



# City of Chicago



SO2019-8058

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 10/16/2019

**Sponsor(s):** Hairston (5)  
Ramirez-Rosa (35)  
Taylor (20)  
Sigcho-Lopez (25)  
Maldonado (26)  
La Spata (1)  
Rodriguez Sanchez (33)  
Hadden (49)  
Mitts (37)  
Cardona, Jr. (31)  
Sadlowski Garza (10)  
Vasquez, Jr. (40)  
Rodriguez (22)  
Martin (47)  
Brookins (21)  
Coleman (16)  
Lopez (15)  
Harris (8)  
Beale (9)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Title 2 by adding new Chapter 2-83 to establish Civilian Police Accountability Council, amending Chapters 2-78 and 2-84, including repeal of Article IV at Chapter 2-84

**Committee(s) Assignment:** Committee on Public Safety

**SUBSTITUTE ORDINANCE AS AMENDED (O2019-8058)**

WHEREAS, the City of Chicago (the “City”) is a home rule municipality as described in the Constitution of the State of Illinois, Article VII, Section 6(a);

WHEREAS, the Police Accountability Task Force (“PATF”) recommended, in April of 2016, the creation of a police oversight board and stated in its recommendations the following:

“A coalition of community groups has proposed the creation of a Civilian Police Accountability Council (CPAC) to establish direct community oversight over CPD. The proposal here strives to honor the principles established by CPAC. We recommend that, as soon as possible, the City Council hold public hearings with the goal of developing the specific details of the Board—based on direction of the community—and selection of the Board members within 90 days of the start of the hearing. Among the issues, these hearings should address:

- The role and responsibilities of the Board.
- The selection of those involved in the Board, including, but not limited to, the feasibility of electing representatives to fill certain roles.
- The staff and resources that will be made available to the Board.”;

WHEREAS, in January of 2017, the United States Department of Justice found that “Chicago’s deficient accountability systems contribute to CPD’s pattern or practice of unconstitutional conduct”;

WHEREAS, on January 31, 2019, the City entered into a Consent Decree outlining substantial court-mandated changes to the policies and conduct of the Department;

WHEREAS, the City has missed over 70% of deadlines outlined in the Consent Decree;

WHEREAS, a mass movement has taken shape in the streets of Chicago, demanding democratic community control of the police through the creation of a Civilian Police Accountability Council, and demanding the reallocation of funds spent on policing;

WHEREAS, the City created a Community Working Group to Review Department Use of Force Policies, and the group made 155 recommendations to the Chicago Police Department;

WHEREAS, the Chicago Police Department has rejected over 95% of the recommendations made by the Community Working Group to Review Department Use of Force Policies;

WHEREAS, the City conducted a budget survey in which over 75% of people specifically called for taking money away from policing to invest that money in community services (including youth services, homelessness support services, services for People with Disabilities, and violence prevention);

WHEREAS, respondents to the City's budget survey further called for police funding to constitute approximately 6% (six percent) of the City's budget;

WHEREAS, the City allocates almost 40% of its corporate fund to the Chicago Police Department ("CPD");

WHEREAS, this ordinance enshrines into the Municipal Code of Chicago ("MCC") a Civilian Police Accountability Council ("CPAC") as an elected executive agency, to put control of the police directly in the hands of the communities they are supposed to protect and serve;

WHEREAS, policing affects certain communities more than others, especially affecting people who are Black, Latinx, Indigenous, disabled, undocumented, and/or Transgender or Non-Binary, and those communities and their needs must be represented in public safety decisions;

WHEREAS, Black Lives Matter,

**BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO:**

Section 1. The foregoing recitals are adopted and incorporated into and made a part of this Ordinance.

Section 2. Any provision in any Chapter of the MCC is hereby repealed to the extent that it conflicts with this Ordinance. Powers enumerated as CPAC powers shall be exclusively reserved for CPAC unless otherwise noted in this Chapter or forbidden by law.

Section 3. Article IV of Chapter 2-84 is repealed.

Section 4. Title 2 of the MCC is amended by creating a new Chapter 2-83, establishing a Civilian Police Accountability Council, as follows:

# MUNICIPAL CODE OF CHICAGO

## Chapter 2-83 CIVILIAN POLICE ACCOUNTABILITY COUNCIL

2-83-010	Definitions and Abbreviations
2-83-020	CPAC – Establishment, Purpose, and Budget
2-83-030	CPAC – Composition, Election, and Candidate Requirements
2-83-040	CPAC – Powers and Duties
2-83-050	Proactive Policy and Practice Analysis and Investigations
2-83-060	Evaluation
2-83-070	Community Engagement and Outreach
2-83-080	City and Sister Agency Cooperation
2-83-090	Retaliation Prohibited
2-83-100	Reporting and Transparency
2-83-110	Severability and Alternatives

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### **2-83-010 Definitions and Abbreviations**

- (a) The following terms wherever used in this chapter shall have the following meanings unless a different meaning is clearly apparent from the context:

“Chief Administrator” refers to the Chief Administrator of the Civilian Office of Police Accountability, established in Chapter 2-78 of the Municipal Code of Chicago.

“City” refers to the City of Chicago, an Illinois municipal corporation.

“Code” refers to the Municipal Code of Chicago.

“Consent Decree” refers to the Consent Decree entered in the case of Illinois v. City of Chicago, 17-cv-6260, in 2019.

“Councilor” refers to an elected member of CPAC.

“Department” means the Chicago Police Department established in Chapter 2-84 of the Municipal Code of Chicago.

“Immediate family member” means spouse, domestic partner, partner to a civil union, current co-habitant, or any of the following, whether by blood, marriage, or adoption: parent, child, or sibling.

“Police Board” means the Chicago Police Board established by Chapter 2-84 of the Municipal Code of Chicago.

“Policy” or “policies” means all policies, procedures, orders, or other directives governing the functioning of the Department, COPA, or the Police Board.

“Superintendent” means the Chicago Superintendent of Police for the Chicago Police Department.

“They/them” may refer to either a singular person or to a group of two or more persons.

(b) The following abbreviations whenever used in this chapter refer to the following:

“COPA” refers to the Civilian Office of Police Accountability as created by Chapter 2-78 of this Code.

“CPAC” refers to the Civilian Police Accountability Council created by this Chapter.

“IPRA” refers to the Independent Police Review Authority as created by the now-repealed Chapter 2-57 of this Code.

“MCC” refers to the Municipal Code of Chicago.

“PSIG” refers to the Deputy Inspector General for Public Safety as established by Chapter 2-56-205 of this Code.

## **2-83-020 CPAC – Establishment, Purpose, and Budget**

(a) Establishment. There is hereby established an executive department of the municipal government to be known as the Civilian Police Accountability Council (“CPAC”).

(b) Purpose. The purpose of CPAC is to enshrine the democratic ideal of community control of the police into the Municipal Code of Chicago; to grant Chicago residents control over who polices them and how they do it; to reduce spending on policing and police misconduct; to make Chicago a safer and more equitable city; to encourage the movement away from punitive, carceral, and ineffective solutions to violence towards preventative, proactive, community-based, and evidence-based solutions; and to bring the City in compliance with the Consent Decree as soon as practicable.

(c) Budget. The appropriation available to pay for the expenses of CPAC during each fiscal year shall be determined by the City Council as part of the annual City budget process, but shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police Department contained in the annual appropriation ordinance for that fiscal year. Fringe benefits may only be included in the calculation of the CPAC appropriation under this subsection (c) if fringe benefits are also included in the appropriation for the Department. CPAC shall develop an annual departmental budget covering its anticipated revenues and expenditures conforming as far as practicable to the form and dates provided for in relation to the general City budget. CPAC shall dedicate no less than 20% of its budget to studying, piloting, experimenting with, and

implementing non-policing public safety solutions as described in this Chapter. CPAC may apply for and receive grants and such grants shall not be included in calculating the one-percent minimum in this paragraph.

**2-83-030 CPAC – Composition, Election, and Candidate Requirements**

- (a) Composition. CPAC shall be composed of elected individuals, one from each set of two contiguous police districts in the City of Chicago (each a “Contiguous District”). Each Councilor shall have voting power in the council equivalent to the percentage of the population of the City of Chicago, rounded to the nearest one-tenth, that lives within their Contiguous District based on the most recent federal, state, or city count, whichever is most recent, for the duration of their term. If rounding to the nearest one-tenth results in a total greater than 100, the voting power of the Councilor representing the highest population shall be reduced by the fraction necessary to bring the total to 100. If rounding to the nearest one-tenth results in a total less than 100, the voting power of the Councilor representing the lowest population shall be increased by the fraction necessary to bring the total to 100.

The initial Contiguous Districts shall be 4 and 5; 6 and 22; 2 and 3; 7 and 9; 8 and 10; 1 and 12; 11 and 15; 18 and 19; 14 and 25; 16 and 17; and 20 and 24. Once elected, Councilors shall employ such deputies, assistants, staff, and other employees as appropriate to carry out their duties, including but not limited to an Executive Director and Secretary who serve at the pleasure of CPAC. The offices of CPAC shall be located in a facility outside of the Department of Police.

- (b) Election. Councilors shall be elected in a non-partisan election (with runoffs if necessary) every four years at the same time and places of the elections that year as for Chicago Aldermen, pursuant to 10 ILCS 5/2A-26. Councilors shall serve a term of four years and be paid the same base salary as Aldermen in the Chicago City Council. Only individuals who meet the qualifications listed below shall be eligible for candidacy as a Councilor. Candidates can satisfy the requisite qualifications by possessing relevant personal experience. Nothing in this Chapter shall be read to require that Councilors possess specific professional experience or academic credentials. CPAC elections shall be managed by the Chicago Board of Elections.

- (c) Candidate Qualifications. Each candidate for CPAC must:

- a. Reside within the Contiguous District they seek to represent for at least one year before seeking the office;
- b. Have resided continuously in the City of Chicago for at least 3 years preceding the election in which they are on the ballot;

- c. Be at least 18 years old on the date of the election, and provide proof of age; and
- d. Possess at least a minimum of 2 years of experience in representing civil rights, activist, or organizing groups that focus on protecting the rights of young people, African-Americans, and/or Latinx people in their interactions with the police, or 2 years of experience and/or expertise related to protecting the rights of one of the following groups: immigrants (including undocumented immigrants); Lesbian, Gay, Bisexual, Transgender, and/or Queer people; Muslims; people living with mental illness, mental disabilities, or other disabilities; people experiencing homelessness; survivors of domestic violence; and/or survivors of police misconduct and/or brutality.

(d) Candidate Prohibitions. An individual shall not be eligible to hold office as a Councilor if the individual:

- a. Is a current or former sworn employee of a police department; is a current or former employee of the Cook County State's Attorney's Office in an investigative or prosecutorial capacity; or has immediate family that is a current or former sworn employee of a police department;
- b. Has been convicted of any crime of dishonesty, false statement, or corruption; or
- c. Fails to disclose any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the individual's performance as a Councilor, including but not limited to:
  - i. Whether the individual has ever been employed by IPRA, COPA, the Police Board, or the City;
  - ii. Whether any of the individual's immediate family has ever been employed by IPRA, COPA, the Police Board, or the City; or
  - iii. Whether the individual has any personal or business relationship with any department, agency, or entity of the City of Chicago.

(e) Vacancies. Elected Councilors who move out of the Contiguous District from which they were elected must resign. Vacancies on CPAC shall be filled for the remainder of their term in accordance with the Illinois Municipal Code, 65 ILCS 5/3.1-10-51. No person shall be appointed to fill a vacancy on CPAC who does not meet the qualifications for CPAC membership established by this Chapter. If a vacancy is filled by mayoral appointment pursuant to state law, remaining Councilors of CPAC shall advise the mayor on the selection of an appropriate candidate.

(f) Signature Requirements. The signature requirement to be nominated on the ballot for election as a Councilor shall be the number of signatures equal to 0.5% of the registered voters in the Contiguous District of the candidate. Such signatures shall be collected on a

nominating petition that states that the candidate seeks nomination to election to Councilor of the Civilian Police Accountability Council from the Contiguous District in which they live, and will state the address of the candidate and the two police districts that form the Contiguous District.

- (g) Financial Contributions. A candidate for election shall not accept contribution of any kind from outside the Contiguous District for which they are running.
- (h) Procedure. The powers of CPAC shall be exercised by order or resolution adopted by a simple majority vote in accordance with 2-83-030(a), unless otherwise noted in this Chapter, and shall be recorded in the minutes with yeas and nays at length. No order or resolution may be adopted unless Councilors representing a minimum of sixty percent (60%) of Chicago residents are voting. A Councilor who is absent when a vote is taken may vote by proxy through a present Councilor in accordance with policies and procedures enacted by CPAC. No Councilor may vote by proxy more than 4 times per term, and no more than 2 Members may vote by proxy on any one order or resolution.
- (i) Recall. CPAC Councilors are subject to recall on the grounds of gross incompetence; neglect of duty; gross misconduct; corruption, misuse of office, or misuse of funds; or other serious acts of nonfeasance or malfeasance while in office. Failure to attend one-fourth or more of CPAC meetings shall create a rebuttable presumption of neglect of duty. Upon petition by a number of qualified voters in any one Contiguous District equal to 30% or more of the number of people who voted for CPAC Councilor in the previous election, a recall election shall be conducted by the Chicago Board of Elections asking the question, "Shall [name] be recalled from the office of CPAC Councilor?" The Councilor is immediately removed upon certification of the recall election results if two-thirds of the electors voting on the question vote to recall the Councilor.

## **2-83-040 CPAC – Powers and Duties**

CPAC shall be vested with the following powers.

- (a) Appointments. CPAC is vested with the power to appoint the Police Board, the Chief Administrator, and the Superintendent.
  - a. Police Board. CPAC shall appoint members of the Police Board, with the advice and consent of City Council, as vacancies arise. Except in the case of vacancies filled for the remainder of an unexpired term, Police Board members shall be appointed for a term of five years.

The Police Board shall be the hearing arm of CPAC, and its principal duty is to hear disciplinary actions pursuant to MCC 2-84-030 and MCC 2-78-130, both as amended by this Chapter. Findings and disciplinary actions entered by the Police Board are final and shall not be appealed to any other City agency or body.



- b. Police Board Qualifications. Police Board members must possess sufficient experience, judgment, and impartiality to perform their duties. Police Board members must have lived continuously in the City of Chicago for 3 years and must have the same credentials outlined in this Chapter for Councilors. No Police Board member shall have been an employee of IPRA or COPA within ten years of appointment. Each of at least half of the Police Board members shall have at least five years of experience as a practicing attorney in civil rights, civil liberties, or criminal defense. Additionally, the selection criteria for Police Board members shall comply with paragraph 532 of the Consent Decree.
  
- c. Superintendent and Chief Administrator. In appointing a Superintendent or Chief Administrator, CPAC shall be governed in part by the professional and executive qualifications required for the position which shall be without reference to the residence of the candidate at the time of application. CPAC shall evaluate new candidates until the position is filled.
  
- d. Chief Administrator. The Chief Administrator is the chief executive and administrative officer of COPA. If CPAC does not vote to retain a Chief Administrator for another term, appointment of the Chief Administrator shall follow the following process:
  - i. Conduct or direct, with the assistance of an independent search firm, a 90-day, nationwide search to identify and interview qualified candidates for the position. The search process should ordinarily begin at least six months before the expiration of a Chief Administrator's term, unless an unexpected vacancy occurs, at which point the search should begin as soon as practicable.
  
  - ii. The top three candidates shall be identified by a majority vote of CPAC by considering, at a minimum, the criteria outlined in this Chapter. Within 48 hours of the vote identifying the top three candidates, their names shall be made public and the candidates' application materials shall be posted on a city-maintained website after redacting any personal contact information and other private information.
  
  - iii. Within 30 days of their selection, the top three candidates identified by CPAC will be required to attend at least two community meetings at times and locations to be determined by CPAC. CPAC shall ensure that the community meetings are widely promoted throughout the city. During these community meetings, the three finalists shall present their qualifications and vision for fulfilling the mission and responsibilities of the office they seek. The meetings must include an opportunity for community members to ask questions of the candidates. CPAC shall establish a process for soliciting, analyzing, and publicizing community feedback on the finalists before the community meetings are held.

- iv. Within 14 days of the last community meeting, CPAC, by majority vote, will select the Chief Administrator from among the finalists.
- v. The Chief Administrator shall be appointed for a term of four years. If the Chief Administrator does not complete their term, COPA's chief legal officer shall serve as interim Chief Administrator. The interim Chief Administrator shall serve in this position until CPAC can complete the appointment process described above. CPAC may promulgate policies to enact a longer line of succession.
- vi. To ensure that the Chief Administrator will be fair and impartial, and will be perceived as such by civilians and members of the Department, candidates must possess, at a minimum, the following qualifications to be eligible for hire:
  - 1. A commitment to the statement of purpose and policies described in this ordinance;
  - 2. Absence of previous employment by any law enforcement agency;
  - 3. Absence of previous employment by the Cook County State's Attorney's Office;
  - 4. Demonstrated integrity, professionalism, sound judgment, leadership, and management skills;
  - 5. The ability to design and implement protocols that will result in fair and unbiased investigations;
  - 6. Experience and expertise in conducting or supervising investigations;
  - 7. Knowledge of relevant law, particularly of internal investigations consistent with the requirements of collective bargaining agreements, due process of law, and equal protection under the law;
  - 8. A juris doctor degree from an accredited law school and a minimum of five years of experience in the practice of law or in the criminal justice field; and
  - 9. The ability to work with diverse individuals, including but not limited to: people of all races, ethnicities, sexualities, ages, immigrant or citizenship statuses, abilities, and/or gender identities; members of the press; law enforcement; and elected officials.
- vii. CPAC, by a majority vote, may opt to retain the incumbent Chief Administrator upon the end of their term. Prior to doing so, CPAC shall develop a process for receiving and considering feedback from the public on the issue of whether the incumbent Chief Administrator should be retained. This process shall include at least one public hearing and should begin at least nine months prior to the expiration of the Chief

Administrator's term.

- viii. A person may not serve more than a total of three terms as Chief Administrator in their lifetime.
- e. Superintendent. The Superintendent is the chief executive and administrative officer of the Department. If CPAC does not vote to retain a Superintendent for another term, appointment of the Superintendent shall follow the following process:
  - i. Conduct or direct, with the assistance of an independent search firm, a 90-day, nationwide search to identify and interview qualified candidates for the position. The search process should ordinarily begin at least six months before the expiration of a Superintendent's term, unless an unexpected vacancy occurs, at which point the search should begin as soon as practicable.
  - ii. The top three candidates shall be identified by a majority vote of CPAC. Within 48 hours of the vote identifying the top three candidates, their names shall be made public and the candidates' application materials shall be posted on a city-maintained website after redacting any personal contact information and other private information.
  - iii. Within 30 days of their selection, the top three candidates identified by CPAC will be required to attend at least two community meetings at times and locations to be determined by CPAC. CPAC shall ensure that the community meetings are widely promoted throughout the city. During these community meetings, the three finalists shall present their qualifications and vision for fulfilling the mission and responsibilities of the office they seek. The meetings must include an opportunity for community members to ask questions of the candidates. CPAC shall establish a process for soliciting, analyzing, and publicizing community feedback on the finalists before the community meetings are held.
  - iv. Within 14 days of the last community meeting, CPAC, by majority vote, will select the Superintendent from among the finalists with the advice and consent of City Council.
  - v. The Superintendent shall be appointed for a term of 4 years. In the event that the Superintendent does not complete their term, the former Superintendent's Deputy Superintendent for Constitutional Policing and Reform shall serve as Acting Superintendent. The Acting Superintendent shall serve in this position until CPAC can complete the appointment process described above. CPAC may promulgate policies to enact a longer line of succession.

- vi. CPAC, by a majority vote, may opt to retain the incumbent Superintendent upon the end of their term. Prior to doing so, CPAC shall develop a process for receiving and considering feedback from the public on the issue of whether the incumbent Superintendent should be retained. This process shall include at least one public hearing and should begin at least nine months prior to the expiration of the Superintendent's term.

(b) Supervision. CPAC is responsible for supervising the Chief Administrator and the Superintendent. These responsibilities shall include:

- a. Completing annual evaluations of their job performance, including based on a written self-evaluation and the ability to meet goals and expectations established by CPAC;
  - i. By December 31 of each year, CPAC shall provide the Superintendent and Chief Administrator with a preliminary written evaluation that includes CPAC's assessment of their performance as well as goals and expectations for the following year.
  - ii. If the Superintendent or Chief Administrator wish to change the written evaluation, goals, or expectations, they shall, within 15 business days of receipt of the preliminary evaluation, request in writing that CPAC make such changes.
  - iii. By the end of January of each year, CPAC shall complete the evaluation for the Superintendent and Chief Administrator for the previous year and finalize goals and expectations for the current year.
  - iv. CPAC shall make public the Superintendent's and Chief Administrator's complete evaluation, goals, and expectations.
- b. Reviewing, providing feedback, and approving their annual strategic plan, which they shall submit for public and CPAC comment and feedback on or by September 15 of each year, and which they shall modify as appropriate to meet CPAC's approval by majority vote;
- c. Reviewing, providing feedback, and approving their quarterly and annual reports;
- d. Directing the Chief Administrator to conduct or continue investigations within COPA's jurisdiction, including pattern and practice investigations.

(c) Policies.

- a. CPAC retains the power to propose and adopt by majority vote changes to the policies and procedures of the Department, COPA, and Police Board. Other than in emergency circumstances, CPAC shall provide the Department, Chief Administrator, and Police Board with up to 30 days to provide written feedback on CPAC's proposed policies and the opportunity to meet and confer about the proposals and any recommended modifications.

- b. The Superintendent may propose to CPAC changes to Police Department policies; the Chief Administrator may propose to CPAC changes to (1) COPA policies or (2) Department policies; and the Police Board may propose to CPAC changes to (1) Police Board policies, (2) COPA policies, or (3) CPD policies. CPAC shall provide the Superintendent, Chief Administrator, and COPA with written feedback on proposed policies within 30 days, as well as the opportunity to meet and confer about the proposals and any suggested modifications. CPAC retains final authority over whether to accept, reject, or modify the proposed policies.
  - c. CPAC shall promptly publish updates on proposed changes to Policies, including the positions on the updates of the Superintendent, Chief Administrator, Police Board, and CPAC. All proposed changes to policies shall be subject to notice and comment if CPAC Councilors representing at least one third of Chicago residents deem the changes to be of sufficient public concern. CPAC may also choose to hold public hearings on proposed policies. All policies approved by CPAC shall conform to court requirements or consent decrees, if applicable.
  - d. No part of this subsection shall be interpreted to prevent the Superintendent, Chief Administrator, or Police Board from holding public meetings and hearings on proposed policy changes before making proposal to CPAC.
  - e. CPAC's power to adopt rules and regulations for the governance of the Department does not include authority to administer or direct the operations of the Department or the Superintendent except as provided in Section 12.1 of "An Act to regulate the civil service of cities," approved March 20, 1895, as amended.
- (d) Consent Decree Controls. The process established in the Consent Decree is the exclusive method for department policymaking concerning matters subject to the Consent Decree. The Department shall comply with the above section (c) *before* submitting policies or procedures to the Independent Monitor and the OAG. CPAC shall play the lead role for the City in the review and comment process outlined in paragraphs 626-637 of the Consent Decree.

If the Court terminates the Consent Decree pursuant to paragraph 714 of the Consent Decree, or terminates the Consent Decree with respect to a given policy pursuant to Consent Decree paragraphs 715-716, that policy shall be exclusively subject to the above subsection (c).

- (e) Removal. CPAC shall be responsible for deciding whether cause exists to terminate members of the Police Board, the Chief Administrator, or the Superintendent.
  - a. Chief Administrator. Prior to completing a term, CPAC may seek to remove the Chief Administrator only for cause in accordance with this section.

- i. CPAC shall determine by majority vote whether cause exists to terminate the employment of the Chief Administrator.
- ii. Following a majority vote finding cause to terminate the Chief Administrator, CPAC shall give written notice to the Chief Administrator and the Chairman of the City Council's Committee on Public Safety (the "Committee" in this subsection (e)) or its successor of the intent to remove the Chief Administrator and the cause for removal.
- iii. Within ten business days after receiving notice, the Chief Administrator may file with the Committee a request for hearing on the cause for removal. If no such request is made within ten business days, the Chief Administrator is deemed to have resigned the office immediately.
- iv. If a hearing is requested in accordance with the above, the Committee shall convene a public hearing on the cause for removal, at which the Chief Administrator may appear, be represented by counsel, and be heard.

The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. CPAC's notice of removal shall constitute the charge against the Chief Administrator, and CPAC shall prosecute the case for removal in front of the Committee through internal or outside counsel.

- v. Removal of the Chief Administrator shall require the affirmative vote of a majority of the City Council.

b. Superintendent. Prior to completing a term, CPAC may seek to remove the Superintendent only for cause in accordance with this section.

- i. CPAC shall determine by majority vote whether cause exists to terminate the employment of the Superintendent.
- ii. Following a majority vote finding cause to terminate the Superintendent, CPAC shall give written notice to the Superintendent and the Chairman of the City Council's Committee on Public Safety (the "Committee" in this subsection (e)) or its successor of the intent to remove the Superintendent and the cause for removal.
- iii. Within ten business days after receiving notice, the Superintendent may file with the Committee a request for hearing on the cause for removal. If no such request is made within ten business days, the Superintendent shall be deemed to have resigned the office immediately.
- iv. If a hearing is requested in accordance with the above, the Committee shall convene a public hearing on the cause for removal, at which the

Superintendent may appear, be represented by counsel, and be heard.

The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. CPAC's notice of removal shall constitute the charge against the candidate for removal, and CPAC shall prosecute the case for removal in front of the Committee through internal or outside counsel.

v. Removal of the Superintendent shall require the affirmative vote of a majority of the City Council.

c. Member of the Police Board. Prior to completing a term, CPAC may seek to remove a Police Board member only for cause in accordance with this section.

i. CPAC shall determine by majority vote whether cause exists to terminate the employment of the Police Board member.

ii. Following a majority vote finding cause to terminate the Police Board member, CPAC shall give written notice to the member, the entire Police Board, and the Chairman of the City Council's Committee on Public Safety (the "Committee" in this subsection (c)) or its successor of the intent to remove the Police Board member and the cause for removal.

iii. Within ten business days after receiving notice, the member may file with the Committee a request for hearing on the cause for removal. If no such request is made within ten business days, the member shall be deemed to have resigned the office immediately.

iv. If a hearing is requested in accordance with the above, the Committee shall convene a public hearing on the cause for removal, at which the member may appear, be represented by counsel, and be heard.

The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. CPAC's notice of removal shall constitute the charge against the candidate for removal, and CPAC shall prosecute the case for removal in front of the Committee through internal or outside counsel.

v. Removal of a Police Board member shall require the affirmative vote of a majority of the City Council.

(f) Budget. The Superintendent shall submit to CPAC a proposed budget for the Department for each year by June 1 of the previous year. CPAC shall review, amend, discuss with stakeholders, and approve the annual budget for the Department. The Department shall submit the budget as approved by CPAC in accordance with state and municipal law. Total appropriations for the Department, excluding grants, shall not exceed 25% of all appropriated monies from the Corporate Fund for the preceding year. CPAC's

recommendations on the budget shall be submitted to City Council as part of the annual appropriations ordinance and CPAC shall appear at City Council budget hearings.

- (g) Subpoenas. CPAC or its designee may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of relevant information. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

CPAC may use internal or outside counsel to enforce subpoenas issued in accordance with this subsection.

- (h) Grand Jury. In those instances where COPA's investigation indicates that a member of the Department has committed a crime, CPAC may petition the Chief Judge of the United States District Court for the Northern District of Illinois to convene a Grand Jury, if one is not already convened, to pursue an indictment for Deprivation of Rights Under Color of Law pursuant to 18 U.S. Code § 242. If granted leave or otherwise permitted or requested by the court or the prosecutor, COPA shall present its findings of criminal activity to the Grand Jury.
- (i) Suspension of Police Powers. CPAC may suspend the police powers of a Department member pending an investigation if a preliminary investigation concludes that there is a reasonable likelihood that the member engaged in misconduct that constitutes excessive force or that causes bodily injury, death, or repeated deprivation of the constitutional rights of the public. Furthermore, CPAC may suspend the police powers of a Department member pending an investigation and/or evaluation if it has reasonable grounds to believe that the member is a danger to themselves, other Department members, or the public, or that they are likely to continue a pattern of misconduct. CPAC may require, as a condition of reinstatement of police powers, a psychological evaluation. CPAC shall promulgate and publish a policy on suspending Department members' police powers.
- (j) Alternative Accountability Methods. CPAC shall have the authority to develop alternative accountability programs, including restorative and transformative justice processes as well as a mediation program. However, such alternative accountability methods may not operate as a substitute to the formal investigative and disciplinary process in any incident involving an allegation of use of force; sexual assault or misconduct; or the discharge of a firearm, stun gun, Taser, or any other weapon police use to inflict pain or induce compliance. The mediation program shall be informed by national best practices.



- (k) Police Contracts. CPAC or its designee shall negotiate city contracts with the police unions. Police contracts shall be subject to approval by a full vote of CPAC before they can be approved by City Council.
- (l) Non-Policing Alternatives. CPAC shall continually study, research, pilot, recommend, and/or implement non-policing alternatives to public safety. CPAC shall collaborate with other City agencies or sister agencies as appropriate, and such agencies shall collaborate with CPAC. Alternatives include, but are not limited to, violence prevention, violence interruption, mediation, restorative and transformational justice programs, economic initiatives, health-based initiatives, and other initiatives that are proven or hypothesized to improve public safety for all Chicagoans.
- (m) Immigrant Advisory Council. CPAC shall create an Immigrant Advisory Council (IAC) within CPAC, which shall include non-citizens and people who are undocumented, in order to create a form of direct representation for non-citizen residents within CPAC. CPAC shall promulgate policies for the composition, selection, and duties of the IAC. The duties of the IAC shall include investigating possible amendments to local and state laws to enfranchise non-citizens.
- (n) Additional Powers. In addition to the above, CPAC shall have the power to:
- a. Establish officers, committees, subcommittees, and policies for the effective conduct of CPAC business;
  - b. Protect the rights of the residents of Chicago guaranteed to them by the United States and Illinois constitutions, including by hiring a CPAC counsel and staff as needed to interpret the rights of citizens, and to draft, as needed, legislation on behalf of CPAC;
  - c. Disallow the use of the Department by outside law enforcement agencies;
  - d. Prosecute, through its counsel, cases of removal in front of the City Council Committee on Public Safety;
  - e. Play an active role in the community, perform community outreach, and publicize the civilian complaint process;
  - f. Maintain and regularly update a website that makes public the information described in this ordinance and to identify and execute other methods of widely disseminating to the general public information about the work of CPAC;
  - g. Administer the office including, but not limited to, the hiring, terminating, training, and supervision of all employees in conformity with the requirements of this ordinance;
  - h. Develop discipline guidelines for misconduct by Department members, including presumptive discipline as well as aggravating and mitigating factors, in accordance with any applicable collective bargaining agreement;
  - i. Maintain permanent in-house legal counsel, and retain outside counsel, to advise CPAC on legal issues and to represent CPAC, COPA, the Police Board, and the City in legal, arbitral, and administrative proceedings arising out of the powers and duties of CPAC, including but not limited to those to enforce CPAC's

subpoenas; to terminate the Superintendent, Chief Administrator, or a member of the Police Board; and to prosecute or defend investigative and disciplinary decisions and/or recommendations made;

- j. Appoint Deputy Councilors for each police district within a Councilor's Contiguous District in accordance with this subsection.
  - i. Each police district shall have at least one Deputy Councilor in it at all times and at least two Deputy Councilors in it between the hours of 8 am and midnight.
  - ii. Each Deputy Councilor shall be a resident of the police district to which they are appointed.
  - iii. Each Deputy Councilor shall be paid a starting salary equal to the starting base salary of a post-probation police officer in the Department.
  - iv. The Councilor along with their Deputy Councilors shall have the power to make recommendations to CPAC concerning revisions in Policies; request information related to investigations from the Department or COPA; address police personnel and community groups on regulations and operations of CPAC; evaluate compliance with policies; attend officer evaluations; attend roll call; encourage and enable Department members to provide direct referrals and facilitate access to community resources and programming in lieu of arrest; and assist and engage with members of the public including gathering input from the public regarding public safety and policing in their district;
  - v. In hiring deputies, councilors shall endeavor to be reflective of the demographics of the police district as well as the demographics of persons most affected by policing in Chicago, including race, ethnicity, immigration status, national origin, gender identity and expression, disability, and sexuality;
- k. Advise legislative and executive bodies at all levels of government within Illinois on potential changes in ordinances and laws that would improve public safety and police accountability and promote such changes to the legislative and executive bodies as well as to the public; and
- l. Exercise other powers as granted by other laws or ordinances;
- m. Exercise other powers as necessary and proper to fulfill the powers, duties, and purpose of this Chapter.

**2-83-050 Proactive Policy and Practice Analysis and Investigations**

- (a) CPAC shall appoint a full time employee as Director of Policy and Practice Analysis and Investigations to, in conjunction with COPA, analyze policing trends, patterns, and practices and to launch disciplinary investigations into Department members who may demonstrate a pattern of misconduct and/or non-compliance with Department policy. CPAC shall retain discretion to treat as confidential any proactive disciplinary investigation initiated and supervised by the Director of Policy and Practice Analysis and Investigations, and their staff, for as long as CPAC deems necessary during the

investigation.

- (b) In conjunction with COPA, conduct regular analyses of citizen complaints, use of force, lawsuits, and other relevant data to identify individual and groups of officers who may be engaged in a pattern of misconduct, and to initiate disciplinary investigations into the conduct of those identified officers;
- (c) In conjunction with COPA, examine the disciplinary and complaint history and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation;
- (d) CPAC shall ensure that COPA must examine the disciplinary and complaint history and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation.

#### **2-83-060 Evaluation**

Five years from the effective date of this ordinance, and every five years thereafter, CPAC shall issue a request for a proposal for a complete evaluation of the entire police oversight process. The evaluation shall be completed by an independent, third-party entity that has experience conducting evidence-based evaluations of police oversight bodies. The evaluation will assess the overall effectiveness of Chicago's system of police oversight, the roles of the individual police oversight bodies, and make recommendations for improvement. The evaluations shall be publicly disseminated and posted on CPAC's website.

#### **2-83-070 Community Engagement and Outreach**

- (a) CPAC shall appoint a full time employee as Director of Community Engagement to develop and implement a program of community outreach aimed at soliciting public input about police practices and the work of CPAC from a broad segment of the community including in terms of age, race, religion, gender identity, sexual orientation, geography, ethnicity, and socio-economics. The Director of Community Engagement will also be responsible for assisting CPAC to widely disseminate information regarding the activities of CPAC including information about how individuals can file complaints with COPA, the investigative process, know-your-rights-trainings, and information about the policy audit and data collection activities undertaken by CPAC.
- (b) The Director of Community Engagement shall be responsible for ensuring that CPAC holds community meetings at least once a month. All regular meetings shall be public. The Director shall make all reasonable efforts to ensure that public hearings are widely accessible, and shall post notice of each meeting, along with a proposed agenda, on CPAC's website at least 14 days prior to each meeting. The Chief Administrator, the President of the Police Board, and the Superintendent shall attend these meetings and provide to CPAC and the general public updates on activities as requested by CPAC, and

answer questions from CPAC and general public. CPAC may use its subpoena power above to compel testimony for the purpose of these hearings.

- (c) CPAC shall conduct public hearings on matters that relate to the Chicago Police Department and its oversight entities, during which CPAC may require the Department and its oversight entities to produce records and information relevant to those hearings and compel members of those entities to appear at the hearings.
- (d) On the petition of more than 500 residents of the City of Chicago filed in the office of the City Clerk, the Director shall hold a special Citizens' Meeting for the purpose of responding to the petition. To require a response, a petition shall set forth with particularity the issues of concern, which may include policies, practices, training, supervision, or equipment of the Department or oversight entities; the need for an investigation, analysis, or audit; or other issues of public concern. The petition may require the Superintendent, PSIG, or Chief Administrator to be present at the meeting to address the issues raised in the petition. The petition may contain no more than 20 questions in total that may be directed to CPAC, the Superintendent, the President of the Police Board, the PSIG, and/or the Chief Administrator. CPAC, the Superintendent, the President of the Police Board, the PSIG, and/or the Chief Administrator must respond to the questions in the petition during the meeting, subject to privacy laws. The Director must hold the meeting within 45 days of the petition's filing. The meeting must be conducted in accordance with the Open Meetings law and CPAC must widely disseminate to the public information about the meeting date, time, and location.
- (e) CPAC shall appoint or cause to be appointed staff sufficient to ensure that all civilian complaints are assigned a complaint support specialist, who shall provide support to civilians throughout the complaint and investigative process. Such support services shall include, but are not limited to, providing complainants with regular updates regarding the status of their complaints, counseling complainants regarding the investigative process and outcomes, and providing referrals to outside service providers whenever necessary.
- (f) As a part of the Director's duties, they shall develop a civilian feedback process that seeks feedback from civilians who interact with oversight bodies on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from the Department or oversight bodies, their treatment throughout the investigation, the investigator's sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall also seek suggestions to improve the civilians' experience. The Director shall publish the results of those surveys in CPAC's annual report.

## **2-83-080 City and Sister Agency Cooperation**

- (a) It shall be a condition of employment for every officer, employee, department, agency, and sister agency of the city to cooperate with CPAC or any person designated by it in its

exercise of any power undertaken pursuant to this chapter.

- (b) Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

#### **2-83-090      Retaliation Prohibited**

No person shall retaliate against, punish, or penalize any other person for complaining to, cooperating with or assisting CPAC or any member or hearing officer designated by it, in the performance of their office. Any person who violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation.

#### **2-83-100      Reporting and Transparency**

- (a) All final summary reports of COPA shall be open to public inspection, except to the extent that information contained therein is prohibited from disclosure.
- (b) It shall be the policy of CPAC to make all of its work available to the public in order to promote accountability and transparency. CPAC shall make policies to ensure transparency throughout entire investigative, policy, and other processes.
- (c) CPAC shall maintain a database which contains the complete complaint and disciplinary history for each Department member. The database shall include, but is not limited to, the following for each member of the Department: any and all police misconduct investigations, including pending investigations; complete disciplinary history; all tactical response reports; civil lawsuits and relevant motions to suppress in criminal cases; and assignment histories. The database may be expanded by CPAC to include any other relevant information. CPAC shall be provided full administrative access to all databases maintained by the Department and COPA.
- (d) CPAC shall maintain full and exclusive administrative rights to an electronic database that is independent from databases used by the Department. It shall maintain the data in a format that allows efficient exporting of data. These data shall be posted live on CPAC's website in delimited machine-ready format for public inspection. The data sets shall redact the names and other identifying information of civilians, including complainants. The database must, at a minimum, include the information described throughout this section.
- (e) Within 10 days of its availability, COPA shall post on its website the following information for each investigation conducted by COPA:
  - a. The log or complaint number;
  - b. The beat number in which the complaint incident took place;
  - c. Location of incident reduced to hundred block;

- d. Date and time of the incident;
- e. Date the incident was reported to the COPA, the Department, and/or CPAC and/or otherwise came to the CPAC's attention;
- f. Whether video of the incident exists;
- g. Date the investigation was completed;
- h. Name, race, and gender of the assigned Investigator(s), and date of Investigator's appointment to COPA or the Department;
- i. For civilian complaints, whether the complaint was accompanied by a signed affidavit;
- j. For each Department member who is a subject of the investigation:
  - i. Name;
  - ii. Badge Number;
  - iii. Unit of assignment at the time of complaint;
  - iv. Race;
  - v. Gender;
  - vi. Year of birth;
  - vii. Date of Appointment to the Chicago Police Department;
  - viii. Rank at the time of complaint;
  - ix. On or off duty at time of incident;
  - x. In police uniform or plain clothes;
  - xi. Number of previous log numbers against officer within 10 years of incident;
  - xii. Number of previous sustained log numbers against officer within 10 years of incident.
  - xiii. All complaint category codes for the incident under investigation;
  - xiv. COPA's or the Department's recommended outcome of the investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated);
  - xv. The COPA'S and/or the Department's recommended discipline;
  - xvi. The Superintendent's recommended outcome of the investigation of each complaint;
  - xvii. The Superintendent's recommended discipline;
  - xviii. The final outcome of the investigation;
  - xix. The final discipline imposed;
- k. For each witness officer:
  - i. Name;
  - ii. Badge number;
  - iii. Gender;
  - iv. Race;
  - v. Year of Birth;
  - vi. Unit of assignment on date of complaint incident;

- vii. Rank on date of complaint incident;
- l. For each community member involved in an incident under investigation:
  - i. Race;
  - ii. Gender;
  - iii. Age at time of complaint;
- m. In addition to the information detailed above, COPA shall also post the following information within 10 days of its availability in every investigation of a Department member's discharge or other use of a firearm, stun gun, Taser, or any other device capable of inflicting pain or injury:
  - i. The type of incident (e.g., Taser, shooting with hits, shooting without hits, etc.);
  - ii. The log number, "U" number, or any other tracking number used by the CPAC;
  - iii. For each shooting officer:
    - 1. The type of weapon used (if firearm, type and brand)
    - 2. Number of shots fired;
    - 3. The range at which the weapon was fired;
  - iv. For Taser incidents, the duration that the device was deployed and the number of cycles;
  - v. Injuries sustained by any officer on the scene;
  - vi. For each target or victim of the weapon:
    - 1. Gender;
    - 2. Race;
    - 3. Age at time of incident;
    - 4. Any weapon possessed;
    - 5. The point at which any bullet impacted the subject;
    - 6. Any medical care provided;
    - 7. Injuries sustained; and
    - 8. Whether the person died.
  - vii. If an animal is targeted or victimized:
    - 1. Type of animal targeted or victimized; and
    - 2. Whether the animal died.
- (f) COPA shall also post on its website any video of an incident that is the subject of its investigation, after redacting any parts capturing events within private areas, such as inside a person's home, or that would violate clearly established rights to personal privacy, within 72 hours of the incident, unless a court order prevents such a release or the release would seriously compromise the integrity of COPA's investigation. If COPA withholds video, it must articulate and publish the reason that the release would seriously

compromise the integrity of the investigation, and shall post the video as soon as possible after the 72-hour-period; however, under all circumstances, COPA's posting of the video must occur within 14 days of the incident.

- (g) Within 10 days of their availability, COPA shall post on its website any "911" records or records of police radio communications or data transmissions related to the incident; lab test results; police reports; and other information, after redacting any private material, so long as the release would not seriously compromise the integrity of the COPA's investigation.
- (h) Within 10 days of completing each investigation, the COPA must post on its website the summary report of investigation, and provide a copy of the summary report of investigation to any complaining witness.
- (i) Summary Reports for complaints that are not supported by an affidavit—if an affidavit is required by state law—must include a detailed record of any attempts to contact the complainant to obtain an affidavit as well as a detailed record of the preliminary investigation, including any attempts to obtain sufficient evidence to continue the investigation.
- (j) All reports, investigations, policies and procedures of CPAC and COPA shall be open to public inspection, except to the extent that information contained therein is prohibited from disclosure. All investigations, audits, surveys, and policy evaluations and recommendations conducted by CPAC and COPA shall be released publicly at the time of completion and will be published on the website of CPAC's office and remain available on the website permanently. All data sets associated with each investigation, audit, survey, and policy evaluation and recommendation will be released publicly on the website of CPAC at the time of the publishing of the audit. The data sets will remain on the website for at least 10 years from the date of publication, but in no event may they be destroyed.
- (k) CPAC shall issue an annual report. The annual report must include a detailed summary of CPAC's and COPA's activities during the year and shall include but not be limited to the following information:
  - a. An explanation of the proposed policies of the previous year and whether they were implemented.
  - b. A summary of all activities undertaken related to community input, engagement, and outreach, including the results of the customer feedback survey described above.
  - c. A detailed annual statistical analysis that will help the general public understand the work of CPAC and COPA.
  - d. List of Department members with more than 10 misconduct complaints filed against them within 5 years of the reporting period, including for each Department member: name, badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed



against the member.

- (l) No later than the fifteenth day of January, April, July and October of each year, CPAC or any member or hearing officer designated by it, shall file with the Office of the City Clerk and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating: (1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any complainant, the number of complaints filed against each police officer in each district since the last report; (8) the number of complaints referred to other agencies and the identity of such other agencies; (9) the number of complaints in the last 30, 60, and 90 days, and the last 6 months; (10) the number of complaints referred or appealed to CPAC; (11) a demographic breakdown of the complainants, including but not limited to race, sex, or age; and (12) a breakdown by complaint type. Such reports shall be open for public inspection and shall be posted on the city's website. CPAC may promulgate policies to obtain such information separately or through COPA.
- (m) Notwithstanding any other provision of this ordinance, COPA is prohibited from releasing to the public the civilian names and identifying information without their consent. COPA shall provide any alleged victim in a sexual misconduct, sexual assault, rape or domestic violence investigation with the option to keep confidential the specific details of the complaint and specifics of the investigation from the Summary Reports made available to the public. COPA is otherwise authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.
- (n) COPA shall permanently retain, in physical or electronic format (with back-up), any records related to its investigations.
- (o) All of the reporting requirements contained in this section apply with equal force to CPAC, COPA, the Police Department, and the Bureau of Internal Affairs. For example, the Bureau of Internal Affairs must also post the above-required information about each misconduct complaint it receives or investigates on its website

**2-83-110 Severability; Alternatives; Construction**

- (a) If any provision of this chapter or its application to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality of that provision or application does not affect other provisions or applications of this chapter that can be given effect without the invalid or unconstitutional provision or application.
- (b) If any provision of this Chapter that grants CPAC the power to appoint the Superintendent, Chief Administrator, or the Police Board is held invalid or

unconstitutional, CPAC shall instead nominate two persons for a position, and the Mayor shall choose one of them to serve in the position with the advice and consent of City Council.

- (c) If any provision of this Chapter that denies eligibility based on past lifetime employment (by a candidate or their family) by a police department or by the Cook County State's Attorney's Office is held invalid or unconstitutional, the denial of eligibility shall instead be based on employment in such a capacity in any of the 10 years preceding taking office.
- (d) If any provision of this Chapter that grants CPAC the power to negotiate police contracts is held invalid or unconstitutional, CPAC shall instead have the power to monitor contract negotiations between the City and the police unions, and to make public recommendations to City Council on whether to approve the proposed contracts.
- (e) This Chapter shall be construed in accordance with its declared purpose.
- (f) Headings and provision titles used in this Chapter are for reference purposes and should have no effect on the interpretation of the Chapter.
- (g) Nothing in this Chapter shall be interpreted to conflict with the Consent Decree.

**BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF CHICAGO:**

Section 5. In addition to the repeal in Section 2 above of all parts of the MCC that conflict with the new Chapter 2-83, Chapter 2-78 of the MCC is specifically amended in the following ways:

**2-78-100 Definitions.**

...

“Coercion” means the use of improper or unlawful force, or ~~threats,~~ express or implied threats, in order to compel a person to act or speak against his or her will. As defined herein, “coercion” includes compelling a person to make statements.

“CPAC” refers to the Civilian Police Accountability Council as created by Chapter 2-83 of this Code.

...

“Verbal abuse” means the use of oral or written remarks that are overtly insulting, mocking or belittling, ~~whether or not directed at a person based upon their actual or perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person~~ membership in a protected class. “Verbal abuse” shall also include any ~~unwelcome sexual advances or requests for sexual favors.~~

...

“Police Department” means the Department of Police established in Chapter 2-84 of this Code.

“Sexual misconduct” means any form of unwelcome behavior—whether verbal, physical, or otherwise—of a sexual nature.

“Superintendent” means the Superintendent of Police or the Superintendent's designee.

**2-78-115 Chief administrator – Qualifications and appointment.**

~~—The Chief Administrator shall be the chief executive officer of the Office, shall serve a term of four (4) years, and at the conclusion of such term may be considered for reappointment. The Chief Administrator may be removed from office prior to the conclusion of such term only for cause in accordance with Section 2-78-155.~~

~~— Upon the effective date of this Ordinance, the individual serving as the Chief Administrator of the Independent Police Review Authority shall become the first Chief Administrator of the Office. Such Chief Administrator, or, if such individual shall resign or otherwise vacate such office, a successor selected by the Mayor and approved by the City Council, shall continue to~~

~~serve as Chief Administrator of the Office until a permanent method of selecting the Office's Chief Administrator shall be enacted by the City Council and become effective.~~

~~The Chief Administrator shall have the following minimum qualifications:~~

- ~~—(a) An attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with substantial experience in law enforcement oversight, or investigating employee or other wrongdoing;~~
- ~~—(b) Knowledge of law enforcement, particularly of internal investigations of wrongdoing and use of force;~~
- ~~—(c) A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties;~~
- ~~—(d) Demonstrated integrity, professionalism, sound judgment, and leadership; and~~
- ~~—(e) The ability to work with diverse groups and individuals.~~

~~The Chief Administrator shall not be a current or former sworn employee of the Police Department, a non-sworn employee of the Police Department within the last five years, or an employee of the Cook County State's Attorney's Office within the last five years.~~

Section repealed by Chapter 2-83.

## **2-78-120 Office and chief administrator – Powers and duties.**

The office and Chief Administrator shall have the following power and duties:

- (a) To receive and register all complaints filed against members of the Police Department;
- (b) ~~To conduct investigations into complaint against members of the Police Department alleging domestic violence, excessive force, coercion, or verbal abuse~~To conduct investigations into all complaints against members of the Department alleging abuse of members of the public, including but not limited to those concerning domestic violence; excessive force; improper search or seizure of individuals or property, including false arrest; coercion; verbal abuse; knowingly endangering the health or well-being of members of the public; rape, sexual assault, and/or sexual misconduct; First Amendment violations; denial of access to an attorney, phone, food, water, medical care, bathroom, and/or visitation while in police custody; other Fifth Amendment violations; biased police practices; and the killing or injuring of an animal;
- (c) To conduct investigations into all incidents, including those in which no allegation of misconduct is made, in which a Police Department member discharges: (i) a firearm ~~in a manner that potentially could strike another individual,~~ (ii) a stun gun or taser in a

manner that ~~results in death or serious bodily injury~~ potentially could strike another individual, or (iii) ~~in the CPAC's Chief Administrator's discretion~~, other weapons discharges and other use of Police Department-issued equipment as a weapon that results or could have resulted in death or serious bodily injury;

(d) To conduct investigations ~~into incidents~~ in all cases, including those in which no allegation of misconduct is made, where a person dies or sustains a ~~serious bodily injury~~ while detained or in Police Department custody, or as a result of ~~police actions~~ an interaction with the police, such as ~~during attempts to apprehend a suspect~~;

(e) ~~To conduct investigations into all incidents of an "officer involved death," as that term is defined in 50 ILCS 727/1-5;~~

(f) ~~To conduct investigations into complaints against members of the Police Department alleging improper search or seizure of either individuals or property, or unlawful denial of access to counsel~~ RESERVED;

...

(j) ~~To conduct investigations within its jurisdiction in a manner consistent with Article IV of Chapter 2-84 of this Code, the rules established by the Police Board, and any other applicable laws and rules;~~

...

(m) Based on information obtained through investigations conducted pursuant to this section, to recommend to the Superintendent, ~~the Chairman of the City Council Committee on Public Safety, and the Police Board~~ CPAC revisions to the Police Department's policies, practices, collective bargaining agreements, programs, and training in order to improve the accountability, effectiveness, integrity and transparency of the Police Department;

(n) To conduct investigations to determine whether members of the Police Department are engaging in patterns or practices of misconduct, and, where a pattern or practice of misconduct is found, recommend to CPAC revisions to the Police Department's policies, practices, programs, and training in order to address and eliminate such patterns or practices;

(o) Subject to applicable law, to have full access to all information in the possession or control of the Police Department, ~~the Police Board~~, and any other City department or agency in order to conduct investigations within the Chief Administrator's jurisdiction;

(s) To set minimum qualifications and appropriate screening procedures for all persons to be considered for employment by the Office, within parameters set by CPAC, and to set appropriate staffing levels to carry out the powers and duties set forth herein, provided,

however, that no investigator employed by the Office shall be a current or former sworn member of ~~the a pPolice d~~Department within the last ~~ten~~five years, and further provided that COPA shall employ at least one investigator for every 100 sworn Department members;

...

- (v) ~~In the Chief Administrator's discretion, t~~To review lawsuits or claims against the Police Department or one or more of its members, or against the City, alleging police misconduct that falls within the Office's jurisdiction, where such lawsuit or claim was subsequently settled or resulted in a judgment against such member, the Police Department, or the City, for the purpose of reopening a prior investigation or opening a new investigation of alleged police misconduct ~~review and investigate the facts of individual civil lawsuits and criminal proceedings involving alleged police misconduct, in order to identify and investigate incidents of police misconduct or to make recommendations to improve Police Department policies and practices within the Office's jurisdiction;~~

...

- (iv) To prosecute cases of Department member misconduct in front of the Police Board.

## **2-78-130 Decisions, recommendations.**

### **(a) *Disciplinary-related recommendations.***

- (i) If the Chief Administrator issues a recommendation of discipline, or other, nondisciplinary remedial action with regard to one or more members of the Police Department, the Superintendent shall respond to such recommendation within 60 days (for purposes of this section, the "Review Period"). The Superintendent's response shall include either: (1) a confirmation that the recommendation was followed with respect to the employee in question, and, if applicable, a description of any additional disciplinary or other action imposed by the Superintendent; (2) a request that the Chief Administrator conduct additional investigation, specifying the additional investigation that is requested, and the reason(s) for that request; or (3) if the Superintendent intends to take no action, or intends to take action that differs in substance and/or scope from the recommendation, the information required under subsection (a)(ii) of this section. ~~Upon request of the Superintendent, such Review Period may be extended for up to 30 additional days, for a total Review Period not to exceed 90 days.~~
- (ii) If the Superintendent intends to take no action, or intends to take action different from that recommended by the Chief Administrator, the Superintendent shall describe the proposed different action and explain the reasons for it in a written response.

The Superintendent's response shall be submitted to the Chief Administrator within the Review Period.

- (iii) Within ten business days after the submission of a response that proposes no action or different action than that recommended by the Chief Administrator, the Superintendent and the Chief Administrator shall meet to discuss the Superintendent's response. If, after meeting, the Chief Administrator and the Superintendent do not agree to the Chief Administrator's recommendation, the Chief Administrator shall, within five business days of such impasse, send the Superintendent's response, along with the Chief Administrator's written objections to the response, to a member of the Police Board selected by the Police Board from its membership, with notice and a copy of all such materials to the Superintendent. The selected member shall, within ten business days of receipt of such response and objections, review the Chief Administrator's recommendation, the Superintendent's response, and the Chief Administrator's objections. Upon request of the member, the Superintendent and Chief Administrator may be required to present additional documentation or arguments in support of their positions. If, in the opinion of the member, the Superintendent does not meet his burden of overcoming the Chief Administrator's recommendation for discipline, the recommendation shall be deemed accepted by the Superintendent. The final decision of the member shall be announced at the next regular public meeting of the Police Board, and shall be promptly posted on the Police Board's website. If, in the opinion of the member, the Superintendent has met his burden, the Superintendent's response shall be implemented. ~~The member shall recuse himself from any future involvement with the case by the full Police Board.~~

Once the Chief Administrator issues a recommendation pursuant to subsection (a)(i) above, the Chief Administrator shall not change that recommendation unless there is (1) newly discovered material evidence that renders the recommendation erroneous or unjust; (2) a change in the law that renders the recommendation clearly and obviously erroneous; or (3) a clear and obvious misapplication of the law in the original recommendation. A clear explanation of the change in recommendation, and the reasons thereof, shall be made part of the Final Summary Report.

- (iv) A response of the Superintendent that proposes to take no action or action different from that recommended by the Chief Administrator shall not be valid or effective until the process of subsection (a)(iii) of this section is completed.
- (v) If the Superintendent does not respond to the Chief Administrator's recommendation within the Review Period, such recommendation shall be deemed accepted, and shall be implemented, by the Superintendent.
- (vi) Nothing in this chapter shall limit the Superintendent's ability to impose additional action to that recommended by the Chief Administrator, including discipline that is more severe than that recommended by the Chief Administrator

or non-disciplinary remedial actions in addition to the discipline recommended by the Chief Administrator.

~~(b) *Policy, program and practices recommendations.* If the Chief Administrator issues a recommendation or report to the Superintendent concerning a policy, program, or practice of the Police Department, the Superintendent shall respond to such recommendation or report within 60 days of receipt. Such response shall include a description of the actions the Superintendent has taken or is planning to take, if any, with respect to the issues raised in the report or recommendation. If the Superintendent declines to implement one or more of the Chief Administrator's recommendations, such response shall explain the reasons for doing so. In addition, at the request of at least three aldermen, the Chairman of the City Council Committee on Public Safety shall request that the Superintendent or his designee appear at a hearing of the Committee on Public Safety to explain and respond to questions concerning such response.~~

#### **2-78-135     Investigations not concluded within six months.**

If the Office does not conclude an investigation of alleged misconduct within six months after its initiation, the Chief Administrator shall notify, within five days after the end of the six-month period, the Mayor, CPAC or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, or their designees; the complainant; and the employee named in the complaint, or his or her counsel, of the general nature of the complaint or information giving rise to the investigation and the reasons for the Office's failure to complete the investigation within six months. Thereafter, the Office shall provide an update to such notice, including the same information and notification to the same individuals, every six months until the investigation is completed.

#### **2-78-145     Reports open to public inspection.**

All Final Summary Reports of the Office shall be posted on the Office's website and open to public inspection, except to the extent that information contained therein is prohibited from disclosure has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as redacted, shall immediately be posted on the Office's website and open to public inspection. The Office shall also post along with the response of the Superintendent thereto, if any, promptly after it is received by the Office, but not before, the process set forth in Section 2-78-130(b) is completed and disciplinary charges, if any, are served on the employees in question. The Office also shall provide a copy of the report to the complainant, if there is one.

Reports of the Office concerning its recommendations as to a Police Department policy, practice, or process, or training pursuant to Section 2-78-120(m) or (n) shall be posted on the Office's website and open to public inspection, except to the extent that information contained



~~therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as redacted, shall immediately be posted on the Office's website and open to public inspection. The Office shall also post, along with the Police Department's response thereto, promptly after it is received by the Office, but not before, the process set forth in Section 2-78-130(b) is completed.~~

...

## **2-78-150 Quarterly and annual reports to legislative and executive branches.**

- (a) *Quarterly reports.* No later than the fifteenth day of April, July and October of each year, the Chief Administrator shall post on the Office website for public review and file with CPAC, the Mayor or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, and the office of the City Clerk, a quarterly report providing information based on data through the end of the preceding month on: (1) the number of investigations initiated during that quarterly reporting period; (2) the number of investigations concluded during that quarterly reporting period, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the end of that quarterly reporting period; (4) the number of complaints not sustained during that quarterly reporting period; (5) the number of complaints sustained during that quarterly reporting period; (6) the number of complaints filed as to each Police Department district during the quarterly reporting period; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the quarterly reporting period; and (8) the number of complaints referred to other agencies during the quarterly reporting period and the identity of such other agencies. Such quarterly reports shall also summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department, and the Superintendent's response to such reports or recommendations.
- (b) *Annual reports.* No later than the fifteenth day of February of each year, the Chief Administrator shall post on the Office's website for public review and file with CPAC, the Mayor or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, the Office of the City Clerk, and the Deputy Inspector General for Public Safety, an annual report providing information based on data during the prior calendar year on: (1) the number of investigations initiated during the prior calendar year; (2) the number of investigations concluded during the prior calendar year, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the last day of the prior calendar year; (4) the number of complaints not sustained during the prior calendar year; (5) the number of complaints sustained during the prior calendar year; (6) the number of complaints filed as to each Police Department district during the prior calendar year; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the prior calendar year; and (8) the number of complaints referred to other agencies during the prior calendar year and the identity of such other agencies.

Such annual reports shall also describe and summarize the results of the Office's investigations and the Office's other activities and performance during the prior calendar year.

Finally, such annual reports shall summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department during the prior calendar year, and the Superintendent's responses to such reports and recommendations

#### **2-78-155 Chief administrator - Conditions for removal from office.**

~~Prior to serving a complete term, the Chief Administrator may be removed only for cause and in accordance with this section. The Mayor shall give written notice to the Chairman of the City Council's Committee on Public Safety and the Chief Administrator of his intent to remove the Chief Administrator, and the reason for the proposed removal. Within ten days after receipt of the notice, the Chief Administrator may file with the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Chief Administrator shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the City Council Committee on Public Safety shall convene a hearing on the cause for removal of the Chief Administrator, at which the Chief Administrator may appear, be represented by counsel, and be heard. The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. The Mayor's notice of intended removal shall constitute the charge against the Chief Administrator. Removal of the Chief Administrator for cause after the hearing shall require the affirmative vote of a majority of the members of the City Council.~~

Section repealed by Chapter 2-83.

...

#### **2-78-170 Rules and procedures.**

The Chief Administrator is authorized to propose ~~adopt~~ such rules and procedures as the Chief Administrator may deem appropriate for the proper administration and enforcement of this chapter. ~~All such rules and procedures shall be adopted only after posting of the rules and procedures proposed to be adopted on the Office website at least 30 days prior to the effective date of such rules and procedures. The Chief Administrator shall present any proposed changes to COPA or Department policies and procedures to CPAC for public feedback at CPAC's regular monthly meetings, and shall post the proposed rules on its website at least 30 days before the hearing. After obtaining feedback from CPAC, public, and members of the Department, and making any modifications that the Chief Administrator deems appropriate, the Chief~~

Administrator shall submit the proposed changes to CPAC for a vote. Policy changes shall be approved by majority vote of CPAC. Upon adoption, the Chief Administrator shall maintain a copy of the rules and procedures on file at the Office, which copy shall be made available for public inspection during regular business hours. The Chief Administrator shall also publicly post such rules and procedures on the Office website, subject to any limitations imposed by applicable law.

**BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF CHICAGO:**

Section 6. In addition to the repeal in Section 2 above of all parts of the MCC that conflict with the new Chapter 2-83, Chapter 2-84 of the MCC is specifically amended in the following ways:

...

**2-84-020 Police board – Establishment, membership and organization.**

(a) There is hereby created a police board consisting of nine members to be appointed by the mayor ~~by and with the advice and consent of the city council~~ Civilian Police Accountability Council (“CPAC”). Except in the case of vacancies filled for the remainder of an unexpired term, board members shall be appointed for a term of five years, or until their respective successors are appointed and qualified. Provided, however, that no person shall be eligible for reappointment to the board if such person has served on the board for more than ten years during his or her lifetime. Board members shall be reasonably compensated for their service on the board as provided for in the annual appropriation ordinance.

(b) Vacancies shall be filled for the remainder of an unexpired term in the same manner as original appointments.

~~(c) The mayor is authorized to remove any member of the police board for just cause, after written notice to the board member stating with particularity the grounds for such removal and an opportunity for a hearing before the mayor or the mayor's designee. Just cause for such removal shall include, but is not limited to, incompetence, neglect of duty, gross misconduct or criminal conduct of the type that threatens to impair or undermine public confidence in the board, or other acts of nonfeasance, malfeasance or misfeasance in office. If, during any calendar year, a member of the police board fails to attend three or more scheduled meetings of the board, the president of the board shall provide written notice of such fact to the mayor and a rebuttable presumption of neglect of duty shall exist.~~

~~(d)~~(c) The mayor CPAC shall designate a president and a vice-president from among the members of the board. The president and vice-president shall be designated to serve in such capacity for a term not to exceed two years, and may be redesignated by the mayor CPAC to serve in such capacity for an additional term(s) not to exceed two years. The board shall hold a regular meeting at least once a month. All regular meetings shall be in a public office of the board with reasonable provision for attendance by the public. The superintendent of police or the superintendent's designee and the chief administrator of the ~~independent police review authority~~ Civilian Office of Police Accountability or the chief administrator's designee shall be present at all public meetings of the board and shall have the right to take part in the discussions and deliberations but shall have no vote.

~~(e)~~(d) The board shall appoint a secretary who shall not be a member of the board. The secretary

shall keep a record of the proceedings and transactions of the board specifying therein the names of the members of the board at all meetings and giving the yeas and nays upon all votes. The secretary shall post and publish all orders, resolutions and notices which the board shall order to be posted and published, and shall perform such other duties as are herein or may be, by order of the board, imposed on the secretary. The yeas and nays of police board members on all votes shall be posted by the secretary on the police board website within ten business days of any such vote and shall remain posted on such website for at least two years.

(f)(e) The powers of the board shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with yeas and nays at length. Such action shall be attested by the signatures of the president or vice-president or two members of the board and by the signature of the secretary of the board.

### **2-84-30 Police board – Powers and duties.**

(a) The board shall exercise the following powers:

1. To serve as a board to hear disciplinary actions for which a suspension for more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the city;

2. To serve as a board to consider appeals, pursuant to Section 2-84-035, by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background investigation;

3. To employ the necessary personnel to conduct the business of the board, including but not limited to hearing officers, counsel, secretary, and executive director;

4. To review, advise on, and approve mappings of police districts, which shall be submitted to the board by the Superintendent;

5. To review the number and configuration of CPAC Contiguous Districts, as defined in Chapter 2-83 of this Code, to ensure that the Contiguous Districts are in accordance with the requirements and purposes of Chapter 2-83 of this Code; and

6. To recommend to City Council, one year before each scheduled CPAC election, any changes in the number or configuration of Contiguous Districts if such changes are necessary because of changes in police districts. If an odd number of police districts is approved by the board, one Contiguous District shall contain three individual police districts. City Council shall review changes to Contiguous Districts submitted by the board within 30 days.

Approval of new Contiguous Districts shall require a majority vote of City Council, and the change shall take effect with the following CPAC election.

The board shall exercise the following powers:

- ~~—1. When a vacancy occurs in the position of superintendent of police, to nominate three candidates to fill the position and to submit those nominations to the mayor;~~
  - ~~—2. To adopt rules and regulations for the governance of the police department of the City;~~
  - ~~—3. To serve as a board to hear disciplinary actions for which a suspension for more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the City; and~~
  - ~~—4. To serve as a board to consider appeals, pursuant to Section 2-84-035, by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background investigation.~~
- ~~—The board may appoint any member thereof or a hearing officer to hear disciplinary actions.~~

(b) No officer or employee of the police department in the classified civil service of the city whose appointment has become complete may be removed or discharged, or suspended for more than 30 days except for cause upon written charges and after an opportunity to be heard in his own defense by the police board, or any member or hearing officer designated by it.

Before any such officer or employee may be interrogated or examined by or before the police board, or any member or hearing officer designated by it, or departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to counsel of his own choosing present to advise him at any hearing, interrogation or examination; and a complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such officer or employee without charge and without delay.

(c) Upon the filing of charges for which removal or discharge or suspension of more than 30 days is recommended, a hearing before the police board, or any member or hearing officer designated by it shall be held.

(d) The police board shall establish rules of procedure not inconsistent with this section and subject to the approval of CPAC respecting notice of charges and the conduct of the

hearings before the police board, or any member or hearing officer designated by it. The police board, or any member or hearing officer designated by it, is not bound by formal or technical rules of evidence, but hearsay evidence is inadmissible. The person against whom charges have been filed may appear before the police board, or any member or hearing officer designated by it, with counsel of his own choice and defend himself; shall have the right to be confronted by his accusers; may cross-examine any witness giving evidence against him; and may by counsel present witnesses and evidence in his own behalf.

- (c) The police board, or any member or hearing officer designated by it, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. All proceedings before the police board, or any member or hearing officer designated by it, shall be recorded. No continuance may be granted after a hearing has begun unless all parties to the hearing agree thereto. The findings and decision of the police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted by the secretary on the police board website within ten business days of the date of certification of such findings and decision to the superintendent, and shall remain posted on such website for at least two years. If any member of the police board dissents from the board's findings and decision, such member shall state the reasons for his or her dissent. Such dissents shall be posted by the secretary on the police board website within ten business days of the date of certification of the board's findings and decision to the superintendent, and shall remain posted on such website for at least two years.
- (f) In the designation of hearing officers, the police board shall select only attorneys licensed to practice in the State of Illinois, with a minimum of five years' experience. Hearing officers shall conduct disciplinary hearings in accordance with the provisions of this chapter and the rules of procedures established by the police board. The hearing officer may take judicial notice, rule on offers of proof, receive relevant evidence during the hearing and certify the record and make findings of fact, conclusions of law and recommendations to the police board following the hearing.
- (g) A majority of the members of the police board must concur in the entry of any disciplinary recommendation or action. ~~In the event that three members of the board must recuse themselves pursuant to the provisions of Section 2-78-130, a majority of the remaining members of the police board must concur in the entry of the disciplinary recommendation or action.~~
- (h) No member of the board may participate in any disciplinary recommendation or action without having read the record upon which said recommendation or action is based.

- (i) Nothing in this section limits the power of the superintendent to suspend a subordinate for a reasonable period, not exceeding 30 days.

~~—In designating the nominees for the position of superintendent of police, the board shall be governed solely by the professional and executive qualifications required for the position which shall be without reference to the residence of the nominees. If none of the nominees accept appointment, the board shall submit new lists of three nominees until the position is filled.~~

~~—The board's power to adopt rules and regulations for the governance of the police department does not include authority to administer or direct the operations of the police department or the superintendent of police, except as provided in Section 12.1 of “An Act to regulate the civil service of cities” approved March 20, 1895, as amended. The board in its discretion shall have the authority to make recommendations to the superintendent of police and to the chairman of the city council committee on public safety or its successor committee concerning revisions in policy and operating procedures to increase the efficiency of the department of police. Such recommendations shall be posted on the police board website within two business days of the date on which such recommendation is made to the superintendent and shall remain posted on such website for a period of at least two years.~~

#### **2-84-040 Superintendent of police – Appointment as chief administrative authority.**

The superintendent of police shall be the chief executive officer of the police department. He shall be appointed by the mayor upon recommendation of the police board and with the advice and consent of the city council and shall serve at the pleasure of the mayor the Civilian Police Accountability Council for a term of four years with the advice and consent of City Council. The superintendent shall be responsible for the general management and control of the police department and shall have full and complete authority to administer the department in a manner consistent with the ordinances of the city, the laws of the state, and the rules and regulations of the police board. Civilian Police Accountability Council.

(Prior code § 11-5; Amend Coun. J. 6-5-87, p. 1164; Amend Coun. J. 4-13-16, p. 22636, §§ 1 – 3)

#### **2-84-050 Superintendent of police – Powers and duties.**

Subject to the rules of the department and the instruction of the board, said superintendent shall have the power and duty:

- (1) To administer the affairs of the department as its chief administrative officer;



- (2) To organize the department with the approval of the Civilian Police Accountability Councilboard;
- (3) To make appointments, promotions, transfers of and to take disciplinary action against employees of the department other than the secretary of the board;
- (4) To appoint, discharge, suspend or transfer the employees of the department other than the secretary of the board and to issue instructions to said employees other than the secretary in the line of their duties. Subsections (3) and (4) are subject to the civil service provisions;
- (5) To expend the funds of the department in accordance with the provisions of the budget appropriations and the policies established by CPAC;
- (6) To recommend to the Civilian Police Accountability Council ~~the board~~ an annual departmental budget covering the anticipated revenues and expenditures of the department conforming as far as practicable to the forms and dates provided for in relation to the general city budget; and
- (7) To certify all expenditures of the department to the city comptroller.
- ~~(8) To exercise such further powers in the administration of the department as may be conferred upon him by the board.~~

**2-84-060 Superintendent of police – Warrants for expenditures.**

No money shall be drawn from any fund under the control of the department except upon warrants authenticated by the signature of the superintendent. ~~The board~~CPAC, by resolution, may authorize a temporary substitution in the case of the absence or inability to act of the person whose signature is herein required. A copy of any such resolution of substitution shall be filed with the comptroller.

**2-84-080 ~~Police board – Custody of buildings and property—Enforcement powers.~~**

~~The board~~CPAC shall have the custody and control of the offices, stations and other public buildings occupied by the police department or any division thereof, equipment, books, records and other property belonging to said department.

~~It shall, through the superintendent of police, preserve the peace and secure good order and cleanliness within the city, and to that end, it shall enforce all laws, ordinances of the city and orders of the city council and of the mayor.~~

**2-84-390 Badges**

~~The board~~CPAC shall have the power and authority to prescribe an appropriate form of badge to be worn by both regular and special members of the department by which, and at all times, the authority and relation of such officers and members of said department may be known. It shall make suitable regulations as to the wearing of such badge.

Every member of the department of police shall wear a suitable badge to be furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it. Whenever any member shall leave the department he shall immediately deliver his badge to the board.

(Prior code § 11-36)

**2-84-400 Efficiency rating system.**

It shall be the duty of ~~the board~~CPAC to maintain a system for the ascertaining and recording of individual efficiency of each member of the police department. Such system shall be as nearly automatic as possible and its application shall be uniform throughout the department.

The efficiency reports respecting the appointees in the classified service of the department shall be submitted to the civil service commission not later than two weeks following the thirty-first of December of each year.

(Prior code § 11-37)

**2-84-410 Merit roll records – Medals and ribbons.**

~~The board~~CPAC shall cause to be kept a record, which shall be known as the “Merit Roll”, upon which shall be entered the names of all the members of the department of police who shall have performed any distinguished act of bravery in the protection of life or property. Such record shall specify the details and circumstances of such acts, and shall include the names of witnesses, if any, and all facts corroborating the circumstances of the report.

Such record shall annually, on the thirty-first day of December of each year, be laid before the mayor, comptroller and treasurer, ex officio trustees of the “Harrison Medal” fund and the “Tree Medal” fund. Upon awards being made, the members of the department of police who shall be awarded the “Tree Medal” and the “Harrison Medal” shall be notified to appear before the trustees to receive the medals awarded them.

A ribbon type medal cast in the design of the Chicago flag as described in Section 1-8-030 of the Municipal Code shall be awarded to each recipient of the Lambert Tree or Carter Harrison Medals for the use of the recipient when in uniform.

A ribbon will be presented to active duty members of the Chicago Fire and Police Departments who have received the Lambert Tree and Carter Harrison Award Medals. All persons in the future when receiving these medals will be presented with a ribbon and medal.

(Prior code § 11-38)

**2-84-420 Rewards permitted when.**

The ~~board~~ CPAC, for meritorious service rendered by any member of the police department in the due discharge of his duty, may permit such member to retain, for his own benefit, any reward or present tendered him therefor, upon report being made of the proposed reward or present. It shall be cause for removal of any member of the department to receive any such reward or present without notice thereto to ~~the board~~ CPAC and without its permission.

(Prior code § 11-39)

**2-84-430 Complaint against police – Investigation.**

All complaints of citizens regarding officers and members of the department of police shall be investigated promptly and thoroughly by the appropriate agency. The substance of all oral complaints and copies of written complaints received at the police stations, and by the various bureaus, divisions and sections of the service, shall be forwarded promptly to the ~~superintendent of police~~ Civilian Office of Police Accountability.

...

**2-84-490 Resignation procedure.**

Any person desiring to resign from his position in the department shall submit two executed copies of such proposed resignation to ~~the board~~ CPAC. Such resignation shall not be effective until accepted by ~~the board~~ CPAC and a copy of such proposed resignation is forwarded to the civil service commission with the acceptance of ~~the board~~ CPAC noted thereon.

(Prior code § 11-46)