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Legislation Details (With Text)

File #: SO2020-3999

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

File created: 9/9/2020 **In control:** City Council

Final action: 5/24/2023

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

Sponsors: Waguespack, Scott, Taliaferro, Chris, Martin, Matthew J.

Indexes: Ch. 56 Office of Inspector General

Attachments: 1. SO2020-3999.May24,2021, 2. SO2020-3999.pdf, 3. O2020-3999.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
4/20/2021	1	Joint Committee: Finance; Public Safety	Add Co-Sponsor(s)	
4/16/2021	1	Joint Committee: Finance; Public Safety	Substituted in Committee	
9/9/2020	1	City Council	Referred	

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Substitute Ordinance

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

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

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

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

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

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

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

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

as follows:

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

(a) For purposes of this section, "finalized investigation" means an investigation of allegations of misconduct against a sworn member of the Police Department which has either:

1) reached a final disciplinary decision, which here means the final decision of the Superintendent or their designee regarding whether to issue or recommend discipline after review and consideration of the investigative findings and recommendations, including after any additional investigation conducted as a result of such review. For COPA investigations, the final disciplinary decision occurs after the conclusion of the process described in section 2-78-130(a) of this Code; or

2) been closed by the investigating agency without findings and recommendations.

(b) No report or other published account of a finalized investigation shall include information prohibited from disclosure by law. Nothing in this section diminishes or abridges the obligations of the City under the Illinois Freedom of Information Act (FOIA), 5 ILCS 140 et seq.

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c) Pursuant to the schedule described below in subsections 2-56-235(d) through (g), OIG shall publish on its website a searchable, downloadable digital repository of finalized investigations against sworn members of the Chicago Police Department. For each finalized investigation, this repository shall list, as available:

- 1) the log number;
- 2) the complaint or other notification type and category;
- 3) the names of each accused member;
- 4) the name of the investigating agency;
- 5) the final disciplinary decision or other final disposition; and
- 6) such other information the Public Safety Deputy, in the exercise of their duties under section 2-56-230, deems of value to the public.

d) Within one year of the effective date of this section, as practicable, OIG will publish in the repository described in subsection 2-56-235(c) all information for investigations finalized from the year 2000 forward. Each listing will include all documents from investigative files produced by the City in response to any request made pursuant to FOIA, for investigations finalized from the year 2000 forward, as previously produced.

(e) Within two years of the effective date of this section, as practicable, OIG will publish in the repository all information described in subsection 2-56-235(c) for investigations finalized from the year 1994 forward. Each listing recording an investigation finalized between the years 2015 and 2022, inclusive, that was not included in the publication described in subsection 2-56-235(d), will include all documents from the associated investigative file, after the documents have been reviewed and redacted as necessary by the

Police Department, the Civilian Office of Police Accountability, or the Department of Law, as appropriate.

f) Beginning on the effective date of this section, the Police Department or the Civilian Office of Police Accountability, as appropriate, shall provide to OIG copies of all documents from each investigative file associated with a finalized investigation that are produced in response to any FOIA request. This provision of documents to OIG shall occur no later than 30 days after the production of the documents to the requestor. OIG shall publish the documents in the repository described in subsection 2-56-235(c) within 30 days of receipt.

g) Beginning on the effective date of this section, no later than 30 days after finalizing a disciplinary investigation, the Department of Police or the Civilian Office of Police Accountability, as appropriate, shall provide to OIG a summary report of the investigation, redacted as necessary, and a report listing the documents contained in the associated investigative file. OIG shall publish the reports in the repository described in subsection 2-56-235(c) within 30 days of receipt.

h) On or before the 15th day following the 1st and 3rd quarters of each fiscal year, the Public Safety Deputy shall provide a written report to the Committee on Finance and the Committee on Public Safety describing and assessing:

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

(i) If OIG is unable to publish any portion of the information set out in 2-56-235(d) through (g) within the prescribed time period, it shall provide an explanation for its inability to publish and a proposed timeline for publication in its next subsection 2-56-035(h) report following the expiration of the time period.

(j) In the first subsection 2-56-235(h) report issued by OIG after one year elapses from the effective date of this section, OIG shall assess and describe the feasibility of and timeline for publication of documents from all investigative files associated with investigations finalized between the years 2000 and 2011, inclusive, after the documents have been reviewed and redacted as necessary by the Police Department, the Civilian Office of Police Accountability, or the Department of Law, as appropriate, for all investigations finalized during that period, where those documents have not been previously reviewed, redacted, and produced.

(k) In the first subsection 2-56-235(h) report issued by OIG after two years elapse from the effective date of this section, OIG shall assess and describe the feasibility of publishing the information described in subsection 2-56-235(c) for investigations finalized prior to the year 1994. If such publication is feasible, OIG shall propose a timeline for publication.

(l) All City departments, including but not limited to the Police Department, the Civilian Office Police Accountability, and the Department of Law, will produce to OIG in publishable form any and all documents identified by OIG as necessary for compliance with this section, in a form agreed upon by OIG.

(m) The City shall make such supplemental budgetary allocations to OIG as are necessary to support the creation and maintenance of the repository described in subsection 2-56-235(c) and to meet the

other obligations specified in this section.

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

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

Scott Waguespack, Chairman

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Committee on Public Safety

Committee on Finance