



## Whatâ??s Really New About Chicagoâ??s Newest Police Oversight Office?

### Description

Policing is the cityâ??s most expensive and perhaps its most important service. In spite of all that, itâ??s a service that Chicago (and many other cities) canâ??t seem to get right.

Chicago is in the midst of a major reform in police oversight and policing, the last transition being the launch of the Civilian Office of Police Accountability (COPA). However, not two weeks into its official existence, COPA already is flirting with its first major leadership vacuum. Chief Administrator Sharon Fairley is [considering a run to replace Attorney General Lisa Madigan](#) in the 2018 election. Even before Fairleyâ??s plans became public, the agency lost one of its star hires, [Thomas Kim](#), who was chief of investigations for New York Cityâ??s police oversight agency.

COPA spokeswoman Mia Sissac told the [Sun-Times](#) that, â??the agency has been built and designed so that it can be successful, no matter who is the chief administrator.â?• But this is not Chicagoâ??s first transition in police accountability. While it is true that COPA is a different organization than its predecessor, the Independent Police Review Authority (IPRA), was three years ago, future generations may look back and say, â??It wasnâ??t our last.â?• As Chicago Mayor Rahm Emanuel himself said during COPAâ??s launch, â??There are efforts in this city on police reform that go back 40 years. We have tried before and have not succeeded â?l we have wavered, we have wobbled and then we have stopped.â?•

Hereâ??s a look at the history of police oversight reform in Chicago prior to COPA and an analysis of what is and isnâ??t different this time.

### Timeline

#### 1974, Creation of the Office of Professional Standards (OPS):

In response to increasing allegations of police brutality, particularly in African-American communities, Congressman Ralph Metcalfe convened a blue ribbon panel which [recommended that](#), â??complaints from citizens of abusive conduct by police are almost universally rejected by [Chicago Police Departmentâ??s] self-investigation system.â?• The panel led to the establishment of the Office of

Professional Standards, meant to be an independent investigating agency.

### **2007, Creation of the Independent Police Review Authority:**

After OPS [became a](#) lightning rod for critics who contend the Police Department fails to take timely action and mete out appropriate discipline to officers guilty of brutality and other wrongdoing, especially in minority communities, Daley set up a committee to replace exiting Chief Tisa Morris and ultimately created the Independent Citizen Review Authority under Ilana Rosenzweig. In fact, nearly ten years ago, in [November of 2007](#), the newly titled IPRA took up its first case under much public scrutiny. No discipline was issued. The City later settled the case because, as Jamie Loo wrote in the Chicago Daily Law Bulletin, [the physical evidence at the scene contradicted officers' testimony.](#)

### **2015, Release of Laquan McDonald video:**

In November of 2015, the City followed a judge's order to release video of the fatal shooting of 17-year-old Laquan McDonald by a police officer. The video sparked immediate and sustained protests against the police and justice system and calls for resignations that lasted into the spring of 2016.

### **2015, Leadership shake up:**

Not long after the release of the Laquan McDonald video, Emanuel asked his police superintendent, Garry McCarthy, to [resign](#). Not a week later, IPRA's Chief Administrator, Scott Ando, also left. Emanuel appointed Sharon Fairley, previously General Counsel for the City's Office of Inspector General to lead the [agency](#). Fairley is currently considering a run for Illinois Attorney General.

### **2016, Release of Police Accountability Task Force (PATF) recommendations:**

A task force hastily assembled by Emanuel at the end of 2015 returned five months later with [a scathing assessment of the Chicago police department and its system of oversight](#). The task force's recommendations included dissolving and replacing IPRA.

### **2016, IPRA makes changes:**

Beginning in early 2016, IPRA began making changes to its policies and activities. Following a change in the city's administrative rules in June, 2016, [IPRA released hundreds of videos of police incidents](#) on its website and began logging incidents two or more months after they occurred. Fairley also noted in early 2016 that she would be [rethinking the office's use of mediation](#) along with other office procedures. Fairley also [hired new leadership](#) and, eventually, all of IPRA's frontline staff were required to reapply for their jobs.

### **2016, Creation of COPA and Office of Inspector General oversight:**

Early in October of 2016, Chicago's City Council voted to create two new offices for overseeing the Chicago police. COPA would replace IPRA, though it would keep the same administrator, newly named Chief of Administration Sharon Fairley. In addition, the Office of Inspector General would be given explicit authority to examine the police department's data, policies, and procedures and review the entirety of the police oversight system.

### **2017, COPA launches:**

In September of 2017, the Independent Police Review Authority officially became the Civilian Office of Police Accountability. The [launch](#) included a swearing-in ceremony for the COPA investigators and a review of IPRA/COPA achievements and future commitments. A few weeks after the launch of COPA, the [Chief Administrator Sharon Fairley announced she is considering a run for Illinois Attorney General](#).

### **Whatâ??s The Difference Between IPRA and COPA?**

When City Council approved [COPAâ??s legislation](#) in 2016, it did not create a new function in police oversight. COPA continues to have largely the same basic jurisdiction and responsibilities, on paper, that [IPRA had](#). However, in comparing the legislation, a few key differences do exist.

#### **1. COPA receives a larger and guaranteed budget.**

At the start of 2015 IPRA was budgeted for [\\$8.45 million](#) and 98 employees. IPRA and COPA together in 2017 were given [\\$10.31 million](#) and COPA, by law, is guaranteed to receive the equivalent of at least 1% of CPDâ??s appropriated budget in 2018. This increase in budget allowed an ongoing increase in staff from 98 in 2015 to 141 by 2018.

#### **2. COPAâ??s jurisdiction expanded, though to a relatively small extent.**

IPRA was empowered to investigate â??domestic violence, excessive force, coercion, and verbal abuse,â?• and, â??cases in which a department member discharges his or her firearm, stun gun, or taser in a manner which potentially could strike an individual,â?• as well as investigations into the death of individuals in police custody. COPA continues to have similar responsibilities but was given additional jurisdiction to investigate certain civil rights-related allegations.

#### **3. COPAâ??s ordinance nods toward more independence, flexibility, and transparency.**

Unlike IPRA, COPA has explicit access to all information in the possession of the police and other city departments in order to do its work regardless of its connection to a specific ongoing investigation. COPAâ??s ordinance also forces independence in the form of a ban on hiring investigators who served as sworn officers at CPD in the last five years. Like IPRA, COPAâ??s redacted investigative reports will be available to the public, COPA however, will be required to post those redacted reports to its website.

#### **4. Mediation**

Although its ordinance did not speak specifically to the use of mediation to resolve complaints against officers, IPRA reportedly [relied heavily on the process](#). As a result, COPAâ??s ordinance includes a requirement that if mediation or other alternative resolutions outside of sustained investigations are pursued, then the person who made the complaint will be invited to participate. It also prevents complaints regarding serious injury and threats or use of domestic violence from being resolved outside of a full investigation. The expired collective bargaining agreement with the fraternal order of police [seems to be at odds](#) with some mediation restrictions, specifying that the

parties at a the mediation table are the â??accused Officer, with or without his or her Lodge representative, and a representative of IAD or IPRA.â?•

Just because the two offices look similar on paper, doesnâ??t mean they are. IPRAâ??s ordinance contained a lot more muscle than the office ever flexed, perhaps because the funding or the will just wasnâ??t there to do it. For example, IPRA always had the express authority to meet with community groups; it just didnâ??t do it very often. COPAâ??s current administration has committed to more regular and sustained outreach. Before it became COPA, IPRA had been posting audio and video from shootings and other incidents within 60 days and COPA has continued to carry through the cityâ??s policy and provide archived information.

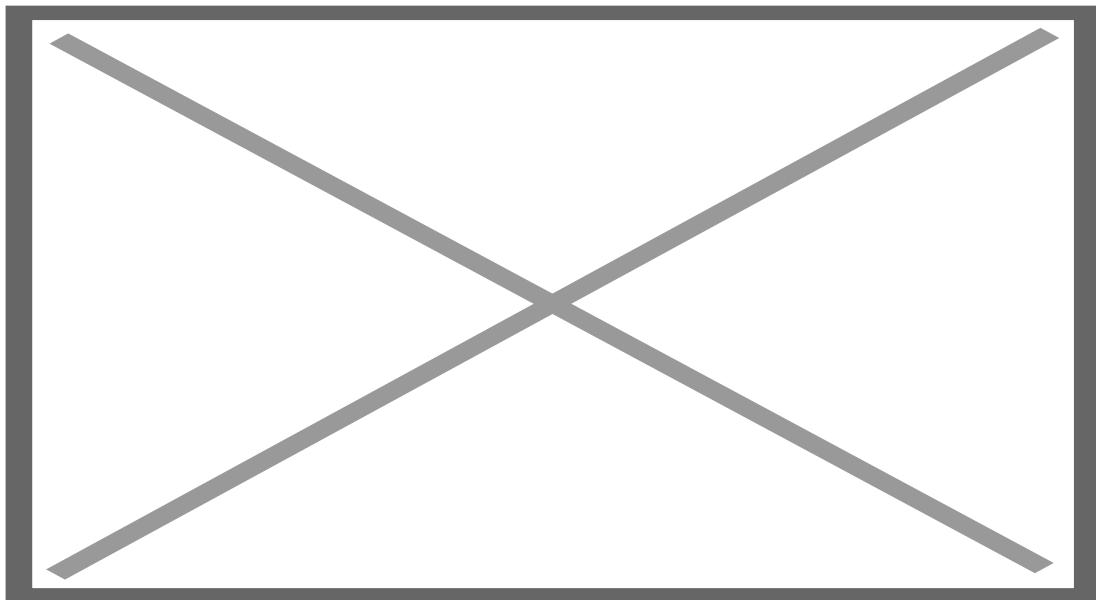
Other differences highlighted by Fairley at COPAâ??s launch included new rules and understanding with the police department that will give COPA immediate access to shootings and police video. COPA also will emphasize reliance on its own staff and consultants to conduct full investigations without assistance from CPD for support. Utilizing an increased budget, the office already had added staff, focused on quality management and bulked up the investigative teams.

These accomplishments, many of which began even before IPRA officially became COPA are rooted in a change in attitude and in the exercising of existing authority, not in a change of law.

#### **COPA and police oversight**

While it is the most visible player in police oversight right now, COPA, like its predecessor, does not investigate every component of police misconduct. COPAâ??s investigative work focuses on police who use force and on certain civil rights violations. Most often these investigations seek to determine if officers broke CPD rules. Separately, some investigations, in partnership with the stateâ??s attorney or another prosecuting body, can result in criminal charges. These are important but narrow areas of inquiry. The Bureau of Internal Affairs (BIA) is responsible for investigating any other misconduct that does not fall under COPAâ??s jurisdiction. BIA is a CPD department that, unlike COPA, answers directly to the Police Superintendent. Mayor Emanuelâ??s task force found that BIA, like IPRA, was â??under-resourced, lack(ed) true independence and [was] not held accountable for their work.â?•

COPA provides the following graphic explaining the differences in jurisdiction on its website:



This can potentially result in some overlapping investigations. For example, based on the jurisdictions as described, if an individual is shot by police and was arrested for carrying drugs, COPA will investigate the shooting to determine if the officer violated CPD rules or U.S. or Illinois law. If the individual accuses the officers of planting drugs on him, then in theory BIA, not COPA, will investigate that accusation at the same time COPA does its work, and CPD may separately investigate drug charges. How such areas of conflict are managed, and how BIA carries forward its responsibilities in police oversight will weigh on the the success of COPA and the new police oversight structure.

Nor are COPA and BIA the only layers in a new regime of oversight that continues to take shape. The group tasked with creating a community oversight board, the Grassroots Alliance for Police Accountability (GAPA), has been meeting and engaging with residents for more than a year but [says](#) â??we canâ??t rush this process.â?• The structure and power of this board will have ramifications on how COPAâ??s work is reviewed and how its next administrator is chosen. If Fairley leaves before that happens, the Mayor, with City Council approval, would appoint a Chief Administrator to serve until a permanent solution is available.

In the meantime, COPA continues to work with CPD and the police board, the group that judges the merits of discipline recommendations, with much of the same overall structure that IPRA had. Last but not least, in addition to investigations, both COPA and the new Deputy Inspector General for Public Safety are empowered to review the CPDâ??s policies and procedures. COPAâ??s policy reviews and examinations of pattern and practices, according to its ordinance, will stem from its investigative work. OIGâ??s jurisdiction covers the whole policing and oversight system, so it likely will be reviewing systemic issues in all three: COPA, CPD, and the police board, including issues beyond use-of-force and police misconduct. The contemplated civilian oversight board and deputy IG constitute the most original elements in Chicagoâ??s history of police oversight.

#### **Broader policing reform**

Hanging over all of the oversight changes are the cityâ??s efforts to change the culture and expectations of police in Chicago. The Chicago Reporter recently released [its assessment](#) of the

cityâ??s progress in meeting the U.S. Justice Departmentâ??s recommendations. Illinois Attorney General Lisa Madigan also led the city through its first steps toward a court monitor. In addition, the city continues its police contract [negotiations](#), which it may use as an opportunity to correct undue protections given to police that inhibit COPA and BIAâ??s work. Or, it might pass the buck.

If not carefully maintained over time, the developments Chicago has seen in police accountability in the last few months can easily degrade. As Emanuel told the newly minted COPA employees, â??You have to remain vigil[ant] in your job.â?• Thatâ??s a message for him as well as for all of Chicago.