An Ordin.ince in Relation to Police Oversight Establishment of COPA and PSD

ORDINANCE
(AS AMENDED)

WHEREAS, The City of Chicago ("City") is a home rule municipality as described in Section 6(a), Article VII ofthe 1970 Constitution ofthe State ofllllinois, 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 ofthe residents ofthe City; and

WHEREAS, Effective oversight is essential to maintaining a professional, well-managed, ethical and properly functioning Police Department; and

WHEREAS, Both the Police Department and the residents of the City whom the Police Department serves should be able to rely on an impartial, effective, and adequately-resourced oversight office to conduct objective, thorough, and independent investigations into the matters within the office's jurisdiction; and

WHEREAS, Trust in the oversight office's ability to provide independent oversight is critical and must be established and maintained; and

WHEREAS, The Mayor and the City Council are committed to providing the resources needed to properly investigate allegations of police misconduct, ensuring the expertise of personnel who conduct such investigations, and establishing the credibility of the investigations and inspiring the community's confidence in their quality and independence; and

WHEREAS, The Mayor of the City of Chicago ("Mayor") established the Police Accountability Task Force ("PATF") to review the system of accountability, oversight and training that is currently in place for the Police Department and recommend reforms to the current system to improve independent police oversight; and

WHEREAS, The PATF actively engaged the community, victims' rights groups, law enforcement, and youth, religious and elected leaders to ensure its findings and recommendations were based on input from all parts ofthe City; and

WHEREAS, The PATF developed comprehensive findings and recommendations concerning community and police relations, police oversight and police accountability; and

WHEREAS, The Mayor and City Council of the City of Chicago have reviewed the findings and recommendations of the PATF, and seek to implement recommendations that address Police Department accountability and oversight by ordinance; and

WHEREAS, This ordinance establishes a two-part structure to carry out the goal of enhancing Police Department accountability and oversight: (1) the establishment of the Civilian Office of Police Accountability to promptly, effectively and fairly investigate complaints concerning police misconduct and abuse, and incidents involving the most serious uses of force by police officers, arid (2) the creation of a Deputy Inspector General for Public Safety to audit and review the policies, procedures, and practices of the Chicago Police Department, the Police Board, and the Civilian Office of Police Accountability, and thereby enhance transparency, accountability and quality of oversight; now, therefore,

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

SECTION 1. The foregoing recitals are adopted and incorporated into and made a part of this Ordinance.

SECTION 2. Chapter 2-57 of the Municipal Code of Chicago is repealed in its entirety.

SECTION 3. Title 2 of the Municipal Code of Chicago is amended by creating a new Chapter 2-78, as follows:

CHAPTER 2-78 CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

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2-78-100 Definitions.

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

"Chief Administrator" means the Chief Administrator ofthe Civilian Office of Police Accountability or the Chief Administrator's designee.

"Coercion" means the use of improper or unlawful force or threats, express or implied, in order to compel a person to act against his or her will. As defined herein, "coercion" includes compelling a person to make statements.

"Domestic violence" means physical abuse (other than sexual abuse), harassment, stalking, intimidation or violations of orders of protection (or similar court orders) involving a sworn officer's family or household member. As used in this definition, the term "family or household member" means spouses or former spouses; parents, children or stepchildren whether by blood or adoption; persons who share or formerly shared a common dwelling; persons who have or are alleged to have a child in common; or persons who have or have had a dating or engagement relationship.

"Excessive force" means a police officer's application of force which, either because ofthe type of force employed, or the extent to which such force is employed, exceeds the force that reasonably appears to be necessary under all the circumstances surrounding the incident, including whether any use of force was appropriate.

"Final Summary Report" means the report summarizing an investigation conducted by the Office concerning an incident of alleged police misconduct or another incident that is within the Office's jurisdiction that is made available to the public pursuant to Section 2-78-145, which shall contain, as applicable: (i) a description of the officers and subjects involved in the incident; (ii) the date, time and location of the incident; (iii) a description of the allegations and applicable rules; (iv) a narrative summary of the incident; (v) a narrative summary of the investigation; and (vi) the Office's findings and conclusions.

"Military status" has the meaning ascribed to the term in Section 2-160-020.

"Office" means the Civilian Office of Police Accountability established in this chapter.

"Police Board" means the Police Board established in Chapter 2-84 of this Code.

"Police Department" means the Department of Police established in Chapter 2-84 of this Code.

"Superintendent" means the Superintendent of Police or the Superintendent's designee.

"Transition Date" means the date when, in the discretion of the Chief Administrator, the Office has been established and is functioning to the point that it can assume the duties and investigations previously discharged by the Independent Police Review Authority, which shall be as soon as possible after January 1, 2017, but no later than September 30, 2017.

"Verbal abuse" means the use of oral or written remarks that are overtly insulting, mocking or belittling, directed at a person based upon the actual or perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person. "Verbal abuse" shall also include any unwelcome sexual advances or requests for sexual favors.

2-78-105 Civilian Office of Police Accountability -establishment and composition.

There is hereby established an office of the municipal government to be known as the Civilian Office of Police Accountability, which shall include the Chief Administrator and such deputies, assistants and other employees as required to perform the Office's powers and duties as set forth in this Chapter. The Office shall be located in a facility separate from the Police Department.

The appropriations available to pay for the expenses ofthe Office during each fiscal year shall be determined by the City Council as part of the annual City budget process, but shall not be less than one percent (1.0%) of the annual appropriation of all non-grant funds for the Police Department contained in the annual appropriation ordinance for that fiscal year.

2-78-110 Purpose.

The mission ofthe Civilian Office of Police Accountability is to provide a just and efficient means to fairly and timely conduct investigations within its jurisdiction, including investigations of alleged police misconduct and to determine whether those allegations are well-founded, applying a preponderance of the evidence standard; to identify and address patterns of police misconduct; and, based on information obtained

through such investigations, to make policy recommendations to improve the Chicago Police Department and reduce incidents of police misconduct.

2-78-115 Chief Administrator -qualifications and appointment.

The Chief Administrator shall be the chief executive officer ofthe Office, shall serve a term of four (4) years, and at the conclusion of such term may be considered for reappointment. The Chief Administrator may be removed from office prior to the conclusion of such term only for cause in accordance with Section 2-78-155.

Upon the effective date of this Ordinance, the individual serving as the Chief Administrator of the Independent Police Review Authority shall become the first Chief Administrator of the Office. Such Chief Administrator, or, if such individual shall resign or otherwise vacate such office, a successor selected by the Mayor and approved by the City Council, shall continue to serve as Chief Administrator of the Office until a permanent method of selecting the Office's Chief Administrator shall be enacted by the City Council and become effective.

The Chief Administrator shall have the following minimum qualifications:

a) An attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with substantial experience in law enforcement oversight, or investigating employee or other wrongdoing;

b) Knowledge of law enforcement, particularly of internal investigations of wrongdoing and use offeree;

c) A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties;

d) Demonstrated integrity, professionalism, sound judgment, and leadership; and

e) The ability to work with diverse groups and individuals.

The Chief Administrator shall not be a current or former sworn employee of the Police Department, a non-sworn employee of the Police Department within the last five years, or an employee of the Cook County State's Attorney's Office within the last five years.

2-78-120 Office and Chief Administrator -powers and duties.

The Office and Chief Administrator shall have the following powers and duties:

a) To receive and register all complaints filed against members of the Police Department;

b) To conduct investigations into complaints against members of the Police Department alleging domestic violence, excessive force, coercion, or verbal abuse;

c) To conduct investigations into all incidents, including those in which no allegation of misconduct is made, in which a Police Department member discharges: (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) in the Chief Administrator's discretion, other weapons discharges and other use of Police Department-issued equipment as a weapon that results in death or serious bodily injury;

d) To conduct investigations into incidents, including those in which no allegation of misconduct is made, where a person dies or sustains a serious bodily injury while detained or in Police Department custody, or as a result of police actions, such as during attempts to apprehend a suspect;

e) To conduct investigations into all incidents of an "officer-involved death," as that term is defined in 50 ILCS 727/1-5;

f) To conduct investigations into complaints against members of the Police Department alleging improper search or seizure of either individuals or property, or unlawful denial of access to counsel;

g) To forward all complaints filed against members of the Police Department, other than those set forth in paragraphs (b) - (f) of this Section, to the Police Department's Bureau of Internal Affairs;

h) In the Chief Administrator's discretion, to review lawsuits or claims against the Police Department, or one or more of its members, or against the City alleging police misconduct that falls within the Office's jurisdiction, where such

lawsuit or claim was subsequently settled or resulted in a judgment against such member, the Police Department or the City, for the purpose of reopening a prior investigation or opening a new investigation of alleged police misconduct;

(i) To refer a complaint against a member of the Police Department within the Office's jurisdiction to mediation or such other methods of alternative dispute resolution that may be adopted in the Chief Administrator's discretion, except for complaints alleging the use of excessive force that results in death or serious bodily injury and cases of domestic violence involving physical abuse or threats of physical abuse. The Office shall promulgate rules governing such mediations and other dispute resolution methods, which shall provide that participation shall be voluntary for all parties, and that the complainant, if any, shall be provided an

opportunity to participate in the mediation process or other alternative dispute resolution process;

(j) To conduct investigations within its jurisdiction in a manner consistent with Article IV of Chapter 2-84 of this Code, the rules established by the Police Board, and any other applicable laws and rules;

(k) Subject to applicable law, to review the complaint history of a member ofthe Police Department in order to inform a current investigation;

(1) To recommend to the Superintendent, with respect to incidents within its jurisdiction, appropriate disciplinary or other remedial action against members of the Police Department found to be in violation of any applicable Police Department rules, including rules related to the duty to provide truthful information regarding the officer's own conduct and the conduct of others, and the duty to report the misconduct of others. Such remedial action may include, but is not limited to, reassignment, additional training, or counseling;

(m) Based on information obtained through investigations conducted pursuant to this Section, to recommend to the Superintendent, the Chairman of the City Council Committee on Public Safety, and the Police Board revisions to the Police Department's policies, practices, collective bargaining agreements, programs and training in order to improve the accountability, effectiveness, integrity and transparency ofthe Police Department;

(n) To conduct investigations to determine whether members of the Police Department are engaging in patterns or practices of misconduct, and, where a pattern or practice of misconduct is found, recommend revisions to the Police Department's policies, practices, programs, and training in order to address and eliminate such patterns or practices;

(o) Subject to applicable law, to have full access to all information in the possession or control of the Police Department, the Police Board, and any other City department or agency in order to conduct investigations within the Chief Administrator's jurisdiction;

(p) To issue subpoenas to compel the attendance and testimony of witnesses and the production of documents and other items relevant to an investigation within its jurisdiction. Issuance of subpoenas shall be subject to Section 2-78-125;

(q) To retain counsel to enforce and defend against subpoenas and to advise and represent the Office with respect to its investigations, provided:

i) such counsel are selected from a pool of no fewer than five firms previously approved by the Corporation Counsel after consultation with the Office;

ii) such counsel are retained pursuant to the standard terms of engagement then used by the Corporation Counsel, including any limitations on fees or costs;

iii) the costs of such representation are paid from the appropriations ofthe Office; and

iv) the Office provides the Corporation Counsel with notice of the engagement, including the firm selected and a copy of the engagement agreement.

Nothing in this provision shall be construed to alter the exclusive authority of the Corporation Counsel to either defend and supervise the defense of claims against the City and/or individual City defendants, or to provide the Office or the Chief Administrator with the authority to settle monetary or other claims against the City and/or individual City defendants.

(r) To promulgate rules and procedures for the conduct of the Office and its investigations consistent with due process of law, equal protection under the law, and all other applicable local, state and federal laws, and in accordance with Section 2-78-170;

(s) To set minimum qualifications and appropriate screening procedures for all persons to be considered for employment by the Office, and to set appropriate staffing levels to carry out the powers and duties set forth herein, provided, however, that no investigator employed by the Office shall be a current or former sworn member of the Police Department within the last five years;

(t) To address Police Department personnel and community groups, and inform the public, on the mission, policies and ongoing operations ofthe Office;

(u) To develop and implement a process for allowing citizens to file complaints by various means, including submission of complaints using the Internet, by telephone, and in person at locations or meetings in the community;

(v) In the Chief Administrator's discretion, to review and investigate the facts of individual civil lawsuits and criminal proceedings involving alleged police misconduct, in order to identify and investigate incidents of police misconduct or to make recommendations to improve Police Department policies and practices within the Office's jurisdiction;

(w) To appear before the Committee on Finance at public hearings at which proposed settlements of lawsuits and controverted claims against the Police Department or its members are submitted for approval, and, subject to any applicable legal constraints regarding confidentiality, reply to questions related to Office or Independent Police Review Authority investigations involving Police Department members who are named

parties to said lawsuits or controverted claims; and

(x) Subject to applicable law and in the Chief Administrator's discretion, to reopen any closed Office or Independent Police Review Authority investigations if:

i) The Chief Administrator becomes aware of evidence not available at the time the investigation was closed that could materially affect the results of that investigation;

ii) The Chief Administrator determines that the manner in which the investigation was concluded has resulted in a gross miscarriage of justice; or

iii) Following a review or audit of an investigation by the Deputy Inspector General for Public Safety, the Deputy Inspector General for Public Safety recommends that the investigation be reopened. If the Chief Administrator declines to reopen a closed investigation pursuant to this subparagraph (ii), the Chief Administrator shall provide a written explanation of its reasons to the Deputy Inspector General for Public Safety.

Nothing in this Chapter shall preclude the Chief Administrator from referring a complaint or information concerning a member of the Police Department to the Office of the Inspector General, or to appropriate federal, state or local law

enforcement authorities. Nor shall anything in this Chapter preclude the Office from conducting an investigation within its jurisdiction concurrently with an active criminal investigation.

2-78-125 Subpoenas.

The Office may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of 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 ofthe subpoena.

2-78-130 Decisions, recommendations.

(a) Disciplinary-Related Recommendations.

i) If the Chief Administrator issues a recommendation of discipline, or other, non-disciplinary 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 Article. 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. 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. The member shall recuse himself from any future involvement with the case by the full Police Board.

iv) A response ofthe 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.

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.

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(b) 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.

2-78-135 Investigations not concluded within six months.

If the Office does not conclude an investigation of alleged misconduct within six months after its initiation, the Chief Administrator shall notify, within five days after the end of the six-month period, the Mayor or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, the complainant, and the employee named in the complaint, or his or her counsel, of the general nature of the complaint or information giving rise to the investigation and the reasons for the Office's failure to complete the investigation within six months. Thereafter, the Office shall provide an update to such notice, including the same information and notification to the same individuals, every six months until the investigation is completed.

2-78-140 Cooperation in investigations.

It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the

Office 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.

2-78-145 Reports open to public inspection.

All Final Summary Reports of the Office shall be posted on the Office's website and open to public inspection, except to the extent that information contained therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as

redacted, shall be posted on the Office's website and open to public inspection, along with the response of the Superintendent thereto, if any, promptly after, but not before, the process set forth in Section 2-78-130(a) is completed and disciplinary charges, if any, are served on the employees in question. The Office also shall provide a copy ofthe report to the complainant, if there is one.

Reports of the Office concerning its recommendations as to a Police Department policy, practice, or process, or training pursuant to Section 2-78-120(m) or (n) shall be posted on the Office's website and open to public inspection, except to the extent that information contained therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as redacted, shall be posted on the Office's website and open to public inspection, along with the Police Department's response thereto, promptly after, but not before, the process set forth in Section 2-78-130(b) is completed.

2-78-150 Quarterly and annual reports to legislative and executive branches.

a) Quarterly Reports.

No later than the fifteenth day of, April, July and October of each year, the Chief Administrator shall post on the Office website for public review and file with the Mayor or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, and the office of the City Clerk, a quarterly report providing information based on data through the end of the preceding month on: (1) the number of investigations initiated during that quarterly reporting period; (2) the number of investigations concluded during that quarterly reporting period, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the end of that quarterly reporting period; (4) the number of complaints not sustained during that quarterly reporting period; (5) the number of complaints sustained during that quarterly reporting period; (6) the number of complaints filed as to each Police Department district during the quarterly reporting period; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the quarterly reporting period; and (8) the number of complaints referred to other agencies during the quarterly reporting period and the identity of such other agencies. Such quarterly reports shall also summarize any

reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department, and the Superintendent's response to such reports or recommendations.

b) Annual Reports.

No later than the fifteenth day of February of each year, the Chief Administrator shall post on the Office's website for public review and file with the Mayor or his designee, the Superintendent, the Chairman of the City Council Committee on Public Safety, the Office of the City Clerk, and the Deputy Inspector General for Public Safety, an annual report providing information based on data during the prior calendar year on: (1) the number of investigations initiated during the prior calendar year; (2) the number of investigations concluded during the prior calendar year, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the last day of the prior calendar year; (4) the number of complaints not sustained during the prior calendar year; (5) the number of complaints sustained during the prior calendar year; (6) the number of complaints filed as to each Police Department district during the prior calendar year; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the prior calendar year; and (8) the number of complaints referred to other agencies during the prior calendar year and the identity of such other agencies.

Such annual reports shall also describe and summarize the results of the Office's investigations and the Office's other activities and performance during the prior calendar year.

Finally, such annual reports shall summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department during the prior calendar year, and the Superintendent's responses to such reports and recommendations.

2-78-151 Appearance before committee.

Within 45 days of issuance of the quarterly or annual report required in Section 2-78-150, the Chief Administrator or his designee shall appear at a hearing of the City Council Committee on Public Safety to respond to questions concerning such report.

2-78-155 Chief Administrator - conditions for removal from office.

Prior to serving a complete term, the Chief Administrator may be removed only for cause and in accordance with this Section. The Mayor shall give written notice to the Chairman of the City Council's Committee on Public Safety and the Chief Administrator of his intent to remove the Chief Administrator, and the reason for the proposed removal. Within ten days after receipt of the notice, the Chief Administrator may file with the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Chief Administrator shall be deemed to have resigned his

or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the City Council Committee on Public Safety shall convene a hearing on the cause for removal of the Chief Administrator, at which the Chief Administrator may appear, be represented by counsel, and be heard. The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. The Mayor's notice of intended removal shall constitute the charge against the Chief Administrator. Removal of the Chief Administrator for cause after the hearing shall require the affirmative vote of a majority of the members of the City Council.

2-78-160 Retaliation, obstruction or interference prohibited - penalty.

a) Retaliation. No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for reporting misconduct, making a misconduct complaint, conducting an investigation, complaining to officials, providing information, testimony or documents in an investigation, or cooperating with or assisting the Office in the performance of its powers and duties as set forth in this Chapter.

b) Obstruction or interference. No person shall wilfully refuse to comply with a subpoena issued by the Office, or otherwise knowingly interfere with or obstruct an investigation conducted by the Office.

c) Penalty. Any person who wilfully 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 ofthe Illinois Municipal Code, 65 ILCS 5/1-2-1.1.

2-78-165 Violation - penalty - discharge or other discipline.

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.

2-78-170 Rules and procedures.

The Chief Administrator is authorized to adopt such rules and procedures as the Chief Administrator may deem appropriate for the proper administration and enforcement of this Chapter. All such rules and procedures shall be adopted only

after posting of the rules and procedures proposed to be adopted on the Office website at least 30 days prior to the effective date of such rules and procedures. Upon adoption, the Chief Administrator shall maintain a copy of the rules and procedures on file at the Office, which copy shall be made available for public inspection during regular business hours. The Chief Administrator shall also publicly post such rules and procedures on the Office website, subject to any limitations imposed by applicable law.

2-78-175 Accountability.

The Chief Administrator and the Office are subject to review and audit by the Deputy Inspector General for Public Safety pursuant to Chapter 2-56 of the Municipal Code.

2-78-180 Transition.

Upon the Transition Date, the Chief Administrator of the Office and the Office, respectively, shall assume all rights and powers of the former chief administrator of the Independent Police Review Authority and the former Independent Police Review Authority. All books, records, property and funds relating to the former Independent Police Review Authority and such rights and powers are transferred to the Office. Without limitation, the Chief Administrator and the Office shall succeed the former Chief Administrator of the Independent Police Review Authority and the Independent Police Review Authority in administering and investigating all pending matters under the jurisdiction of the former Independent Police Review Authority, in addition to new matters within the jurisdiction of the Office pursuant to this Chapter.

2-78-185 Public policy.

The public policy of this chapter is to make certain that complaints concerning police misconduct and abuse are resolved fairly and timely. All collective bargaining agreements must be in accord with this policy.

SECTION 4. Delivery of necessary information. On or before the Transition Date, the incumbent Chief Administrator of the Independent Police Review Authority shall deliver to the Civilian Office of Police Accountability:

a) A list of all investigations then pending before the Independent Police Review Authority, together with a concise and accurate summary of each such investigation, including its status; and

b) A list of all complaints received by the Independent Police Review Authority that have not yet resulted in the opening of an investigation; and

c) All documents, records and files in the possession, custody or control of the Independent Police Review Authority; and

d) Any and all other materials and equipment, including but not limited to, information technology hardware and software, that were used to carry on the operations of the Independent Police Review Authority.

SECTION 5. Sections 2-56-010 and 2-56-030 of the Municipal Code of Chicago are hereby amended by deleting the struck-through text and adding the underscored text, as follows:

2-56-010 Establishment - Composition.

There is hereby established an office of the municipal government to be known as the office of inspector general, which shall include an inspector general and such deputies, 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 office of inspector general during each fiscal year shall be not less than ~~one~~ ~~tenth~~ fourteen hundredths of one percent (Orl 0.14%) of the annual appropriation of all funds contained in the annual appropriation ordinance, as adjusted. For purposes of this section, "as adjusted" means subtracting, before applying the percentage: (i) all funds for services to sister agencies pursuant to intergovernmental agreement as provided in Section 2-56-030, and (ii) all funds appropriated for pension payments above those amounts set forth in the appropriation ordinance for fiscal year 2014.

2-56-030 Inspector general - Powers and duties.

In addition to other powers conferred herein, the inspector general shall have the following powers and duties:

(Omitted text is unaffected by this amendment)

(1) To select, subject to the approval of the City Council, and supervise the Deputy Inspector General for Public Safety established by Sections 2-56-200 through 2-56-280 of this Chapter.

SECTION 6. Chapter 2-56 of the Municipal Code of Chicago is hereby amended by inserting new sections 2-56-200 through 2-56-280, as follows:

2-56-200 Public Safety Deputy - Definitions.

The following terms wherever used in sections 2-56-200 through 2-56-280 shall have the following meanings unless a different meaning appears from the context:

"Office" means the Civilian Office of Police Accountability established in Chapter 2-78.

"Police Board" means the Police Board established in Chapter 2-84.

"Police Department" means the Chicago Department of Police established in Chapter 2-84.

"Public Safety Deputy" means the Deputy Inspector General for Public Safety established in this Chapter.

"Superintendent" means the Superintendent of Police or the Superintendent's designee.

2-56-205 Public Safety Deputy - Establishment - Composition.

There is hereby established within the Office of the Inspector General a section to be known as the Office of the Deputy Inspector General for Public Safety, which shall include the Public Safety Deputy and such assistants and other employees as may be required to implement the Public Safety Deputy's powers and duties as set forth in Sections 2-56-200 through 2-56-280. The Public Safety Deputy shall be appointed pursuant to Section 2-56-220, and may be removed from office only for cause pursuant to Section 2-56-280.

2-56-210 Purpose

The mission of the Office of the Deputy Inspector General for Public Safety is to initiate reviews and audits of the Police Department, the Office and the Police Board with the goal of enhancing the effectiveness of the Police Department, the Office and the Police Board; increasing public safety, protecting civil liberties and civil rights; and ensuring the accountability of the police force, thus building stronger police-community relations.

2-56-220 Public Safety Deputy - Qualifications and Appointment.

(a) Qualifications.

The Public Safety Deputy shall have the following minimum qualifications:

i) An attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with substantial experience in law

enforcement oversight, preferably with a graduate degree.

ii) Knowledge of law enforcement, particularly of internal investigations of wrongdoing and use of force.

iii) A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties.

iv) Demonstrated integrity, professionalism, sound judgment, and leadership.

v) The ability to work with diverse groups and individuals.

The Public Safety Deputy shall not be a current or former employee of the Police Department, the Independent Police Review Authority, the Civilian Office of Police Accountability, or the Police Board.

b) Selection Process.

Within 15 days of the effective date of this Ordinance, and thereafter within 15 days of an actual or expected vacancy in the position of Public Safety Deputy because of death, resignation, removal, or the Inspector General's decision not to reappoint an incumbent Public Safety Deputy, the Inspector General 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 Public Safety Deputy. The organization shall submit the identities of these candidates, including resumes, qualifications, and statements detailing each candidate's credentials, to the Inspector General.

The Inspector General shall select and nominate the most qualified candidate for approval by the City Council. If the City Council rejects the candidate, the Inspector General shall select and nominate another candidate from the pool, until the candidate selected and nominated by the Inspector General is approved by the City Council.

c) Term.

The term of the Public Safety Deputy shall commence upon his approval by the City Council, and shall continue for the remaining term of the incumbent

Inspector General. Thereafter, the Public Safety Deputy's term shall be coterminous with the term of the appointing Inspector General. At the conclusion of a term, the incumbent Public Safety Deputy may be reappointed by a reappointed Inspector General, subject to approval by the City Council. If the incumbent Public Safety Deputy is not reappointed, the Inspector General shall select a new Public Safety Deputy pursuant to the process set forth-in this Section, subject to the approval of the City Council. The Public Safety

Deputy shall continue to serve until a successor Public Safety Deputy is approved by the City Council.

2-56-230 Public Safety Deputy - Powers and duties.

The Public Safety Deputy shall have the following powers and duties:

a) To conduct periodic analysis and evaluation of the results of all closed disciplinary investigations conducted by the Office and the Police Department to identify trends and summarize the number and results of such investigations, and to issue an annual report concerning such analysis and evaluation, and the performance of the police disciplinary system more generally;

b) To conduct reviews and audits of particular policies, procedures or practices of the Police Department, the Office, and the Police Board with respect to police disciplinary investigations and hearings, and to make findings and recommendations based on those findings to inform and improve future investigations and hearings;

c) To review and audit individual closed Office and Police Department disciplinary investigations, and to make findings and recommendations based on those findings: (i) to inform and improve future investigations and ensure that they are complete, thorough, objective, and fair; and (ii) if it finds a deficiency that it concludes materially affected the outcome of the investigation, recommend that the investigation be reopened;

d) To review and audit the Police Department's policies, practices, programs and training (i) with respect to constitutional policing, discipline and use of force, or (ii) that affect the Police Department's integrity, transparency, and relationship with City residents; and to make recommendations to the Superintendent and the Chairman of the City Council Committee on Public Safety to address problems or deficiencies or make improvements in such policies, practices, programs and training;

e) To review, audit and analyze civil judgments and settlements of claims against members of the Police Department, and to issue recommendations based on its findings to inform and improve or correct deficiencies in the conduct or operation ofthe Police Department;

f) To review and audit all sustained findings, disciplinary recommendations, and decisions made by the Police Department, the Office, and the Police Board, and any subsequent arbitration decisions, for the purpose of assessing trends and determining whether discipline is consistently and fairly applied, and determining whether final disciplinary decisions are being carried out;

g) To address community groups and inform the public on the mission, policies and ongoing operations of the Public Safety Deputy;

h) Subject to applicable law, to have full access to all information in the possession or control ofthe Police Department, the Office, the Police Board, and any other City department or agency in order to conduct any review or audit within the Public Safety Deputy's jurisdiction; and

(i) To set minimum qualifications and appropriate screening procedures for all persons to be considered for employment by the Office of the Deputy Inspector General for Public Safety, and to set appropriate staffing levels to carry out the powers and duties set forth herein.

The Public Safety Deputy shall have the authority to make recommendations, based on its reviews and audits, to the Police Department, the Police Board and the Office with respect to changes in policies, procedures, practices, operations, directives, training and equipment to address any deficiencies or problems or implement any improvements identified by its reviews and audits. The Public Safety Deputy is also authorized to make recommendations to other City departments and agencies that it determines are necessary or helpful to effect its recommendations as to the Police Department, the Police Board, and the Office.

2-56-240 Public Safety Deputy - Reports.

(a) Reporting the results of individual reviews or audits.

Upon concluding a review or audit, the Public Safety Deputy shall issue a written report setting forth its findings and conclusions and recommendations to the entity or entities that were the subject of the review or audit (i.e. the Police Department, the Police Board, and/or the Office). The report shall include:

(1) A description of the scope of the review or audit, the categories of information collected in connection with the review or audit, and the method of conducting the review or audit;

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2) The Public Safety Deputy's findings and conclusions, including findings or conclusions with respect to any problems, deficiencies, or improvements observed or discovered in the course of the review or audit;

3) The Public Safety Deputy's recommendations for addressing any problems or deficiencies, or implementing any improvements, described in the report; and

4) Such other information as the Public Safety Deputy may deem relevant to the review or audit, or its findings, conclusions, and recommendations.

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(b) Annual report.

The Public Safety Deputy shall publish an annual report that summarizes its reviews and audits conducted during the prior calendar year, and that reports on the Public Safety Deputy's analysis of information, including patterns and trends, during the prior calendar year, the outcomes of individual reviews or audits, and its recommendations during the prior calendar year. The annual report shall also report on the status of the Police Department's, the Police Board's, the Office's, and any other City department's or agency's adoption of the Public Safety Deputy's previous recommendations.

The Public Safety Deputy shall make all reports prepared under this Section publicly available in accordance with Section 2-56-250.

2-56-241 Appearance before committee.

Within 45 days of issuance of the annual report required in Section 2-56-240(b), the Public Safety Deputy or his designee shall appear at a hearing of the City Council Committee on Public Safety to respond to questions concerning such report.

2-56-245 Response to Recommendations by the Public Safety Deputy.

If the Public Safety Deputy's report includes recommendations concerning the Police Department, the Police Board, the Office, or another City department or. agency, that entity must submit a written response to such recommendation within 60 days of its receipt of the Public Safety Deputy's report. The response shall include either (1) a description of any corrective or other actions taken or to be taken in response to the recommendation, (2) the basis for rejecting the recommendation in whole or in part, or (3) a request for a 30-day extension for making its response if additional time is needed by the entity to respond to the recommendation. In addition, at the request of at least three aldermen, the

Chairman of the City Council Committee on Public Safety shall request that the head ofthe department or agency in question, or their designee,'appear at a hearing of the Committee on Public Safety to explain and respond to questions concerning such response.

2-56-250 Publication of the Public Safety Deputy's reports and responses to the Public Safety Deputy's recommendations.

Upon receipt of the response(s) to its reports and recommendations, the Public Safety Deputy shall promptly post the report and recommendations and all responses thereto on the Public Safety Deputy's website for public review and serve copies on the Mayor or his designee and the Chairman of the City Council Committee on Public Safety, except to the extent that information contained therein has been redacted because

it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law.

Neither the Public Safety Deputy nor the Police Department, the Police Board or the Office shall publicly disclose any recommendations or responses provided in Section 2-56-240(a) and Section 2-56-245 before the processes set forth in Section 2-56-245 are completed.

2-56-260 Public Safety Deputy - Cooperation in reviews or audits.

It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the Public Safety Deputy in any review or audit undertaken pursuant to sections 2-56-200 through 2-56-280.

2-56-270 Public Safety Deputy - Retaliation, Obstruction or Interference Prohibited - Penalty.

a) Retaliation. No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for providing information, testimony or documents to, or otherwise cooperating with or assisting the Public Safety Deputy in the performance of his duties.

b) Obstruction or interference. No person shall knowingly interfere with or obstruct a review or audit authorized by this Chapter and conducted by an announced employee of the Public Safety Deputy.

c) Penalty. Any person who wilfully 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 ofthe Illinois Municipal Code, 65 ILCS 5/1-2-1.1.

2-56-280 Public Safety Deputy - Conditions for removal from office.

Prior to serving a complete term, the Public Safety Deputy may be removed only for cause and in accordance with this Section. The Inspector General shall give written notice to the Mayor, the Chairman of the City Council's Committee on Public Safety, and the Public Safety Deputy of his intent to remove the Public Safety Deputy and stating the reasons for the proposed removal. Within ten days after receipt of the notice, the Public Safety Deputy may file with the Mayor and the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Public Safety Deputy shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the Chairman of the City Council's Committee on Public Safety shall convene a hearing on the cause for removal of the Public Safety Deputy, at which the Public Safety

Deputy may appear, be represented by counsel, and be heard. The hearing shall be convened within 21 days after receipt of the request for the hearing and conclude within 35 days thereafter. The Inspector General's notice of intended removal shall constitute the charge against the Public Safety Deputy. Removal of the Public Safety Deputy for cause after the hearing shall require the approval of the City Council.

SECTION 7. With the exception of Section 2 and Section 2-78-120(f) created in Section 3, this Ordinance shall take effect 10 days after its passage and publication. Upon this Ordinance's becoming effective, it shall be implemented, and the offices established thereby shall be created, promptly and in a coordinated fashion, with full implementation to be achieved as soon as possible after January 1, 2017, and no later than September 30, 2017. Section 2 shall become effective on the Transition Date. The Civilian Office of Police Accountability's jurisdiction and responsibility for complaints and investigations under Section 2-78-120(f) created in Section 3 shall become effective when the Chief Administrator provides notice to the Police Department's Bureau of Internal Affairs that the Civilian Office of Police Accountability has the personnel and other resources, and has completed any necessary training, to assume responsibility for such complaints and investigations.