



City of Chicago



SO2019-4132

Office of the City Clerk

Document Tracking Sheet

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Type: Ordinance

Title: Amendment of Municipal Code Title 2 by adding new Chapter 2-80 entitled "Community Commission for Public Safety and Accountability" and amending Chapters 2-78 and 2-84

Committee(s) Assignment: Committee on Public Safety

SUBSTITUTE
ORDINANCE

WHEREAS, The City of Chicago ("City") is a home rule municipality as described in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City established by ordinance at Chapter 2-84 of the Municipal Code of Chicago a Department of Police ("CPD") to protect the health, safety, and welfare of its residents; and

WHEREAS, Pursuant to 65 ILCS 5/3.1-30-5(a), the Mayor is authorized to appoint, with the advice and consent of the City Council, officers necessary to carry into effect the powers conferred upon municipalities, which, pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois, include the power to regulate for the protection of the public health and safety; and

WHEREAS, The Police Accountability Task Force called for creation of a "Community Safety Oversight Board," "comprised entirely of community residents," with "power to oversee CPD, the new CPIA [now the Civilian Office of Police Accountability] and all police oversight mechanisms," and specified that "The Community Board would ensure that ... all components of the police oversight system are held fully accountable, operate with maximum transparency and perform their roles in a manner that is informed by community needs"; and

WHEREAS, The United States Department of Justice concluded that "[i]t has never been more important to rebuild trust for the police within Chicago's neighborhoods most challenged by violence, poverty, and unemployment," and that "Chicago must undergo broad, fundamental reform to restore this trust," which "will benefit both the public and CPD's own officers," and "is necessary to solve and prevent violent crime"; and

WHEREAS, Research indicates that public participation in the determination of police department policy helps to build trust in the police department; and

WHEREAS, People who trust the police department are more likely to cooperate with the police department, and public cooperation with the police department helps to reduce and solve crime; and

WHEREAS, This ordinance establishes a Community Commission for Public Safety and Accountability ("Commission") for the purposes of increasing public safety; ensuring that CPD activities are directed toward maximizing public health and safety while minimizing any harm to City residents; building trust and improving interactions between and among CPD and the people it serves; increasing public support for CPD policies and activities; improving interactions between CPD officers and the people they serve; ensuring that CPD resources are not used inappropriately to address public health or safety issues that other professionals would be better equipped to address; increasing transparency and public input into CPD operation, policies, and performance; providing the residents of every Chicago community with meaningful opportunities to shape CPD policies and practices that affect their lives; and increasing public accountability of CPD, the Civilian Office of Police Accountability, and the Police Board; and

WHEREAS, This ordinance also establishes District Councils for the purposes of building connections between CPD and the community; collaborating in the development and

implementation of community policing initiatives; ensuring regular community input for Commission efforts; ensuring that within each police district there is a forum where district residents can raise and work to address any concerns about policing in the district, including, but not limited to, police interactions with youth and people of all immigration statuses; and ensuring the independence and increasing the legitimacy of the Commission by participating in the selection of its members; now, therefore,

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

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

SECTION 2. Title 2 of the Municipal Code of Chicago is hereby amended by creating a new Chapter 2-80, as follows:

CHAPTER 2-80 COMMUNITY COMMISSION FOR PUBLIC SAFETY AND ACCOUNTABILITY

2-80-010 Definitions.

The following terms whenever used in this Chapter shall have the following meanings unless a different meaning appears from the context:

“Chief Administrator” means the Chief Administrator of COPA.

“Commission” means the Community Commission for Public Safety and Accountability established in this Chapter.

“COPA” means the Civilian Office of Police Accountability established in Chapter 2-78.

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

“District” means one of the 22 Department districts.

“Inspector General” means the Office of Inspector General established in Chapter 2-56.

“Police Board” means the Police Board established in Chapter 2-84.

“Policy” means any Department general order, COPA policy, or Police Board policy.

“Public Safety Inspector General” means the Deputy Inspector General for Public Safety established in Chapter 2-56.

“Superintendent” means the Superintendent of Police.

2-80-020 Establishment.

There is hereby established a commission to be known as the Community Commission for Public Safety and Accountability, which shall include commissioners, an Executive Director,

and such deputies, assistants, and other employees, as may be provided for in the annual appropriation ordinance, and as required to implement the Commission's powers and duties. The Commission will adopt rules and procedures for the conduct of its business, and may establish any committees deemed necessary for the conduct of its business. The Executive Director shall administer the affairs of the Commission, hire and supervise staff, and exercise such additional powers as may be conferred by the Commission. The Mayor shall appoint the first Executive Director, who shall serve at the pleasure of the Commission. Any subsequent Executive Director shall be appointed by, and serve at the pleasure of, the Commission.

2-80-030 Purpose.

The purpose of the Commission is to: (1) increase public safety; (2) ensure that Department activities are directed toward maximizing public health and safety while minimizing any harm to City residents; (3) build trust between and among the Department and the people it serves; (4) increase public support for Department policies and activities; (5) improve interactions between Department officers and the people it serves; (6) ensure that Department resources are not used inappropriately to address public health or safety issues that other professionals would be better equipped to address; (7) increase transparency and public input into the operation, policies, and performance of the Department; (8) provide the residents of every Chicago community with meaningful opportunities to shape Department policies and practices that affect their lives; and (9) increase public accountability of the Department, COPA, and the Police Board.

2-80-040 Composition and qualifications.

(a) Composition and term. The Commission shall be composed of seven commissioners. The Commission shall appoint a Commission president and vice-president from among its members, who each may serve one or more consecutive two-year terms. The first full slate of seven commissioners selected in 2023 shall be assigned a number between one and seven in a random drawing conducted by the Executive Director, which number shall correspond to the following initial terms:

- Commissioner 1 – 2 years
- Commissioner 2 – 2 years
- Commissioner 3 – 2 years
- Commissioner 4 – 4 years
- Commissioner 5 – 4 years
- Commissioner 6 – 4 years
- Commissioner 7 – 4 years

Thereafter, commissioners shall serve four-year terms, and no commissioner shall serve more than 12 years in their lifetime. A commissioner shall continue to serve until a successor is appointed and qualified.

(b) Qualifications. A candidate for commissioner shall:

- (1) be a resident of the City, and have resided in the City for at least the five years immediately preceding appointment;
- (2) have at least five years' experience in one or more of the following fields: law, public policy, social work, psychology, mental health, law enforcement,

community organizing, civil rights, advocacy on behalf of immigrant or undocumented people, or advocacy on behalf of LGBTQ people;

- (3) have not been convicted of bribery, embezzlement, extortion, perjury, or other corruption-related crime;
- (4) have adequately disclosed any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the person's performance as a commissioner;
- (5) have a reputation for integrity, professionalism, and sound judgment;
- (6) have a history of leadership and community involvement;
- (7) have a demonstrated ability to engage effectively with all who have a stake in policing, including, but not limited to, residents of marginalized communities, police officers, and public officials;
- (8) have a documented history and reputation for working in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity;
- (9) have not been an employee of the Department, COPA, or the Police Board in any of the three years immediately preceding their appointment; and
- (10) not be a member of the Commission Nominating Committee.

At least two commissioners shall each have at least ten years of experience as a practicing attorney, with significant experience in civil rights, civil liberties, law enforcement, or criminal defense. At least one commissioner shall have at least ten years of experience in community organizing that involves a formal affiliation with a community-based organization. Two commissioners shall be exempt from the requirements of subsection (b)(2) of this section, and shall be between the ages of 18 and 24 years old at the time of appointment and either have been incarcerated, under correctional supervision, on probation or parole, or have been the victim of police misconduct.

(c) Appointment. Commissioners shall be appointed by the Mayor from among candidates nominated by the Nominating Committee. Each appointment shall be subject to the advice and consent of the City Council. The initial seven Commissioners shall be nominated no later than July 15, 2021.

(1) At least three calendar months before the expiration of a Commissioner's term, and any time there is a vacancy on the Commission, the Nominating Committee shall make publicly available a Request for Application for Commissioner ("Request"). The Request shall include a form for applying to be a candidate for Commissioner and state the:

- (A) process for selecting a Commissioner;
- (B) description of specific duties and responsibilities of a Commissioner

- (C) qualifications for becoming a Commissioner; and
- (D) timeline for Commissioner selection.

An application shall be made in writing, shall state how the applicant meets the qualifications established in this Chapter, shall contain at least three letters of recommendation, and shall include any additional information that the Nominating Committee deems appropriate for consideration.

(2) The Nominating Committee shall receive applications for one calendar month after issuing the Request. After reviewing all applications received, the Nominating Committee shall select as finalists no fewer than four qualified candidates for each existing vacancy or expiring term on the Commission, or shall submit all qualified candidates if the Nominating Committee determines that fewer than four candidates are qualified. The Nominating Committee shall conduct in-person interviews of all finalists.

(3) Within two calendar months after issuing the Request, the Nominating Committee shall meet to select at least two applicants for each vacancy or expiring term for consideration by the Mayor for appointment to the Commission. Each applicant must receive at least 15 votes from the Nominating Committee in order to be nominated. The two applicants receiving the most votes will be selected as nominees. The Nominating Committee shall promptly transmit the list of nominees and each nominee's application materials to the Mayor.

(4) Within one calendar month after receiving the list of nominees, the Mayor shall either appoint a candidate from the list to the Commission, or provide the Nominating Committee with a written explanation as to why the Mayor declined to appoint a candidate. The Nominating Committee shall make this written explanation publicly available on the Commission's website within 3 business days after receipt, and shall then, within one month after the Mayor's declination, submit to the Mayor a new list of two nominees for each vacancy or expiring term. This new list of nominees shall not include a candidate from any prior list submitted to the Mayor to fill the current existing vacancy or expiring term. Within one calendar month after receiving the new list of candidates, the Mayor shall either appoint a candidate, or decline to appoint a candidate, as described in this section. This process shall continue until the Mayor appoints a candidate for confirmation by the City Council.

(d) By May 15, 2021, the City Council shall establish by ordinance a process for selecting a temporary Commission, and by July 15, 2021, a temporary Commission shall be established to carry out the powers and duties outlined in 2-80-050 until the permanent Commission can be appointed following the first District Council elections in November 2022. The temporary Commission shall be composed of seven commissioners, who must meet the qualifications outlined in 2-80-040(b). Temporary Commissioners shall serve until their successors take office following the District Council elections in November 2022. Temporary Commissioners may not serve on the first permanent Commission. Temporary Commissioners can be removed for cause as outlined in 2-80-040(e). Any decision made by the temporary Commission must be reaffirmed by the permanent Commission.

(e) Removal from office. A commissioner may only be removed for just cause either at the discretion of the Mayor, or upon a two-thirds vote of the Committee on Public Safety and then a two-thirds vote of all members of the City Council. Just cause includes, 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 Commission, or other acts of

nonfeasance, malfeasance or misfeasance in office. Before directing a removal, the Mayor shall provide written notice of such intent to the Chairman of the Committee on Public Safety, who, within 30 days of the date of said notice, may convene a meeting of the Committee on Public Safety to adopt a resolution overriding the intended removal, which must be passed by a two-thirds majority vote of the City Council to be effective. The Mayor or City Council must provide written notice to the affected Commissioner, which shall describe with specificity the reason for removal.

(f) Compensation. Each commissioner shall receive an annual stipend of \$12,000.00, and the president shall receive an annual stipend of \$15,000.00.

2-80-050 Powers and Duties.

The Commission shall have the following powers and duties:

(a) Respond to public safety-related community needs and concerns through means including, but not limited to, the following:

(1) Engaging in community outreach to obtain the perspectives of community members and Department employees on police-community relations, Department policies and practices, and the police accountability system;

(2) Maintaining connections with representatives of disenfranchised communities and with other community groups throughout the City; and

(3) Providing the Department, Police Board, COPA, and Public Safety Inspector General with community feedback relevant to their operations received as a result of the Commission's public outreach activities;

(b) Oversee the District Councils and delegate powers and duties to the District Councils at its discretion and consistent with applicable law;

(c) Publish reports as required by this Chapter, and report to the public about matters related to policing that concern all Chicago communities;

(d) Have access to information, documents, data, and records in order to carry out the Commission's powers and duties, as provided in section 2-80-120;

(e) Assess performance of and set goals for the Superintendent, Chief Administrator, and Police Board President;

(f) Recommend to the Public Safety Inspector General specific areas for investigation and evaluation, including emergent issues that, in the Commission's judgment, are needed to support public confidence in the Department and related criminal justice practices; if the Commission makes such a recommendation in writing, the Public Safety Deputy shall respond in writing within 10 days;

(g) Review and provide input to the Chief Administrator, Public Safety Inspector General, Superintendent, Police Board, and other City departments and offices, including the Mayor, City Council Committee on Public Safety, and Corporation Counsel, on the police

accountability system, police services, and Department policies and practices of significance to the public;

(h) Collaborate with the Department, COPA, and the Police Board in the development of new or amended Policy, as provided in section 2-80-110;

(i) Review and approve by majority vote any proposed new or amended Policy, as provided in section 2-80-110;

(j) By majority vote and subject to applicable law and reasonable scheduling accommodation, require the attendance of the Superintendent, the Public Safety Inspector General, the Chief Administrator, and the President of the Police Board, or their designees, at any regular or special meeting of the Commission in order to provide updates on matters as requested by the Commission, and to answer questions from the Commission and public;

(k) In the event of a vacancy, interview, assess the qualifications of, and recommend to the Mayor candidates having appropriate qualifications for the positions of Superintendent, Chief Administrator, and Police Board member, as provided in section 2-80-080;

(l) Introduce and by majority vote adopt a resolution of no confidence in the fitness of the Superintendent, Chief Administrator, or a Police Board member to hold their position, as provided in section 2-80-090;

(m) Before a City Council vote on the annual budget, review and recommend changes to the proposed Department budget appropriation; and

(n) Direct the Chief Administrator to investigate complaints of police misconduct.

2-80-060 Commission Meetings.

(a) The Commission shall hold regular meetings on at least a monthly basis. All meetings shall comply with or exceed the requirements of the Illinois Open Meetings Act, 5 ILCS 120/1, et seq. Subject to applicable law, all Commission meeting minutes, deliberations, reports, investigations, and policies and procedures shall be posted on the Commission's publicly accessible website. Notice of each meeting, along with a proposed agenda, shall be posted on the Commission's website at least 7 days prior to each meeting. Audio and video recordings of each meeting will also be made available on the Commission's website.

(b) The Superintendent, Chief Administrator, and Police Board President may each designate a representative who may attend all Commission meetings and participate in policy discussions, but who shall not have voting authority.

(c) Upon submission to the Commission of a petition signed by at least 3000 Chicago residents, the Commission shall hold a special meeting. The petition shall set forth with specificity the issues or concerns that would be the subject of the special meeting, and those issues or concerns must fall within the Commission's purposes as specified in section 2-80-030. The petition may include up to 20 questions to be directed to the Superintendent, the Public Safety Inspector General, the Chief Administrator, and the President of the Police Board. Within two weeks of receiving a petition for a special meeting, the Commission shall determine and announce whether a special meeting is required. If a special meeting is required, the meeting shall be convened within four weeks of submission of the petition.

2-80-070 District Councils – establishment, purpose, composition, and duties.

There is hereby established, within each District, a District Council.

(a) The purpose of the District Councils is to: (1) build connections between the police and the community; (2) collaborate in the development and implementation of community policing initiatives; (3) ensure regular community input for Commission efforts; (4) ensure that within each police district there is a forum where District residents can raise and work to address any concerns about policing in the District, including but not limited to police interactions with youth and people of all immigration statuses; (5) ensure the independence and increase the legitimacy of the Commission by participating in the selection its members; (6) participate in the selection of Commissioners who will fulfill the purposes listed in Section 2-80-030 of this Chapter; and (7) assist the Commission in fulfilling the purposes listed in Section 2-80-030 of this Chapter.

(b) Each District Council shall be comprised of three members who are elected to serve four-year terms. No person may serve more than a total of 12 years on a District Council in their lifetime. A candidate for District Council membership shall:

- (1) be at least 18 years old on the date on which their term begins;
- (2) reside and be registered to vote in the District they seek to serve;
- (3) not have been convicted of bribery, embezzlement, extortion, perjury, or other corruption-related crime;
- (4) not be a member of the Commission; and
- (5) not have been an employee of the Department, Independent Police Review Authority, COPA, or the Police Board in any of the three years immediately preceding the date on which their term begins.

(c) Each District Council shall be elected by residents of the District. Persons wishing to appear on the ballot as a candidate for District Council shall file a statement of candidacy with the Chicago Board of Election Commissioners and submit petitions for nomination; the signature requirements for the petitions for nomination of District Council candidates shall be 0.5% of the total number of registered voters in the District, or a minimum of 25 registered voters in the District, whichever is greater. Eligible candidates for District Council shall appear on the ballot in a special election to be held concurrently with the general election on the first Tuesday after the first Monday of November, 2022. The candidates in each District receiving the greatest, second greatest, and third greatest number of votes shall take office on the second Monday of January, 2023 and shall serve until their successors take office.

Beginning in 2027, and quadrennially thereafter, District Councils shall be elected in the consolidated election held in odd-numbered years on the first Tuesday in February except as provided in 10 ILCS 5/2A-1.1a. The candidates in each District receiving the greatest, second greatest, and third greatest number of votes shall take office on the first Tuesday after the first Monday in May following their election.

In all District Council elections, voters may vote for up to three candidates.

Between the day established by law for the commencement of the circulation period for nomination petitions for District Council election and the day after the District Council election, District boundaries shall not be altered, unless necessary to address a public safety emergency, in which case the Superintendent shall publicly post the reason for the alteration.

If a vacancy occurs on any District Council, and there remains an unexpired portion of the term of at least 28 months, and the vacancy occurs at least 130 days before the next general municipal election, then the vacancy shall be filled for the remainder of the term at that general municipal election. Until the office is filled by election, the Mayor shall appoint a qualified person to the District Council with the advice and consent of the City Council. If a vacancy occurs on any District Council and there remains an unexpired portion of the term of less than 28 months, or the vacancy occurs less than 130 days before the general municipal election next scheduled under the general election law, then the Mayor shall have the power to appoint a qualified person to the District Council subject to the advice and consent of the City Council. When the Mayor is filling the District Council vacancy, the remaining member or members of the District Council shall, within 30 days of the vacancy being created, identify three people who meet the qualifications established in this Chapter and submit their names to the Commission. From among the names submitted by the District Council, the Commission shall, within 60 days of the vacancy being created, select a person to recommend to the Mayor to fill the vacancy. If all of the positions on a District Council become vacant, the Commission shall, within 60 days of the creation of each vacancy, select a person who meets the qualifications established in this Chapter to recommend to the Mayor to fill the vacancy. If vacancies exist in any District Council before the Commission has been established with members confirmed by the City Council, then the Commission Nominating Committee shall carry out the responsibilities otherwise assigned to the Commission in this section.

(d) Each District Council member shall receive a stipend of \$500 per month while serving in this role.

(e) Each District Council shall:

- (1) Hold public meetings at least monthly to discuss policing issues;
- (2) Work with the Police District Commander and community members to help develop and implement community policing initiatives;
- (3) Delegate one or more District Council members to attend quarterly meetings with representatives from each District Council to identify trends and concerns;
- (4) Delegate one or more District Council members to attend annual meetings with representatives from each District Council to propose priorities for the Commission;
- (5) Work to develop and expand restorative justice and similar programs in the District;
- (6) Report its findings, conclusions, and recommendations to the Commission as requested; and

(7) Exercise any other powers delegated to it by the Commission.

(f) Each District Council shall have a Chair, a member of the Nominating Committee, and a Community Engagement Coordinator. District Council members on each District Council shall determine which member shall serve as Chair, which member shall serve on the Nominating Committee, and which member shall serve as Community Engagement Coordinator. Within 30 days of members taking office, each District Council shall submit to the Commission a document identifying who has been selected to fill each of these positions. If, 30 days after taking office, members of any District Council have not filled one or more of these positions, the Commission shall assign roles by a majority vote of the Commission.

2-80-080 Superintendent, Chief Administrator, and Police Board: hiring, appointment.

(a) Superintendent. When a vacancy occurs in the position of Superintendent, the Commission shall hold at least four public hearings at which members of the public may provide recommendations to inform the Commission's selection of Superintendent candidates. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, the West Side of Chicago, and in downtown Chicago. Within 120 days after a vacancy occurs in the position of Superintendent, the Commission shall submit three candidates for the position to the Mayor. Within 30 days thereafter, the Mayor shall either select one of these candidates, or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit three new candidates to the Mayor, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor selects a candidate.

After the Mayor has selected a candidate for Superintendent, but before the City Council has voted on whether to confirm the candidate, the Commission shall hold a public hearing at which the candidate shall appear and answer questions from the Commission and from members of the public. At the hearing, the Commission shall also provide time for public comment on the candidate. Before the public hearing, the Commission shall provide on its website an opportunity for members of the public to register questions for and comments about the candidate, and shall make publicly available a written explanation of why the Commission nominated this candidate.

After the City Council has confirmed the Superintendent, the Commission shall hold at least four public hearings at which the Superintendent may speak and members of the public may share comments and questions, and provide recommendations to inform the Commission's work with the Superintendent. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, the West Side of Chicago, and in downtown Chicago.

(b) Chief Administrator. When a vacancy occurs or is anticipated in the position of Chief Administrator, the Commission shall engage a nationally recognized organization with expertise in government oversight to perform a nationwide search and identify at least ten candidates. Such candidates shall fulfill the qualifications in section 2-78-115. The Commission shall submit to the Mayor the three candidates it deems most qualified. Within 30 days thereafter, the Mayor shall either select one of these candidates, or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly

available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit three new candidates to the Mayor, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor selects a candidate.

(c) Police Board. When a vacancy occurs on the Police Board, the Commission shall, within 60 days, identify candidates eligible to fill the vacancy. Such candidates shall have the same qualifications as those for commissioners as set out in section 2-80-040(b), and shall adhere to the Police Board Selection Criteria contained in paragraph 532 of the consent decree entered in *State of Illinois v. City of Chicago*, No. 17-cv-6260. The Commission shall submit to the Mayor the three candidates it deems most qualified. Within 30 days thereafter, the Mayor shall either select one of these candidates, or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit three new candidates to the Mayor, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor selects a candidate.

(d) The Mayor's selection of a candidate in subsections (a), (b), or (c), shall be referred to the City Council Committee on Public Safety for a hearing, and shall then be subject to the advice and consent of the City Council. If the City Council rejects the Mayor's selected candidate, within 30 days thereafter the Mayor shall either select a different candidate from the most recent list submitted by the Commission, or request that the Commission provide three new candidates.

2-80-090 Superintendent, Chief Administrator, and Police Board: Vote of No Confidence.

The Commission may adopt a resolution of no confidence in the fitness of the Superintendent, Chief Administrator, or a Police Board member to hold their position. Such resolution may only be considered for cause, which shall include, but is not limited to, incompetence, neglect of duty, gross misconduct, or criminal conduct of any type that threatens to impair or undermine public confidence. Upon passage of a motion to take a no confidence vote, the Commission shall provide written notice to the affected party of its intent to adopt such resolution, including a detailed explanation of the deficiencies that are the basis of the "for cause" determination. Within 30 days of receiving this written notice, the affected party may respond in writing. Upon receipt of the affected party's response, or 30 days after delivery of written notice, whichever comes first, the Commission may vote on a resolution of no confidence, which shall require the affirmative vote of at least five members. Such resolution shall state with specificity the grounds for finding cause for the resolution of no confidence.

If the Commission adopts a resolution of no confidence, the City Council Committee on Public Safety shall hold a hearing within 14 days at which it shall consider and vote on whether to recommend that the affected party be removed for cause, which shall include, but is not limited to, incompetence, neglect of duty, gross misconduct, or criminal conduct of any type that threatens to impair or undermine public confidence. If the affected party requests to appear at the hearing, the affected party shall be given an opportunity to speak and to respond to

questions from Committee on Public Safety members. If a majority of the Committee on Public Safety votes in the affirmative to recommend that the affected party be removed, then the full City Council shall consider and vote on whether to recommend that the affected party be removed. The meeting of the full City Council shall take place within 30 days of the Commission's vote of no confidence, or at the next regular meeting of the full City Council. If a majority of the City Council votes in the affirmative to recommend that the affected party be removed, the Mayor shall respond in writing to the City Council within 14 days after adoption of the resolution explaining the actions that the Mayor will take in response.

**2-80-100 Superintendent, Chief Administrator, and Police Board President:
Performance reviews.**

Every year, the Commission shall establish goals and expectations for the Superintendent, Chief Administrator, and Police Board President, which the Commission shall make publicly available. By December 1st of each year, the Superintendent, Chief Administrator, and Police Board President shall each provide the Commission with a written self-evaluation that describes progress towards meeting that year's goals and expectations, and proposes goals and expectations for the next year. By December 31st of each year, the Commission shall provide the Superintendent, Chief Administrator, and Police Board President with preliminary written evaluations that include the Commission's assessment of the Superintendent's, Chief Administrator's, and Police Board President's performance in meeting the previous year's goals and expectations, and sets out goals and expectations for that calendar year. If the Superintendent, Chief Administrator, or Police Board President believe that changes to the written evaluation or the goals and expectations are warranted, within 15 days of receiving the evaluation they may request in writing that the Commission make such changes. By January 31st of each year, the Commission shall complete a final performance review of the Superintendent, Chief Administrator, and Police Board President covering the previous calendar year, and establish goals and expectations for the Superintendent, Chief Administrator, and Police Board President for the then-current calendar year.

2-80-110 Department, COPA, and Police Board Policymaking.

(a) Any new or amended Policy shall become effective only after Commission approval, by majority vote, except as set forth in subsections (c)(1), (d), or (e).

(b) A new or amended Policy may be initiated by the Department, COPA, the Police Board, or the Commission.

(1) The Commission may initiate a Policy either by making a written request to the Department, COPA, or the Police Board to draft such Policy, or by drafting a Policy itself.

(2) If the Commission requests that the Department, COPA, or the Police Board draft a Policy:

(A) The Department, COPA, or the Police Board shall accept or decline the request in writing within 14 days of receipt, and, if declining, provide the Commission with a written explanation.

(B) If the request is accepted, the Department, COPA, or the Police Board shall provide a draft of the Policy to the Commission within

60 calendar days, which time the Commission may extend at its discretion.

- (C) If the Department, COPA, or the Police Board does not respond, declines the request, or accepts the request but fails to draft a Policy within 60 calendar days or any extension thereto, the Commission may take its request to the Mayor who shall review the parties' positions and either direct the Superintendent, Chief Administrator, or Police Board President to take appropriate action, or explain in writing why no action is warranted.

(c) The initiating party shall submit the new or amended Policy to the Commission, Department, COPA, or Police Board, as appropriate, for review. The Commission, Department, COPA, or Police Board shall have 60 days after submission to provide written comments or suggestions to the submitting party on how to improve the Policy. The Commission may consult with subject matter experts and solicit public comment to inform its evaluation.

- (1) If, after 60 days, there are no written comments or suggestions, the Commission may place the new or amended Policy on its agenda for consideration at a regular meeting. The Department, COPA, or the Police Board may place a new or amended Policy into effect if the Commission provides no written comments or suggestions, and has not placed the Policy on its agenda for consideration at a regular meeting held within 60 days of the new or amended Policy's submission.
- (2) If there are written comments or suggestions, within 14 days of receipt, the receiving party shall provide a written response indicating whether the comments or suggestions will be incorporated into the new or amended Policy, or explaining why the comments or suggestions will not be incorporated.
- (3) In the event of a disagreement, the parties shall work collaboratively and in good faith for 30 days to reach an agreement on the Policy. If unable to reach an agreement, the parties may bring the proposed Policy to the Mayor, who shall review the parties' positions and either direct the Superintendent, Chief Administrator, or Police Board President to take appropriate action, or explain in writing why no action is warranted.
- (4) The Commission shall not place a new or amended Policy prepared under this subsection (c) on its agenda for consideration at a regular meeting unless all disagreements with the Department, COPA, or the Police Board have been resolved.
- (5) The Commission shall post on its publicly accessible website any new or amended Policy; Commission request; Department, COPA, or Police Board response; written comments or suggestions; responses to written comments or suggestions; and Mayor's final determination.

(d) If circumstances demand the immediate creation of, or change to, a Policy, the Department, COPA, or Police Board may, upon written notice to the Commission, issue a

temporary Policy that will be in effect for up to 60 days or until the Policy receives final consideration from the Commission as set forth in subsection (c) of this section.

(e) This Section shall not apply to any Policy governed by the consent decree entered in *State of Illinois v. City of Chicago*, No. 17-cv-6260, while such consent decree is in force.

2-80-120 Access to Records.

(a) Subject to applicable law, the Commission shall have access to information, documents, data, and records in the possession, custody, or control of the Department, COPA, the Police Board, or any other City department, agency, or entity in order to carry out the Commission's powers and duties in this chapter. Within 14 days after receiving a request, the requested agency shall either produce the requested materials, or respond in writing explaining why the materials will not be provided. The Commission shall publish any such written explanations on its publicly accessible website.

(b) Nothing in this section requires the Department to allow access to or disclose any information, documents, data, or records that would risk revealing or compromising confidential sources, impede or risk impeding a pending criminal investigation, or risk endangering a person.

(c) If the Commission believes a request for information, documents, or records has been improperly denied, it may file a complaint with the Office of the Inspector General.

2-80-130 Reports.

The Commission shall issue an annual report that includes a detailed summary of the Commission's activities during the year, as well as all policy, rule, and/or procedure changes enacted or recommended by the Commission, the relevant entity's response, and the status of implementation; all Commission requests for reviews, audits, analyses, and investigations, and the status of those reviews, audits, analyses, and investigations; and any other matters the Commission deems of public importance. The Commission shall make its annual reports publicly available by posting them on its publicly accessible website.

2-80-140 Duty of Cooperation.

It is the duty of every officer, employee, department, agency, contractor, subcontractor, agent, or licensee of the City to cooperate with the Commission as the Commission carries out its powers and duties under this Chapter. Any employee or appointed officer of the City who violates this section shall be subject to discipline, including, but not limited to, discharge, in addition to any other penalty provided in this Chapter.

2-80-150 Retaliation, obstruction, or interference prohibited - Penalty.

(a) No person shall retaliate against, punish, intimidate, discourage, threaten, or penalize any other person who serves or seeks to serve as a member of the Commission or District Councils, or participates or seeks to participate, in any capacity, in the work of the Commission or District Councils. No person shall knowingly interfere with or obstruct the Commission as the Commission carries out its powers and duties under this Chapter.

(b) The Inspector General shall review all complaints alleging violations of this section to determine whether to open an investigation, make a referral to an appropriate entity, or decline the complaint. If the Inspector General concludes that a complaint merits prosecution under this section, it shall share its findings and conclusions with the Corporation Counsel. If, in the course of its investigation, the Inspector General discovers conduct that may have violated a criminal statute, it may refer the complaint to the appropriate law enforcement authority. Subject to applicable law, the Inspector General shall also inform the Commission and the complainant of the outcome of its investigation and include a description of the outcome in the next ensuing quarterly report following final disposition. The submission of a complaint alleging violations of this subsection does not bar the complainant from seeking any other remedy provided by law.

(c) Any person who willfully violates this section shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.1.

2-80-160 Budget and Staffing.

The appropriations for the Commission and District Councils shall be determined by the City Council as part of the annual City budget process, but shall not be less than 0.22 percent of the annual appropriation of all non-grant funds for the Department contained in the annual appropriation ordinance for that fiscal year.

The City Council shall appropriate funds sufficient for the Commission and District Councils to perform their functions and duties as set forth in this section, including, at minimum, budgeting for an Executive Director, a staff person to oversee and support the day-to-day operations of the Commission, two attorneys, two policy analysts, a staff person to analyze trends and patterns related to COPA's investigative jurisdiction, a staff person to oversee and support the Commission's interaction with residents across Chicago and the day-to-day operations of the District Councils, staff to provide direct support to each of the District Councils, staff to ensure that youth actively participate in District Council activities, and such administrative and support staff as may be necessary for the efficient operation of the Commission and District Councils.

No later than July 1, 2021, the Commission shall be staffed by adequate numbers of personnel to competently and thoroughly carry out its duties.

2-80-170 Review.

Within three years after the 2023 full implementation of the Commission, the Public Safety Inspector General shall commence a formal review of key aspects of the operations of the Commission. The findings of the review shall be published in a report in accordance with the Inspector General's rules and mandates.

SECTION 3. Section 2-78-115 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

