



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2018-2389

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 3/28/2018      **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Title 2 by adding new Chapter 2-82 entitled "Community Commission for Public Safety and Accountability"

**Sponsors:** Sawyer, Roderick T., Osterman, Harry, Foulkes, Toni, Lopez, Raymond A., Munoz, Ricardo, Sadlowski Garza, Susan, Moore, David H., Taliaferro, Chris, King, Sophia D., Hairston, Leslie A., Cappleman, James, Waguespack, Scott, Mell, Deborah, Pawar, Ameya, Cardenas, George A., Dowell, Pat, Ervin, Jason C., Moreno, Proco Joe, Maldonado, Roberto, Tunney, Thomas, Arena, John, Smith, Michele, Santiago, Milagros, Moore, Joseph, Mitts, Emma, Scott, Jr. Michael, Silverstein, Debra L., O'Connor, Patrick, Burnett, Jr., Walter

**Indexes:** Ch. 82 Community Commission for Public Safety and Accountability

**Attachments:** 1. O2018-2389 (V7).pdf, 2. O2018-2389 (V6).pdf, 3. O2018-2389 (V5).pdf, 4. O2018-2389 (V4).pdf, 5. O2018-2389 (V3).pdf, 6. O2018-2389 (V2).pdf, 7. O2018-2389 (V1).pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
3/11/2019	1	Committee on Public Safety	Add Co-Sponsor(s)	
1/23/2019	1	Committee on Public Safety	Add Co-Sponsor(s)	
1/11/2019	1	Committee on Public Safety	Add Co-Sponsor(s)	
10/22/2018	1	Committee on Public Safety	Add Co-Sponsor(s)	
7/30/2018	1	Committee on Public Safety	Add Co-Sponsor(s)	
6/27/2018	1	Committee on Public Safety	Add Co-Sponsor(s)	
3/28/2018	1	City Council	Referred	

### ORDINANCE

• WHEREAS, the City of Chicago ("City") is a home rule municipality as described in Section 6(a). Article VII 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 to protect the health, safety, and welfare of the residents of the Cily; and

WHEREAS, the Police Accountability Task Force called for creation of a community-driven "oversight board," 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 "It 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;

WHEREAS, this ordinance establishes a Community Commission for Public Safety and Accountability for the purposes of increasing public safety, building trust between and among the Chicago Police Department and the people it serves, increasing public support for Chicago Police Department policies and activities, improving interactions between Chicago Police Department officers and Chicago residents, increasing transparency and public input into the operation, policies, and performance of the Police Department, and increasing public accountability of the Police Department, the Civilian Office of Police Accountability, and the Police Board; and

WHEREAS, this ordinance establishes District Councils for the purposes of building connections between the police and the community, collaborating in the development and implementation of community policing initiatives, ensuring regular community input for Commission efforts, and ensuring the independence and increasing the legitimacy of the Community Commission for Public Safety and Accountability by selecting its members; now therefore.

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

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

SECTION 2. " Sections in Chapters 2-4, 2-78, and 2-84 of the Municipal Code of Chicago are repealed to the extent that they conflict with this Ordinance. Other Chapters in the Municipal Code of Chicago are repealed to the extent that they conflict with this Ordinance.

SECTION 3. Title 2 of the Municipal Code of Chicago is amended by creating a new Chapter 2-82, as follows:

CHAPTER 2-82

COMMUNITY COMMISSION FOR PUBLIC SAFETY AND ACCOUNTBILITY

2-82-100 ' Definitions.

2-82-105 Community Commission for Public Safety and Accountability - establishment. 2-82-110 Community Commission for Public Safety and Accountability - purpose. 2-82-115 Community Commission for Public Safety and Accountability - composition,

selection, and removal. 2-82-120 District Councils - establishment. 2-82-125 District Councils-purpose.

2-82-130 District Councils - composition, selection and authority. 2-82-135 Hiring and Termination of the Police Superintendent. 2-82-140 Hiring and Termination of the COPA Chief Administrator. 2-82-

-145 Appointment and Removal of Police Board Members. 2-82-150 Annual Performance Review of the Police Superintendent. 2-82-155 Annual Performance Review of the COPA Chief Administrator.

2-82-160 Annual Performance Review of the Police Board. 2-82-165 Policymaking Authority. 2-

82-170 Access to Records. 2-82-175 Reporting and Transparency. 2-82-180 Commission Staff.

2-82-185 Annual Reports.

2-82-190 Prohibition of Retaliation or Obstruction; Penalty. 2-82-195 Violation of Ordinance; Penalty.

2-82-100 Definitions.

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

"Commission" refers to the Community Commission for Public Safety and Accountability established by this ordinance.

"COPA" refers to the Civilian Office of Police Accountability established in Chapter 2-78 of the Municipal Code of Chicago.

"Department" refers to the Department of Police established in Chapter 2-84 of the Municipal Code of Chicago.

"Deputy Inspector" refers to the Deputy Inspector General for Public Safety within the Office of the Inspector General established in Chapter 2-56 of the Municipal Code of Chicago.

"District" refers to one of the City of Chicago's twenty-two (22) police districts.

"Executive Director" refers to the individual selected by the Commission to provide administrative services to the Commission as its chief administrative officer.

"Local School Council" refers to the volunteer boards at Chicago Public Schools comprised of parents, community members, teachers, and school principals.

"Member" refers to one of the seven (7) appointed officials who comprise the Commission.

"Members" refers to all seven (7) appointed officials who comprise the Commission.

"Office" refers to the Office of Community Engagement created by the Commission.

"Police Board" refers to the Chicago Police Board established in Chapter 2-84 of the Municipal Code of Chicago.

"Policy" refer to all rules, regulations, standards, practices, or statements of policy of general application regarding the governance and operation of the Department or COPA. as the case may be.

"Superintendent" refers the Superintendent of Police for the Chicago Police Department.

2-82-105 Community Commission for Public Safety and Accountability -establishment.

(a) Establishment. There is hereby established an office of the municipal government to be known as the Community Commission for Public Safety and Accountability, whjch shall include Commissioners as described below, an Executive Director, and such dcpuies, assistants, and other employees as may be required to implement the powers and duties as set forth in Sections 2-82-120 through 2-82-170.

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2-82-1J 0 Community Commission for Public Safety and Accountability - purpose.

The purpose of the Commission is to: (1) increase public safety; (2) build trust between and among the Chicago Police Department and the people it serves; (3) increase public support for Chicago Police Department policies and activities; (4) improve interactions between Chicago Police Department officers and Chicago residents; (5) increase transparency and public input into the operation, policies, and performance of the Police Department; and (6) increase public accountability of the Police Department, COPA, and the Police Board.

**2-82-115 Community Commission for Public Safety and Accountability - composition, selection and removal.**

a) Composition. The Commission shall be comprised of 7 members, with one member serving as president. The Commission's president will be selected from its members, by a majority vote of its members. The Commission's president shall serve a term of two years, after which time the Commission shall elect a new president. Members may serve multiple terms as president.

b) Term Lengths. The first term length for the 7 members will initially be as follows:

For the initial 7 Commission members, each will be given a number 1 - 7 based on random lottery. The terms of those initial 7 Commission members will be as follows:

Member	I	-	2	years	Member	2-2
years	Member		3-2	years	Member	4-4
years	Member		5-4	years	Member	6-4
years	Member		7-4	years		

Thereafter, all members' terms will be 4 years in length, except that if a member does not complete a given term, a new member will be appointed by the Selection Committee for the remainder of the term.

c) Term Limits. Commissioners shall serve for no more than a total of 12 years in their lifetime.

d) Selection Process. The Commission Selection Committee ("Selection Committee"<sup>1</sup>) will be a standing body comprised of 22 members selected through the process described in Section 2-82-130(g)(6). The Selection Committee will oversee the selection process for Commission members. In particular, the Selection Committee shall identify candidates for the Commission and conduct an open application process. The Selection Committee may not select one of its own members to serve on the Commission.

In June of all even-numbered years in which there are existing or anticipated vacancies on the Commission, the Selection Committee shall convene to begin the process of selecting Commissioners. In July of all even-numbered years, the Selection Committee shall have a public meeting at which it will make publicly available a Request for Nominations for Commissioners, which will include a form for nominating Commissioners and describe the process for selecting Commissioners and qualifications for Commissioners included in this Chapter, and the timeline for Commissioner selection.

For at least 30 days after the Request for Nominations is made public, the Selection Committee shall receive nominations. Any resident of the city of Chicago may submit a nomination. Nominations must include a completed nomination form. The Selection Committee may also identify potential applicants and encourage them to apply to serve on the Commission by submitting a nomination. Commissioners whose terms are expiring and who are eligible to serve another term may submit a nomination and be subject to the selection process described below. All nominees shall be invited to submit applications stating how they meet the qualifications established in this Chapter.

The Selection Committee shall review all applications and determine which nominees meet the minimum qualifications established in this Chapter. In September of all even-numbered years, the Selection Committee shall contact all nominees that were found to meet the minimum qualifications and ask them to submit at least three letters of recommendation.

After reviewing all applications received, the Selection Committee shall select as finalists no fewer than 3 qualified candidates for each existing or anticipated vacancy on the Commission. In October and November of all even-numbered years, the Selection Committee will conduct in-person interviews of all finalists.

No later than December of all even-numbered years in which there are existing or anticipated vacancies on the Commission, the Selection Committee will vote on all finalists. Candidates for the Commission must receive the vote of at least two-thirds of Selection Committee members (at least 15 votes of 22) to be selected. If more finalists receive the required 2/3 vote than there are open seats on the Commission, then those candidates receiving the most votes will be selected as Commissioners. If there are not enough finalists who receive the necessary 2/3 votes to fill the open seats on the Commission, then the Selection Committee will generate a new list of 3 finalists for each existing or anticipated vacancy on the Commission from applicants and repeat the interview and voting process until a full slate of Commissioners is selected.

If the Selection Committee has not selected Commissioners to fill all the open seats of the Commission by January 1 of all odd-numbered years, then the City Council Committee on Public Safety may nominate individuals from the finalists list to fill the remaining slots. The nominations must be approved by a majority vote of the full City Council.

No later than 30 days prior to the expiration of a Commissioner's term, the Selection Committee shall select a Commissioner to fill the vacancy upon the expiration of the current term, for vacancies occurring for reasons other than the expiration of a Commissioner's term.

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within 60 days following the creation of such vacancy, the Selection Committee shall, in an expedited manner, use and complete the selection process described in this section to fill such vacancy.

Throughout the selection process, the Selection Committee shall hold at least one public meeting each month to report on its work.

Throughout the selection process, the Selection Committee will be assisted by staff from the Commission's Office of Community Engagement.

(e) Qualifications. In considering a candidate for the position of Commissioner, the Selection Committee shall evaluate and consider any and all qualifications that are relevant to the position of Commissioner, including, but not limited to:

A qualified candidate for Commissioner shall be a person who:

- 1) Has resided in the City of Chicago continuously for at least the five years immediately preceding the selection;
- 2) Has at least five years of experience in any of the following fields (experience in one field can be combined with experience in another field in order to meet the five-year minimum requirement): law, public policy, social work, psychology, mental health, law enforcement, community organizing, civil rights, advocacy on behalf of immigrant or undocumented people, and advocacy on behalf of LGBTQ people. At the discretion of the Selection Committee, the experience requirement in this paragraph may be waived for up to three candidates who have direct experience of police misconduct or have an immediate family member who has direct experience of police misconduct, and who has been active with a community, faith, or educational institution for the past three years and is nominated by that organization or institution.
- 3) Has not been convicted, by any court located in the United States, of any of the following crimes: bribery, embezzlement, extortion, perjury, or other corruption related offenses.
- 4) Has 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, including but not limited to:
  - i. whether the person has been convicted of any crime as an adult;
  - ii. whether the person has been an employee of the Chicago Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board;
  - iii. whether an immediate relative is an employee of the Chicago Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board; and
  - iv. whether the person or an immediate relative, either personally or through a corporate entity, does any business with any department, agency, or entity of the City of Chicago.

Failure to make these disclosures will disqualify a person from being a candidate for Commissioner.

- 5) Has a reputation for integrity, professionalism and sound judgment;
- 6) Has a history of leadership and community involvement;

- 7) Has 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; and
- 8) Has a documented history and reputation for working in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity.

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, which may include work that is full time or part-time, paid or unpaid, but must involve a formal affiliation with a community-based organization.

No Commissioner shall have been an employee of the Chicago Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board in any of the three years immediately preceding their appointment.

(t) Removal. The City Council, by two-thirds vote may remove a member of the Commission. The City Council may only remove a Commissioner for cause and in accordance with this section. 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 Commission, or other acts of nonfeasance, malfeasance or misfeasance in office. Any member of the City Council may propose to remove a member of the Commission by submitting to the City Council Public Safety Committee a document that describes with specificity the reasons for removal. If the stated reasons for removal meet the removal criteria established in this section, the Public Safety Committee shall be convened to discuss removal. Following discussion of the alleged causes for removal, the Committee shall vote whether to remove. If a majority of the Public Safety Committee votes to remove a Commissioner, then the full City Council shall take up the issue. Removal of a Commissioner requires a two-thirds vote of the City Council. Upon such vote, the termination shall be final.

g) Commission Procedures. The Commission will be self-governing in all procedural and operational matters, except those that would violate the terms of this Ordinance or other municipal, state, or federal law. The Commission will adopt rules, regulations, and procedures for the conduct of its business, and may establish any committees deemed necessary for the conduct of its business.

h) Compensation: Commissioners will be paid \$12,000 yearly, and the president will be paid \$15,000 yearly.

(i) Appropriations. The appropriations available to pay for the expenses of the Commission during each fiscal year shall be determined by the City as part of the annual City budget process, but shall not be less than .22 percent of the annual appropriation of all non-grant funds for the Department contained in the annual appropriation ordinance for that fiscal year.

2-82-120 District Councils - establishment.

There is hereby established within each Police District in the City of Chicago a District Council, which shall include members as described below.

2-82-125 District Councils - purpose.

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, and (4) ensure the independence and increase the legitimacy of the Commission by selecting its members.

2-82-130 District Councils - composition, selection and authority.

- (a) Composition. Each of the City's police districts will have a District Council made up of the members.
- b) Term Lengths. Members selected in the first election will serve terms that conclude when Members elected in 2020 are sworn in. Thereafter, Members will have two year terms.
- c) Term Limits. District Council members shall serve for no more than a total of 12 years in their lifetime.
- d) Selection Process. District Council members will be elected by residents of the District. Any resident of the District age 16 or older is eligible to vote in District Council elections. The first election shall occur six months after passage of this ordinance, in the same locations where Local School Council elections are held. Thereafter, elections shall occur every two years starting in 2020. Elections will take place at the same time and in the same location as Local School Council elections. The process for electing members of the District Council will not be

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impacted by the type of Local School Council (i.e. whether it is a Traditional Local School Council, an Appointed Local School Council, or a Board of Governors). The Commission will be responsible for publicizing the date, time, and location of District Council elections at Commission and Office meetings and on the Commission website.

If, after the election, vacancies exist in any District Council, for each vacancy on the District Council, 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 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 fill the vacancy.

- (e) Qualifications. A qualified District Council member shall be a person who:
  - 1) Is at least 18 years old on the date their service on the District Council begins;

- 2) Resides in the police district which they seek to serve;
  - 3) Has not been convicted, by any court located in the United States, of any of the following crimes: bribery, embezzlement, extortion, perjury, or other corruption related offenses; and -
  - 4) Is not a member of the Commission.
- f) Compensation. District Council members will be paid \$500 at the end of each month of service.
- g) Authority. Each District Council shall:
- 1) Hold or attend regular community meetings to discuss policing issues and how to improve policing and community-police relations;
  - 2) Work with the Police District Commander and community members to help develop and implement community policing initiatives;
  - 3) Meet at least quarterly with all District Council members to identify trends and concerns;
  - 4) Meet at least once a year with all District Council members to propose priorities for the Commission;
  - 5) Work to develop and expand restorative justice and similar programs in the district;

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(6) Select, by a majority vote, one of their members to serve on the Commission Selection Committee; and

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

2-82-135 Hiring and Termination of the Police Superintendent.

a) *Hiring of the Police Superintendent.*

- 1) When a vacancy occurs in the position of Superintendent, the Commission shall, within 120 days of a vacancy, submit a list of three candidates to the Mayor. Within 30 days, the Mayor must either nominate a candidate from that list or provide the Commission with a written explanation specifying why the Mayor declines to nominate any of the candidates. The Commission shall make this written explanation publicly available no later than three business days after receipt.
- 2) In the event that the Mayor declines to nominate a candidate, the Commission shall, within 30 days of the Mayor's declination, submit a new list of three candidates to the Mayor. This new list of candidates may not include any candidate from any prior list submitted to the Mayor to fill the current vacancy. The Mayor must then within 30 days nominate a Superintendent from the new list of candidates.
- 3) Following the Mayor's nomination of a candidate for Superintendent, the City Council must vote on whether to confirm the nominee as soon as practical, but no later than the next regularly scheduled full City Council meeting after submission of the nominee unless such meeting is less than five business

days from the date of the submission of the nomination, in which case the City Council must vote on whether to confirm the nominee at the subsequent full City Council meeting.

- 4) In the event that the City Council does not confirm the Mayor's nominee, the Mayor shall nominate a different candidate from the most recent list submitted by the Commission, or request that the Commission provide a new list of three candidates within 30 days.

The Mayor may only nominate a candidate after all candidates from the list that is under consideration have answered questions and presented their credentials and strategic plan for the Superintendent position at four public hearings to be held as follows: one on the North Side of Chicago, one on the South Side of Chicago, one on the West Side of Chicago and one in downtown Chicago.

b) Termination of the Police Superintendent. Either the Commission, by majority vote, or the Mayor may terminate the employment of the Superintendent. The Commission may only terminate the employment of the Police Superintendent for cause and in accordance with

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this section. 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 Superintendent, or other acts of nonfeasance, malfeasance or misfeasance in office. No vote to terminate the Superintendent shall be taken until the Commission has given written notice to the Superintendent, including a detailed explanation of the deficiencies that are the basis of the "for cause" determination. Within 30 days of receiving the notice of intent to terminate, the Superintendent may respond in writing. Upon receipt of the Superintendent's response, the Commission may vote on the termination of the Superintendent. Any vote to terminate shall be taken in a public meeting. If a majority of the Commission votes to remove the Superintendent, and if the Superintendent objects to termination by the Commission, within 5 days of the termination vote, the Superintendent may request a hearing before the City Council. Upon such a request, the City Council shall hold a hearing at which at minimum the Superintendent, the Mayor, and a Commission Member who voted to terminate the Superintendent must appear. The City Council may retain the Superintendent by a two-thirds vote. If the Superintendent does not request a hearing, or if a majority of City Council does not vote in favor of retaining the Superintendent, then the termination shall be final.

### 2-82-140 Hiring and Termination of COPA Chief Administrator.

a) Hiring of the COPA Chief Administrator. When a vacancy occurs in the position of Chief Administrator, the Commission shall, by a majority vote, nominate the Chief Administrator. In nominating a person to serve as Chief Administrator, the Commission shall apply the qualifications established in section 2-78-115 of the Municipal Code of Chicago. Within 15 days of an actual or expected vacancy in the position of Chief Administrator because of death, resignation, removal, or the Commission's decision not to reappoint an incumbent Chief Administrator, the Commission is authorized to, and shall, engage a nationally recognized organization with expertise in government oversight to perform a nationwide search and to create a pool of no less than ten of the most qualified candidates for the position of Chief Administrator. The organization shall submit the identities of these candidates, including resumes, qualifications, and statements detailing each candidate's credentials, to the Commission. The Commission shall select and nominate the most qualified candidate for approval by the City Council. If the City Council rejects the candidate, the Commission shall select and nominate another candidate from the pool, until the candidate selected and nominated by the Commission is approved by the City Council.

b) Termination of the COPA Chief Administrator. The Commission, by majority vote may terminate the employment of the Chief Administrator. The Commission may only terminate the employment of the Chief Administrator for cause and in accordance with this section. 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 Chief Administrator, or other acts of nonfeasance, malfeasance or misfeasance in office. No vote to terminate the Chief Administrator shall be taken until the Commission has given written notice to the Chief Administrator, including a detailed explanation of the deficiencies that are the basis of the "for cause" determination. Within 10 days of receiving the notice of intent to terminate, the Chief Administrator may respond in writing.

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Upon receipt of the Chief Administrator's response, the Commission may vote on the termination of the Chief Administrator. Any vote to terminate shall be taken in a public meeting. If a majority of the Commission votes to remove the Chief Administrator, and if the Chief Administrator objects to termination by the Commission, within 5 days of the termination vote, the Chief Administrator may request a hearing before the City Council. Upon such a request, the City Council shall hold a hearing at which at minimum the Chief Administrator and a Commission Member who voted to terminate the Chief Administrator must appear. The City Council may retain the Chief Administrator by a two-thirds vote. If the Chief Administrator does not request a hearing, or if a majority of City Council does not vote in favor of retaining the Chief Administrator, then the termination shall be final.

#### 2-82-145 Appointment and Removal of Police Board Members..

(a) Appointment of Police Board Members. When a vacancy occurs on the Police Board, the Commission shall, by a majority vote, nominate members to the Police Board as established in Section 2-84-020. In nominating a person to serve on the Police Board, the Commission shall apply the following qualifications:

A qualified nominee for Police Board shall be a person who:

- 1) Has resided in the City of Chicago continuously for at least the five years immediately preceding the nomination;
- 2) Has at least five years of experience in any of the following fields (experience in one field can be combined with experience in another field in order to meet the five-year minimum requirement): law, public policy, social work, psychology, mental health, law enforcement, community organizing, civil rights, advocacy on behalf of immigrant or undocumented people, and advocacy on behalf of LGBTQ people.
- 3) Has not been convicted, by any court located in the United States, of any of the following crimes: bribery, embezzlement, extortion, perjury, or other corruption related offenses.
- 4) Has adequately disclosed any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the person's performance as a Police Board member, including but not limited to:
  - i. whether the person has been convicted of any crime as an adult;
  - ii. whether the person has been an employee of the Chicago Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board;
  - iii. whether an immediate relative is an employee of the Chicago Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board: and

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- iv. whether the person or an immediate relative, either personally or through a corporate entity, does any business with any department, agency, or entity of the City of Chicago.

Failure to make these disclosures will disqualify a person from being a candidate for Commissioner.

- 5) Has a reputation for integrity, professionalism and sound judgment;
- 6) Has a history of leadership and community involvement;
- 7) Has 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; and
- 8) Has a documented history and reputation for working in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity.

At least half of the Police Board members 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.

No Commissioner shall have been an employee of the Chicago Police Department, the Independent Police Review Authority, or the Civilian Office of Police Accountability in any of the ten years immediately preceding their appointment.

Following the Commission's nomination of a candidate for Police Board, the City Council must vote on whether to confirm the nominee as soon as practical, but no later than the next regularly scheduled full City Council meeting after submission of the nominee unless such meeting is less than five business days from the date of the submission of the nomination, in which case the City Council must vote on whether to confirm the nominee at the subsequent full City Council meeting. In the event that the City Council does not confirm the Commission's nominee, the Commission shall select and nominate another candidate, until the candidate selected and nominated by the Commission is approved by the City Council. 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.

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

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(b) **Removal of Police Board Members.** The Commission, by majority vote may remove any member of the Police Board. The Commission may only remove a Police Board member for cause and in accordance with this section. 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

Police Board, or other acts of nonfeasance, malfeasance or misfeasance in office. No vote to remove a Police Board member shall be taken until the Commission has given written notice to the Police Board member, including a detailed explanation of the deficiencies that are the basis of the "for cause" determination. Within 10 days of receiving the notice of intent to terminate, the Police Board member may respond in writing. Upon receipt of the Police Board member's response, the Commission may vote on the removal of the Police Board member. Any vote to remove shall be taken in a public meeting. If a majority of the Commission votes to remove a Police Board member, and if the Police Board member objects to removal by the Commission, within 5 days of the termination vote, the Police Board member may request a hearing before the City Council. Upon such a request, the City Council shall hold a hearing at which at minimum the Police Board member and a Commission Member who voted to remove the Police Board member must appear. The City Council may retain the Police Board member by a two-thirds vote. If the Police Board member does not request a hearing, or if a majority of City Council does not vote in favor of retaining the Police Board member, then the removal shall be final.

(c) The Commission 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 re-designated by the Commission to serve in such capacity for an additional term(s) not to exceed two years.

#### **2-82-150 Annual Performance Review of the Police Superintendent.**

Every year, the Commission shall establish goals and expectations for the Superintendent and conduct a performance review evaluating progress towards meeting those goals and expectations. By December 1 of each year, the Superintendent shall provide the Commission with a written self-evaluation which describes progress towards meeting that year's goals and expectations, and proposes goals and expectations for the next year. By December 31 of each year, the Commission shall provide the Superintendent with a preliminary written evaluation that includes the Commission's assessment of the Superintendent's performance in meeting the previous year's goals and expectations, and sets out goals and expectations for that calendar year. If the Superintendent believes that changes to the written evaluation or the goals and expectations are warranted, within 15 days of receiving the evaluation the Superintendent may request in writing that the Commission make such changes. By January 15 of each year, the Commission shall complete a final performance review of the Superintendent covering the previous calendar year, and establish goals and expectations for the Superintendent for the then current calendar year, and the Commission shall make public the Superintendent's self-evaluation, the Commission's final performance review and the Commission's final goals and expectations for the Superintendent.

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#### **2-82-155 Annual Performance Review of the COPA Chief Administrator.**

Every year, the Commission shall establish goals and expectations for the Chief Administrator and conduct a performance review evaluating progress towards meeting those goals and expectations. By December 1 of each year, the Chief Administrator shall provide the Commission with a written self-evaluation which describes progress towards meeting that year's goals and expectations, and proposes goals and expectations for the next year. By December 31 of each year, the Commission shall provide the Chief Administrator with a preliminary written evaluation that includes the Commission's assessment of the Chief Administrator's performance in meeting the previous year's goals and expectations, and sets out goals and expectations for that calendar year. If the Chief Administrator believes that changes to the written evaluation or the goals and expectations are warranted, within 15 days of receiving the evaluation the Chief Administrator

may request in writing that the Commission make such changes. By January 15 of each year, the Commission shall complete a final performance review of the Chief Administrator covering the previous calendar year, and establish goals and expectations for the Chief Administrator for the then current calendar year, and the Commission shall make public the Chief Administrator's self-evaluation, the Commission's final performance review and the Commission's final goals and expectations for the Chief Administrator.

2-82-160 Annual Performance Review of the Police Board.

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

2-82-165 Policymaking Authority.

(a) Department Policymaking Authority. The Commission may, on an ongoing basis, review any aspect of the operation of the Department, including, but not limited to, a consideration of hiring, training, promotion, supervision, discipline, policies and procedures, and other matters relating to the conduct of employees of the Department. The Commission shall have the power by majority vote to establish policy for the Department. Either the Superintendent or the Commission can propose new or amended policies. Any policy proposed

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by the Superintendent shall be subject to review and approval by the Commission. Any policy proposed by the Superintendent shall not take effect until the policy is reviewed and approved by the Commission. Proposed policy changes relating to the Department must be presented to the public at a regular Commission meeting prior to taking effect, and must be posted for public comment on the Commission's website for at least 14 days prior to that Commission meeting.

b) COPA Policymaking Authority. The Commission may, on an ongoing basis, review any aspect of the operation of COPA. The Commission shall not review, seek information about or in any way interfere with ongoing COPA investigations. The Commission shall have the power by majority vote to set policy for COPA. Either the Chief Administrator or the Commission can propose new or amended policies. Any policy proposed by the Chief Administrator shall be subject to review and approval by the Commission. Any policy proposed by the Chief Administrator shall not take effect until the policy is reviewed and approved by the Commission. Proposed policy changes relating to COPA must be presented to the public at a regular Commission meeting prior to taking effect, and must be posted for public comment on the Commission's website for at least 14 days prior to that Commission meeting.

c) Informal Policymaking Authority. The Commission may make recommendations on matters of policing and public safety to the Mayor, the City Council, and the Deputy Inspector. Such recommendations must first be presented to the public at a regular Commission meeting, and must be posted for public comment on the Commission's website for at least 14 days prior to that Commission meeting.

2-82-170 Access to Records.

Subject to applicable law, the Commission shall have full access to all information, documents, and records in the possession, custody, or control of the Department, COPA, and the Police Board. Within 14 days of receiving a request from the Commission, the Department, COPA, and the Police Board must either produce the requested information, documents, and records, or must respond in writing explaining why the Department, COPA, or the Police Board is bound by law not to produce the requested information, documents, or records. The Commission shall publish any such written explanations on its publicly accessible website.

Subject to applicable law, the Commission may request access to information, documents, and records in the possession, custody, or control of the Deputy Inspector or any other City department, agency, or entity necessary for the Commission to fulfill its duties. Within 21 days of receiving a request from the Commission, the recipient must either produce the requested information, documents, and records, or must respond in writing explaining why the recipient will not produce, or is bound by law not to produce, the requested information, documents, or records. The Commission shall publish any such written explanations on its publicly accessible website.

2-82-175 Reporting and Transparency.

(a) Data and Reports. Subject to applicable law, the Commission can require the Superintendent, Chief Administrator, the President of the Police Board and the Deputy Inspector.

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and other key officials to provide the Commission with certain data, reports, public testimony, or other public updates on a regular basis.

The Commission shall also have authority to request that the Deputy Inspector conduct a written review and/or audit of any matter within the Inspector General's jurisdiction. Any such request shall be made in writing. The Deputy Inspector shall respond to the Commission's request in writing within 10 days. The Deputy Inspector's response shall either propose a timeline for the review and audit, or explain why the Deputy Inspector will not fulfill the Commission's request.

b) Commission Meetings. The Commission shall hold regular meetings at least monthly. All regular meetings shall be open to the public. The Commission shall make reasonable efforts to ensure that its meetings are widely accessible, and shall post notice of each meeting, along with a proposed agenda, on the Commission's website, at least 7 days prior to each meeting.

The Commission may, at its discretion, hold special meetings of the Commission (or of committees), including meetings with leaders, employees, and/or representatives of any municipal agency or entity. All such special meetings shall be open to the public, except as to those matters specifically exempted by the Illinois Open Meetings Act (5 ILCS 120).

All meeting minutes, deliberations, reports, investigations, policies, and procedures of the Commission shall be posted on the Commission's website and open to public inspection, except to the extent the information contained therein is exempt from disclosure by the Illinois Freedom of Information Act, or other relevant law.

The Commission can also hold meetings between its members and City officials in order to receive information, communicate feedback from the community, and discuss recommendations.

c) Compelling Attendance at Commission Meetings. As deemed necessary by the majority of the

Commission, the Commission may request and, if necessary, compel, the " attendance of the Superintendent, the Deputy Inspector, and the Chief Administrator, or their designees, to any regular or special meeting of the Commission in order to provide public updates on matters as requested by the Commission, and to answer questions from the Commission and general public.

d) Subpoenas. The Commission may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of documents and other 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. The Commission shall have

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the same power and procedures to enforce and defend against subpoenas as that provided to COPA under 2-78-120(q).

(e) Duty of Cooperation. It shall be the duty of every officer, employee, department, agency, contractor, subcontractor, agent or licensee of the City to cooperate with the Commission in any investigation undertaken pursuant to this chapter. Any employee or appointed officer of the City who violates any provision of this chapter shall be subject to discipline, including but not limited to discharge, in addition to any other penalty provided in this chapter.

2-82-180 Commission Staff.

The Commission shall hire and may fire an Executive Director. Subject to the provisions of the Ordinance and the instructions of the Commission, the Executive Director shall have the power and duty to administer the affairs of the Commission as its chief administrative officer. The Executive Director may exercise additional powers as conferred upon the Executive Director by the Commission.

The Commission shall establish a permanent Office of Community Engagement with at least 3 full-time employees focused on community engagement. This Office shall help ensure that the Commission hears regularly from and interacts with members of the public, particularly in communities that are most heavily impacted by both crime and policing. The Office shall

- . hold regular meetings and forums in different parts of the City, work closely with District Councils, community residents and community groups, and report back regularly to the
- Commission about its activities. The Office shall also publish public reports, as deemed necessary by the Commission, about public matters related to policing that concern Chicago communities.

The Commission may hire additional employees at its discretion.

Subject to applicable law, the Executive Director may appoint, discharge, discipline, transfer, and issue instructions to employees of the Commission.

2-82-185 Annual 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, and

investigations, and the status of those audits; analyses, and investigations; and any other matters the Commission deems of public importance.

The Commission must make its annual reports publicly available, including by promptly posting them on the Commission's website. "

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The Commission shall also have the power to demand that the Department, COPA, and/or the Police Board submit annual or semi-annual written reports on any matter the Commission deems of public importance.

**2-82-190 Prohibition of Retaliation or Obstruction; Penalty.**

No person shall retaliate against, punish, threaten or penalize any other person who (1) serves or seeks to serve as a member of the Commission; and/or (2) participates or seeks, to participate, in any capacity, in the work of the Commission.

No person shall knowingly interfere with or obstruct an inquiry or investigation conducted by the Commission.

Any person who knowingly 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. This Section shall not be read to preempt the Illinois Criminal Code and shall allow for prosecutions under the Illinois Criminal Code where relevant.

**2-82-195 Violation of Ordinance; Penalty.**

Any employee or appointed officer of the City who violates any provision of this Ordinance shall be subject to discipline, including, but not limited to, discharge, in addition to any other penalty provided in this Ordinance.-

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Document No.: 02018-2389

Subject: New Chap. 2-28, "Community Commission for Public Safety and Accountability"

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- City Clerk

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Chicago City Council Co-Sponsor Addition/Change

Document Number: -6aW - 2389

Subject:

Amendment of Municipal Code TirJe 2 by adding new Chapter 2-82 entitled "Community Commission for Public Safety and Accountability"

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*Please Add or Change the Co-Sponsor as Shown Below: Alderman Joseph A. Moore ( 49 Ward) ^\_ /] r~ > a l\*

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Date Filed Signature,

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Final copies to be filed with:

- Chairman of the Committee to which the legislation was referred
- Chicago City Clerk

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- City Clerk**

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