



# Office of the City Clerk

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## Legislation Text

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Joint Committee of Budget & Government Operations and Public Safety

### The FAIR COPS Ordinance

#### *Freedom through Accountability, Investigation and Reform*

#### *for Civilian Oversight of Policing Services*

#### Chapter 2-56-036 MONITORING OF POLICE FUNCTIONS

##### a) Definitions.

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

- 1) Chief Executive means the superintendent of the department, the chief administrator of the independent police review authority, or the president of the police board.
- 2) Department means the Chicago Department of Police.
- 3) Deputy Inspector General means Deputy Inspector General for Police Functions.
- 4) Discipline Matrix means a standardized matrix which stipulates the minimum and maximum allowed disciplinary action for officer misconduct based on the type and level of misconduct as well as any mitigating or aggravating factors.
- 5) MCC means the Municipal Code of the City of Chicago
- 6) Police Board means the Police Board established by Chapter 2-84 of this code, as amended.
- 7) Superintendent means the superintendent of police or his designated representative.

##### b) Establishment-Composition.

There is hereby established a function within the Office of the Inspector General to be known as the Police Functions Office, which shall include a Deputy Inspector General and such assistants and other employees as may be required to implement the powers and duties stated herein. The appropriations available to pay for the expenses of the Police Functions Office each fiscal year shall not be less than one percent (1.0%) of the annual appropriation of the department, and the Police Functions Office shall have at least one full-time employee for every 250 sworn officers in the department. The office of the Police Functions shall be located in a facility outside of the Department, Police Board, and Independent Police Review Authority, and the Police Functions Office shall maintain full administrative rights to an electronic database that is independent from any such databases used by the Department, Police Board, and Independent Police Review Authority. The employees of

the Police Functions Office shall not be current or former employees of the Department, Police Board, and Independent Police Review Authority, however the Inspector General may contract current or former employees of the aforementioned as Subject Matter Experts for a time period not to exceed 520 hours in any 12-month period.

**c) Deputy Inspector General for Police Functions-Appointment as Deputy Inspector General for Police Functions**

The Deputy Inspector General shall be the Director of the Police Functions Office. The Deputy Inspector General shall be responsible for the general management and control of the Police Functions Office and shall have full and complete authority to administer the office in a manner consistent with the ordinances of the City of Chicago and the laws of the State of Illinois. The Deputy Inspector General shall be appointed by the

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Inspector General using a process whereby a Selection Committee consisting of five individuals selected by the Inspector General where one individual representing civil rights, activist and organizing groups that focus on issues relating to young people, African-Americans, Latinos and their interactions with the police; one individual representing an organization that focuses on the rights of immigrants; one individual representing an organization that focuses on the rights of the Lesbian, Gay, Bi-sexual, Transgender, Queer community; one individual" from the faith based c^

individual representing the Chicago Plaintiffs' Civil Rights Police Misconduct Bar. The Selection Committee may contract, and the Inspector General shall provide suitable resources for, outside Subject Matter Experts to assist in the selection process. The Selection Committee shall hold at least three public hearings during the selection process and prior to the release of three finalists to be submitted to the Inspector General for their consideration. In the event the Inspector General rejects all of the finalists from the Selection Committee, the Selection Committee shall submit three additional finalists. The Deputy Inspector General shall be appointed for a term not to exceed the term of the incumbent Inspector General. In the event that the Deputy Inspector General cannot complete his or her term or is removed from the office, the Inspector General shall appoint a new Deputy Inspector General to complete their predecessor's term using the process set forth in this subsection. A Deputy Inspector General may be reappointed to a new term after completing a term. The Deputy Inspector General shall not be a current or former employee of the Department, Police Board, and Independent Police Review Authority.

**(d) Inspector General-Powers and duties.**

In addition to other powers conferred herein and other sections of the MCC, the Inspector General shall have the following powers and duties as they pertain to the auditing and investigation of the department, the independent police review authority, and the police board:

- 1) review department policies and practices to determine compliance with state, federal, and municipal codes and statutes;
- 2) audit compliance with department policies, procedures, and directives;
- 3) audit the performance recognition system, the personnel concerns program, the behavioral intervention system, the non-disciplinary intervention program, and any other officer intervention or discipline program;
- 4) analyze policing trends and patterns, including but not limited to: officer use of force; officer-involved

- shootings; registered complaints against officers; and racial, ethnic, gender, sexuality, or geographic biases in policing;
- 5) propose specific recommendations to the department, the independent police review authority, and the police board concerning changes to policies, procedures, practices, directives, training, and equipment to create greater efficiency, fairness, and transparency in policing services and oversight;
  - 6) for recommendations that have been implemented, perform an audit of the affected agency at least six months but not more than 18 months after the implementation of the recommendation to ensure compliance and measure effectiveness; perform subsequent audits as necessary;
  - 7) analyze investigations conducted by the independent police review authority and the department's internal affairs division to determine whether they are timely, professional, unbiased, complete, and thorough, and whether recommended dispositions are supported by the preponderance of the evidence;
  - 8) review all investigations into officer-involved shootings, unnecessary or excessive force, racial/ethnic bias, and extraordinary occurrences;
  - 9) collect and analyze all sustained findings and the discipline recommended or imposed by the independent police review authority, the police board, or the department's internal affairs division to assess disciplinary trends and to determine whether discipline is consistently applied, fair, and within the guidelines of the disciplinary matrix, and to determine whether final disciplinary decisions are being executed as resolved;

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- 10) require the independent police review authority to revise a recommendation for discipline to adhere to the standards of the discipline matrix as necessary;
- 11) refer a complaint or information concerning a member of the department to the appropriate federal, state or local law enforcement authorities for prosecution of a criminal offense;
- 12) review the discipline matrix in use by the independent police review authority and the police board to determine whether disciplinary guidelines-for-each-type-and\_level\_of misconduct are appropriate;\_\_
- 13) audit the citizen complaint process, including but not limited to: procedures by which the department and the independent police review authority publicize complaint-filing process; procedures by which the independent police review authority receives complaints; procedures by which the department's internal affairs division and the independent police review authority register and classify complaints; the thoroughness of the preliminary investigations of the independent police review authority prior to obtaining a sworn affidavit, if one is required by law; and analyzing patterns of complaints;
- 14) require the independent police review authority or the department's internal affairs division to change a complaint classification or further investigate a complaint or notification as necessary, including the power to recommend that an investigation of a specific police incident be initiated;
- 15) conduct an investigation into the complaint history and general conduct, including the department's performance recognition system, of any officer who has received a disproportionate number of complaints and submit the results of the investigation to the independent police review authority or the police board for consideration in any open investigations of the officer, recommend the officer for the behavioral intervention system, and/or recommend the officer for the personnel concerns program;
- 16) review all documents, including all depositions, in any civil suit pertaining to alleged police misconduct that resulted in a settlement, judgment, or resulted in a trial of any kind; review all filings in civil actions that do not result in a judgment, settlement, or trial; require the independent police review authority or the department's internal affairs division to initiate an investigation of cases, whether or not a complaint has been filed, in which there is objective verifiable evidence of potential police misconduct; and determine if any changes to policy, training, or supervision could decrease the city's

- liability for police misconduct;
- 17) review data on contact cards collected after stops, searches, and detentions to verify that all required data is reported, there are valid legal reasons for stops, searches, and detentions, and officers issue receipts to all civilians as required by law;
  - 18) review tactical response reports, arrest reports, and any other police reports deemed necessary for review;
  - 19) audit video footage from police body-worn cameras and police car dashboard cameras to ensure that all city ordinances and state laws are followed and all violations evidenced in video footage are properly investigated; and
  - 20) audit policies and practices of the police board, including but not limited to: findings, reports, and disciplinary determinations of the police board.

#### **(e) Policy recommendations.**

The Inspector General has the authority to make recommendations to the Department, Police Board, and the Independent Police Review Authority for changes in policies, procedures, practices, directives, training, and equipment to improve police services and accountability. The Inspector General must submit a written recommendation to the chief executive of the appropriate agency based upon the substance of the recommendation: the Department, Police Board, and the Independent Police Review Authority. Upon receipt of the recommendation, the chief executive of the corresponding agency shall issue a written response to the Inspector General within 30 days stating whether the agency will accept and implement the recommendation. If the chief executive chooses to accept the recommendation, the agency must submit a written plan, including a timetable, which fully implements the recommendation within 120 days of original receipt. The written plan shall be published in a publicly accessible area of the Inspector General's website within 5 business days of

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receipt. If the chief executive chooses not to implement the policy recommendation, he or she must submit to the City Council Committee on Public Safety and the Inspector General, in writing, the reason for rejecting the recommendation. The written reason shall be published in a publicly accessible area of the Inspector General's website within 5 business days. The recommendation(s) and departmental response(s) shall be published in a publicly accessible area of the Inspector General's website in the Inspector General's Quarterly Report for Public Functions. The hearing will be open to public and must be publicized by the city no less than 14 days before the hearing. The hearing may include testimony from civilians, representatives of the Inspector General office, and representatives of the agency that rejected the recommendation. Upon conclusion of the hearing, the Committee on Public Safety may vote on whether to require implementation of the Inspector General's policy recommendation at their next scheduled committee meeting. If City Council orders are not adopted, the City Council shall adjudicate in accordance with applicable laws.

of the Inspector General's Quarterly Report for Police Functions. The hearing will be open to public and must be publicized by the city no less than 14 days before the hearing. The hearing may include testimony from civilians, representatives of the Inspector General office, and representatives of the agency that rejected the recommendation. Upon conclusion of the hearing, the Committee on Public Safety may vote on whether to require implementation of the Inspector General's policy recommendation at their next scheduled committee meeting. If City Council orders are not adopted, the City Council shall adjudicate in accordance with applicable laws.

#### **f) Reports-Open to public inspection.**

The following reports that must be published at least annually include but are not limited to:

- 1) Body Cameras: Review videos from department body-worn cameras and any related reports.
- 2) Contact Cards: Review department contact cards for compliance with all state laws, city ordinances, and department directives, and to identify any patterns of racial, ethnic, geographic, or other disparity.
- 3) Citizen Complaints: Review filed complaints to verify correct registration and categorization of complaints, and to identify any patterns or trends in complaints received.
- 4) Misconduct Investigations: Review investigations, findings, and disciplinary determinations from the independent police review authority and the department's internal affairs division for compliance with all state laws, city ordinances, and department directives, and to identify any patterns of racial, ethnic, geographic, or other disparity.
- 5) Police Board: Review policies, procedures, findings, reports, and disciplinary determinations of the police board.
- 6) Police Reports: Review police reports by crime type to validate original and final crime type coding.
- 7) Arrest Reports: Review arrest reports by crime type to examine for probable cause.
- 8) Traffic stops: Review traffic stops reports to identify any racial, ethnic, geographic, or other disparity.
- 9) Domestic Violence and Sexual Assault: Review calls for police service for domestic violence and sexual assault police event types and analyze how those calls do or do not result in police reports, arrests, and charges. Examine for disparities by race, ethnicity, gender, sexual orientation, geography, or other demographic.
- 10) Use of Force: Review of department's compliance with use of force policies, patterns in complaints and investigations of use of force incidents, and outcomes of cases for sustained use of force violations.

These reports are intended to provide the public with an audit of compliance with all applicable laws and policy directives, detect instances and patterns of violation or bias, and identify areas in which the Inspector General should recommend reforms to policies or procedures. No reports shall be subject to review by the department or any other agency before publication.

**g) Transparency.**

All reports of the Police Functions Office shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act, or any other applicable law. All audits conducted by the Police Functions Office shall be released publicly at the time of completion and will be published on the website of the Inspector General's office and remain available on the

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website for at least 10 years from the date of publication. All data sets associated with each audit will be released publically via publishing on the website of the Inspector General's office at the time of the publishing

of the audit. The data sets will remain on the website for at least 10 years from the date of publication. All

policy recommendations and subsequent records related to these recommendations are open to public inspection

and shall be published on the auditor's website at the time of completion and remain on the website for

at least  
10 years.

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**(h) Rules and regulations.**

The Inspector General is authorized to adopt such rules, regulations and procedures as he or she may deem expedient for the proper administration and enforcement of the provisions of this subsection.

**(i) Public policy.**

The public policy of this chapter is to create a system of publicly accountable policing by creating and empowering the Inspector General's Office to audit police records and data for day-to-day compliance with state, city, and departmental codes as well as patterns of misconduct or bias.