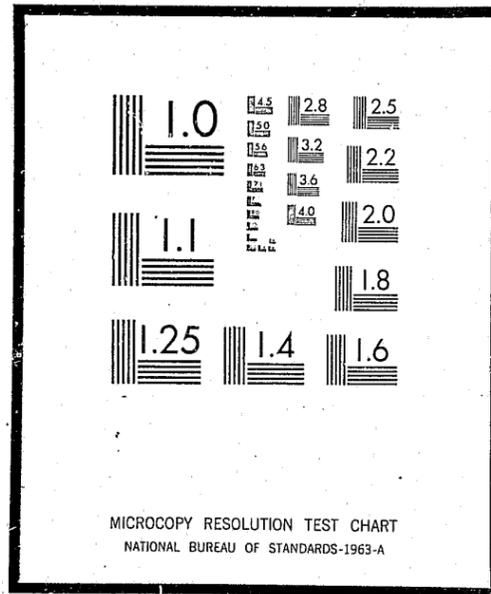


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THE CHICAGO POLICE DEPARTMENT —
ACCESS TO INFORMATION,
PERSONNEL PRACTICES AND INTERNAL CONTROL —
A REVIEW OF MAJOR REPORTS

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Four recent reports have provided evaluations of the Chicago Police Department. In chronological order, they are:

A survey of the Police Department, Chicago, Illinois by the Field Operations Division of the International Association of the Chiefs of Police, June, 1970, 4 vols. Hereafter referred to as the IACP report.

The Chicago Commission on Human Relations Memorandum of July 20, 1972; "CCHR Review of Complaints Against the Police". Hereafter referred to as the CCHR Memorandum.

The Chicago Commission on Human Relations Police Review Program Report For The Period June 1 through September 22, 1972. Hereafter referred to as the CCHR REPORT.

The Chicago Police Department: An Evaluation of Personnel Practices, prepared for the Law Enforcement Assistance Administration, United States Department of Justice by Paul Whisenand, Robert Hoffman, and Lloyd Sealy. Hereafter referred to as the LEAA report.

Three additional reports will be released:

A report by Congressman Ralph Metcalfe on the use of excessive force by the Chicago Police Department.

A report by the Chicago Bar Association on the investigative practices of the Internal Affairs Division of the Chicago Police Department.

A report by Mitchell Ware of the Internal Affairs Division of new reforms within the division.

These reports will be analyzed by the Law Enforcement Study Group following their release.

The areas treated in each of the four reports analyzed herein are different, but each report has significant overlap with the others. The IACP report is clearly the most complete. It was announced as "an examination and analysis of crime and police problems, police manpower and material resources, community attitudes and resources." There is particular attention paid to the assessment of line operations, manpower allocations, the quality of supervision, and the level and degree of discipline and internal control. (IACP, vol. 1, pp. 2-3) The CCHR Memo and Report are summaries of the findings of the Chicago Commission on Human Relations after a review of Police Department investigative reports and interrogations in cases of alleged police use of excessive force. In a number of cases, the Commission conducted independent investigations of the incidents. (CCHR Memo, p.1). The focus of the LEAA study is personnel management practices that affect minority group members. (LEAA, p. iii).

This review will consider those sections of these four reports dealing with the problems of information access, personnel practices and internal control.

I. ACCESS TO INFORMATION

General

The IACP report identifies a problem of "substantial separation of the department from ... the community which reduces the effectiveness of the department and the quality of life in Chicago." The IACP report states that "in some areas, the police have all the outward appearances of an occupational force." (IACP, vol. I, p. 45). The solution to this problem is the creation by the department "of commitment through the news media to keep members of the department and the citizens of Chicago well informed of all department activities." (IACP, vol. I, p. 99).

The Chicago Commission on Human Relations saw a problem in the lack of information transmitted to the public regarding the use of excessive force by police officers and recommended that "community newspapers be informed of action taken with respect to police officers found guilty of excessive force in those neighborhoods served by the community newspapers." (CCHR Memo, p. 4). The CCHR also recommended that the citizen complainant in an excessive force complaint be automatically notified by the department of any action taken on the complaint. Presently the complainant must request this information. (CCHR Memo, p. 4).

Both the LEAA report and the IACP report cite instances of refusal of access to Police records. The IACP report team was refused access to a copy of the old promotional exams given by the department. (IACP, vol. I, p. 234). The LEAA team was also refused access to a promotional examination. (LEAA, pp. 1.9-1.11).

Budget

There is an access problem in the area of Department budget reporting. The IACP report states that the present system of budget reporting by the Chicago Police Department is not informative on the way in which the taxpayers money is being spent by the department. The IACP report clearly recommends that the department adopt the format of a Performance Budget instead of a line item budget.

The Performance Budget focuses . . . on the services to be performed and on the proposed programs . . . establishes unit costs for various activities as opposed to the present line item system which divides all expenses into three categories, Salaries, Operating Expenses and Capital Outlay. (IACP, vol. I, p. 161 and vol. IV, Appendix 3).

The adoption of this recommendation by the department would clearly allow citizens more ready access to information regarding department programs and costs.

II. PERSONNEL

The quality of personnel in a police agency is directly related to selection, training, motivation and supervision. (IACP, vol. I, p. 171).

The responsibility for selection, training, motivation and discipline of the personnel within the Chicago Police Department belongs to the administration of that agency. (Ibid.) The LEAA report did not find intentional or planned exclusion of minority group members from employment or promotion within the Department but the report's hard data did show that "minority group members were being adversely affected by the present personnel system." (LEAA, p. 1.11). The Black population of Chicago is 33% of the total population but Black policemen are only 16% of the force. Spanish-Americans are 7% of the population and only 1% of the force. (LEAA, p. 2.1).

Recruitment

Although both the LEAA and the IACP reports provide guidelines for the improvement of recruitment of minority group members to the police force, presently Blacks and Spanish-Americans apply for entry into the Police Department in numbers

that approxiamte their percentages in the population. (LEAA, p. 2.1). Thus, although there is need to improve recruitment of minority group members, it is not the major problem accounting for the small number of minority persons on the force. The specific recommendations for recruitment are provided in the IACP report at Vol. IV, Appendix 4 and in the LEAA report at page 3.5. The IACP report provides guidelines for improvement of recruiting while the LEAA report recommends that the Civil Service Commission inaugurate a minority group recruitment team, develop "high impact recruitment materials" for minority groups and greatly expand "pre-entry training" for minority group members.

Selection

The selection process of the Chicago Police Department for patrolmen includes the following steps:

1. Entrance Requirements. These include residency, height, weight, and age restrictions.
2. Application. An application form must be completed and taken to the Civil Service Commission.
3. Written Test. Applicants are informed by mail to appear as a group to take a written test of mental ability.
 - 60% of all applicants pass this test.
 - 30% of black and Spanish American applicants pass this test.(LEAA, p. 3.18)

4. Medical Physical Test. Candidates passing the written test with a grade of 70 or above are scheduled for medical tests. (80 tests per day). Candidates either pass or fail, no grades are given.

"Minority group applicants were medically rejected at almost two times the rate of other candidates' rejection." (LEAA, p. 3.21).

5. Eligible List. The names of those who pass the medical-physical tests are placed by the Civil Service Commission on a list of eligibles for appointment. The names are assigned to the list from high to low on the basis of scores on the written test.

This list is in effect for two years. (LEAA, p. 3.24). Blacks are consistently placed lower on the list because of poor test scores so they must wait longer for appointment. (LEAA, p. 3.25). In 1970, the IACP report recommended that the life of the lists be reduced to one year. (IACP, vol. I, p. 230).

6. Background Investigation. Each person whose name is on the eligible list is investigated. There is no specific format for this check. (IACP, vol. I, p. 233). There are no formal standards used as a guide in rejecting candidates. (IACP, vol. I, p. 255). Candidates found undesirable by the Department may appeal to the Civil Service Commission who may overrule the department. (Ibid).

7. Certification for Employment. When the Department requires men, the Civil Service Commission certifies names of those men eligible after the background investigation. These persons are offered employment by the Department.

These steps in the selection process were evaluated by the IACP report and the LEAA report but from different perspectives. The IACP perspective was that of a management con-

sultant evaluating efficiency and effectiveness in selecting later successful officers. The perspective of the LEAA report was that of a research team measuring the effect of the process on members of minority groups.

Education

The IACP report recommended that the entrance requirements be increased to include a high school diploma in order to provide the city with more educated officers. (IACP, vol. I, p. 189). The LEAA report recommended not requiring a high school diploma as a step toward providing equal employment opportunity and as not necessarily required for police work if other individual qualities were present. (LEAA, p. 3.11).

Written Tests

Both the IACP and the LEAA reports found no evidence of the relationship of written tests to field work. (IACP, vol. I, p. 216; LEAA, p. 2.1). In addition, the LEAA report found that neither the Civil Service Commission nor the Chicago Police Department has developed any research evidence to show that the written tests are related to actual performance of duties. (LEAA, p. 3.18). These facts considered with the differential pass rates between minority groups and other persons taking the tests prompted the LEAA to recommend that:

the present test be discontinued until such time as the test . . . can be shown to be a

valid predictor of job performance on a basis that is fair to both minority and non-minority group members. (LEAA, p. 21).

The IACP report recommended that a new test be devised "which would be valid and reliable predictor of successful field performance." (IACP, vol. I, p. 216).

Medical Examinations

The IACP report found that there were no written guidelines for the medical examinations and that the definition of accepted physical condition for police work was left to the discretion of the examining physician. (IACP, vol. I, p. 211). The LEAA report found that the minority candidates were rejected at two times the rate of other candidates. (LEAA, p. 3.21). The main cause for rejection of blacks is wrong weight and for Spanish-Americans is wrong height. (LEAA, p. 3.24). The IACP recommended that there be written specific guidelines based on the physical needs of field work. (IACP, vol. I, p. 211). Both reports recommended flexibility in the application of the standards to guard against arbitrary rejection. Specifically the LEAA report recommended that the applicant be certified on condition that he reach weight requirements by the time of employment. (LEAA, p. 3.31). The LEAA report also recommended that a competent local medical school facility

be given responsibility for conducting the medical examinations on a contractual basis. (LEAA, p. 3.31). Both reports recommended testing for psychological problems that would impair fair and impartial police work. (IACP, vol. I, p.212; LEAA, p. 3.31). There are presently no such tests conducted with this aim.

Eligibility Lists

Both reports recommended that the eligibility lists should be terminated after one year instead of two years in order to give more members of minority groups a chance to seek employment with the department and to allow for the changes recommended in the system for placing names on the eligibility list. (IACP, vol. I, p. 230; LEAA, p. 3.24).

Background Check

In 1970, the IACP found that the Civil Service Commission accepted many questionable cases with regard to a background check for criminal, juvenile, and traffic records, and recommended that the standards be formulated more clearly and transmitted to the candidates. (IACP, vol. I, p. 225). The LEAA recommended that the policy be reformulated to include checks for convictions rather than arrests because arrests are common in ghetto areas and do not represent guilt of infraction of the law. (LEAA, p. 3.12).

Probationary Period

Both reports recommended that the probationary period of a new officer be increased in time and used as a selection device rather than just as a training requirement. The IACP recommended a probationary period of one year and the LEAA recommended a period of eighteen months. (IACP, vol. I, p. 230; LEAA, p. 4.11). The IACP report specifically recommends monthly evaluations of probationees' reaction to "on-the-job stress" and estimated potential. (IACP, vol. I, p. 230; LEAA, p. 4.12).

Training

The IACP report commented that training was one of the "brighter lights of the Chicago Police Department." (IACP, vol. I, p. 295). It noted that one of the most important functions of training was to prepare the officer for the "complexity of police problems" and the development in the officer of a proper attitude toward the philosophy of service. (IACP, Ibid.). The LEAA report refined this definition to specifically require development of healthy police-community relations in training. (LEAA, p. 4.1). In addition, the LEAA report found that 6.1% of the blacks entering the police training academy dropped out as compared to the 2.3% drop out rate of other groups. (LEAA, p. 4.6). In order to improve this condition as well as the overall training at the academy the LEAA report

recommends that Chicago oriented Community Relations courses be started to replace the present theoretical and general community relations courses. (LEAA, p. 4.9). It recommended further that the staff of the training institute be broadened and balanced to include various viewpoints including that of minority groups. (LEAA, p. 4.8). The IACP seeks to improve the training instructor by establishing a formal system of instructor evaluation. (IACP, vol. I, p. 309).

Both reports focused further attention on field training and in service training. Specific recommendations on these topics can be found at the following pages: IACP, vol. I, pp. 312, 315; Vol. IV, Appendix 5: LEAA, pp. 2.3, 4.10, 4.19.

Promotion

The IACP report stated that the promotion exam was primarily a test of knowledge but was unable to comment further as a copy of the exam was denied them by the Civil Service Commission. (IACP, vol. I, p. 233). However, the IACP report furnished a guide used nationally for the evaluation of promotion potential. (IACP, vol. IV, Appendix 4).

The LEAA report found that the "present promotional process does have the effect of disproportionately excluding blacks from promotion." (LEAA, p. 5.6). The LEAA report recommended that the:

civil service promotional procedures be reviewed and validated, that the appointment of blacks to high level command and policy-making positions by the superintendent be increased and that the procedure for selecting patrolmen for specialized assignments be further improved. (LEAA, p. 2.3).

III. INTERNAL CONTROL

Discipline

The IACP defined the importance of proper discipline within the context of the exposure of officers to the opportunity for misconduct and the importance of the responsibility for maintaining the public trust. (IACP, vol. I, p. 339). The IACP found that:

In spite of the elaborate procedure established for disciplinary and internal investigation, records of the department indicate there are continuing breaches of discipline, ethical compromise and misconduct on the part of the Chicago Police Officer We are concerned about the shortcomings of the disciplinary system at the level of execution. (IACP, vol. I, p. 340). (emphasis added).

The IACP further concluded that:

the department is not making the effort to remove incompetent police officers from the service. (IACP, vol. I, p. 196). (emphasis added).

The LEAA found on the other hand that black officers were complained against at a disproportionately higher rate within the disciplinary system and found that charges were sustained against black officers at a rate of 9.9% higher than the sustenance rate of other groups. (LEAA, p. 8.12). LEAA recommends that the Department develop a monitoring system to detect and prevent any possible inequities in its discipline process including a system of administrative review, and the designation of civilian hearing officers to conduct administrative trials. LEAA also recommends the review of all instances of summary punishment by the commanding officer of the Unit before it is administered. Summary punishment is the loss of relief days or pay for minor infractions of the rules of the department such as dress code. (LEAA, p. 8.19).

Excessive Force

The Chicago Commission on Human Relations presented two reports on the issues surrounding department internal control in their investigation of excessive force complaints against police officers. At the present time, 260 cases

of excessive force complaints have been referred to the CCHR. 176 cases have been acted upon, and 84 cases are pending review by the Commission. Of the 176 cases reviewed, in 149 cases the Commission concurred with the finding of the Internal Affairs Division of the Department. In 21 cases, lack of cooperation by the complaining parties inhibited investigations. In 1 case, the CCHR disagreed with the IAD but requested no further investigation. Of the Department decisions with which the CCHR concurred, approximately 9.4%, 14 cases, were sustained allegations of the irregular use of excessive force by police officers. The 9.4% figure is a correction of the an earlier figure, 11 1/2% on p. 6 of the CCHR Report. In the category of sustained allegations of the use of excessive force or irregular conduct by police officers, the Commission concurred in all cases with the finding of the department.

The Commission did not report the percentages of concurred cases in any other category including not sustained, unfounded, and exonerated allegations of the use of excessive force. However, the Commission reported the number of cases in these categories which were referred to them for examination. 41.9 % of the cases referred to the CCHR were allegations of excessive force not sustained because there was insufficient evidence to prove or disprove the allegation. 46.1% of the cases referred were unfounded. 6.5% of the cases referred were exonerated.

Therefore, 41.9% of the cases referred to the CCHR by the department are cases in which the IAD was unable to make a decision because of lack of evidence. If in the category of cases in which the CCHR concurs with the IAD, there is a similar percentage of cases in which allegations are not sustained because of insufficient evidence, it would mean that after two investigations, one by the department and one by the CCHR, no decision is reached in approximately 4 out of every 10 cases filed. The CCHR did not compute for their report the number of cases not sustained by the IAD in which the CCHR concurred. (Interview with Julius A. MacMillian, staff CCHR, October 31, 1972).

The public is not informed by either the department or the CCHR of the reasons why a decision cannot be reached in these cases. This leaves the community without a resolution of the conflict between the department and the community generated by the filing of the complaint of excessive force. Certainly this conflict has a probability of interfering with constructive police-community relations. The CCHR process of reviewing complaints cannot alleviate this community relations problem if the Commission concurs in not being able to make a decision and does not provide reasons for not being able to make a decision.

A serious examination of the causes of the inability of both the IAD and the CCHR to reach decisions in approximately 4 out of every 10 cases referred to them should be conducted. At the minimum, the IAD and the CCHR should outline for each case the reasons why a decision cannot be reached. The Commission reported that in 21 cases, staff investigations were inhibited by the lack of cooperation on the part of complainants on advice of counsel. (CCHR Report, p. 6). Reasons for the inability to reach a decision in the remaining 41 possible cases were not provided.

IV. IMPLEMENTATION

The IACP stated that the "contents of the report need external action by local public officials, police administrators, and citizens." (IACP, vol. IV, p. 1023).

The IACP and the LEAA specifically recommended formation of joint agency project teams to institute the changes recommended by each report. (IACP, vol. IV, p. 1023; LEAA, p. 1.12). The IACP in addition recommended that each command officer on the police force be assigned to review recommendations falling within his area of concern and report on the inauguration of the changes. (IACP, vol. IV, p. 1023). The status of these recommended implementation procedures within the department is unknown.

END