



AGENDA
Citizen Police Review Commission
Wednesday, April 7, 2021
Lorraine H. Morton Civic Center, 2100 Ridge Avenue (VIRTUAL)
6:30 PM

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, City Council members and City staff will be participating in this meeting remotely. Due to public health concerns, residents may provide public comment virtually at the meeting or in writing.

To view: <https://www.cityofevanston.org/government/agendas-minutes/citizen-police-reviewcommission>

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1. CALL TO ORDER/DECLARATION OF A QUORUM

- A. As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, Commission members and City staff will be participating in this meeting remotely.

2. PUBLIC COMMENT

3. APPROVAL OF MINUTES

- A. Approval of the February 3, 2021 Meeting Minutes 3 - 4
[February 3, 2021 Meeting Minutes.pdf](#)

4. NEW BUSINESS

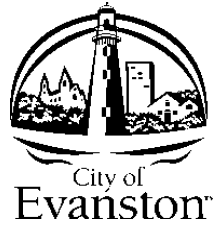
5. OLD BUSINESS

- A. Second Review of Departmental Inquiry #20-13 5 - 8
[Departmental Inquiry #20-13 Summary.pdf](#)

6. EXECUTIVE SESSION

- A. A motion to convene into executive session pursuant to 5 Illinois 9
Compiled Statutes ("ILCS") 120/2a, I move that the Citizen Police
Review Commission convene into Executive Session to discuss agenda
items regarding personnel.
[Motion to Convene Into Executive Session Memo.pdf](#)

7. ADJOURNMENT



CITIZEN POLICE REVIEW COMMISSION MEETING

Wednesday, February 3, 2021

6:30 p.m.

VIRTUAL MEETING VIA ZOOM

Minutes

Present: Juneitha Shambee, Nyika Strickland, Nikko Ross, Rick Marsh and Shahna Richman.

Absent: Clarence Weaver, Douglas Whitmore, Jamal Graham, and Blanca Lule.

Staff Present: Interim Assistant City Manager Kimberly Richardson and Commander Ryan Glew.

Other Guest(s): Karen Courtright

1. **Call to Order/Declaration of Quorum**

Chair Shambee called the meeting to order at 6:36 p.m.

2. **Approval of the January 6, 2021 Minutes**

Motion made by Commissioner Richman to approve the January 6, 2021 minutes; seconded by Commissioner Ross; motion approved.

3. **Public Comment**

No public comment was made.

4. **New Business**

A. February CPRC Training

Comdr. Glew provided Commission members and staff with training relating to body worn cameras and the complaint intake process.

5. Old Business

No old business to discuss.

6. Communications

A. CPRC December 2020 Human Services Committee Report

B. CPRC January 2021 Human Services Committee Report

Interim Assistant City Manager Kimberly Richardson informed the Commission that the HSC Reports don't require the approval of the Commission prior to being presented to Human Services. She will still continue this practice to keep accurate records of the Citizen Police Review Commission.

7. Adjournment

Motion to adjourn was made by Commissioner Marsh and seconded by Commissioner Strickland. The motion was approved unanimously.

The meeting adjourned at 7:24 p.m

EVANSTON POLICE DEPARTMENT

Office of Professional Standards

Departmental Inquiry

March 24, 2021

DI # 20-13

Initiated: August 24, 2020

Completed: January 30, 2021

Allegation

On August 24, 2020, the OPS Sergeant received a complaint form from the Complainant. The Complainant alleged that the Accused Officer did not conduct a complete or thorough investigation, which (according to the Complainant) would have included calculating the excessive speed of the driver, giving the driver a sobriety test and making an arrest. The Complainant further alleged that the Accused Officer conducted a racially biased investigation stating that the Accused Officer did not charge the driver because he was Caucasian and wealthy. The Complainant alleged that the driver got away with verbally abusing police, driving while intoxicated, reckless driving, damaging property, and fleeing the scene of a crash without receiving a ticket. This complaint was forwarded as a Departmental Inquiry.

If the allegations are true, the Accused Officer may have violated the following:

Rule 2 Any action or conduct, on or off duty, which impedes the Department's efforts to achieve its goals, mission or values, or which degrades or brings disrespect upon any member or the Department as a whole; or any action that impedes the operation or efficiency of the Department and its members.

Rule 4 Failure to perform a duty

Rule 20 Failure to provide prompt, correct, or courteous service.

Actions, per OPS Sergeant

On August 28, 2020, The OPS Sergeant spoke with the Complainant on the phone. The Complainant stated that he was a witness to part of a traffic crash on June 23, 2020, to which the Accused Officer was the Primary Officer. The Complainant advised the single-car crash was caused by an intoxicated driver and caused damage to City property.

The Complainant advised that he did not witness the entire crash but did witness occupants fleeing the vehicle. He further stated that the driver was not given a sobriety test and did not receive citations. The Complainant stated that it was evident that the driver was driving at a high rate of speed and that the responding Officers should have determined that speed from the evidence. The Complainant continued and alleged that the Accused Officer's actions or lack of action were due to the driver being wealthy and Caucasian.

The Incident, per Patrol Sergeant

On June 23, 2020, a caller reported a traffic incident that involved a red BMW near Sheridan Road and Sheridan Place. The caller reported that the three occupants of the vehicle were trying to leave and the caller was in possession of the car keys. The Accused Officer responded to the location with several other responding officers and secured the vehicle to be towed.

The Accused Officer made contact with the occupants of the vehicle. The Patrol Sergeant noted that the vehicle's driver was highly uncooperative and was belligerent but was never

threatening. The Accused Officer discovered that the driver had dried blood on his forehead due to a previous head injury with a possible concussion obtained from a fall. The passengers of the vehicle indicated they all occupants of the vehicle consumed a couple of beers, including the driver. The Evanston Fire Department (EFD) checked out the driver. EFD determined that there was no reason to hold the driver; he was orientated and able to walk. The driver was allowed to sign a treatment refusal form and was released to his father on the scene. The driver's mother discussed getting the car towed using AAA but was denied because the Responding Officers could not wait for AAA to clear the site. A local towing company was used to recover the car.

The Complainant can be heard on the BWC footage yelling in disagreement regarding how the investigation was being handled. The Complainant continued and alleged that the Accused Officer's actions or lack of action were due to the driver being wealthy and Caucasian.

Actions, Patrol Sergeant

The Patrol Sergeant advised the Accused Officer of this complaint and directed them to submit memoranda delineating this incident's recollection. The Accused Officers complied.

Accused Officer One's memorandum: Accused Officer One's statement is consistent with the incident mentioned above. In addition, the Accused Officer stated she observed the dried blood on the driver's head, near the temple. The injury appeared to be from when the driver fell while skateboarding. The Accused Officer stated that she did not smell alcohol or observe other signs of intoxication and believed that the driver's actions appeared to result from a prior head injury or potential mental crisis. An ambulance was requested (dated 10/04/2020).

Findings / Recommendation, Patrol Sergeant

After reviewing all reports, memoranda, and videos associated with this complaint, the Patrol Sergeant stated The Accused Officer concluded that the incident was best handled with no tickets issued, the vehicle towed, and the driver being checked by EFD and later released to his father. Based on the facts at the time, this was reasonable. The Patrol Sergeant recommended the allegations against the Accused Officer be classified as UNFOUNDED for RULES 2, 4, & 20. The Patrol Sergeant stated that the Accused Officer treated the passenger with respect and gave the driver every opportunity to comply while showing great restraint when dealing with him.

The Patrol Sergeant noted the following corrective actions:

- However, a supervisor should have been called to speak with the Complainant, who was distraught since the beginning of the incident. The outcome of the investigation would not have changed, but the Complainant's concerns would have been acknowledged or addressed while the Officers were dealing with a chaotic scene.
- The Accused Officer did a traffic crash report, but a full report detailing the incident and the witness' complaint would have been helpful.
- The traffic report did not have the necessary information by not including the vehicle's insurance information deeming the report incomplete.
- Restraining the driver would have been ideal for his safety and the safety of others.

The Patrol Sergeant recommended **SHIFT LEVEL COUNSELING** regarding traffic enforcement skills and suspect control.

Findings / Recommendation, Patrol Commander

After reviewing all reports, memoranda, and videos associated with this Departmental Inquiry, the Patrol Commander stated that he agreed with the Complainant "EPD must do better"; the Accused Officer should have done a better job of investigating this incident. The Patrol Commander believed that there is no evidence or indication that the Accused Officer's investigation had anything to do with the driver's race. The Accused Officer demonstrated inexperience and needed to take better control of the driver while investigating this incident. Citations stemming from this traffic accident would have been appropriate; the Accused Officer used her discretion and chose not to issue any to the driver. The Patrol Commander noted that the Accused Officer completed an Illinois Traffic Crash Report without securing insurance information on the vehicle.

The Patrol Commander **CONCURRED** with the findings of the Patrol Sergeant. The Patrol Commander found the Accused Officer **DID NOT VIOLATE Rules 2, 4, & 20** and classified the allegations as **UNFOUNDED**, stating the Accused Officer was courteous and professional to all parties. The Patrol Commander recommended **SHIFT LEVEL COUNSELING** regarding subject control and traffic accident investigation. The Patrol Commander further stated that the Accused Officer would benefit from the following **TRAINING COURSES; Illinois Traffic Crash for Patrol (TRA012R) and Law Enforcement Use of Force Review (PAT426R)**.

The Patrol Commander concluded by stating that the Accused Officer is a new member of the Evanston Police Department with excellent potential. This traffic accident investigation was very chaotic with two scenes and an uncooperative driver; however, the Patrol Commander is confident that more training and experience will benefit the Accused Officer's career at EPD (dated 10/04/2020).

Findings / Recommendation, Deputy Chief

After reviewing all reports, memoranda, and videos associated with this Departmental Inquiry, the Deputy Chief **CONCURRED** with the Patrol Sergeant and the Patrol Commander's findings. The Deputy Chief found the Accused Officer **DID NOT VIOLATE Rules 2, 4, & 20** and classified the allegations as **UNFOUNDED**. The Deputy Chief recommended **SHIFT LEVEL COUNSELING** regarding *subject control and traffic accident investigation* and **TRAINING COURSES** as listed by the Patrol Commander (dated 10/07/2020).

Findings / Recommendation, Patrol Sergeant 2nd Review Requested by CPRC

On January 30, 2021, a memorandum was composed by a Patrol Sergeant at the request of CPRC. After reviewing all reports, memoranda, and videos associated with this Departmental Inquiry, the Patrol Sergeant stated that the traffic crash investigation that was conducted by the Accused Officer was not thorough enough and the action to not take enforcement action based on a head injury to the Driver and a perceived mental affliction was flawed.

The Complainant in this investigation should have been interviewed and his statement made a part of the official record. The Complainant should have also been notified at the scene regarding the reason for not taking enforcement action. If the Complainant was not happy with the outcome, a supervisor should have been called to the scene.

The Patrol Sergeant further stated that the aforementioned reasons are indicative of an inexperienced rookie police officer who was recently released from field training and sent to a difficult/complex call near the end of her 12-hour shift; in addition to a global pandemic with unknown rates of infection and mortality. Police departments worldwide, including EPD, made concerted efforts to minimize human-to-human contact, and changes were made regarding how communities were policed by limiting responses calls, arrests, and traffic enforcements focusing only on the most egregious cases. The Accused Officer's shortcomings during this investigation, as detailed, are easily correctable with experience and training. This was not a willful disregard of department policy and procedure.

In addition, the Patrol Sergeant stated the allegation that enforcement was not taken in this incident due to race, is without merit and based on conjecture. At no time during his review of this investigation did he observe behavior from the Accused Officers that would lead him to believe they were providing the driver or passengers' preferential treatment based on their race. The Patrol Sargent also stated that he did not observe any behavior or indication that, had the driver been a minority, the outcome would have been different. Both Accused Officers have never shown a history of biased policing and regularly receive continuing training on race and policing in accordance with Evanston Police Department policy.

In conclusion, the Patrol Sergeant **CONCURRED** with the original Patrol Sergeant's findings of **SHIFT LEVEL COUNSELING** for Accused Officer One with an emphasis on training on the following topics: Traffic Accident Investigation, DUI Enforcement, and Street Survival. As for the 2nd and 3rd Officers on scene, the Patrol Sergeant stated that they should also receive **SHIFT LEVEL COUNSELING** on the finer points of when to call a supervisor to the scene (01/30/2021).

Findings / Recommendation, CPRC

Pending CPRC review.

Findings / Recommendation, Chief of Police

Pending CPRC Report.



Memorandum

To: Juneitha Shambee, Chair
From: Kimberly Richardson, Interim Assistant City Manager
Re: Executive Session for the Citizen Police Review Commission
Date: April 2, 2021

MOTION TO CONVENE INTO EXECUTIVE SESSION

Pursuant to 5 Illinois Compiled Statutes ("ILCS") 120/2a, I move that the Citizen Police Review Commission convene into Executive Session to discuss agenda items regarding personnel. These agenda items are permitted subjects to be considered in Executive Session and are enumerated exceptions under the Open Meetings Act. The exception is 5 ILCS 120/2(a), (c)(1) as set forth as follows:

§2. (c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.