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WHAT DOES IT TAKE TO GET FIRED?

When citizen review panels overrule the Chief, discipline suffers

By Julius (Jay) Wachtel. In a busy hospital emergency room in August 2005, a [60-year old stabbing victim](#) sat in a wheelchair, yelling and cursing. Maybe he didn't think that he was being treated quickly enough. Nurses asked police to intervene. A uniformed officer obliged, handcuffing the man to his wheelchair and then whaling on him with a sap. It was all caught on videotape.

After an internal investigation the Chief fired the officer and referred the matter to city prosecutors. In time the cop pled guilty to misdemeanor battery and got eighteen months probation. Case closed? Hardly. In Chicago, where the incident occurred, a panel of nine citizens known as the [Police Board](#) has the last say on police discipline. Despite the officer's on-duty assault conviction it [set aside his discharge](#), instead suspending him for a mind-boggling *two years*. Why? The Board wouldn't say -- by law, it doesn't have to. However, the officer had thirteen years of experience and until this dreadful incident his record was supposedly "unblemished."

Earlier this year the cop's record acquired another blemish when the [Feds charged him](#) with civil rights violations for beating the handcuffed man. That case is pending. Meanwhile the officer remains suspended.

It's not the first time that the Chicago Police Board overruled a firing decision. According to the [Chicago Sun-Times](#), between 2003 and 2007 only twenty-one out of eighty officers canned by the Superintendent were actually let go. Put another way, a bunch of amateurs overruled the "Sup" three times out of four. Cops whose jobs they saved include a diagnosed "[alcoholic and manic-depressive](#)" who returned to duty from a suspension drunk and belligerent (his original offense was to handcuff a bartender who refused to serve him); an [officer](#) who gave a friend photographs of a woman from a police database (the friend then tried to kill her); a [cop](#) who ignored a bank robbery in progress while buying bottled water in a convenience store (she did say she dialed 911); and a [Lieutenant](#) with a recent misdemeanor conviction for harassment who hounded a woman whose particulars he got from a police report, then reportedly lied about it.

Citizen review panels are byproducts of the sixties and seventies, when episodes of unimaginable corruption (think [Serpico](#)) and repeated tangles between officers and minorities led the Justice Department to use civil rights and other laws to fight police brutality and misconduct. Federal policing of the police continues to the present.

(One recent example, the [Rampart scandal](#), led to [Federal oversight](#) of the Los Angeles Police Department, which is still in effect.)

Yet something odd happened on the way to the Forum. Injecting citizens into the disciplinary process was intended to counter the “take care of our own” mentality prevalent in policing. It was meant to stiffen discipline, not relax it. But to the glee of those who bitterly fought civilian review, it turns out that many citizens are disinclined to mete out harsh sanctions to police officers, even when they grievously overstep.

Why is that so? Citizen reviewers are normally appointed by politicians, giving local power structures, including powerful police unions, great influence over the authority and composition of the panels. Lacking personal knowledge of the police workplace, citizens may be unduly influenced by the accounts of men and women who do an often unpleasant and risky job. What happens on the streets is complex and nuanced, and over time a Stockholm-like syndrome may set in, transforming board members (even those who didn’t begin as “pro-police”) into champions of the accused. Deciding whether a cop should be fired is also a sobering task. So it’s no surprise that when given a choice Chicago’s panel invoked punishments of as long as *three years* suspension in lieu of termination

What does Chicago’s top cop think? [Jody Weis](#) was brought in to clean up a department racked by abuse and misconduct. A retired FBI official, he’s clearly no fan of the Board, whose second-guessing he says [undercuts his authority](#) and hurts morale, in effect making officers accountable to no one: “At the end of the day it is the department which is often looked at as accountable for our personnel. We have to make sure we can discipline our folks in a manner that is fair and consistent. I can’t overstate how seriously we take separation cases....I should be the final decision-maker.”

Chicago’s example may be extreme, but it has a parallel in the West. [In Los Angeles](#) allegations of serious police misconduct are heard by an awkwardly named “Board of Rights” (guess *whose* rights that means) comprised of two command officers and, since Rampart, a private citizen. Their punishment decisions can be modified by the Chief, but in only one direction: *down*. What’s worse, California law keeps police disciplinary matters (but not criminal cases) private, meaning that even the most serious accusations are handled in secret. Only days ago the Orange County (Calif.) Sheriff’s Department [refused to say](#) whether a Deputy who left after a widely-publicized jail fiasco resigned or was fired.

In Federal law enforcement agencies and in most State and local police departments decisions whether to retain or fire an employee rest with their chief

executives. (External appeals, say, with a city personnel commission or the courts are always possible.) Not in Chicago and Los Angeles, where Chiefs are denied the equivalent of a last word. There's no doubt that in practice these arrangements reduce the respect and -- let's face it -- the fear that officers have of their Chiefs.

And as every parent knows, a little bit of fear can be a very good thing.