

Statement from City of Chicago Inspector General Joseph Ferguson
Cook County Board of Commissioners - Criminal Justice Committee
May 14, 2019

Last month, the Public Safety section of the City of Chicago's Office of Inspector General (OIG) published an evaluation of the Chicago Police Department's so called "Gang Database." We reported that CPD does not have a unified, standalone "gang database" as publicly perceived. Rather, the Department has, over time, built a patchwork of data systems, visualization tools, and computer applications where gang information has been entered, stored, and accessed. In this way, the disjointed nature of CPD's current gang information systems differs significantly from the County's more centralized Regional Gang Intelligence Database that was recently terminated.

Our work focused on the only verifiable component of the myriad systems, Gang Arrest Cards—a specific component of CPD arrest reports into which gang-related information is entered by a reporting officer. This entailed a review of over half a million Gang Arrest Cards, stemming from over 363,000 arrests, over a 21-year period that resulted in the effective designation of 134,000 people as gang-affiliated. In addition to people, the gang-related information is the basis for the designation of specific geography as gang areas. The consequences to designated individuals and residents of designated areas are numerous, including higher incidence of law enforcement intervention than for the population at large.

As currently operated, CPD's "gang database" poses significant risks that, if left unaddressed, will continue to undermine public trust and confidence in the police. More specifically, OIG found:

- First, CPD lacks sufficient controls for generating, maintaining, and sharing gang-related data. Among other things, there is not sufficiently specific criteria related to the data, and sworn personnel are not adequately trained on how to gather and maintain it. There are no standards or processes for independent verification of the gang designation, and the information is made available to over 500 agencies at the local, county, state, and federal levels, without Intergovernmental Agreements setting forth terms and conditions for accessing and using the data.
- Second, CPD's gang information practices lack procedural fairness protections. Individuals designated as gang-related get no notice, and there is no system for appeal. Moreover, CPD does not regularly review the data, and correct or purge inaccurate gang information, thereby denying those with faulty or seriously outdated gang designations the opportunity to clear their name and mitigate the detrimental impact of inaccurate or outdated gang designations.

This information also factors into officers' decisions about risk and appropriate law enforcement tactics, for which they may be depending on unreliable or outdated information, and thereby heightening police and citizen encounters in ways that may elevate rather than mitigate risk to the officer, the subject, and the general public. Another consequence of gang-related information never being reviewed or removed is that individuals remain designated for decades after the precipitating incident for their tagging in the system, and long after they may have moved from a troubled period in their youth—many of the designations are of juveniles—to being productive members of their communities. A review of the data reflects people first designated as young as 9 years old and as old as 75 years old.

- Third, CPD's gang-related information has significant data quality issues. Among other things, we found that CPD's "gang database" contains incomplete and contradictory data. Individuals entered multiple times were tagged as being members of opposing gangs. We also found numerous instances in which individuals are listed with blank or conflicting Identification Record numbers, birthdates, and other classifications. Individuals were entered with birth dates prior to 1901, and in other records an individual's age was listed as zero. Over 15,000 of the 134,000 plus individuals were designated without a specific gang membership listed, and a similar overall percentage involved designation without any reason provided for why the individual was listed as a gang member. 88% are based on what are stated as self-admissions—basically he said, she said situations which in most situations include no objective corroborating information.
- Fourth, CPD's practices and lack of transparency regarding its gang designations significantly strain police-community relations. Community members reported personal accounts in which CPD's "gang database" resulted in misidentification, harassment, obstacles to immigration, and a prevailing perception of racial profiling. The City itself had to settle a suit in which an individual with legal status in the U.S. was picked up by immigration authorities for deportation on the basis of incorrect gang-related information about him—he was shown as a member of two different gangs, which were enemy gangs. These accounts illustrate how CPD's gang information practices spur the perpetuation of the historical divide between the police and the communities they serve, especially communities of color. Indeed, as we reported, the data shows that over the past 20 years, 91.3% of the 134,242 individuals designated as gang members in Gang Arrest Cards have been Black or African American and Latinx males. 13 of the City's 77 community areas, predominantly on the South and West Sides, account for over 50% of Gang Arrest Cards produced. The Austin community area accounts for nearly 9% of all Gang Arrest cards, and Austin, North Lawndale, South Lawndale and

Humboldt Park—just 5% of the City’s community areas—account for 24% of all Gang Arrest Cards. More generally, community members expressed concerns that the “gang database” serves as a mechanism for “criminalizing people in certain neighborhoods.” Personal accounts of these experiences can be viewed on OIG’s website at www.igchicago.org. In order to most effectively combat crime, including violent crime, sworn personnel need the assistance of the members of the communities they serve and protect. Mistaken or outdated gang designations that in turn result in stigmatization and increased law enforcement interactions simply fuel the prevailing fear and mistrust of the police within the communities that need them most. Moreover, documented unprofessional, pejorative terms used by reporting officers are reflective of a larger cultural disrespect, verging at times on contempt, that only aggravates the divide between community and police.

Of particular relevance to the Cook County Board of Commissioners, CPD shares its “gang database” information with over 500 external agencies, including immigration and criminal justice agencies. OIG’s analysis of all gang-related queries of CPD’s gang information revealed that over 35% of queries (over 1.3 million) were conducted by external agencies over the past 10 years. These agencies include the Cook County Sheriff’s Office (CCSO), the Cook County Adult Probation Department, and the Cook County State’s Attorney. Others include the Illinois Department of Corrections, Homeland Security, US Citizenship and Immigration, the FBI Gang Intelligence Center, and US Customs and Border Protection-Chicago. Over the past 10 years, CCSO’s 755,000 queries represent nearly 20% of total queries and over 50% of external agency queries. CPD’s loose protocols and failure to periodically audit access and use by external agencies raise numerous questions and potential concerns. While many of CCSO’s queries are almost certainly related to Cook County Department of Corrections’ (CCDOC) management of its jail population, it bears noting that OIG’s multiple requests to arrange an interview with CCDOC to gain an understanding of how it tracks and utilizes gang-related data and receives and shares gang-related data with CPD were rebuffed. Our work having concluded for now, additional forensic analysis will need to be conducted by CPD and the Sherriff’s Office to further understand the nature and purpose of these queries.

With no Intergovernmental Agreement setting forth standards and accountability, CPD currently lacks sufficient control and oversight of external agencies’ access and use of this information. This unchecked and widespread use by external agencies may contribute to a variety of negative consequences for individuals and communities, affecting bail and bond, sentencing, sanctions, probation, prison, parole, immigration, and employment.

Among the 30 recommendations issued by OIG, key proposals for CPD include:

- evaluating—in partnership with stakeholders—whether collecting, maintaining, sharing, and using gang information best serves violence reduction efforts in the City;
- establishing formal agreements with external agencies that include standards, accountability measures and regular audits of their use of CPD’s gang information;
- requiring evidentiary support for the assignment of gang designations;
- codifying processes for reviewing gang designations;
- notifying individuals that they have been designated as a gang member;
- establishing processes for contesting or appealing one’s gang designation;
- regularly reviewing gang designations to identify inaccurate or outdated designations;
- developing a means to purge inaccurate or outdated information; and
- providing regular public reports on the collection, storage, use, and sharing of gang-related data.

CPD concurred with OIG’s findings, acknowledging that its gang information practices have impeded the Department’s ability to maintain updated and relevant information. In partial response to OIG’s recommendations, CPD has proposed the creation of a new unified system that addresses many of the data control issues identified by OIG, but substantially diverged from our recommendations on community collaboration, an accessible appeals process, and additional protections for juveniles. As proposed, this new system, the Criminal Enterprise Database, will—like its predecessor—be available for use by external agencies. Moreover, CPD’s response indicated that all existing gang data currently maintained in CPD’s systems will remain intact and available to officers, including external agencies like CCSO.

OIG will assess CPD’s efforts to reform certain components of its gang information practices in a follow up report after the turn of the year. We take no position whatsoever on the existence of a tool such as the “gang database.” However, if one is to be used, it should be accurate, aligned with its purposes, and reflective of our morals and values.

Thank you for the opportunity to speak on this important topic and I am happy to answer any questions you may have.