing issues around the country. The team discovered that we were just a microcosm of what were national issues. The team began checking daily national newspapers and publications, such as the *New York Times*, *Los Angeles papers*, *Rocky Mountain News*, *In the Line of Duty*, *Calibre Press*, and *Police Executive Research Forum*

reports. The team synthesized what was found and saw that law enforcement as well as the U.S. Justice Department (DOJ) were concerned with allegations of racial profiling. The team laid the different layers of information on top of each other—a cop’s interests and concerns, my concerns as General Counsel, national interests and concerns, and the federal “pattern or practice” consent decree provisions as they existed at the time. We sifted through those interests and concerns and found commonalities. That’s how we really started defining what our concerns were and identifying what issues needed work. Every night, the team would brainstorm on a white board and eventually wrote out an entire strategy. In 2001, the strategy was presented to the Superintendent and his closest advisors. We went through each issue, and discussed the perspective of the Motorola presenter from the retreat. The Superintendent said “go forth and make it happen.” I asked if this effort would be supported and he asked, “Karen, what do you need in personnel and equipment?”

PARC: *To your knowledge, was the U.S. Justice Department considering or conducting a federal “pattern or practice” inquiry in Chicago? If so, what was your response?*

KR: I was unaware of any DOJ “pattern or practice” inquiry or hint of one. I think all of us in law enforcement at the time were anxious about how the Justice Department would use its “pattern or practice” powers. Major City Chiefs were trying to meet with then-U.S. Attorney General Janet Reno to talk about policing guidelines. Every police department thought it was a target of the DOJ. Everybody was sitting up, taking notice, and asking themselves if their houses were in order. In Chicago, we were on top of issues through our risk management. Ever since the early 1980’s, CPD had been under a consent decree for First Amendment issues. While everyone was anxious about current issues, we were working simultaneously to lift that consent decree. We knew how difficult it

was for a Department to operate under one. The last thing Hillard wanted was another consent decree and also the monitor to come in and hold our hand on a day-to-day basis. For the First Amendment consent decree, we had to report yearly and conduct a huge audit every five years. But that is nothing compared to having someone come in to check our “i’s” and “t’s” to make sure they are dotted and crossed.

We were more confident about our handling of deadly force cases because the CPD automatically referred them for federal review. This was done as a matter of course during Hillard’s tenure. We always believed that we handled the deadly use of force appropriately and wanted the fed’s to check and double-check that there wasn’t anything problematic. While I was General Counsel, we probably got a half dozen letters from DOJ indicating that cases were reviewed

“We actually listed out what the Decrees required and then compared and contrasted those requirements with our policies. We saw how we conformed to what they required—where we did more, did less, did something differently, or had any deficiencies. We structured our whole campaign of changing policies on that analysis.”

and they concluded that no further inquiry would be conducted. If there had been a civil rights violation concern, the inquiry would have turned into an investigation. We also have a very vocal community base in Chicago that is never shy about complaining about or applauding the Department. We were always aware that one of those cases could have generated an investigation. Superintendent Hillard’s mantra was that we would keep our house in shape and no one would tell the Department how to run the Department except for the Department.

PARC: *What did you learn as a result of your research regarding “pattern or practice” inquiries and consent decrees/memoranda of agreement that can result from them? How did you apply those findings to the Chicago Police Department?*

KR: At the time of our research in 2000-01, I believe there were five existing consent decrees. They contained very consistent similarities. They centered on the use of force, accountability, training, and discipline. Racial profiling was also an issue. Those were the recurring messages of the consent decrees,

and they coincided with what we were learning from our daily reviews of what was going on across the country. We actually listed out what the decrees required and then compared and contrasted those requirements with our policies. We saw how we conformed to what they required—where we did more, did less, did something differently, or had any deficiencies. We structured our whole campaign of changing policies on that analysis.

PARC: *Would you discuss the Department’s revised use-of-force policy issued in 2002? What was the impetus for the revision, and how did the new policy differ from the one then in place?*

KR: Use-of-force policies were definitely an area the consent decrees focused on. Discipline, use-of-force, and accountability flowed together. If you have a well-disciplined force, the members understand the police and are not going to be using excessive force. On the other hand, if you are not training properly, investigating thoroughly and holding people accountable, then members may be using excessive force. We were looking at our use-of-force order during the Los Angeles Police Department’s Rampart scandal. What we did was take our use-of-force policy, and we overlaid it with the information in the consent decrees along with Rampart issues. We hadn’t changed our use-of-force order since 1986, but a lot had changed in policing since then. We decided we needed to do something about use of force because it was the area subject to the most litigation.

We took the order out and first looked at the law to ensure the legal standards were clearly defined for using force. Hillard said he wanted everyone at the table, so we had a committee with CPD’s different specialties—patrol, training, legal, labor, etc. Everybody that you could imagine who might have some input—even personnel and human resources people—met twice a month for about a year and a half. We just hammered and hammered at it until we believed we got the best product. We looked at

everything that affected use of force. We looked at use-of-force training, what force and equipment were actually used, and accountability. Accountability was an area that needed teeth. The community was always telling us that there was no accountability, and every single one of the consent decrees required a use-of-force report. CPD did not have a use-of-force report at that time, so the committee created one. We updated our requirements on when officers can use force and how they should report uses of force, as well as introducing some changes in available tools, such as Tasers and retractable batons.

The committee made a policy and a training recommendation to Hillard. The difference in the training component was huge—never before in the history of the CPD had the Department been trained prior to a policy change coming out. Normally, when a policy change came out, you get a Department Order

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at roll call that says, “General Policy X effective today” and you need to know it. Hillard embraced the training initiative and agreed that because of the legal authority that police officers had

to take someone’s life, we had to make sure we had done everything we could to take care of the police, the public, and the Department.” The entire Chicago Police Department was trained for two months prior to the order changing. If we ever got something right when I was General Counsel, that’s when we got it right. We trained everyone—the command staff, investigators, cops on the street, and the community.

PARC: *How did you try to get “buy-in” from the police union on policy changes you saw as necessary but knew would not be popular across the Department?*

KR: In the middle of the process of changing the use-of-force order, we called the union and told them what we were doing and asked for their feedback. We gave them a copy of the draft order. We talked to the union about Tasers and the retractable batons. The biggest drawback for the union was the use-of-force report. It was painstaking but we would go through

the example of officers getting into a car accident where there is even the slightest bit of paint transfer between a squad car and another vehicle, and all the reporting steps the officers had to take. There were 4 or 5 notifications that had to be made on just a paint transfer type of accident, yet the Department required no contemporaneous report for using force. Once they saw how absurd that was, they were more receptive to a use-of-force report. And the report has turned out to not even be a hiccup in the process.

For all policy changes—such as with bias-based policing and vehicle pursuits—we brought the union into discussions. It was time-consuming but well worth it and we had the full support of the Police Superintendent. Involving the unions was a win-win situation for the Department and its officers.

PARC: *What would you say are some red flags in a police department that could lead to a federal “pattern or practice” investigation and subsequent consent decree or memorandum of agreement?*

KR: The first thing you must have in order is your own house. But to have your house in order you have to know what’s in it. In larger Department’s it is difficult to keep track of all the rules and regulations that exist. But more importantly, having your house in order stems from how a Department treats and respects its employees. The genesis of those first consent decrees in the CPD came out of employment issues. That was a huge eye-opener for people when they realized that it wasn’t really somebody calling up and complaining, “You racially profiled me,” but rather an employee at a department saying, “You’re discriminating against me, and I work here.”

Second, you’ve got to have policies that are sound and enforced. You’ve got to hold people accountable for how your employees treat each other. If they treat each other well, they’re going to treat the public better. If you’re getting a lot of EEO complaints, then there is a problem, especially when you get four or five complaints from the same unit. I think that’s something a lot of departments overlook by categorizing certain officers as complainers.

Another red flag is when you have a lot of citizens complaining about a particular officer. You’ve got to listen to the community, and you’ve got to listen to your troops. You need to act swiftly, whether through

training or sitting down with that individual officer. The complaints may be bogus or retaliatory. There are a number of reasons why one person could have a multitude of allegations, but that officer must understand that the complaints have an impact not only on them but also on the Department. You’ve got to get to that quickly and not let it fester, or the next thing you know, you’ve got a Rampart scandal.

PARC: *What should police leaders do to identify and change problematic practices and policies?*

KR: You have to have a global picture of law enforcement. Historically, police departments have been very narrow in their focus—reducing the crime index. But law enforcement is so much more than just fighting crime. As a police leader, you really have to be well-versed in the nuances of policing. I think a lot of police leaders do not look at the big picture of what faces a police department. Many of them just pay lip service to problems; they think that if they attend a couple of community meetings, that certain groups will be mollified.

You’ve got to engage a community since you can’t do anything in a vacuum. You’ve got to get “buy-in” from the community because a police department is part of the community. Hillard got not only community leaders but also community members together on a quarterly basis—people who wouldn’t hesitate to either criticize or applaud us—along with officers from patrol and the command staff. They would sit together for an entire day to discuss issues. When we were changing the use-of-force order, community members told us that officers were discourteous and rude. We decided to include a training component on courtesy and demeanor. We made a training video and showed it the next time we met with the community group. We thought we would hit a homerun, but the community group was not happy with it. The group gave us feedback and we went back to the drawing board. As we created a new video, we shared scripts with community members; they helped us develop the script and video. It was a win-win situation the next time we presented the training video. The series of courtesy and demeanor videos we eventually produced was, of all the training tools that the Risk Management Unit produced, the biggest hit with CPD officers.

PARC: *What do you think are the current challenges that the CPD faces?*

KR: The CPD's mission is for Chicago to be the safest big city in America. But in doing so, it must balance crime-fighting initiatives with other issues that require the same amount of attention and resources. For example, staying on top of disciplinary issues, reviewing policies to ensure they are up to date and topical, and listening to the community concerns. All those things require a line item from the budget and during an economic crunch that the City is facing, difficult choices have to be made. Training officers with ongoing and verifiable training takes another big bite out of the budget but has to be done. The one thing I know for sure is that the Chicago Police Department is a great department, and if any department can do it, Chicago can.

PARC: *Has it been possible to measure the impact of the reform efforts undertaken during your tenure as General Counsel?*

KR: The toughest question posed to the Department at that time was "How will the Department know if these changes have had an impact? It was a struggle to quantify the problem in the first place, to know what to measure. The tangible results can be reviewed by analyzing prior litigation costs and subsequent costs. However, those take time when you consider the impact of the statute of limitations on the time frame. Another measurement tool is comparing past complaint and disciplinary histories of officers (collectively and individually) against later histories. These are two areas which can be measured, however, whether any reduction is attributable to change is hard to tell. It is similar to the challenges facing the Department on crime-fighting initiatives: How do you know which one actually prevented a crime and how do you measure that?

CONFERENCES

January 10-13, 2005 – COPS, National Methamphetamine Conference, Fort Lauderdale, FL. Online at <http://www.cops.usdoj.gov/>

January 24-26, 2005 – Americans For Effective Law Enforcement, Jail and Prisoner Legal Issues, Las Vegas, NV. Online at <http://www.aele.org/>

January 31-February 2, 2005 – American Jail Association, Objective Jail Classification: Design and Implementation, Reno/Sparks, NV. Online at <http://www.corrections.com/aja/index.shtml>

February 17-19, 2005 – Western Society of Criminology, 32nd Annual Conference, Honolulu, HI. Online at <http://www.sonoma.edu/cja/wsc/wscmain.html>

February 21-26, 2005 – American Academy of Forensic Sciences, 57th Annual Meeting, New Orleans, LA. Online at <http://www.aafs.org/>

March 2-5, 2005 – National Sheriffs' Association, Mid-Winter Meeting, Washington, DC. Online at <http://www.sheriffs.org/>

March 14-16, 2005 – Americans For Effective Law Enforcement, Critical Incident Response: Management and Legal Liability, Las Vegas, NV. Online at <http://www.aele.org/>

March 14-19, 2005 – Academy of Criminal Justice Sciences, Annual Conference, Chicago, IL. Online at <http://www.acjs.org/>