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Legislation Details (With Text)

File #: O2022-911
Type: Ordinance **Status:** Failed to Pass
File created: 3/23/2022 **In control:** City Council
Final action: 5/24/2023

Title: Amendment of Municipal Code Chapter 2-78 regarding charges filed with Police Board following discharge recommendation from Police Department and removal of disciplinary recommendations for deceased members of Police Department

Sponsors: Martin, Matthew J.

Indexes: Ch. 78 Civilian Office of Police Accountability

Attachments: 1. O2022-911.pdf

Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council	Failed to Pass	
9/16/2022	1	Committee on Public Safety	Held in Committee	
7/15/2022	1	Committee on Public Safety	Held in Committee	
3/23/2022	1	City Council	Referred	

Chicago City Council March 23, 2022
Committee on Public Safety

ORDINANCE

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

SECTION 1. Section 2-78-130 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

2-78-130 Decisions, recommendations.

(a) Disciplinary-related recommendations.

i) If the Chief Administrator issues a recommendation of discipline, or other, nondisciplinary remedial action with regard to one or more members of the Police Department, the Superintendent shall respond to such recommendation within 60 days (for purposes of this section, the "Review Period"). The Superintendent's response shall include either: (1) a confirmation that the recommendation was followed with respect to the employee in question, and, if applicable, a description of any additional disciplinary or other action imposed by the Superintendent; (2) a request that the Chief Administrator conduct additional investigation, specifying the additional investigation that is requested, and the reason(s) for that request; or (3) if the Superintendent intends to take no action, or intends to take action that differs in substance and/or scope from the recommendation, the information required under subsection (a)(ii) of this section. Upon request of the Superintendent, such Review Period may be extended for up to 30 additional days, for a total Review Period not to exceed 90 days.

ii) If the Superintendent intends to take no action, or intends to take action different from that recommended by the Chief Administrator, the Superintendent shall describe the proposed different action and

explain the reasons for it in a written response.

The Superintendent's response shall be submitted to the Chief Administrator within the Review Period.

(iii) Within ten business days after the submission of a response that proposes no action or different action than that recommended by the Chief Administrator, the Superintendent and the Chief Administrator shall meet to discuss the Superintendent's response. If, after meeting, the Chief Administrator and the Superintendent do not agree to the Chief Administrator's recommendation, the Chief Administrator shall, within five business days of such impasse, send the Superintendent's response, along with the Chief Administrator's written objections to the response, to a member of the Police Board selected by the Police Board from its membership, with notice and a copy of all such materials to the Superintendent. The selected member shall, within ten business days of receipt of such response and objections, review the Chief Administrator's recommendation, the Superintendent's response, and the Chief Administrator's objections. Upon request of the member, the Superintendent and Chief Administrator may be required to present additional documentation or arguments in support of their positions. If, in the

opinion of the member, the Superintendent does not meet his burden of overcoming the Chief Administrator's recommendation for discipline, the recommendation shall be deemed accepted by the Superintendent and the Superintendent shall implement such recommendation in accordance with subsection (b) of this Section. The final decision of the member shall be announced at the next regular public meeting of the Police Board, and shall be promptly posted on the Police Board's website. If, in the opinion of the member, the Superintendent has met his burden, the Superintendent's response shall be implemented in accordance with subsection (b) of this Section. The member shall recuse himself from any future involvement with the case by the full Police Board.

iv) A response of the Superintendent that proposes to take no action or action different from that recommended by the Chief Administrator shall not be valid or effective until the process of subsection (a)(iii) of this section is completed.

v) If the Superintendent does not respond to the Chief Administrator's recommendation within the Review Period, such recommendation shall be deemed accepted, and shall be implemented; by the Superintendent in accordance with subsection (b) of this Section.

vi) Nothing in this chapter shall limit the Superintendent's ability to impose additional action to that recommended by the Chief Administrator, including discipline that is more severe than that recommended by the Chief Administrator or non-disciplinary remedial actions in addition to the discipline recommended by the Chief Administrator.

b) Any disciplinary-related recommendation that has been accepted or deemed to be accepted by the Superintendent under this Section, or any response of the Superintendent that has been upheld under subsection (a)(iii), as applicable, shall be implemented by the Superintendent within 30 days. Upon request of the Superintendent, such 30-day period may be extended for up to 15 additional days.

c) Policy, program and practices recommendations. If the Chief Administrator issues a recommendation or

report to the Superintendent concerning a policy, program, or practice of the Police Department, the Superintendent shall respond to such recommendation or report within 60 days of receipt. Such response shall include a description of the actions the Superintendent has taken or is planning to take, if any, with respect to the issues raised in the report or recommendation. If the Superintendent declines to implement one or more of the Chief Administrator's recommendations, such response shall explain the reasons for doing so. In addition, at the request of at least three aldermen, the Chairman of the City Council Committee on Public Safety shall request that the Superintendent or his designee appear at a hearing of the Committee on Public Safety to explain and respond to questions concerning such response.

SECTION 2. Chapter 2-78 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 2-78-137 as follows:

2-78-137 Filing of charges with the Police Board

Following an investigation in which the Superintendent recommends discharge from the Police Department, the Department of Law, on behalf of the Superintendent, shall file charges with the Police Board within 60 days of receipt of the investigative file. Upon request of the Corporation Counsel, such 60-day period may be extended for up to 30 days. This time period shall not include time necessary for further investigation, and shall be tolled accordingly.

SECTION 3. Chapter 2-78 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 2-78-142 as follows:

2-78-142 Removal of recommendations for deceased members of the Police Department

The Chief Administrator shall, prior to finalizing and posting a Final Summary Report in accordance with Section 2-78-145, redact a recommendation of discipline or other, nondisciplinary remedial actions against a member of the Police Department if it is known to the Chief Administrator that such member of the Police Department is deceased.

Matthew J. Martin Alderman, 47th Ward

SECTION 4. This ordinance shall take effect upon passage and approval.