



Chicago proposal to revamp police misconduct probes advances

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Chicago Mayor Rahm Emanuel's plan to create a new agency to better investigate police shootings and misconduct allegations is moving toward approval, even as critics say it's not strong enough to keep a close eye on a police force plagued by a reputation for brutality and experts say it doesn't match efforts of other cities facing similar challenges.

After months of community hearings about the need for an agency with enough money to conduct adequate investigations, the freedom to take those investigations wherever they lead and the need for input from residents, a City Council committee on Tuesday took up an ordinance recommending the creation of Civilian Office of Police Accountability (COPA) .

The aldermen sitting on the committee voted 21-4 late Tuesday to recommend that the new agency be approved by the full City Council on Wednesday.

In a statement, Emanuel praised the committee's action, saying the creation of the new agency is critical to restoring trust between the Chicago Police Department and the city's residents.

"Our residents and our officers deserve certainty about the disciplinary process, and it is up to us to ensure the right tools are in place for thorough and timely investigations of complaints against officers," he said.

But while the ordinance was hailed by aldermen as a major first step, critics who assailed the proposal inside and outside of Tuesday's hearing made clear they felt it fell well short of restoring the public trust in the department that was shattered by the release last year of a video of a white police officer fatally shooting black teenager Laquan McDonald.

Opponents contend the proposal does not immediately include the creation of a new civilian agency that could provide input and oversight, relies on insufficient funding and hinges on a hiring requirement for attorneys that could promote conflict of interest.

"It will be independent and the community will be involved moving forward," said Aldermen Ariel Reboyras, who presided over Tuesday's joint meeting of the council's Committee on Budget and Government Operations and Committee on Public Safety. He said if funding is inadequate, then Council ensure it gets more money.

But opponents weren't buying it.

"No matter how many tears Rahm Emanuel sheds at press conferences, if he is unwilling to promote the substantive changes we demand, the world will know that he is only feigning compassion for communities of color that continue to be victimized by those sworn to serve and protect them," said Brenda Sheriff, of the NAACP's Chicago Southside Branch.

The ordinance would create a new agency to replace the Independent Police Review Authority, which has been criticized for not completing investigations in a timely manner and nearly always siding with officers.

Under the ordinance, the new board will investigate shootings, incidents when officers used Tasers, allegations of physical and psychological coercion of witnesses by officers, as well as allegations that officers conducted improper searches or denied suspects access to attorneys. And the new board will have to do it much quicker than IPRA did, with the ordinance requiring that COPA complete its investigations within six months or offer an explanation to the mayor and others why it needs more time.

The new ordinance also will create a new deputy inspector general for public safety, who will monitor the police force, and increases the budget of Inspector General Joe Ferguson's office to pay for it. The ordinance proposed Tuesday calls for the new agency to receive a guaranteed budget of 1 percent of the police department's budget, not including grant funding. That's about \$14 million a year, or a little more than \$2 million more than IPRA's budget.

Emanuel's new ordinance also prohibits the new agency from hiring as investigators anyone who has been a Chicago police officer within the last five years - an effort to satisfy reform advocates who worried that people who were recently on the force may not aggressively investigate police officers.

A primary concern among opponents is that Emanuel did not propose immediately creating a new civilian agency that would help select a new head of COPA. Some in the audience accused the city of stalling, but the city's lawyer, Corporation Counsel Steve Patton, said that more community input was necessary in creating what he called a community safety oversight board. He said that the aldermen would be asked to pass a resolution on Wednesday that calls for drafting an ordinance creating the new board by early next year.

One national expert said once the board is created, the public may remain suspicious if the members are selected by city officials.

"The average person doesn't know who these people are, whether they are trying hard or just stooges for people in city government," said Tim Lynch, who directs the Cato Institute's project on Criminal Justice that has studied extensively and written about civilian review boards.

Lynch says he knows of only one city - Detroit - where voters have a say in who sits on its civilian review board.

There is also concern that the money allotted the new investigative agency will fall short of what is needed to conduct thorough investigations. Craig Futterman, a University of Chicago law professor who has extensively studied the police department and its handling of officer-involved shootings and misconduct allegations, said his own analysis shows that the new agency needs about \$9 million more annually to conduct thorough investigations.

"One of the big reasons why IPRA fell short in the past is that it did not have the resources it needed," he said.

Critics say equally troubling is the provision in the ordinance that calls for the new agency to hire its own attorneys from a list of five law firms previously approved by the city's law department.

"These law firms... may have other business with the city, its law department, so there may be some explicit or implicit conflict of interest there," said Lynch.

Samuel Walker, who teaches criminal justice at the University of Nebraska at Omaha and has researched police oversight board's nationwide, said looking outside the city or even the state to fill COPA posts can help ensure evenhandedness and objectivity.

Walker singled out New York City for having a system that includes current police department Inspector General Philip K. Eure, who had previously been executive director of the District of Columbia's Office of Police Complaints.