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ORDINANCE

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

SECTION 1. Title 2 of the Municipal Code of Chicago is amended by creating a new Chapter 2-76, as follows:

CHAPTER 2-76 CHICAGO CIVILIAN OVERSIGHT COMMISSION

2-76-100 2-76-110 2-76-120 2-76-130 2-76-140 2-76-150 2-76-160 2-76-170 2-76-180 2-76-190 2-76-200 2-76-210 2-76-220
Definitions.
Establishment.
Purpose.
Powers and duties.
Membership.
Term.
Training.
Administration.
Operation and organization.
Meetings.
Annual report.
Self-evaluation.
Cooperation and coordination.

2-76-100 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 of the Civilian Office of Police Accountability or the Chief Administrator's designee.

"Department" means the Chicago Department of Police.

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

"Oversight Commission" means the Chicago Civilian Oversight Commission established in this Chapter.

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

"Public Safety Deputy" means the Deputy Inspector General for [1] Public Safety established in Chapter 2-56.

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

2-76-110 Establishment.

There is hereby established a board to be known as the Chicago Civilian Oversight Commission ("Oversight Commission"). The Oversight Commission shall also include an Executive Director and such other employees as required to perform the Oversight Commission's powers and duties as set forth in this Chapter. The Oversight Commission shall be located in a facility separate from the Police Department and the Office.

2-76-120 Purpose.

The purpose of the Oversight Commission is to improve public transparency and accountability with respect to the Police Department, the Office, the Police Board, and the Public Safety Deputy by providing robust opportunities for community engagement, ongoing analysis, and oversight of policies, practices, procedures, and to provide advice and recommendations to the Mayor, the City Council, the Police Department, the Office, the Police Board, the Public Safety Deputy, and to the community.

2-76-130 Powers and duties.

The Oversight Commission shall have the following powers and duties that it may undertake on its own or at the request of the Chairman of the City Council Committee on Public Safety, without interfering with Police Department, Office, Police Board, or Public Safety Deputy investigative functions:

a) Interview, assess the qualifications of, and make a recommendation of up to three candidates having the qualifications set out in Section 2-78-115 of this Code to the City Council Committee on Public Safety for the position of Chief Administrator;

b) Review, analyze, and, where appropriate, solicit input from and make recommendations to the Mayor, the Chairman of the City Council Committee on Public Safety, the Superintendent, the Chief Administrator, Police Board, and the Public Safety Deputy concerning operational policies and procedures that affect the community; make recommendations to create additional operational policies and procedures affecting the community, and be entitled to a written response from the entity to whom a recommendation is made;

c) Engage the Public Safety Deputy to investigate, analyze, and solicit input from the Superintendent concerning systemic Police Department issues or complaints affecting the community, and to make recommendations to the Oversight Commission, the Mayor, and the Chairman of the City Council Committee on Public Safety to address such issues or complaints;

d) Review policy recommendations that, in the judgment of the Oversight Commission, merit analysis, and to report to the Mayor and the Chairman of the City Council Committee on Public Safety, and, as appropriate, the Superintendent, the Chief Administrator, the Police Board, and the Public Safety Deputy as to whether such recommendations should be implemented. Such report shall contain an analysis supporting the recommendation and shall not be published until the Superintendent, the Chief Administrator, the Police

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Board, or the Public Safety Deputy, as appropriate, has had an opportunity to provide input concerning the recommendation;

2

e) At the request of the City Council, the Superintendent, the Chief Administrator, Police Board, the Public Safety Deputy, or community organizations, to mediate ongoing disputes between members of the community and the Police Department;

f) Provide a forum for the community to provide input on specific incidents involving the use of force, constitutional policing, or other civil rights concerns regarding the Police Department, to report such input to the Chairman of the City Council Committee on Public Safety, and, where appropriate, make recommendations informed by such input;

g) At the request of the Public Safety Deputy, to provide a forum for the community to provide input on issues under investigation by the Public Safety Deputy;

h) Make a written request to the Public Safety Deputy to review or audit particular policies, procedures or practices of the Police Department, the Office, or the Police Board, and to make findings and recommendations to improve future performance;

(i) Make a written request to the Public Safety Deputy 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;

(j) Make a written request to the Public Safety Deputy 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;

(k) Make a written request to the Public Safety Deputy 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;

(l) Evaluate work performed by the Public Safety Deputy undertaken at the request of the Oversight Commission;

(m) Serve as a liaison between the community and the Police Department by providing a forum to give input to the Police Department; seeking answers from the Superintendent to community concerns about the Police Department's operations, practices and activities; bringing an additional perspective to the Police Department's decision-making processes to ensure full consideration of ensuring public safety as well as constitutional, civil and human rights; and communicating community concerns to the Superintendent that otherwise might not be conveyed as clearly or go unnoticed;

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(n) Seek input from the Superintendent, the Chief Administrator, Police Board, or.the Public Safety Deputy, as appropriate, before publicly issuing any recommendations under this Section; and

3

(o) Serve in an advisory capacity to the City Council Committee on Public Safety, the Superintendent, the Chief Administrator, Police Board, and the Public Safety Deputy on matters of community concern.

2-76-140 Composition and membership.

a) The Oversight Commission shall be composed of nine commissioners.

b) Inaugural commissioners shall be selected as follows:

1) Five commissioners shall be appointed by the City Council Committee on Public Safety; and

i

2) The commissioners appointed by the City Council Committee on Public Safety shall recommend at least four candidates to the City Council Committee on Public Safety for appointment as commissioners. The City Council Committee on Public Safety may appoint one or more candidates as commissioner or request that the Oversight Commission recommend additional candidates.

Thereafter, the Oversight Commission shall recommend candidates to the City Council Committee on Public Safety at least 60 days before the expiration of a commissioner's term or upon a vacancy in office. The City Council Committee on Public Safety may appoint one or more candidates as commissioner or request that the Oversight Commission recommend additional candidates.

c) Commissioners shall have the following minimum qualifications:

1) Be a resident of the City of Chicago at the time of appointment and for the duration of their term. Failure to maintain residency in the City of Chicago is grounds for immediate disqualification"and removal from the Oversight Commission.

2) Employees and elected or appointed officials of the City of Chicago, its delegate agencies, and affiliated not-for-profit entities are ineligible to serve on the Oversight Commission.

3) A current employee of any law enforcement agency, including but not limited to a police or prosecutorial agency for a government entity, or any individual who has been an employee of such an agency within the previous five years is ineligible to serve on the Oversight Commission.

d) Commissioners shall be eligible to receive reasonable monetary allowance to be set from time to time by the City Council for each regular and special meeting of the Oversight Commission, up to a maximum per commissioner of $5,000.00 per fiscal year. Commissioners shall also be reimbursed for reasonable expenses incurred in performing duties in accordance with City of Chicago policies regulating reimbursement to City of Chicago officers and employees, including parking and transportation expenses incurred for attending meetings of the Oversight Commission.

4

2-76-150 Term.

' (a) Subject to subsection (b) of this section, each commissioner shall serve a three-year term, or until a successor is appointed. No commissioner may serve on the Oversight Commission for more than two full consecutive terms. The term for all commissioners shall begin on July 1st and end on June 30th.

(b) The Chairman of the City Council Committee on Public Safety shall divide the inaugural commissioners into three groups by a random selection process, with Group 1 serving an initial three-year term, Group 2 serving an initial two-year term and Group 3 serving an initial one-year term. For groups B and C, the initial term shall not be counted toward the restriction of two full year terms as described in Section 2-76 -150(a).

2-76-160 Training.

Each commissioner shall successfully complete a comprehensive training and orientation program within six months of appointment for each term. Failure to complete this program shall result in removal from office. The program shall be robust and) cover Constitutional policing, including such topics as use of force, firearms, mental health issues, juvenile justice, and patrol. Each commissioner shall also receive annual training on any changes in law and policy.

2-76-170 Administration.

The Oversight Commission may engage an Executive Director and such other employees as may be necessary to coordinate training programs for Oversight Commission members, maintain the Oversight Commission's website, coordinate publication of Oversight Commission reports, and perform such other administrative tasks as required by this Chapter or as the Oversight Commission may direct. The Executive Director and other employees of the Oversight Commission shall be designated in the current salary ordinance of the City of Chicago. The Commission shall also have the authority to engage outside consultants in accordance with applicable laws and policies, and subject to budget availability.

2-76-180 Operation and organization.

a) The Oversight Commission shall, with the advice of the Corporation Counsel, prepare and adopt rules for the conduct of its business. A copy of the rules shall be filed with the clerk and made available on the Oversight Commission's website.

b) At the first meeting in July, the Oversight Commission shall elect from its membership a chairperson, a vice chairperson, a secretary and such other officers as it deems appropriate. The Oversight Commission shall determine the procedures and methods by which the officers are elected and the term they are to serve. A chairperson, however, may only serve for two full consecutive one-year terms.

2-76-190 Meetings.

The Oversight Commission shall conduct regularly scheduled monthly public meetings in compliance with the Illinois Open Meetings Act, with a prepared agenda that is publicly posted on the Oversight Commission's website. The Oversight Commission shall allow for a period of

general public comment at each meeting, subject to rules governing such public comment adopted by the Oversight Commission. The Superintendent, the Chief Administrator, the President of the Police Board, and the Public Safety Deputy, or a knowledgeable senior ranking designee of each, shall attend and participate in all meetings of the Oversight Commission, including providing summary reports, responding to questions and recommendations, and providing updates on requested reviews, but shall not have voting rights.

2-76-200 Annual Report.

The Oversight Commission, shall prepare and submit to the City Council Committee on Public Safety, and make available to the public, subject to applicable privileges and protections, an annual report of the previous fiscal year. The annual report will be prepared and submitted no later than August 1st of each year. The annual report shall contain background information about the Oversight Commission, identify the commissioners, executive director, and senior staff members, detail the activities of the Oversight Commission during the previous year and provide contact information. The annual report will also detail Police Department policies, procedures or practices, if any, that were eliminated, modified or created due to the Oversight Commission's work. Budget requests for each fiscal year shall be made within the normal budget cycle followed by all City departments.

2-76-220 Cooperation and coordination.

All officers and employees of the City of Chicago shall cooperate with the Oversight Commission and, to the extent permitted by law, promptly supply copies of requested documents and records, so that other public officers and the Oversight Commission can fully and properly perform their respective duties.

SECTION 2. Chapter 2-78 of the Municipal Code of Chicago is amended by deleting the struck-through text and inserting the underscored text, as follows:

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:

(Omitted text is unaffected by this ordinance)

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

"Oversight Commission" means the Chicago Civilian Oversight Commission established in Chapter 2-76.

"Police Board" means the Police Board established in Chapter 2-84 of this Code. (Omitted text is unaffected by this ordinance)

6

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

The Chief Administrator shall be the chief executive officer of the 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 Indepe~~

The Chief Administrator shall be the chief executive officer of the Office, and shall be selected pursuant to the nomination process in Section 2-76-130(a) and appointment by the City Council Committee on Public Safety.

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 of force;

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.

(Omitted text is unaffected by this ordinance)

2-78-120 Chief Administrator - Powers and Duties.

The Chief Administrator shall have the following powers and duties:

(Omitted text is unaffected by this ordinance)

(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:

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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 Oversight Commission and to the Deputy Inspector General for Public Safetyv;

and

(v) To attend meetings of the Oversight Commission and provide summary reports, respond to questions and recommendations, and provide updates on reguested reviews.

(Omitted text is unaffected by this ordinance)

2-78-130 Decisions, recommendations.

(Omitted text is unaffected by this ordinance) (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 le~~ast ~~three aldermen, the Chairman of the City Council Committee on Public Safety~~ the Oversight Commission, shaft ~~request that~~ the Superintendent or his designee shall appear at a ~~hearing~~ meeting of the ~~Committee on Public Safety~~ Oversight Commission to explain and respond to questions concerning such response.

(Omitted text is unaffected by this ordinance)

8

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, the Oversight Commission, and the office of the City Clerk, a quarterly report providing information based on data through the end of the preceding month on: (1)

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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 Oversight Commission, 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.

(Omitted text is unaffected by this ordinance)

9

2-78-180 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, and shall promptly respond to requests for information and recommendations from the Oversight Commission.

SECTION 3. Chapter 2-56 of the Municipal Code of Chicago is hereby amended by inserting the underscored text, 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.

"Oversight Commission" means the Chicago Civilian Oversight Commission established in Chapter 2-76.

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

(Omitted text is unaffected by this ordinance) 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) Acting on its own initiative or in response to a written request from the Oversight Commission, T -e 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) Acting on its own initiative or in response to a written reguest from the Oversight Commission, T -e 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) Acting on its own initiative or in response to a written request from the Oversight Commission, T -e 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 of the Police Department;

f) Acting on its own initiative or in response to a written request from the Oversight Commission, T -e 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

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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 of the 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;

(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^ and

(j) To attend meetings of the Oversight Commission and provide summary reports, respond to guestions and recommendations, provide updates on the status of recommendations made to the Police Department, the Office, or the Police Board, and provide updates on reviews requested by the Oversight Commission.

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.

(Omitted text is unaffected by this ordinance)

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

11

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 Oversight Commission, ~~the Chairman of the City Council Committee on Public Safety shall request~~

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~~that~~ the head of the department or agency in question, or their designee, shall appear at a ~~hea~~**H**

(Omitted text is unaffected by this ordinance)

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$_A$ the Oversight Commission, 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.

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