Legislation Details (With Text)

File #:	O2018-6355		
Type:	Ordinance	**Status:**	Failed to Pass
File created:	7/25/2018	**In control:**	City Council
		Final action:	
Title:	Amendment of Municipal Code Title 2 by adding new Chapter 2-179 entitled "Police Settlement Transparency and Accountability Ordinance"		
Sponsors:	Waguespack, Scott		
Indexes:	Ch. 179 Police Settlement Transparency and Accountability Ordinance		
Attachments:	1. O2018-6355.pdf		

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
7/25/2018	1	City Council	Referred	

f

Committee on Public Safety City Council Meeting
July 25, 2017

ORDINANCE

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

SECTION 1. The Municipal Code of the City of Chicago is hereby amended adding a new Chapter 2-179, which shall be known as the Police Settlement Transparency and Accountability Ordinance.

2-179-010 Purpose and Intent
The purpose of this legislation is to help empower aldermen in their work to oversee the operation of city agencies and help them minimize the City's exposure to risk from police officer misconduct. Currently there is a disconnect between the City's efforts to limit its exposure to large civil judgments and the police accountability system in Chicago. This legislation seeks to address this by requiring that the police accountability system and the City's Law Department provide relevant information to the City Council in conjunction with the Council's request for approval of any civil settlement or any civil court judgment. This is being done in an effort to mitigate future civil liability costs for the City by requiring the police accountability system to not only investigate the incident in question but to determine whether or not the incident in question fits a pattern of conduct by the involved officers, officers within a particular unit or district, or even more broadly across the department. This proactive review should allow the police accountability system to reduce expenses by minimizing risk through uncovering patterns of misconduct and

finding remedies to prevent future instances. This mitigation of risk and increase in transparency and accountability should result in reduced numbers of misconduct incidents, a reduction in civil liability expenditures, and thus a positive impact on police and community relations.

This ordinance sets the parameters for monthly meetings of the Committee of Public Safety with mandatory attendance by leaders from the police department and the police accountability departments.

It further outlines the information that must be collected and delivered to each alderman with regard to civil settlements at least 48 hours prior to any vote taken by the City Council to approve any and all civil settlements regarding alleged police misconduct.This ordinance outlines the information that must be collected and delivered to each alderman with regard to civil judgments at least 48 hours prior to any meeting of the City Council Committee on Public Safety where the judgment is an agenda item.

The ordinance outlines the requirements for the Committee on Public Safety to hold a twice-a-year meeting at which time the agenda will be strictly focused on finding remedies for misconduct.

It also outlines the improvements in transparency regarding the handling of civil litigation cases involving the police department and the criminal prosecution of members of the Chicago Police Department.

2-179-020 - Committee Meetings

Once a month the Committee on Public Safety shall hold a public hearing where the only agenda items can be settlements and court judgments related to civil litigation alleging misconduct of a sworn officer or civilian employee of the Chicago Police Department. This hearing shall be held within 5 working days after the approval of any civil settlements by the Chicago City Council or any subcommittee thereof involving the alleged misconduct of a sworn officer or civilian employee of the Chicago Police Department. Each court judgment or civil settlement shall be a separate agenda item but any single meeting can have either a single or multiple civil settlements or judgments on the agenda.

Attendees. At this hearing the following leaders, or their designee, of each of these city departments must attend the public hearing to provide testimony to and answer questions from the Committee on Public Safety regarding the settlement.

- Superintendent of Chicago Police Department
- Commanding Officer, Chicago Police Department Internal Affairs Division
- Chief Administrator, Citizen Office of Police Accountability
- Deputy Inspector General for Public Safety, Office of the Inspector General
- President, Chicago Police Board
- Corporation Counsel, City Law Department

Audio and Video Evidence. All audio and video of the incident must be made available for public showing at the hearing upon request of any member of the Chicago City Council regardless of their membership on the Committee on Public Safety.

powered by Legistar™

Agenda. The agenda for this meeting must be made available to the public by publishing it on the City of Chicago's website no less than two working days prior to the commencement of the hearing. The agenda must remain on the website for 10 years.

2-179-030 Information to be Identified

The following information from the identified city departments shall be provided in writing to each alderman at least two working days prior to any City Council vote to approve any settlement involving the Chicago Police Department, any of their sworn officers, or any of its civilian employees regarding any act whether on or off duty. Any vote taken by said bodies without this information being delivered to each alderman at least two working days before any vote will be deemed invalid.

For the purposes of this ordinance any payout by the City of Chicago in response to any type of information received by any Department or employee of the City of Chicago regarding the conduct of both sworn officers and civilian employees of the Chicago Police Department shall be deemed a settlement and included under Part B of this ordinance regardless if a civil complaint has been filed in any court or if the amount of the settlement is below the amount requiring approval from the city council.

City Law Department

1. A summary of the events including what evidence there is to support the approval of this settlement including what, if any, audio or video there is of the misconduct alleged in the complaint.

2. A detailed summary of any previous cases the law department or its designee has handled where any of the named officers were defendants. This summary should include any information regarding the disposition of the case including settlement and or judgment amounts. It should also include case numbers, date of settlement, and identify in which court the case was heard.

3. A comprehensive list of all previous cases the law department has handled within the last 10 years where the type of misconduct is materially similar to the acts alleged in the case being settled. The list shall identify the case number, date of settlement, defendants, complainant, case disposition, and the court that heard the case.

4. The Law Department must provide a signed statement by the City's Corporation Counsel attesting to the amount of money and time in work hours billed by the Law Department and any outside counsel on the case being settled. This statement must provide separate accounting for both the time and money spent by the law department and any outside counsel retained in this case.

5. The Law Department must provide a statement of the amount paid to expert witnesses by the City's Corporation Counsel and/or outside counsel in the case being settled, including the name of the expert, his or her profession, the services rendered, and the total amount paid to the expert. The Law Department should also provide a list of other cases in which the expert has been retained on behalf of the city, the services rendered, the dates of service, and the total amount paid in each case to the expert.

Citizen Office of Police Accountability (COPA)

1. COPA shall provide the aldermen with a list of all previous complaints filed against any officer who is a named defendant in a settlement decision before the Council where COPA, or a predecessor, maintained jurisdiction and had responsibility to investigate the complaint. The list shall also indicate the disposition of each investigation, what discipline, if any, was imposed and the final discipline the officer served including instances where the case was grieved through collective bargaining. The list shall also indicate the name of the primary investigator(s) assigned to each complaint, the disposition of each investigation, what discipline, if any, was imposed, and the final discipline the officer served including instances where the case was grieved through collective bargaining. This list shall detail anytime the officer filed a grievance

powered by Legistar™

appealing a proposed disciplinary action through a collective bargaining agreement and the results of this process, including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Department Bureau of Internal Affairs (IAD)

1. A list of all previous complaints filed against any officer who is a named defendant for which IAD maintained jurisdiction and had responsibility to investigate the complaint. The list shall also indicate the date each investigation was opened, the date it was closed, the disposition of each investigation, what discipline, if any, was recommended by IAD, and the final discipline the officer served including instances where the case was grieved through collective bargaining. This list shall detail anytime the officer filed a grievance appealing a proposed disciplinary action through a collective bargaining agreement and the results of this process including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Board

1. A list of all cases in which any officer named in the complaint was the subject of a hearing in front of the Chicago Police Board for either an appeal of a suspension
of any length or where the Chicago Police Department was seeking the officer's termination. This list should also include any case where any named defendant was a party to any review of a disagreement between the Superintendent of the Chicago Police Department and the Chief Administrator of COPA or the Commanding Officer of IAD.

Deputy Inspector General for Public Safety (DIG-PS)

1. A list of all audits, research, or reports underway or having been completed (that can be discussed publicly without conflicting with other city ordinances) that address in any way the conduct, tactics, practices, policies, or general orders identified in the complaint associated with the settlement or judgment being addressed. If the DIG-PS has conducted a prior review of the conduct or practices at hand, the DIG-PS should detail the findings of this review, what if any recommendations were made in association with the analysis, and what if any response the DIG-PS received from the Chicago Police Department.

Chicago Police Department (CPD)

1. A signed statement from the Superintendent or his or her designee
acknowledging the misconduct and settlement. This statement should also include their confirmation that he/she has reviewed all the material provided by the various other departments as detailed in this section.

2-179-030 Judgements for Review

Every judgment in a civil litigation case involving a sworn officer or civilian employee of the Chicago Police Department regardless of the amount of the judgment must be an agenda item on the next monthly public hearing of the Committee of Public Safety as detailed in Part A of this ordinance regardless of the amount

The following information from the identified city departments shall be provided in writing to each alderman at least two working days prior to a meeting of the Committee of Public Safety where a civil judgment involving the Chicago Police Department or any of its employees regarding any alleged misconduct of any kind is to appear on the agenda.

City Law Department

1. A summary of the events including what evidence there is to support this judgment including what if any audio or video there is of the misconduct alleged in the complaint.

2. A detailed summary of any previous cases where any of the named officers were defendants.

This summary shall include any information regarding the disposition of the case including settlement and or judgment amounts. It shall also include case numbers and identify in which court the case was heard.

3. A comprehensive list of all previous cases the law department has handled within the last 10 years where the type of misconduct is materially similar to the acts alleged in the case resulting in this judgment. The list shall identify the case number, defendants, complainant, case disposition, and the court that heard the case.

4. The Law Department must provide a signed statement by the City's Corporation Counsel attesting to the amount of money and time in work hours billed by the Law Department and any outside counsel on the case resulting in a judgment. This statement must provide separate accounting for both the time and money spent by the law department and any and all outside counsel retained in this case.

Citizen Office of Police Accountability (COPA)

1. COPA shall provide the aldermen with a list of all previous complaints filed against any officer that is a named defendant in the settlement decision now before the Council where COPA, or any of its predecessors, maintained jurisdiction and had responsibility to investigate the complaint. The list shall also indicate the opening and closing dates of the investigation, the disposition of each investigation, what discipline, if any, was imposed, and the final discipline the officer served including instances where the case was grieved appealing a proposed disciplinary action through collective bargaining. This list shall detail anytime the officer filed a grievance through a collective bargaining agreement and the results of this process, including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Department Bureau of Internal Affairs (IAD)

1. A list of all previous complaints filed against any officer that is a named defendant for which IAD maintained jurisdiction and had responsibility to investigate the complaint. The list shall also indicate the opening and closing dates of the investigation, the disposition of each investigation, what discipline, if any, was imposed by IAD, and the final discipline the officer served including instances where the case was grieved through collective bargaining. This list shall detail anytime the officer filed a grievance appealing a proposed disciplinary action through a collective bargaining agreement and the results of this process including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Board

1. A list of all cases in which any officer named in the complaint was the subject of a hearing in front of the Chicago Police Board for either an appeal of a suspension of any length or where the Chicago Police Department was seeking the officer's termination. This list should also include any case where any named defendant was a party to any review of a disagreement between the Superintendent of the Chicago Police Department and the Chief Administrator of COPA or the Commanding Officer of IAD.

Deputy Inspector General for Police (DIGP)

1. A list of all audits, research, or reports underway or having been completed (that can be discussed publicly without conflicting with other city ordinances) that address in any way the conduct, tactics, practices, policies, or general orders identified in the complaint associated with this judgment. If the DIG-PS has conducted a prior review or reviews of the conduct or practices at hand, the DIG-PS should detail when the review(s) took place, the findings of those reviews, this review, what if any recommendations were made in association with the analysis contained in the reviews, and what if any response the DIG-PS received from the Chicago Police Department to each review.

Chicago Police Department (CPD)

1. A signed statement from the Superintendent or his or her designee acknowledging the misconduct and judgment. This statement should also include their confirmation that

powered by Legistar™

he/she has reviewed all the material provided by the various other departments as detailed in this section.

2-179-040 Remedies

Within two business days of the 15,h of January and July of every year the Chicago City Council Committee on Public Safety shall hold a public meeting where the entire agenda must be dedicated to the topics detailed in this section. All reports mandated in this section must be made in writing to every member of the city council prior to two business days before the hearings. All named City of Chicago officials or their designee in this section must appear to answer any questions from the Committee of Public Safety members and other city council members that attend.

Deputy Inspector General for Public Safety (DIG-PS)

1. The Deputy Inspector General shall report to the city council on Chicago Police Department practices that merit further investigation. The Deputy Inspector General shall indicate to the city council the investigative priorities of the DIG-PS within the context of the potential patterns and practices identified. The Deputy Inspector General shall report to the city council on significant findings identified by its pattern and practice investigations. The report shall include recommendations for corrective actions to be taken by the CPD or other city agencies. The Deputy Inspector General shall also report on relevant "best practices" currently being employed by other law enforcement agencies and make recommendations to the City Council on which ones should be adopted by the CPD or other Chicago agencies.

Civilian Office of Police Accountability (COPA)

1. The Chief Administrator shall report to the city council on the progress and outcomes of any research COPA has conducted on the patterns and practices of the Chicago Police Department or any of its sworn officers or civilian employees. The Chief Administrator will also detail any and all recommendations for policy changes COPA has made to the Chicago Police Department, the basis for those recommendations, and what if any response COPA received from the Chicago Police Department.

Chicago Police Department (CPD)

1. The Superintendent of the Chicago Police Department shall have read all monthly reports required by this ordinance as well as all previous reports mandated by section D of this ordinance and shall report to the city council what the CPD is doing through supervision, training, adjustments to general orders, and/or to the use of force model to eliminate the problematic behaviors, systems, and outcomes identified in those reports

The Superintendent of the Chicago Police Department shall report to the city council what recommendations for changes in policy, practices, training, or any general orders the Department has received from the Civilian Office of Police Accountability, Chicago Police Board, or the Deputy Inspector General for Public Safety, since the last meeting of the public safety committee and what if any response the Department had for each recommendation it received.

2. The commanding officer of the training academy for the Chicago Police Department shall have read all monthly reports required by this ordinance as well as previous reports mandated by section D of this ordinance and shall report to the city council what the CPD is doing through training to eliminate the types of misconduct detailed in the settlements and judgments involving the sworn officers and civilian employees of the Chicago Police Department.

Cook County State's Attorney's Office (SAO)

1. The Chair of the Committee on Public Safety shall send a request, no less than 30 days before the scheduled hearing date, to the Cook County State's Attorney's Office for a representative from the office to appear before the Committee and provide information regarding the submission of cases for

powered by Legistar™

prosecution and the prosecution of all misdemeanor and felony cases involving both sworn officers and/or civilian employees of the Chicago Police Department. This information shall include the status of all cases submitted or referred to the Cook County State's Attorney's Office during the previous six months from the Chicago Police Department, the Internal Affairs Division of the Chicago Police Department, the Civilian Office of Police Accountability, and or the Deputy Inspector General for Public Safety. The Cook County State's Attorney's Office shall also be asked to provide a status report of all active criminal prosecutions
office involving the prosecution of both sworn officers and civilian employees of the Chicago Police Department.

2. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who in the last six months are believed to have provided false or misleading testimony and a list of all officers whom the Cook County State's Attorney's Office has determined should not be called as witnesses in future proceedings.

3. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who in the last six months are believed to engaged in misconduct or other acts that challenges their credibility to such a degree that the Cook County State's Attorney's Office will no longer call them as witnesses.

4. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who have been the subject of these aforementioned disclosure orders or credibility memos since 2010.

City Law Department

1. The Corporation Counsel shall report to the City Council on the status of all ongoing and completed civil litigation cases against the Chicago Police Department, any sworn officer, or civilian employee. This report shall provide a list of every case by case number, named defendants, complainant, basis for complaint, damages sought, the amount spent to date on defending the case by both internal and outside counsel, the court with jurisdiction, the date each case was filed, and a detailed disposition for all cases that have been concluded.

2. The Corporation Counsel shall report to the City Council every time a lawyer from the City's law department or outside counsel has been sanctioned, disciplined, admonished or censured by a judge for withholding pertinent evidence from plaintiffs in any lawsuit involving the Chicago Police Department or any sworn officer or civilian employee. This report shall provide a detailed summary of the facts involved in each case, including the date, case number, named defendants, the names of all internal and outside counsel, the court with jurisdiction, the name of the lawyer(s) responsible for the misconduct, and any remedy, censure, or punishment imposed by the judge. If a judge addressed the misconduct in open court, the Corporation Counsel shall provide a transcript of each session in which the judge made any comment on the sanctioned behavior and the sanctioned attorney(s). If the misconduct is the basis for the city reaching a settlement or an increase in awarded damages this also must be reported with the amount of any settlement or damages that were awarded as part of the disposition of the case.

3. For each case in which a Law Department attorney or an attorney from an outside firm working for the city is censured, sanctioned, disciplined or admonished for withholding evidence, the Corporation Counsel shall report to the City Council all steps being taken internally to prevent this behavior from being repeated.

4. The Corporation Counsel shall refrain from hiring outside firms whose attorney(s) has/have been admonished, censured, sanctioned, or disciplined by a judge for withholding evidence.

5. The Corporation Counsel shall refrain from assigning any city attorney who has been admonished,

censured, sanctioned, or disciplined by a judge for withholding evidence to any civil suit that alleges misconduct of any kind committed by a Chicago Police Officer.

2-179-050 Transparency Mechanisms

All documents created in response to Parts B, C, & D of this ordinance must be made public through posting on the City of Chicago's website no less than two business days prior to the public hearing being held by the Committee on Public Safety and must stay on the City of Chicago's website for at least 10 years. All such documents must be retained for 35 years.

All documents produced and or provided by any of the mandated attendees in Part A of this ordinance in response to questions or requests from any members of the City Council during or in response to the public hearing in Part A of this request must be posted on the City of Chicago's website within 24 hours of the documents being circulated to any alderman and must stay on the City of Chicago's website for 10 years. All such documents must be retained for 35 years.

The City of Chicago Law Department shall maintain a distinct data set and make this data set available on the City of Chicago's data portal that details the following data fields on each civil lawsuit that is filed against the Chicago Police Department, any sworn office, or civilian employee. The data fields shall include:

- Case number
- Court hearing the case
- Each named defendant
- Each named plaintiff
- Name of counsel representing plaintiff
- Brief summary of the allegation at the heart of complaint
- City Law Department lawyer(s) working on the case
- Number of hours spent by each Law Department lawyer
- Total cost of hours working on case by each law department lawyer
- Name of any outside firm retained on this case
- Names of that firm's lawyers working on the case
- Number of hours spent on the case by each outside lawyer
- Hourly rate being charged by each outside lawyer working on the case
- Total cost to city to date for each outside lawyer working on the case
- Total billed to the city to date by law firms assigned to the case
- The total amount of any judgment against each named defendant
- The total of any settlement with any plaintiff and which named defendant the settlement pertains to.
- A detailed summary of a complaint
- The name and rank of each defendant
- The assignment of each defendant at the time the alleged acts were committed
- The current assignment of each defendant
- The number of times each named defendant has been sued previously
- The total amount paid out related to each named defendant in civil settlements and judgments in previous civil settlements and judgments in cases in which each defendant was previously sued

Any audio or video involved in any settled case or civil judgment covered in this ordinance must be posted to the City of Chicago website no less than two working days prior to the commencement of the public hearing and must stay on the website for 10 years. The audio and video must be retained for at least 35 years.

powered by Legistar™

The Civilian Office of Police Accountability and the Internal Affairs Division of the Chicago Police Department shall maintain separate and distinct data sets and make them available on the City of Chicago's data portal. These data sets should include the following the submission of cases for criminal review, investigation, and prosecution at either the Cook County State's Attorney's Office or the United States Attorney's Office.

- Date case was submitted for review
- Agency the case was submitted to
- Charge sought
- Was the case accepted for prosecution
- Case number
- The court in which the case will be heard What court is the case being heard
- If case was accepted what charges were filed
- If case was not accepted for prosecution, why
- The date that the Date case was either accepted or the date that prosecution was denied
- The final outcome of any criminal prosecution or plea bargain
- The names of all officers named as defendants in all cases accepted for prosecution• A list of all cases in which any of the named defendants were previously prosecuted as named defendants in criminal cases of any kind during at the time they were employed by the Chicago Police Department.

Section 2.
This ordinance shall be in full force and effect upon its passage and approval.