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LAW

DoJ's Chicago Report Is Out, And No One Is Saved

David Meyer Lindenberg

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Last week, the Department of Justice released a [report on police misconduct in Chicago](#). Journalists did what journalists do and looked it over, then took to social media to share the outrageous bits.

Criminal-justice reporter, Vox “explainer” and [Cross victim, Dara Lind](#), took the opportunity to ask a great question:

I have a hard time understanding how someone could read reports like the DOJ's on Chicago and feel such investigations are unnecessary.

— Dara Lind (@DLind) [January 13, 2017](#)

While people rarely think about the point Dara makes, it encapsulates a widely-held belief in the rightness of DoJ investigations and the importance of what they produce. As such, it deserves a longer answer than can be fit into 140 characters.

One objection to DoJ reports is that they're redundant: they don't reveal anything that hasn't already been covered in thousands of newspaper articles, blog posts, studies, court papers, interviews, tweets and specialist explainers. This is most clearly true of the big picture, the idea that a given city has a systemic police abuse problem. That's the premise DoJ sets out to establish when it conducts an investigation, but because the feds are nowhere near as quick to act as an army of citizen and professional journalists, their help to expose the wrong isn't really needed by the time they get around to it.

In Chicago's case, there's a [metric ton of reporting](#) going back years to show that many cops care nothing for residents' constitutional rights; successive administrations were unable to fix the problem, assuming they were willing to tackle it in the first place; cops who do care are ostracized and put in danger; police unions are complicit in the wrongdoing; and the institutions nominally responsible for oversight, like Internal Affairs and the Independent Police Review Authority (IPRA,) are worse than useless, to the point that they work to cover up misconduct.

For the feds to show up in 2017 and say there's a policing problem in Chicago is like someone in the California of 1855 shouting that there's gold in the hills. Everyone who was paying attention already knew, and it's tough to justify the expense and burden on municipalities of a DoJ investigation when all it does is go over well-worn ground.

Worse, many of the details and examples of misconduct in a DoJ report have been written about before. An entertaining side effect of being on this beat is that you stumble across things you yourself covered. In the Chi report, I hit paydirt on page 36:

Another video shows an officer punching a handcuffed man several times, apparently in retaliation for the man having earlier punched the officer. The officer claimed falsely in his report [...] that the man had been struggling and kicking and that the force had been necessary to control him. Unknown to the officer, this incident was captured on surveillance video of the hospital where officers had taken him for a psychiatric evaluation. The officer's partner also did not report this unlawful force, and supervisors deemed the use of force justified. It was only after the hospital staff who reviewed the video contacted IPRA that anyone was disciplined.

The cop's named Clauzell Gause, and there's a lot more to his story than DoJ's one-paragraph summary. There's his extensive history of civilian complaints, at least 11 by the time he beat a mental patient in July, 2014. His status as a defendant in a federal excessive-force lawsuit stemming from another arrest.

Most importantly, there's what happened to him after he did what he did in that hospital. You see, DoJ's claim that "it was only after the hospital staff [...] contacted IPRA that anyone was disciplined" is misleading. In fact, as the Chicago Tribune reported, IPRA was promptly notified and then sat on the video for two years. It took until May, 2016 and a lot of badgering for an external agency to do something about Gause's crime.

Ultimately, the Cook County DA's office indicted Gause on a felony count of official misconduct. And as I showed in my story, the prosecutor and the judge at his arraignment treated him with kid gloves, affording him all the advantages defendants without badges never seem to get.

This kind of information is important for placing allegations of police abuse in context and understanding the many interlocking factors that lead to something like Chicago. But you won't get any of it from the report. You don't get to watch the video of what Gause did, so you can't decide for yourself if what you read is accurate. The report doesn't even include his name.

What's more, the lack of depth and critical context taints one of DoJ's unquestionable advantages over private reporters: its level of access. There are, in fact, new findings in a DoJ report, in between the stuff already covered at length by multiple media outlets. After all, the feds can interview city employees at will and make them hand over their records.

The problem is what happens next, and it's largely the result of DoJ's decision to do broad overviews rather than deep dives. When the feds anonymize their findings, summarize them and bury what's left between a hundred recommendations for better training, much of the informational value is lost.

We know the big-picture stuff; what we desperately need is insight into the nuts and bolts of police misconduct. But DoJ chooses to go the other way, giving us snippets that, even if they aren't old and inaccurate, are often too superficial for us to learn anything new. In this way, the feds and dedicated criminal-justice reporters work at cross purposes, though the snippets do make for great tweeting material.

Finally, the size and ambition of DoJ's reports tend to leave readers with the impression that they say everything there is to say. But the feds omit things, as we saw with the IPRA's role in the Gause story, and what they leave out is often as interesting as what they put in.

Case in point: their treatment of Chicago's Police Accountability Task Force, Mayor Rahm Emanuel's handpicked reform committee. When DoJ mentions it, it's only to say good things; reading the report, you might conclude it's above reproach and an important part of fixing Chicago PD. But appearances can be deceiving.

First, PATF was only created a year ago, after a judge released video of Laquan McDonald's shooting death over the city's objections. Given Emanuel's record, it's hard to avoid the impression that one of its reasons for existing is to provide political cover. Second, while PATF likes to blame IPRA for the city's woes, it's chaired by Lori Lightfoot, who ran the org back when it was called the Office of Professional Standards. (Following her tenure, OPS was renamed after a number of misconduct allegations came to light; IPRA has been scandal-ridden and getting ineffectively "overhauled" for years.)

And third, the recommendations PATF made in a 2016 police-misconduct report of its own were profoundly useless. Indeed, they're so similar to the tepid conclusions in DoJ's own report that it's tempting to conclude this is why it didn't come in for criticism.

A DoJ report is the criminal-justice reporting equivalent of a Big Mac: filling, but bad for you. While they're good for temporarily raising awareness of the reform cause, it doesn't last. People pay attention for a few days, then drift away and latch on to the latest scandal in the news.

Worse, federal investigations leave people with the impression that they're the same thing as reform. As Cato's Walter Olson points out, while the recommendations in these reports range from the constitutionally significant to the banal to the absurd, none of them amount to real action. There's no guarantee DoJ will knuckle down and force cities to do anything reform-y. And if it does, the most radical option at its disposal is the dreaded consent decree, which is massively problematic in its own right.

DoJ reports are nice in their own way. They help persuade people who won't believe there's a problem with police misconduct unless an official agency tells them so. But what they aren't is groundbreaking. They offer little that's genuinely new and informative and let the feds act like they're doing something without bringing about real change. Perhaps the best way to treat a DoJ report is like a text from your friend who just discovered Breaking Bad: you can be glad he's on to something good, but in 2017, what he has to say should no longer rock your world.