

Park Ridge Police Department

2008 Audit

Submitted by:
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INTRODUCTORY COMMENTS

On April 21, 2008, I was appointed by the Park Ridge City Council to conduct an investigation of the Park Ridge Police Department (hereafter referred to as "PRPD"). The scope of my investigation was set forth in the Request for Proposal for Legal Auditing & Investigation Services (attached as Exhibit 1). Prior to my formal appointment, I had the opportunity to meet with Juliana Maller, Acting City Manager of Park Ridge, and City Attorney Buzz Hill to discuss this project and to get a more comprehensive idea of the scope of the investigation as it relates to concerns raised by both private citizens and officials of Park Ridge. This meeting was helpful to me in determining the best way to proceed with this assignment.

I will outline the methodology and scope of the investigation in detail in this report. I would like to make several preliminary observations. I received outstanding assistance and cooperation from everyone associated with the concerns which led to my appointment. I believe there is a sincere desire on the part of the citizens of Park Ridge, the police department, the elected officials, and the administrative staff of the City to improve the performance of the police department.

In particular I want to thank Acting Chief Thomas Swoboda, Acting City Manager Juliana Maller, and Senior Administrative Assistant Cheryl Peterson for their time and efforts in arranging interviews of witnesses and obtaining documents I requested.

The scope of my investigation was extremely broad. I was requested to look into virtually any incident or circumstance which, in any way, has impacted the functioning

of the police department. For example, I was asked to make “findings” as to whether officers of the department have engaged in acts of misconduct. In my report, I will not make findings of a factual nature unless I have been presented with credible, first-hand evidence of misconduct. I have not accepted often repeated rumors or hearsay statements to establish any misconduct by the personnel of the department. I will also caution that in some situations the facts relating to a particular event are in dispute and it is not possible for me to make what amounts to a credibility decision as to whether a citizen who has complained about the conduct of an officer or whether the officer is being truthful as to how the event actually occurred.¹ I also do not believe it is appropriate for me to make comments, findings, or conclusions as to matters which are currently either being investigated by the police department or which are the subject matter of current litigation.

In analyzing the complaints of both the citizens of Park Ridge and the officers interviewed, my focus was to look at these events with a goal toward improving the department in the future. It appears to me to be of more value to identify areas of concern which are more general or systemic in nature and then try to address these concerns.

In evaluating my findings and suggested changes, I provide you with several important assumptions I made in addressing the complaints of both the citizens and the officers who were interviewed:

¹ This difficulty is particularly true when the allegation against the officer is isolated in nature and does not demonstrate a pattern of behavior as to the officer involved.

- In every municipality there will always be complaints from those persons arrested by the police that the actions of the officers were unfair;
- There will be circumstances where police officers make “mistakes” as opposed to engaging in deliberate or intentional acts of misconduct;
- There will always be complaints from officers that their superiors are being unfair in both the administration of discipline or in the area of promotions; and
- There will always be internal disputes or personality conflicts within a police department.

With reference to the citizen complaints, I have sought to determine whether the number of credible complaints of misconduct: (a) are excessive, (b) demonstrate a pattern of conduct either by the particular officer or the department, (c) resulted from mistakes or errors made by the officer as opposed to deliberate misconduct, and (d) involved any attempt to cover-up the misconduct.

In regard to internal complaints made by the officers, I have attempted to determine how pervasive the concerns over discipline, promotions, and internal disputes are and the effect these factors have on the functioning and morale of the department.

A brief word on the significance I place on the “perceptions” held by either the citizens of Park Ridge or the members of the police department. The “perception” or opinion citizens have of their police department is extremely important, even if there is insufficient hard evidence to support the perception. It is critical in any municipality that citizens respect the police. Absent that respect, no one can expect fully effective enforcement of the laws and maximum public safety. Similarly,

perceptions held by police officers, even if inaccurate, are significant because they can adversely effect the functioning of the department. For these reasons I will comment throughout this report on the significance of perceptions held by both citizens and police officers. As indicated later in this report, in many cases those perceptions must be addressed.

Finally, I only ask of those who review this report that they set aside there own personal bias or agendas either in favor of the police department or against the police department and view my findings and suggestions in the spirit that this report is written: (1) How can the City of Park Ridge improve it's police department? and (2) How does the City of Park Ridge repair the loss of confidence from a significant portion of the community? I caution the elected officials of Park Ridge and others who have an interest in the issues raised by this report to put aside any personal agenda you might have and attempt to review the concerns raised by my investigation in a positive manner which focuses on improvements to the police department in the future, rather than assessing blame for problems which have taken place in the past.

SUMMARY OF ACTIVITIES AND METHODOLOGY

I want to provide a brief explanation as to how I approached my assignment. For this study to be accurate, complete and meaningful, I needed the trust and cooperation of all parties affected by the police department. I needed the input of the citizens of Park Ridge, the police officers (patrolman, supervisors, and upper management), the elected officials, and the city administrators. I wanted to make it clear to all involved that I would welcome and encourage the input from anyone and everyone who wanted to provide information. I also wanted to make it clear that I needed facts and first-hand information rather than rumor and hearsay statements.

One of the initial activities was to obtain as much background information as possible relating to those events which led to my appointment. What were the events and circumstances which led the City Council to take this rather unique action of hiring a law firm to “audit” or investigate the police department?

To obtain as much background information as possible I interviewed the Acting City Manager, the City Attorney, all of the Alderman, the Mayor and the Acting Chief of Police . I also reviewed the minutes of several City Council meetings where concerns of citizens over police conduct were voiced and a number of news reports citing citizen concerns over the police department.

To assist me in this project I enlisted the assistance of attorneys from my office, as well as a team of private investigators employed by the firm of Delorto, Mazzola &

Associates.² The lawyers from my firm included Kevin Halverson, Jeff MacKay and Vincent Mancini, all of whom are experienced former DuPage County Assistant State's Attorneys.

After I was satisfied that I had sufficient historical knowledge of the issues facing Park Ridge, my staff and I commenced interviews of citizens who had prior dealings with the Park Ridge police. Interview sessions were announced both on the City's website and in the local newspaper notifying the public that attorneys would be available on May 3rd, May 10th and May 17th. On those dates a minimum of three attorneys were available from 9:00 to 12:00 to conduct private interviews. There was some concern expressed that citizens may be reluctant to be interviewed at City Hall; consequently, on May 10th the interviews were conducted at the Park Ridge Library.³ On May 3rd and 17th the interviews were conducted at City Hall^{4,5}. On these dates a total of twenty-four (24) people were interviewed⁶.

It was clear that the circumstances surrounding the arrest of Jayne Reardon were a significant catalyst in the City Council's decision to conduct this investigation.

² The two principles of this firm are James Delorto and John Mazzola who are retired federal agents. They employ several additional retired ATF agents who assisted in the interviews.

³ On May 10, 2008, thirteen (13) persons were interviewed

⁴ On May 3, 2008, a total of five (5) persons were present to be interviewed

⁵ On May 17, 2008, a total of six (6) persons were interviewed.

⁶ The interviews of all persons were not limited to negative comments concerning the police. Those interviewed were asked to comment on either positive or negative dealings with the police.

I felt it was important to meet with Ms. Reardon early in my investigation to obtain her cooperation and input. On May 7, 2008, I met with Ms. Reardon at her office in Chicago.

In addition to these open interviews, my staff and I interviewed individuals whose identity was learned as a result of conversations with others as potentially having information relevant to the investigation of the police department. In some cases these citizens consented to phone interviews and in other cases individual interview sessions were arranged. A total of sixteen (16) individuals were interviewed in this fashion.

During the course of various interviews, I also learned of several incidents of concern for which no one with first-hand information had made a complaint. In connection with these incidents, a request was made to Acting Chief Swoboda to supply me with all reports and documents pertaining to these incidents.⁷

The vast majority of the citizens interviewed requested that I not disclose their names either orally or in this written report. I assured all citizens interviewed that I would honor that request.

I would like to explain how I analyzed the citizen complaints of police misconduct. As indicated in the introductory portion of this report, not all persons who complain about the actions of the police are, in my opinion, credible sources of information. Once I received an accusation by a citizen against an officer, it was

⁷ Several of these incidents will be discussed later in this report.

important to determine whether the allegations made by the citizens against the police department are credible. Valid conclusions or recommendations cannot be based upon accusations which are not factually accurate.

The following is the process by which I assessed the accusations I had received:

- Is the statement provided to us consistent with any prior statements the person has made concerning the incident?
- Is there anything about the person's background which significantly impacts the credibility of the person?
- Is there any physical evidence which contradicts the statement of the witness?
- Does a strong or significant motive exist for the person to provide false statements?

To fully evaluate the complaints, I requested and received from Chief Swobada reports and other documents in the possession of the department on certain incidents. I also requested and obtained three (3) in-car videos of DUI arrests and one (1) in-station video which were significant to my investigation. I was able to review the videos as well as compare the statements made at the time of the incident by the persons involved and any witnesses to the information I received during the interview process with my staff.

In the case involving one of the complainants, I instructed my private investigators to interview three (3) neighbors and relatives of the person making the

accusations to determine additional background information.⁸

Concerning those complaints I found to be credible, I then further analyzed the complaint as follows:

- Does the misconduct of the officer appear to be the result of an intentional act as opposed to a mistake?
- Does any evidence exist of an attempt to cover-up the misconduct?
- Is there evidence that the officer or officers involved in the act of misconduct repeatedly have engaged in the same or similar acts of misconduct?
- Is there evidence that the same type of misconduct involved in this allegation has occurred on a systemic or repeated basis by others?

I also requested a vast number of documents from Chief Swoboda relating to officers and incidents which came to my attention, but were not the direct result of a citizen complaint. I wanted to review documents to determine whether credible evidence of misconduct existed independent of a specific witness complaint or accusations.

For example, an allegation was made that one of the current officers was inaccurately recording the race of drivers he stopped for traffic violations to avoid accusations of racial profiling. I reviewed approximately six (6) months of traffic tickets and report forms to determine whether there was any potential validity to this

⁸ There were several complaints which I found not to be credible. It is of no consequence to this report to identify those cases or to engage in further discussion as to why I found them to be inconsequential to my findings and conclusions. These incidents are simply not relevant to this inquiry.

accusation. As to two incidents, additional witness interviews were also conducted by my private investigators to obtain a more comprehensive statement of the events.

In what could be termed the second phase of my investigation, I began to interview members of the PRPD.⁹ Beginning on June 3, 2008, myself and three attorneys from my office were present starting at 5:00 pm to interview officers before and after the shift change at 6:00 pm. Chief Swoboda sent email messages to the officers and staff members of the department encouraging their participation in the interview process. The other attorneys and I were also available for interviews on June 4th and June 10th. A total of twelve (12) officers were interviewed on these three dates.

Interviews of six (6) additional current officers were conducted either at alternative locations or through telephone interviews. In addition to the current officers referenced above, we also interviewed five (5) former or retired Park Ridge Police Officers, as well as two private attorneys who have represented individuals arrested by the PRPD.

As in the case of the civilians who provided me with information, the majority of the current and past police officers asked that their comments be anonymous and that their names not be included in my report. I will honor that request and no complaint will be attributed to any particular officer.

⁹ Early on in my investigation I contacted Tamara Cummins, the union attorney for the PRPD and requested her cooperation in obtaining valuable input from the officers. I appreciate her assistance in that regard.

Generally, I found that the information provided to me by the current and former officers to be credible and significant as it relates to systemic internal problems facing the police department. The statements and complaints of officers relating to individual disagreements with disciplinary actions or promotions I found to be of less value to the conclusions I have formed.

In the final phase of my investigation I interviewed former Chief Jeff Caudill¹⁰, former City Manager Tim Schuenke, Park Ridge labor attorney, Robert Smith, and Mayor Frimark. I also conducted interviews of three (3) police chiefs of suburban departments similar demographically to Park Ridge. I conducted a final interview of Acting Chief Swoboda, who was interviewed a total of three (3) times during my investigation. Finally, I requested and received copies of portions of the CALEA Annual report which I believed to be significant to my investigation.¹¹

During the course of this investigation approximately 80 individuals were interviewed and a total of approximately 85 interviews were conducted.¹²

¹⁰ Former Chief of Police Jeff Caudill was totally cooperative with my efforts to investigate the police department. He agreed to meet with me and answered all of my questions.

¹¹ This is the agency which reviews and accredits police departments.

¹² I also received a number of phone calls from officers and citizens who continued to provide me with additional information through at least the end of July 2008.

EXECUTIVE SUMMARY

FINDINGS

POSITIVE FINDINGS:

1. There is no credible evidence of corruption or systemic dishonesty within the department.
2. There is no evidence of discrimination based upon race, ethnicity, sexual preference or gender.
3. As a whole, the officers of the department appeared to be well-trained. The areas of deficiency will be discussed below.
4. There is no evidence that the department is lacking in resources.
5. There appears to be a sincere desire on the part of the officers to bring about change and improvement to the department. The department, as a whole, is very receptive to modifications which will improve the department.
6. The officers I spoke with were extremely cooperative and provided me with credible facts and information which were helpful in my investigation. There appears to be a sincere desire to bring about improvement within the department as well as improving the standing of the department in the community. It is generally accepted by the department that their reputation within the community needs to be improved.
7. Over the past several years, the department has been actively involved in a

number of outstanding initiatives to educate the public on matters of concern.¹³

8. Both the morale of the department and the overall functioning have appeared to improve since the appointment of Acting Chief Swoboda.

LACK OF ANY EVIDENCE TO SUPPORT A FINDING

1. I am not able to reach any findings as to “insider actions relative to land purchases”. Without subpoena power and credible direction as to the alleged insider actions no investigation into this area was possible.
2. I received no evidence that there has been a prohibition against employee complaints to Human Resources.
3. I received no evidence that a member of the police department has intentionally lost or destroyed evidence.

NEGATIVE FINDINGS:

1. (a) There is the perception held by some citizens, including some elected officials of Park Ridge, that members of the police department, on occasion, have been overly aggressive and/or unfair in the treatment of individuals, in general, and teens, in particular. The extent of this problem is not as great as the perception of the citizens.

¹³ Programs such as the Citizen Police Academy under the direction of Officer Jason Leavitt has been an outstanding success in developing positive relationships between the department and the citizens of Park Ridge.

- (b) No single problem or occurrence has lead to this perception. The perception which exists is the product of several events which have taken place over the past two or three years.
- (c) There is a vocal portion of the residents of Park Ridge who do not have confidence in the department. The department suffers from a perception of malfeasance which exceeds the reality of the problem.

For a further discussion of this Negative Finding #1 see Section #4

- 2. There are serious internal problems in the department. This conclusion, to a large degree, is the product of admissions and statements made by several officers, who I find to be credible sources of information. There are many officers who are unhappy with the direction of the department and want significant positive change to result from this study. The low morale is the product of many of the factors listed below.

- (a) There is a serious personality conflict within the department which must be resolved. The divisive relationship which exists between Commander Lou Jogman, along with his supporters, and other members of the department seriously effects the operation of the department.
- (b) There has been a lack of accountability for misconduct committed by officers. When it is clear that an officer engaged in misconduct the discipline has, in many occasions, been inadequate.¹⁴ There is an

¹⁴ I found insufficient evidence that the investigation of the complaints have been systemically flawed. To the contrary, the investigations into allegations of

inherent reluctance on the part of supervisors and upper management to impose meaningful discipline on officers who engaged in misconduct.

- (c) Many officers believe that there is a lack of uniform, consistent and equal disciplinary action.¹⁵
- (d) The promotion system provides unlimited discretion in the Chief to determine who is promoted. There is the perception that promotions are, to some degree, based upon friendship.¹⁶ The promotion system in place at the Park Ridge Police Department needs to be modified to eliminate the total discretion being given to the Chief of Police in determining the officers to be promoted.
- (e) The belief, on the part of officers, is that there has been a failure to apply the law fairly and equally. There is the perception that the elected officials do not want the police to enforce the laws against the residents of Park Ridge in the same fashion as non-residents.

misconduct appear to have been conducted in a reasonably appropriate fashion.

¹⁵ I have not found sufficient credible evidence that the disciplinary process has been unfair to officers or that favoritism has been involved in the process. It is clear that a significant portion of the department believes that the process is inconsistent. These claims, however, were generally voiced by the officers directly involved in the discipline. With the information available it is not possible for me to conclude that the disciplinary process has been systemically unfair.

¹⁶ I have not found sufficient credible evidence to determine that the promotion system has been unfair or that personal friendship has played a part in this process. It is clear that this is the belief of a significant portion of the officers interviewed.

- (f) There is also the perception held by members of the department that during the tenure of former Chief Caudill preferential treatment was afforded to his sons¹⁷.
- (g) There is credible evidence of a lack of proper oversight by supervisors. Supervisors need to take a more active role in monitoring the conduct of those officers they command.
- (h) There are credible complaints from within the department that while Jeff Caudill was the Chief of Police there was a lack of strong and effective leadership coming from the Chief and upper management.

For a further discussion of Negative Finding #2 see Section #5

- 3. (a) There are an inadequate number of citizen complaints to justify any broad or systemic conclusions relating to the functioning of the department as a whole. However, some of the complaints can be viewed as an indicator of other issues relating to the department such as a lack of accountability for unprofessional conduct.
- (b) As a result of interviews of the officers, combined with civilian complaints, sufficient credible evidence has been presented to conclude that there must be improvement in the level of professionalism as it

¹⁷ I have spent a great deal of time attempting to resolve the issue of whether preferential treatment was afforded to Chief Caudill's sons. The evidence in this regard is conflicting and insufficient for me to make the conclusion that there was preferential treatment afforded to his sons. The extent to which I can make any conclusions in this regard is that there are members of the department that believe this to be true.

relates to the manner in which the department interacts with the general public.

For a further discussion of Negative Finding #3 see Section #6

4. There is credible evidence of officers who have used their power unfairly. Although these instances are isolated, there is evidence that individuals have been arrested in the absence of probable cause.

For a further discussion of Negative Finding #4 see Section #7

5. In the future the department must take appropriate steps to avoid the appearance of a conflict of interest when either an employee of the department, a family member of an employee of the department, or any other person with close personal or professional ties to the police department is under investigation for criminal conduct or is alleged to have committed a criminal act in Park Ridge.

For a further discussion of Negative Finding #5 see Section #8

6. The process of initiating an investigation into alleged misconduct of an officer needs to be clarified and simplified.¹⁸
7. There should be improved training in the handling of juveniles. Designated juvenile officers should be involved in the processing of juveniles who are arrested.

¹⁸ I do not find it necessary to engage in additional discussion of Negative Findings #6 and #7

DISCUSSION OF NEGATIVE FINDING #1

- (A) There is the perception held by some citizens, including some elected officials of Park Ridge, that members of the police department, on occasion, have been overly aggressive and/or unfair in the treatment of individuals, in general, and teens, in particular.
- (B) No single problem or occurrence has lead to this perception. The perception which exists is the product of several events which have taken place over the past two or three years.
- (C) There is a vocal portion of the community who do not have confidence in the department. The department suffers from a perception of malfeasance which exceeds the reality of the problem.¹⁹

Former City Manager Tim Scheunke described the loss of confidence in the Park Ridge Police Department as “the perfect storm” where three factors came together: (1) the mixed message being given to the police over enforcement of under-age drinking laws, as officers were supported by the previous city council in aggressive enforcement of these laws, however, when residents began to complain to the current elected officials, this policy changed; (2) the Jayne Reardon arrest; and (3) the public blood-letting over the Lou Jogman incident.

FACTOR #1 - THE ENFORCEMENT OF UNDER-AGE DRINKING LAWS

Nearly all of the arrests of teens for under-age drinking complained of by the

¹⁹ I have reviewed the survey commissioned by the City of Park Ridge earlier this year. There is no data contained in this report from which I can conclude that the community concern over the performance of the police department is greater than to be expected. 74% of the sampling group of 566 residents rate the level of fairness of the department as either “excellent” or “good”. An additional 19% rate the level of fairness of the department as “fair”. 78% of those surveyed rated the quality of the police services in Park Ridge as “excellent” or “good” with an additional 16% rating the services as “fair”. When compared to other jurisdictions, Park Ridge is in the upper 67th percentile.

citizens of Park Ridge are alleged to have occurred in the past two or three years. In August of 2003, the Public Safety Committee (PSC) of the City Council discussed the issue of serious community problem of under-aged drinking.²⁰ At that time, the PSC essentially took the position that the police department should be aggressive in their enforcement of the laws prohibiting teen drinking and related traffic offenses.²¹ Among the initiatives was (1) the creation of the Maine Community Youth Foundation (MCYF); (2) the enactment of new ordinances with zero tolerance for under-age drinking; and (3) the formation of the Adjudication Court System. All of these actions were designed to help curb the serious problems of teenage drinking.

Following the mandate of strict enforcement of under-age drinking laws, with relatively severe penalties, citizens of Park Ridge voiced complaints to their elected officials alleging that the police were overly aggressive. Specifically, the parents of teens arrested voiced concerns that the police were verbally abusive to their children or that the enforcement of the laws against their children was unfair or unjust.

On August 9, 2007, at a meeting of the PSC, elected officials expressed concern that the police were being too aggressive in arresting teens for drinking violations. (See the minutes of the meeting attached as Exhibit 2) The following day, in response to the concerns expressed by the PSC, Chief Caudill issued a revised policy statement to the department which reflected the concerns raised at the PSC meeting the night

²⁰ There had been several fatal automobile accidents involving teen drinking which precipitated the discussion before the PSC

²¹ The view that the police should be aggressive in curbing underage drinking is clearly the prevailing view of law enforcement, city administrators and educators throughout the country.

before. It became the policy of the department that police officers would no longer enter any home where under-aged persons were drinking absent a clear indication that the entry by the officers was consensual. Furthermore, the officers were directed not to wait outside of a teen drinking party to effectuate arrests when the minors left the party.(See the Memorandum of Chief Caudill issued on August 10, 2007 attached as Exhibit 3)

The above facts and circumstances are problematic for the following reasons:

- (a) What can best be described as a “mixed message” has been sent to both the police and the citizens of Park Ridge as to whether Park Ridge is going to aggressively enforce under-age drinking laws. In August of 2007, the police department was essentially told by the Public Safety Committee that they had been overly aggressive in the enforcement of under-age drinking laws.
- (b) It is the role of the police department, specifically the Chief of Police, to determine how the officers of the department are going to enforce laws passed by either the City Council or the legislature of the State of Illinois. It is not the job of the City Council, who are influenced by their constituents, to dictate how the department enforces criminal laws.²²
- (c) When the Public Safety Committee essentially directed the manner in which the police department was to enforce the law, it contributed to the

²² Chief Caudill should have considered not following the suggestions made at the PSC meeting of August 9, 2007.

perception of the citizens that the police have engaged in inappropriate enforcement of the laws. This, in turn, contributed to distrust of the police by some residents of Park Ridge, particularly, when combined with the additional two events described below.

FACTOR #2 - THE JAYNE REARDON ARREST²³

On November 29, 2006, a long-time resident of Park Ridge, Jayne Reardon, was arrested by the Park Ridge Police Department as a result of the use of her identity by a person attempting to obtain prescription drugs at a local pharmacy. Ms. Reardon was involuntarily taken from her home and transported in a police vehicle to the Park Ridge Police Department where it was relatively quickly determined that she had engaged in no misconduct and that she was, in fact, the victim of identity thief.²⁴

Ms. Reardon, an attorney, has been persistent in disclosing the circumstances of her arrest to the public including the residents of Park Ridge and has become the focal point for those concerned with the issue of whether the police in Park Ridge were overly

²³ With the permission of Ms. Reardon, she is being identified by name. Her arrest has been a matter of numerous media stories and Ms. Reardon has also testified before the City Council on several occasions relative to this event.

²⁴ The officers involved in this incident have stated that in their opinion Ms. Reardon was never arrested. I have concluded based upon the numerous reports and statements provided to me that, in fact, Ms. Reardon, as a matter of law, was arrested in her home and that there was an insufficient legal basis to so. I have also concluded that the investigation conducted prior to the police going to Ms. Reardon's home was inadequate and that even a cursory interview of the witnesses would have resulted in the officers learning that it was not Ms. Reardon who attempted to obtain the false prescription. Finally, I do not find that the officers involved in this arrest engaged in deliberate or intentional misconduct. I believe they made mistakes which must not be repeated in the future.

aggressive. The issue of the Jayne Reardon arrest was made public as a result of public statements before the City Council, which were subsequently published by local newspapers. As a product of the Reardon arrest and the subsequent public disclosure of the circumstances surrounding this case, some citizens of Park Ridge had an increased concern over the professionalism of the police department.

FACTOR #3 - THE LOU JOGMAN INCIDENT ²⁵

In June of 2007, an anonymous letter was sent to the current elected officials, members of the police department, and the news media which accused Commander Jogman of immoral and unethical conduct. Included with this letter were cell phone records of Commander Jogman which purported to demonstrate his relationship with the wife of a City of Park Ridge employee.

Charges of misconduct were filed by Chief Caudill against Officer Lisa Smith, Officer Tony Raitano, and Lt. Robert Kampwirth in connection with the release of this information, and these charges were disclosed to the public. The charges included information as to the alleged acts of misconduct by the officers.

Officer Lisa Smith subsequently agreed to resign, and Officer Raitano and Lt. Kampwirth agreed to periods of suspension. Lt. Kampwirth also agreed to a demotion to the position of Sergeant.

The result of this incident was the additional loss of respect and confidence by

²⁵ Within the internal analysis of the department there will be additional discussion of this incident and the impact of Lou Jogman on the department

some residents of Park Ridge into the judgement of the department as a whole. This incident and the disciplinary process involving the officers was widely reported in the local news media.

DISCUSSION OF NEGATIVE FINDING # 2

There are serious internal problems in the department. This conclusion, to a large degree, is the product of admissions and statements made by numerous officers, who I find to be credible sources of information. There are many officers who are unhappy with the direction of the department and want significant positive change to result from this study. The low morale is the product of many of the factors listed below.

- (A) There is a serious personality conflict within the department which must be resolved. The divisive relationship which exists between Commander Lou Jogman, along with his supporters, and other members of the department seriously affects the operation of the department.
- (B) There has been a lack of accountability for misconduct committed by officers. When it is clear that an officer engaged in misconduct the discipline has, in many occasions, been inadequate. There is an inherent reluctance on the part of supervisors and upper management to impose meaningful discipline on officers.
- (C) There is credible evidence of a lack of proper oversight by supervisors. Supervisors need to take a more active role in monitoring the conduct of those officers they command.
- (D) Many officers believe that there is a lack of uniform, consistent and equal disciplinary action.
- (E) The promotion system provides unlimited discretion in the Chief to determine who is promoted. There is the perception that promotions are, to some degree, based upon friendship.
- (F) The belief, on the part of officers, is that there has been a failure to apply the law fairly and equally. There is the perception that the elected officials do not want the police to enforce the laws against the residents of Park Ridge in the same fashion as non-residents.
- (G) There are credible complaints from within the department that there is a lack of strong and effective leadership.
- (H) There is also the perception held by members of the department that during the tenure of former Chief Caudill, preferential treatment was afforded to his sons

LOW MORALE

The morale of the police department, in general, is lower than what I would expect in a suburban police department. There are always going to be complaints and unrest within a department. However, in Park Ridge, the low morale of the officers is consistent with a number of factors and events which have occurred both within and outside the department. I found the interviews with the officers of the department surprisingly candid in terms of what the officers viewed as deficiencies in the department. As to the issue of low morale and the reasons for this condition, I found the officers to be credible.

COMMANDER LOU JOGMAN SITUATION

It would be virtually impossible to interview any Park Ridge police officer without learning of the officer's views of Commander Jogman. There are several officers who I interviewed who believe that Jogman is one of the finest, if not the best, police officers in the department. The balance of the officers I interviewed have an extremely negative opinion of Commander Jogman.²⁶ The dislike and distrust that these officers have for Jogman, to put it mildly, is extreme. It is difficult for me to imagine how difficult it would be for a police department to function properly and efficiently when there is the level of acrimony which exists within this department. The level of dislike that the majority of the officers have for Commander Jogman increased

²⁶ Most of the officers I interviewed who dislike Jogman acknowledged that he is intelligent, innovative and hard-working. Some were close friends with Jogman earlier in their careers.

when his relationship with the wife of a well-liked employee of the city was revealed. My recommendations for attempting to mitigate this issue will be addressed later in this report.

LACK OF ACCOUNTABILITY

It is interesting to note that there is the strong belief of most of the officers I interviewed that there is a lack of accountability within the department for acts of misconduct. Many officers believe that the supervisors and the Chief need to impose more severe discipline to officers who violate the rules, regulations, and orders of the department.²⁷ It was expressed to me that too often supervisors and upper management of the department ignore misconduct or otherwise have a reluctance to impose discipline on officers under their command.²⁸ Several of the incidents which I reviewed are consistent with this expressed belief of the officers.

For example, the discipline imposed on Officer McGannon in connection with the arrests of Marzena Sassak and Gregory Gorman on December 26, 2004, was clearly inadequate. The matter of this arrest was first brought to the attention of Chief Caudill

²⁷ I interviewed labor attorney, Robert Smith, and learned that he is only consulted as to the disciplinary process when the Chief considered a period of suspension or removal. He was not consulted when the Chief was only imposing a reprimand.

²⁸ This finding should not be confused with those officers who have objected or complained about their individual disciplinary situations. Most of the officers I spoke with did not believe the discipline they received was fair or appropriate under the circumstances.

by a supervisor in the Skokie Branch of the Cook County State's Attorney's Office. The Chief was advised by the prosecutor that the charges were going to be dismissed against Sassak and Gorman and that the conduct of McGannon, as evidenced in the video of the arrest, was problematic. Chief Caudill reviewed the tape and assigned Commander Jogman to conduct an investigation into the matter. The only disciplinary action against McGannon was referenced in a memo from Jogman to then Deputy Chief Swoboda, i.e., that Jogman issued an oral reprimand to McGannon. (memo dated March 3, 2005 attached as Exhibit 4)

_____ A review of the police report generated by McGannon in connection with this arrest, along with the video of the arrest, clearly demonstrates that the report was not accurate and truthful.²⁹ I consider this form of discipline for McGannon's conduct to be grossly inadequate.³⁰

A second example was an arrest made by Lt. Robert France at the Maine South football field on February 12, 2005. Several young boys, later determined to be thirteen (13) and fourteen (14) years of age, jumped the fence onto the football field. Officer France pulled his gun on them and ordered them to lie face down on the ground. The juveniles were later charged with trespassing.

Pursuant to General Order 1C, an officer may only draw or exhibit his firearm

²⁹ Approximately six (6) months later, Sassak and Gorman filed a federal civil rights law suit against the City of Park Ridge. The case settled for \$500,000.

³⁰ McGannon also was alleged in subsequent incidents, which occurred on March 22, 2007 and May 14, 2007, to have acted inappropriately during DUI arrests. The two incidents were either not sustained or unfounded.

when he or she “reasonably believes the use of deadly force may become necessary, or to be prepared to address a potentially deadly force situation. Examples of these are in-progress forcible felony, a burglar or hold-up alarm, and confronting a wanted/dangerous subject”.

The judgement exercised by this officer was extremely poor and clearly violated departmental guidelines on the use of his firearm. Of additional concern is the police report prepared by Officer Delgado which did not mention the fact that Lt. France drew his weapon during this arrest. The only discipline administered to Lt. France was a written reprimand and a one (1) day suspension. It is my opinion that this form of discipline for the type of misconduct engaged in was inadequate.

It is interesting to note that each year the department is required, as a portion of their CALEA Agency Annual Report, to provide a “Grievance Analysis” which reflects the number of officer grievances within several categories including grievances over discipline. From 2004 through 2007, there has been only one officer grievance over discipline administered by the Chief.(Attached as Group Exhibit 5).

LACK OF ADEQUATE OVERSIGHT

As a corollary to the lack of accountability, there has been the apparent failure of supervisors to adequately monitor those officers under their command. It was repeatedly expressed to me that too often supervisors really “don’t do anything.” The shift sergeants and lieutenants need to be far more active in reviewing the actions of the officers on their shift to ensure proper police procedures are followed. For example,

each patrol car is equipped with a video camera. I do not believe an adequate process is in place at the department to ensure that the videos of traffic arrests are reviewed on a random, but regular, basis. Shift supervisors also have to be more aggressive in enforcing departmental rules, regulations, and orders.

ISSUE OF CONSISTENT DISCIPLINE

It has been reported to me that discipline is not fairly administered within the department and that the friends of Chief Caudill were not disciplined to the same extent as other officers.³¹ As a general proposition, the evidence presented to me is not sufficient to validate this complaint. Officers who received discipline, as a general rule, believe that the punishment was unfair and excessive. This is normal and to be expected. There is, however, the perception or belief of many officers in the department that the disciplinary process is not fair. This adversely effects the morale of the department and steps need to be taken to ensure that the disciplinary process is viewed as being consistent and fair. I appreciate that each case and each officer present a different set of facts; however, as outlined later in this report, it is important to establish a level of confidence in the officers that the punishment is just and consistent.

ISSUE OF PROMOTIONS

The same situation exists with departmental promotions. It was reported to me

³¹ I received no complaints of unequal discipline since Acting Chief Swoboda assumed command of the department.

by the majority of the officers I interviewed that Chief Caudill promoted his friends over more highly qualified candidates. I do not find sufficient evidence to support this complaint³². Once again, it is the perception that the process is unfair which is of concern. If officers believe that promotions are a result of anything other than hard work and merit, there is an obvious adverse effect on morale. As discussed later in this report, I do not support the current promotion system which vests total discretion in the Chief to appoint any officer on the candidate list (The City of Park Ridge Board of Police and Fire Commissioners Administrative Rules is attached as Exhibit 6). This broad discretion serves to enhance the belief that the system is inherently unfair.

ROLE OF ELECTED OFFICIALS IN THE ENFORCEMENT OF LAWS

Many of the current and former officers I interviewed expressed to me their concern over the involvement of the elected officials in the manner in which the law is enforced in Park Ridge. Several situations were cited where elected officials were alleged to have made statements of concern over the arrest of too many Park Ridge residents. It has been alleged that elected officials did not want aggressive enforcement of the ordinance prohibiting crossing the railroad crossing while the gates were down because the officers were arresting too many Park Ridge residents. Officers informed me of directions given by elected officials concerning where to enforce the seat belt laws.

³² I found evidence that Caudill promoted individuals who do not appear to have had a close relationship with the Chief and that friends of the chief were passed over for promotion. Some of the promotions went to officers who were apparently “friendly” with Caudill.

Many officers believe the concerns expressed by elected officials over enforcement of the under-age drinking laws were motivated out of concerns expressed by the constituents of the elected officials.

Section 3-6-6 of the Park Ridge Municipal Code sets forth the duties of the City Manager.(Attached as Exhibit 7). The pertinent language states as follows:

“The City Manager shall be the chief administrative officer of the City and shall be responsible to the Mayor and to the City Council for the management and operation of all of the affairs and the departments of the City. As such administrative officer, the City Manager shall have the management and control of all matters and things pertaining to the operation and the maintenance of the properties of the City and all of the departments of the City, including the Department of Public Works, the Fire Department, the Police Department.....”

I understand and respect that the elected officials of Park Ridge have a valid and understandable concern over the operation of each department of the City. Those concerns, however, should be passed along to the City Manager who will exercise his oversight of the police department in a consistent fashion. Concerns of elected officials may be the product of communication with concerned citizens whose knowledge of certain incidents may be limited. There is often two sides to how an incident occurred and it is not the function of elected officials to make determinations as to police conduct or procedures.

Elected officials pass laws and the police department is responsible for the enforcement of those laws. Elected officials should not engage in attempts to influence how the police enforce the law. At the very minimum, the perception exists in this department that the elected officials too often want the police to enforce laws differently for residents and non-residents. This perception is extremely detrimental to (1) the

morale of the department; and (2) for effective law enforcement.

Not only does this situation affect the morale of the department, it also causes what could be called "mixed messages" being given to the police department. Police officers are vested with a great deal of discretion in their enforcement of the law. They need to have a clear understanding of what is expected of them. When elected officials advance the concerns of their constituents, whether legitimate or not, citizens will often form the belief that officers are engaging in the improper administration of the law. This creates heightened distrust of the department. I believe that this is currently occurring in Park Ridge.

TREATMENT OF CHIEF CAUDILL'S SON

I spent a great deal of time investigating the allegation that preferential treatment was afforded to Chief Caudill's sons. As to this issue, I again believe that perception is more important than the reality of whether this occurred in the past. Officers expressed to me their opinion that preferential treatment was given to the Chief's son. Others claim that this did not occur. The bottom line is that this belief, even if it is not true, has had a detrimental effect on the morale of at least a portion of the department. As indicated later in this report, any appearance of preferential treatment by the police department to any person must be avoided in the future.

LACK OF STRONG LEADERSHIP

There is the general belief that there has been the failure of strong leadership within the department. Credible evidence was provided to me that there was a general

failure of Chief Caudill to provide strong and effective leadership to the department.³³ This belief is the product of many of the concerns expressed in this section which have contributed to the low morale of the department. Going forward, the leadership of this department must demonstrate to the officers a commitment to the fair enforcement of the law with officers being held accountable for their failure to follow the directives of the department. I find that the officers of the department are sincere in their desire for both increased accountability and strong leadership.

³³ Many officers and staff of the department expressed a sincere fondness for Chief Caudill as both a police officer and a person, but question whether he was suited to be the Chief of Police. He has repeatedly been described by others as a great guy and an excellent detective, but not a good leader.

DISCUSSION OF NEGATIVE FINDING #3

- (A) There are an inadequate number of citizen complaints to justify any broad or systemic conclusions relating to the functioning of the department as a whole. However, some of the complaints can be viewed as an indicator of other issues relating to the department such as lack of training and a lack of accountability for unprofessional conduct.³⁴
- (B) As a result of interviews of the officers combined with civilian complaints, sufficient credible evidence has been presented to conclude that there must be improvement in the level of professionalism as it relates to the manner in which the department interacts with the general public.

In connection with this study, I have attempted to speak with everyone I could locate who has indicated that he or she has had an adverse dealing with the police department. As indicated earlier in this report, in response to our efforts a total of forty (40) persons were interviewed. These forty (40) individuals provided us with some form of information relating to a total of thirty-eight (38) separate incidents. Two of the persons interviewed had only positive statements to make concerning the police department. For a number of reasons I have concluded that thirteen (13) of these complaints are either not credible or the person making the complaint had little or no first hand knowledge of the incident.³⁵

Of the remaining twenty-three (23) incidents, approximately forty-one (41) complaints of misconduct were made. They are broken down as follows:

³⁴ In assessing the sufficiency of the complaints made I have considered that in 2007 alone there were 24,000 calls for service made to the police department including 7,708 traffic stops during which over 25,000 traffic citations or warning tickets were issued.

³⁵ The process by which I determined whether an allegation was credible is contained in Section II - Summary of Activities and Methodology

◆	Unprofessional or rude conduct or behavior by an officer.	17
◆	Complaints over interaction with a juvenile such as too aggressive with the juvenile, harassed a juvenile, or excessive force during juvenile arrest.	10
◆	Lack of probable cause to arrest.	4
◆	Failure to properly investigate a complaint.	8
◆	Misc.	2

The conduct of the officer complained of in these complaints listed above are alleged to have occurred during the following time periods^{36,37}

◆	Ten (10) years ago	1
◆	2003	1
◆	2004	2
◆	2005	1
◆	2006	5
◆	2007	11
◆	2008	2

I am able to draw two conclusions: (1) there are a relatively high number of complaints regarding the level of professionalism of the officers, and (2) the vast

³⁶ As to some of the incidents complained of the individual we spoke with was not certain as to the precise time of the incident. In those cases the time of the occurrence was estimated to a reasonable degree of certainty.

³⁷ It is significant to note that the number of civilian allegations of misconduct, as reported by the department in its CELEA Agency Annual Report, went from a total of two (2) complaints in 2004, one (1) complaint in 2005 and two (2) in 2006 to ten (10) in 2007. (Attached as Group Exhibit # 8)

majority of the complaints relate to incidents which occurred in 2007. The preponderance of recent complaints is consistent with "Negative Finding #1" discussed earlier in this report.

I caution that complaints are to be expected when individuals are arrested by the police. There will always be allegations that officers did not treat arrestees politely. This is particularly true when officers are arresting juveniles and protective parents do not like the actions of the officers.

In the case of the Park Ridge Police Department, the number of complaints of unprofessional behavior by officers, when combined with the statements of the officers I interviewed and the generally low morale of the department, lead me to conclude that this is clearly an area where improvement is needed.

DISCUSSION OF NEGATIVE FINDING #4

There is credible evidence of officers who have used their power unfairly. Although these instances are isolated there is evidence that individuals have been arrested in the absence of probable cause.

Two of the activities I was asked to look into pursuant to the Request for Proposal are whether I find evidence of “alleged filing of false police reports” and “alleged inconsistent selective and directed enforcement of local ordinances and state statutes.” As indicated earlier in this report it is my opinion that the arrest of Marlana Sassak and Gregory Gorman by Officer McGannon was improper and that the police report filed by Officer McGannon was not truthful.³⁸

Additionally, there is credible evidence from which to conclude that there was an absence of probable cause to arrest of Darrell Kassis for Driving Under the Influence of Drugs on April 26, 2002. Mr. Kassis, a Maine South student who was sixteen (16) years old, was arrested by Detectives Anthony Raitano and Kevin Ryan within several minutes of Kassis leaving Maine South High School.³⁹ Prior to leaving school, Kassis was in the nurse’s office and was seen immediately before leaving school by both school officials and Park Ridge Police Officer Robert Kristie. These witnesses indicated that Kassis did not appear, in any way, to be under the influence of drugs or alcohol when he left school. Based upon my review of the police reports, interview of other Park

³⁸ I requested from the police department and received the arrest reports of all of Officer McGannon’s other DUI arrests for the past six months. I found nothing which would indicate to me that these were illegal arrests.

³⁹ It is important to note that Raitano and Ryan were not patrol officers whose duties routinely included enforcement of traffic laws.

Ridge police officers, and other documents I have obtained relating to this case I do not believe that there was probable cause to arrest Darryl Kassis for DUI.⁴⁰

Both of these arrests are troublesome to me since I do not believe that the illegality of the arrest in either case was the result of a mistake in judgement. Police officers will always make mistakes. There is a significant difference between making a good faith mistake and engaging in intentional or deliberate misconduct.

As indicated earlier in this report, I also believe that Jayne Reardon was arrested in her home in the absence of probable cause. The difference in that case was, in my opinion, the absence of intentional or deliberate misconduct on the part of the arresting officers. I believe the officers who participated in Ms. Reardon's arrest made a mistake in judgement.

I also believe that the incidents where citizens are arrested illegally by the Park Ridge Police Department are isolated and with improved training and supervision are not likely to reoccur to a problematic level in the future.

⁴⁰ I interviewed Officer Raitano who continues to maintain that the erratic driving of Mr. Kassis justified the stop of his vehicle. Officer Raitano was extremely cooperative throughout my interview with him.

DISCUSSION OF NEGATIVE FINDING #5

- #5 In the future the department must take appropriate steps to avoid the appearance of a conflict of interests where either an employee of the department, a family member of an employee of the department or any other person with close personal or professional ties to the police department is under investigation for criminal conduct or is alleged to have committed a criminal act in Park Ridge. As indicated earlier in this report, conflicting evidence was presented to me regarding the issue of whether preferential treatment was afforded to the son of Chief Caudill during a criminal investigation.

Chief Caudill was in the difficult position of being both the Chief of Police and a father of a son who I am certain he cared about. The officers under his command would be aware of those concerns. It is for these reasons that neither Chief Caudill nor any of the officers in the department should have been involved in any investigation involving Chief Caudill's family members. Even if the Chief's son was treated exactly like every other young offender, the perception would likely exist, both within the department and outside the department, that he received preferential treatment. That perception is both detrimental to the morale of the department and contributes to a lack of confidence in the department by the general public.

RECOMMENDATIONS

The following are "recommendations" I am making. These proposed modifications are the product of my review of all of the interviews and documents I have received, as well as discussions with three (3) chiefs of police and two (2) city managers from suburban communities, and the balance of my staff of experienced former prosecutors. Certain recommendations will be broad in nature and will require additional input from the police department to achieve a workable method of implementation. I encourage members of the PRPD to provide suggestions designed to achieve the obvious goal of improving the functioning of the department and its standing in the community.

A. COMMANDER JOGMAN SITUATION:

A solution must be found to the divisions in the department concerning Commander Jogman. The Chief of Police must use the full power and authority of his position to solve this problem. It will be imperative for the Chief of Police to determine the best way to deal with this very difficult situation. The Chief should make it clear to all officers of the department that, under the rules and regulations of the department, all officers are required to work in a cooperative manner in an appropriate work environment. Any officer who fails to adhere to that requirement should be immediately disciplined. Progressive discipline should then be employed and any officer who repeatedly fails to comply with these standards will ultimately face termination from the department. There

should be what amounts to a zero tolerance policy as it relates to Jogman and other officers not working in a professional manner. The Chief of Police should also consider demotion of any officer above the rank of Sergeant who fails to comply with this directive.⁴¹

B. PROMOTIONS:

The system for determining promotions should be changed. The Chief needs to have some discretion as to promotions, but that discretion should not extend to promoting anyone he wants off the list of candidates. I recommend that the Chief be required to promote one of the top three (3) candidates as determined from the testing conducted by the Board of Police and Fire Commission.

C. CONSISTENT DISCIPLINE:

To ensure a reasonable degree of consistency in administering discipline, the Chief should issue a statement to the department as to his general philosophy and procedure for determining the appropriate punishment in the case of officer misconduct. This statement should recognize the need for discretion in the treatment of each situation, but should broadly define the standards he will use including progressive discipline for subsequent or repeat violations. It is important that the officers have a clear understanding of what is expected of them and full knowledge of the consequences for their failure to fulfil those expectations.

⁴¹ Ranks above that of Sergeant are filled by the appointment of the Chief of Police and officers do not have a vested right in any position above the rank of Sergeant.

D. ACCOUNTABILITY:

The Chief should issue a directive to all supervisors clearly informing them that he expects them to make all officers in the department accountable for any failure to comply with the rules, regulations, orders, and directives of the department. It is the responsibility of all supervisors to ensure that disciplinary action is administered when appropriate. Supervisors and upper management of the department have to accept the principle that good and effective discipline equates to good management of the department. If a supervisor fails to properly monitor the conduct of those officers under his or her command, then the Chief should administer appropriate discipline to that supervisor.

E. UNPROFESSIONAL CONDUCT:

The shift supervisors should review the in-car video of at least one traffic stop or arrest of each officer under his command on a random basis each week. A "review form" should be created which includes such information as the name of the officer, the date of the traffic stop, the name of the person stopped, the reason for the traffic stop, and the observations of the reviewing supervisor as to the conduct of the officer. A copy of the review form should be provided to the officer who conducted the stop and a copy should be provided to the Chief. Any officer who has demonstrated, in any fashion, a problem with unprofessional behavior in the past should have at least two (2) videos per week reviewed until such time

that his immediate supervisor and the chief determine otherwise.⁴² The supervisor should have a meeting with the officers under their command to discuss any deficiencies noted by the supervisor. The matters discussed with the officer should be noted on the review form.

F. JUVENILE ARRESTS:

Each shift should have at least one “juvenile officer” assigned who will assume responsibility for processing a juvenile arrested on the shift, which includes communication with the juvenile’s parents. Whenever juveniles are arrested, the shift juvenile officer should be immediately notified and participate in the processing of the individual at the earliest point in the process. There are at least fifteen (15) officers in the department who have received the forty hour juvenile training class. It should be determined whether any of the officers who are designated as shift “juvenile officers” are in need of any additional, recurrent, or updated training.

G. PERCEPTION OF POLICE DEPARTMENT IN COMMUNITY:

- (1) The daily activity shifts should be modified to include the requirement that each officer spend a minimum of ½ hour per shift engaging in community policing. During this time, the officer should make at least one contact with a civilian to introduce himself, ask about problems, and

⁴² In the case of Officer McGannon, it is my recommendation that a minimum of three (3) videos be reviewed each week by his supervisor until such time as the Chief and the supervisor are confident that the officer will not engage in unprofessional conduct in the course of an arrest or traffic stop.

attempt to create a sense of cooperation and trust with the public.

- (2) There should be increased efforts to re-establish the community's confidence in the department. Suggestions could include an "open house" at the department, and routine visits of officers at block parties, concerts, etc., where the officer's function is only to demonstrate to the people of Park Ridge that their primary function is to assist the members of the community in a non-confrontational setting.

H. CITIZEN COMPLAINTS:

I have been provided with little or no evidence during the course of my investigation that the civilian complaint process has deterred citizens from voicing their complaints. I would, however, recommend that the complaint form be modified to eliminate the filing of the complaint under oath, which arguably could be viewed as a deterrent to the complainant. (the current complaint form is attached as Exhibit 9). The current process of investigating civilian complaints appears to be adequate in facilitating the speedy investigation of these complaints. I do not have sufficient evidence to conclude that the investigation of civilian complaints has been unfair.⁴³

I. INITIATION OF INVESTIGATIONS INTO ALLEGED MISCONDUCT:

Whenever the Chief learns of possible misconduct of any officer, he should

⁴³ It should be noted that in the CALEA Annual reports that from 2004 to 2007 there have been a total of fifteen (15) civilian complaints none of which resulted finding of "sustained". Most of these complaints, on their face, are clearly not credible. It must also be noted that during this same time period a number of accusations which were initiated internally were sustained.

initiate an internal investigation of the officer's actions. He should not wait for a civilian complaint to be file.

J. THE ELECTED OFFICIALS SHOULD NOT BE INVOLVED IN THE OPERATION OF THE POLICE DEPARTMENT

The day-to-day operation of the police department and the direction given to officers as to the use of their inherent discretion in law enforcement must be left to the Chief of Police and the City Manager. I understand and respect that the elected officials of Park Ridge have a valid and understandable concern over the operation of each department of the city. When elected officials have concerns over the operation of the police department, they should take those concerns to the City Manager for him or her to address. The City Council and the Mayor must communicate with the police department with a single and unified voice, and that voice must be that of the City Manger, no one else.

K. ENFORCEMENT OF UNDER-AGE DRINKING LAWS

On August 10, 2007, Chief Caudill issued an order in the form of a Memorandum which clarified the circumstances under which officers could enter residences where they suspected an under-age drinking party was taking place. The Memorandum goes on to state that once their investigation has concluded in the fashion dictated in the memo that the officers are to resume routine patrol and not "camp out" waiting for individuals to leave the party.

It is my recommendation that the Chief of Police rescind that portion of the Memorandum issued by Chief Caudill on August 10, 2007 which prohibits

officers from remaining at the location of a suspected under-age drinking party in an attempt to determine whether under-age persons are attempting to operate a motor vehicle. I believe that the Park Ridge Police Department and the city administration would be justifiably criticized if a teenager who has been consuming alcohol leaves such a party, gets behind the wheel of a car, drives erratically, and is involved in a serious traffic accident. Obviously, I am not suggesting that officers stop anyone and everyone who leaves the party without legal justification. I am suggesting that the officers not be precluded by department regulations from remaining at the scene of the party to determine whether sufficient legal grounds exist to believe that any individual is committing a crime.

L. IMPROVE THE COMMUNICATION BETWEEN THE PATROL AND INVESTIGATIONS DIVISION OR ALTERNATIVELY REDEFINE RESPONSIBILITIES

It is my understanding that when there is a complaint of possible criminal activity, the initial complaint is taken by a member of the patrol division. It is my further understanding that the "preliminary investigation" is conducted by the same officer of the patrol division. At some later point, should the case require additional investigation, the case is turned over to a detective. It has been explained to me by Acting Chief Swoboda that since the assignment to the detective division is done on a rotating basis, there are times when some of the most experienced officers in the department are assigned to patrol. My basic concern is that officers with insufficient experience or training as investigators

will be doing the preliminary investigation on more serious cases⁴⁴ or there will be a lack of communication between the patrol officers and the detectives. Either the involvement of the investigations division should occur at an earlier point in the handling of the case, or, at the very least, there should be an improved method of communication between patrol and investigations.

M. BLUE RIBBON COMMISSION

I do not recommend the formation of a separate commission to investigate citizen complaints. For the reasons previously stated, I simply do not find a need for this form of oversight.

N. INTERNAL INVESTIGATION PROCESS

As stated earlier, I did not find any problems associated with the internal review process of the department. Investigations into civilian complaints appear to have been done in a fair and appropriate manner. As previously stated, the problem which needs to be addressed is in the discipline imposed when misconduct has occurred.

⁴⁴ In the Jayne Reardon case, two (2) patrol cars and four (4) officers and trainees went to Reardon's home without a description of the alleged offender. I believe that any well-trained and experienced detective would have, at the very minimum, obtained a description of the offender before going to Reardon's house and later taking her to the police station. When Reardon arrived at the police station, she was confronted with a photo which had been obtained by Det. Sanetra who had, in fact, gone to Walgreen's, spoken to the witness and obtained the photo from the security camera. The individual in the photo was clearly not Jayne Reardon. There is no reason why the officers could not have obtained the photo of the suspect prior to going to the Reardon house.

O. OFFICER MATTHEW MCGANNON

In addition to the Sassak/Gorman arrest which I have addressed in this report there were other reports from citizens, who I found to be credible, that Officer McGannon has engaged in unprofessional conduct in the past. I believe it should be clear that any subsequent unprofessional or otherwise inappropriate conduct by Officer McGannon should be viewed as a serious reflection of this officer's fitness to remain a police officer in Park Ridge.

P. CONFLICTS REGARDING INVESTIGATIONS

In the future, the department must take appropriate steps to avoid the appearance of a conflict of interests where either an employee of the department, a family member of an employee of the department, or any other person with close personal or professional ties to the police department is under investigation for criminal conduct or is alleged to have committed a criminal act in Park Ridge. In these situations, the police department should request that an outside agency conduct the investigation. This is precisely what the department did when one of its officer was accused of battery by a citizen. The matter was investigated by the Illinois State Police.