

# Champaign Citizen Review Subcommittee

-2020 Annual Recommendations-

Draft Submitted for Review for the Champaign Human Relations Commission

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**Black lives matter:** The Champaign Citizen Review Subcommittee (CCRS) cannot begin to complete our mission unless our city code and police department policy reflect this fact. The recent murders of George Floyd and Breonna Taylor at the hands of police officers emphasize the urgent need for change. The experiences of Teshome Campbell, Myron Scruggs, Precious Jackson, Kisica Seets, Benjamin Mann, William Brown, Davonte Wright, Kyle O'Brien, Richard Turner, and Alton Corey at the hands of Champaign Police demonstrate that work must start anew in our city, and in earnest.

Champaign City officials are in agreement that change is required. In the *News-Gazette*, Mayor Feinen [promised](#) that the city would “review policing policies and strategies, economic opportunities and education,” she stated that she “the Champaign City Council is ready for the opportunity for change.” Similarly, Champaign police Chief Anthony Cobb has acknowledged “I don’t think there’s anything off the table; we’re going to make some significant changes.” “We’re going to have to,” Chief Cobb continued, “that’s the direction we’re getting from our council, from the public, from our mayor.” Both Mayor Feinen, Chief Cobb, and several City Council members have been photographed taking a knee at recent local Black Lives Matter protests to honor the need for change.

The expertise of CCRS Commissioners are integral to achieving these necessary goals stated by the Council. The 2017 ordinance tasks the CCRS with the review of citizen police complaints on the conduct of Champaign Police officers. Our mission is to serve as a mechanism for accountability and public outreach to improve community-police relations. In those two years, the CRS has listened intently to stakeholders and Champaign residents, worked extensively with CPD Administrators, and reviewed nearly a dozen complaint investigations. Our work requires hours of training in CPD policy and 10 hours of police ride-alongs completed annually.

To fulfill the responsibilities that the moment and our ordinance requires, the 2020 CRS Annual Recommendations submits the following among our recommendations:

1. [Additions and amendments to Champaign Police policy.](#)
2. [Changes to the City budget and bargaining agreement with the Illinois Fraternal Order of Police, which both significantly influence the police complaint process.](#)

3. Request to study the impact of the Student Resource Officer program in Unit 4 schools on community police relations within marginalized communities.
4. Changes and additions to the 2017 CRS Ordinance.

On August 3<sup>rd</sup>, 2020, the CRS will present these recommendations to the Human Relations Commission for feedback. This presentation to the HRC will be streamed live and made available afterward. Feedback received will be implemented before the next CRS meeting, where the CRS will vote to approve the recommendations to be submitted to Chief Cobb and City Council Members.

The following documents may aid the review of these recommendations:

- The [2017 Citizen Review Subcommittee Ordinance](#)
- The [July 2020 update from CPD regarding recent changes to police policies](#), which includes a chokehold ban and a requirement to intervene in unnecessary uses of force.
- The [CCRS's 2019 recommendations](#)
- The [CPD Administration's response to the 2019 recommendations](#)
- The [2018 CPD report](#) to the Human Relations Commission may also be useful.

For additional questions, contact Rachel Joy at the Office of Equity, Community and Human Rights: 217-403-8830 | [humanrelations@champaignil.gov](mailto:humanrelations@champaignil.gov)

### Next steps:

Before 2021, the CCRS requests that Champaign Police Administrators submit an informational memo detailing their responses to the 2020 Recommendations that fall under CPD authority. In the same time frame, the CCRS requests an informational memo from the City Manager in response to the recommendations that require Council authority.

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## I. The CCRS recommends the following additions and changes to CPD policy: <sup>1</sup>

- A. Eliminate the time frame window for complaints.** The complaint process asks complainants to recount a painful event in an uncomfortable and unfamiliar environment (e.g., the Champaign City Building or the Police Department). This was included in our 2019 recommendations, and the Department has the opportunity to again expand that window.

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<sup>1</sup> Review all Champaign Police Department policies [here](#).

**B. Create a policy that guides officer discretion for drug-related incidents:**

1. Direct officers to not target Needle and Syringe Programs (NSPs) and those at the scene of an overdose for arrest, and to not interfere with other harm reduction efforts.
2. Prohibit officers from confiscating clean needles and naloxone.

**C. Create a policy that details the extent of CPD's involvement in the enforcement of federal immigration law.<sup>2</sup> Undocumented immigrants are residents and deserve specific guarantees for service from Champaign Police.**

These should clarify law enforcement goals when working with undocumented communities:

1. Refuse to behalf of federal immigration authorities without a valid arrest or search warrant that has found probable cause. Civil immigration warrants do not require the approval of a judge, and should not be honored by CPD.
2. Include officer documentation inquiries in departmental weekly and annual reports ([Policy Number 11.4](#)).
3. Report any funds used to cooperate with ICE to the City Council.
4. Prohibit, where possible, the collection of information about immigration status.

**D. Prohibit the use of tear gas.** The [chemical agent has been found to cause](#) long-term health consequences and can hurt those who aren't the intended targets, including people inside their homes. Tear gas contaminates food, furniture, skin and surfaces, and can cause long-term lung damage.

**E. Require an officer exhaust all other means before shooting and the use of force continuum.**

Champaign Police Use of Force policy notes four principles for use of force, number 2 is a "[continuum of force](#)" and 3 is verbal de escalation. Each is a "best practice," not an enforceable standard.

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<sup>2</sup> A review of CPD policy on immigration status and relevant laws can be [accessed here](#).

II. [The Champaign City Council must diversify its expenditures marked for public safety in its budget for the Police Department.](#)

Total police expenditures reached \$26 million in 2020, and [the budget for 2021](#) recommends increasing that funding by 6%.<sup>3</sup>

- A. The Council should divert 10% of Champaign Police funds to create a pilot program that better responds to community mental health needs.** Adults with severe mental illness account for one in four people killed in police encounters, according to a 2015 report from the [Treatment Advocacy Center](#) (2015). The same report found that individuals with untreated mental illness face a 16-times-greater risk of being killed in a law-enforcement encounter compared to other civilians.<sup>4</sup> The CCRS has observed that an outsized number of complaints are marked by a mental health condition noted by the complainant or an officer or sergeant on the scene.

Such a program should have two facets; (a) a co-responder program that pairs police officers with mental-health professionals to help people on the verge of suicide or addressing other emotional crises in the course of a shift, and (b) a 24/7 service team of medic and crisis workers to be dispatched to non-criminal crises involving people experiencing mental illness problems, substance abuse and homelessness.<sup>5</sup>

The following reasons support the decision to diversify public safety funds:

1. Currently, the [Crisis Intervention Team](#) is tasked with responding to complex problems. By far, mental health and suicide attempts are the most common calls CIT responds to. Typically, these calls involve repeat contacts with the same individuals who have unresolved mental health needs who have committed a minor or “nuisance” offense. Occasionally, CIT officers responded to volatile situations that risked the safety of all involved. In [2015, the most recent data available, the Crisis Intervention Team responded](#) to 595 incidents in the city of Champaign, these included:

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<sup>3</sup> Access a copy of the 2020-2021 Champaign City Budget [here](#); pages 124-138 pertain to the Police Department.

<sup>4</sup> Despite misconceptions about individuals with serious mental illness, they account for just 3% to 5% of violent acts, according to the [Health and Human Services Department](#). But they are more than 10 times more likely than the general population to be victims of violent crime.

<sup>5</sup> The city of Minneapolis has conducted such a pilot program in 2019, and can serve as a model. Access a news report of that effort [here](#).

- Excited Delirium: 10
- Mental Illness: 254
- Suicidal Threats: 280
- Suicidal Attempts: 51

2. Champaign Police Administrators have readily admitted that the Department is tasked with responding to too wide of a range of complex community problems. Without adequate community-based mental health care, complex problems escalate until they finally fall to the police. CCPRS Commissioners were advised of this problem in the course of their training on the Crisis Intervention Team:

*“We know that the most deadly weapon we carry is not the .45 or the 9mm, it is in fact the cop’s tongue ... A single sentence fired off at the wrong person at the wrong time can get you fired, it can get you sued, it can get you killed.”*

George Thompson, founder of Verbal Judo.

*Police officers across the country have ended up on the front line of the American public mental health system, doing a job they didn’t sign up for, trying to fill holes they didn’t create.*

A World of Hurt, *The Washington Post*<sup>6</sup>

- B. The Council should convene a study session on removing School Resource Officers (SRO) from Champaign Unit 4 schools:** Since 2006, SROs have staffed at each of the Unit 4 middle schools and high schools, to include Edison, Franklin, and Jefferson Middle Schools; and Central and Centennial High Schools. Concurrently, Champaign Unit 4 School District (Unit 4) has struggled to ensure equal opportunity and outcomes for its students. While black students comprise the largest portion of Champaign’s student body, only 8 percent of its teachers are black. Unit 4 District leaders explicitly acknowledged the impact of racial and socioeconomic segregation of the city of Champaign as a contributor to those outcomes in the most recent [Unit 4 Needs Assessment report](#) (2019). The SRO program is funded via the Champaign Police Department.

The Council should ask the City Manager to review the SRO program to assess whether the program can reasonably fulfill the tasks laid out in the 2020-2021 budget and contract. These goals include “diverting at risk youth from the Criminal Justice System.” The [original SRO agreement was signed in 2006](#) and

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<sup>6</sup> Access a copy of this *Washington Post* article [here](#), without a paywall.

was last [evaluated by the Council in 2014](#). This evaluation by the City Manager included a survey of Unit 4 middle and highschool students and staff on their perceptions of SRO programs and officers. Such a study session should also assess whether the SRO program exacerbates or sustains racial disparities in the city of Champaign, which was not included in the 2014 evaluation by the City Manager. SRO positions were originally occupied by Community Outreach Officers.

The Council has the following reasons to reevaluate the SRO program in Unit 4 Schools:

1. [SRO Standard Operating Procedures](#) do not require parental consent to interview a student in Unit 4 schools.
2. Throughout the 14-year history of the SRO program in Champaign, as many as 84 students (2008-09) have been arrested on school grounds in a single school year. According to a May 25, 2016, [News Gazette article](#), the overall number of in-school arrests has declined steadily since 2012 — from 41 then to 17 last school year — black students still make up the majority of those apprehended on school grounds. Of the 17 taken to the youth detention center in 2016, 15 were Black. The two others were Hispanic. Although the overall number has declined steadily since 2012, there were still a total of 86 incidents that required an officer's involvement; 47 ended with referrals to the youth assessment center, while 22 were deferred to school administrators with no charges filed.
3. Since the [original contract](#) was first negotiated in 2006, a substantial amount of research has demonstrated that SROs erode police and community relations. Nationally, SRO programs serve a well-documented role in the school-to-prison pipeline, and traumatize marginalized students (Meiners 2007; Meiners and Winn 2010; Vaught 2017; Sojoyner 2013). Furthermore, SRO programs reproduce and exacerbate racial inequalities in school discipline and student entanglement with the penal system (James and McCallion 2013; Javdani 2019; Nance 2015). More data is required to assess whether these trends are true in Unit 4 Schools.
4. SRO programs have been shown to be predictive of school officials referring students to law enforcement for low-level offenses (Nance 2015). This is borne out on the local level. Between 2006-2016, the Unit 4 School District reported 417 at-school arrests, 357 of which involved black students, per the 2016 [News Gazette report](#). Those numbers triggered a complaint from African American community advocates to the Office of

Civil Rights which launched an ongoing investigation into the Champaign School District practices.

5. SRO programs are correlated with higher rates of suspension and expulsion, which leads to lost class time (Fisher and Hennessy 2016). SRO programs are also linked to an increase in arrests for non-serious violent crime (Na and Gottfredson 2013). Indeed, [suspension and expulsion data recently obtained via FOIA request revealed](#) that 109 Black and Latinx students were suspended or expelled from Unit 4 schools between 2018-2019, compared to only 24 of their white classmates.

III. [The City Council should work with the Human Relations Commission to make the following changes to the 2017 Citizen Review Subcommittee ordinance:](#)

- A. Formally change the title of the “Champaign Citizen Review Subcommittee” to “Champaign Citizen Police Review Subcommittee.” Such a change would more accurately represent the nature of our work.
- B. Require 1 public community event held jointly by the Use of Force review board and the CCRS.
- C. Change the meeting requirements to include monthly meetings. Currently, the CRS meetings once every 2 months. The past few meetings have presented 2-3 complaints, which requires that Commissioners and staff work past 10:00pm. Meeting once monthly would distribute this work more evenly and allow for a more thorough and timely review of complaints.
- D. Update the training requirements for CCRS Commissioner training. The first appointed commissioners received extensive information on CPD policy by CPD Administrators. Incoming commissioners watch the videos from those early training sessions, and this is not adequate.
- E. Include a minimum budget for CCRS outreach and training.
- F. Detail a procedure for the filing, processing, and tracking police complaints. Currently, the CCRS lacks the ability to ensure residents that all complaints are being reviewed.

IV. [The City Council should direct the City Manager’s office to prioritize the following changes to the bargaining agreement between the City of Champaign](#)

and the Illinois Fraternal Order of Police, which is eligible for renegotiation in 2021:<sup>7</sup>

- A. Grant the police chief more authority to implement changes in the department. The chief should have additional authority to make changes that affect officer work conditions, especially for additional accountability and transparency measures.
- B. The Council should reconsider the arbitration portion of the bargaining agreement for dismissal and demotion. For the past decade, the contract has stipulated that any recommendation to demote or dismiss an officer or sergeant approved by the city council may be overturned by an arbitrator or the Board of Fire and Police Commissioners. This greatly reduces the chief and council's authority to protect residents from law enforcement agents that have a record of poor judgement. For example, [Chief Cobb had fired officer Matt Rush twice](#) in 2016 and 2017, only to have those choices overturned by an [arbitrator acting under terms of the Champaign police union contract](#). This resulted in costly settlements for the City of Champaign; the four lawsuits filed against former office Matt Rush cost \$320,000.
- C. Include a section of the bargaining agreement that defines the relationship between CPD and the CCRS, as Urbana's agreement has done.<sup>8</sup> This section should increase the authority currently available to the CCRS. Mayor Deb Feinen has [said the city's union contract with police has "prevented the Council from strengthening the authority of the Citizen Police Review Subcommittee" thus far](#).

The CCRS recommends that the Council empower the Subcommittee in at least two ways:

1. Require improved transparency about officer patterns. The CCRS should have access to complaints made against the officers under review filed in the last 5 years. This might allow Commissioners to observe patterns in an officer's record. This may require changes to the bargaining agreement.
2. Allow complainants to participate in the complaint review process. The complaint investigation and hearing process has no meaningful opportunities for the complainant or the officer participation. The 2017 Ordinance would need to be updated to include this language in addition to the bargaining agreement. This item was included in the 2019 recommendations, but still requires action from the city council.

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<sup>7</sup> Review the city of Champaign's bargaining agreement with the Fraternal Order of Police [here](#).

<sup>8</sup> Access a copy of Urbana's bargaining agreement [here](#).



