



City of Chicago



SO2020-3999

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 9/9/2020

Sponsor(s): Waguespack (32)
Taliaferro (29)
Martin (47)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 2-56 by adding new Section 2-56-235 to require Deputy Inspector General for Public Safety to publish public database of closed complaints against police (as of May 24, 2021)

Committee(s) Assignment: Joint Committee: Finance; Public Safety

Substitute Ordinance

Whereas, providing easy access to police disciplinary records would enlighten the public and aid in restoring faith in our police force; and

Whereas, the consent decree between the City of Chicago and State of Illinois makes clear that there are serious flaws in the City's police accountability systems that have resulted in violations of Constitutional rights, especially among people of color; and

Whereas, pursuant to the Freedom of Information Act and City of Chicago public policy, it is an obligation of the City to operate openly and provide access to public records as expediently and efficiently as possible; and

Whereas, a publicly available resource for information about closed investigations into allegations of police misconduct will not only provide valuable information to the public but also reduce the work and cost required for the City of Chicago to comply with many of its Freedom of Information Act obligations; and

Whereas, the City of Chicago Office of Inspector General and the Public Safety Inspector General have undertaken preliminary research and assessment of historical Chicago Police Department disciplinary record systems; and

Whereas, the technical requirements for the building and maintenance of a public database of closed complaints of police misconduct as set forth in this ordinance falls under the scope of work of the Public Safety Inspector General, and will create additional transparency and accountability; now, therefore,

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

Section 1 – Chapter 2-56 of the Municipal Code of Chicago is amended inserting the new Section 2-56-235 as follows:

2-56-235 Public Repository of Closed Police Disciplinary Investigations.

(a) For purposes of this section, “Finalized Disciplinary Disposition” means an investigation of allegations of misconduct against a sworn member of the Police Department which has reached a final disciplinary decision, which here means when the investigating agency has issued a finding of sustained, not sustained, unfounded, or exonerated, or, when applicable, the Police Board, or arbitrator, whichever is applicable, has rendered a decision on the disciplinary recommendation, or when the member or former member has accepted the disciplinary recommendation.

(b) For purposes of this section, “Summary Report of Finalized Disciplinary Disposition” means the complaint register (“CR”) summarizing an investigation conducted by the Civilian Office of Police Accountability (“COPA”), or its predecessor or successor, or the Bureau of Internal Affairs (“BIA”) of the Police Department, or its predecessor or successor, (hereinafter individually “the reporting office”) concerning an incident of alleged police misconduct which shall contain, as applicable: (i) a description of the officer(s) and subject(s) involved in the incident; (ii) the date, time and location of the incident; (iii) a description of the allegations and applicable rules; (iv) a narrative summary of the incident; (v) a narrative summary of the

investigation; (vi) the reporting office's findings and conclusions; and (vii) in the event that disciplinary action resulted, the final disciplinary disposition of the CR.

(c) No report or other published account of a Finalized Disciplinary Disposition shall include alleged incidents of domestic abuse, child abuse or substance abuse or information exempt from disclosure by law. Nothing in this section diminishes or abridges the obligations of the City under the Illinois Freedom of Information Act, 5 ILCS 140 et seq. ("FOIA").

(d) Pursuant to the schedule described below in subsections 2-56-235(e) through (g), OIG shall publish on its website a searchable, downloadable digital repository of Summary Reports of Finalized Disciplinary Disposition as defined herein against sworn members of the Chicago Police Department. For each summary report of Finalized Disciplinary Disposition, this repository shall list as to each Finalized Disciplinary Disposition, as available:

- (1) the CR number;
- (2) the complaint or other notification type and category;
- (3) the names of each accused member;
- (4) the name of the investigating agency; and
- (5) the final disciplinary decision or other final disposition.

(e) Within one year of the effective date of this section, as practicable, OIG will publish in the repository described in subsection 2-56-235(d) all summary reports of Finalized Disciplinary Disposition issued from the year 2000 forward, as provided by the Department of Law, which shall have responsibility for digitizing all Summary Reports of Finalized Disciplinary Disposition as defined herein.

(f) Beginning on a prospective basis on the effective date of this section, as appropriate, the reporting office shall provide to OIG copies of all documents from each investigative file associated with a Finalized Disciplinary Disposition that are produced in response to any FOIA request. This provision of documents to OIG shall occur no later than 30 days after the production of the documents to the requestor. OIG shall publish the documents in the repository described in subsection 2-56-235(d) within 30 days of receipt.

(g) On or before the 15th day following the 1st and 3rd quarters of each calendar year, the Public Safety Inspector General shall provide to the Mayor's Office, Committee on Finance, and the Committee on Public Safety, and publicly post on its web page, a written report describing and assessing:

- (1) the cooperation of the Law Department and any other relevant City department, in fulfilling the requirements described in this section;
- (2) OIG's overall progress in publishing the information and associated documents described in subsection 2-56-235(e), as well as the progress specifically in the prior six-month period;
- (3) any proposed ordinances or budget amendments that would expedite OIG's efforts to comply with this section.

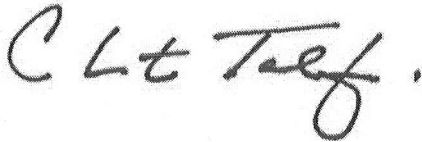
(h) If OIG is unable to publish any portion of the information set out in 2-56-235(d)

within the prescribed time period, it shall provide an explanation for its inability to publish and a proposed timeline for publication in its next subsection 2-56-035(g) report following the expiration of the time period.

(i) The OIG shall propose a budget to the City Budget Director within 120 days after passage and publication of this ordinance, which details the costs associated with the creation and maintenance of the repository described in subsection 2-56-235(d) and to meet the other obligations specified in this section. Such budget proposal shall be simultaneously provided to the Chairmen of the City Council Committee on Public Safety, and the Committee on Finance. Thereafter, any such annual costs shall be identified and proposed as part of the Office of the Inspector General's annual budget request pursuant to section 2-56-010. The Department of Law shall also be provided with an annual budget allocation that enables it to meet the complete costs of its obligations to digitize the materials and cover any other such costs required to meet its obligations pursuant to this section.

(j) Should any part of this section conflict with another provision of this Code, or any non-codified ordinance or order, this section shall govern.

Section 2 - This ordinance shall be effective 120 days after passage and publication.

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Chris Taliaferro, Chairman
Committee on Public Safety

Handwritten signature of Scott Waguespack in cursive script.

Scott Waguespack, Chairman
Committee on Finance