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MUNICIPAL CODE OF CHICAGO Chapter 2-83 CIVILIAN POLICE ACCOUNTABILITY COUNCIL

ARTICLE I. ORGANIZATION AND ELECTION (2-83-010 et seq.) 2-83-010 Definitions.

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

- a) Coercion means the use of express or implied threats that put a person in immediate fear of the consequences in order to compel that person to act against his or her will.
- b) Department means the Chicago Department of Police.
- c) Police Board means the Police Board established by Chapter 2-84 of this code, as amended.
- d) Superintendent means the Chicago Superintendent of Police or his designated representative.
- e) Verbal abuse means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived race, color, sex, religion, national origin, sexual orientation, or gender identity of that person.
- f) Civilian Office of Police Accountability means the Civilian Office of Police Accountability established by Chapter 2-78 of this code, as amended.

2-83-020 Establishment-Composition.

There is hereby established an office of the municipal government to be known as the Civilian Police Accountability Council [CPAC]. The CPAC shall be composed of elected individuals, one from each set of two contiguous police districts in the City of Chicago. Each CPAC member shall have voting power in the council equivalent to the percentage of the population of the City of Chicago that his districts comprise. The initial contiguous districts shall be 4 and 5, 6 and 22, 2 and 3, 7 and 9, 8 and 10, 1 and 12, 11 and 15, 18 and 19, 14 and 25, 16 and 17, 20 and 24. The CPAC may change contiguous district configurations and the CPAC shall employ such deputies, assistants and other employees as may be provided for in the annual appropriation ordinance. The offices of the CPAC shall be located in a facility outside of the Department of Police. The CPAC shall appoint the Police Board whose sole duty is to hear disciplinary actions for which a suspension for more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and

employees of the police department in the classified civil service of the city. Chapter 2-78, Section 2-78-115, 2-78-

1200 as it relates to the Police Board, 2-78-120(m) as it relates to the Police Board, Section 2-78-115, 2-78-120(o) as it relates to the Police Board, Section 2-78-135 as it relates to the Mayor or his designee, Section 2-78-150(a & b) as it relates to the Mayor or his designee, Section 2-78-155, and Chapter 2-84, Article I, Sections 2-84-020 as it relates to the Mayor or his designee, 2-84-030 as it relates to nominating a superintendent of police and as it relates to adopting rules and regulations for the governance of the police department of the city, 2-84-040 as it relates to the Mayor or his designee, 2-84-050 as it relates to the police board, 2-84-053, 2-84-060 as it relates to the police board, 2-84-080 and Article IV, Sections 2-84-330, 2-84-350, 2-84-360, 2-84-380 and Article V, Sections 2-84-390 as it relates to the police board, 2-84-400 as it relates to the police board, 2-84-410 as it relates to the police board, 2-84-420 as it relates to the police board, 2-84-430, 2-84-490 as it relates to the police board, 2-84-500 as it relates to the police board, are herewith repealed. All duties of the mayor and police board that are herewith repealed shall be taken up by the CPAC. 2-83-030 **Civilian Police Accountability Council-Election to Office.**

Members of the CPAC shall be elected in a non-partisan election every four years at the same time and places of the elections that year as for Local School Councils in the Chicago Public Schools. CPAC Members shall serve a term of four years, and be paid the same base salary as Aldermen in the Chicago City Council.

Only individuals who meet the qualifications listed below shall be eligible for candidacy as a member of CPAC. Candidates can satisfy the requisite qualifications by possessing relevant personal experience. Nothing in this subsection shall be read to require that CPAC Members possess specific professional experience or academic credentials. Each candidate for CPAC must:

- 1) Reside within the Community Oversight District for at least one year before seeking the office;
- 2) **Have resided continuously in the City of Chicago for at least 3 years preceding the election in which the candidate is on the ballot;**
- 3) **Be at least 18 years old on the date of the election; and**
- 4) **Possess at least one of the following:**
 - i. **A minimum of 2 years of experience representing civil rights, activist, and organizing groups that focus on protecting the rights of young people, African-Americans, and/or Latinxs in their interactions with the police;**

ii. A minimum of 2 years of experience and/or expertise related to protecting the rights of immigrants;

iii. A minimum of 2 years of experience and/or expertise related to protecting the rights of people in Lesbian, Gay, Bisexual, Transgender, and Queer communities;

iv. A minimum of 2 years of experience and/or expertise related to protecting the rights of people in Muslim communities;

v. A minimum of 2 years of experience and/or expertise related to protecting the rights of people living with mental illness and other disabilities and their interactions with the police;

vi. A minimum of 2 years of experience and/or expertise related to protecting the rights of people who are homeless; or

vii. A minimum of 2 years of experience and/or expertise related to protecting the rights of people who have been victims of police misconduct and/or police brutality.

An individual shall NOT be eligible to run in any election for CPAC if the individual:

1) Has ever served as a law enforcement officer or had a family member, including the spouse, domestic partner, partner to a civil union or any of the following, whether by blood, marriage or adoption; parent, son, daughter, stepson, stepdaughter, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-sister, or first cousin, who has ever served as a law enforcement officer;

2) Has ever been employed by the Cook County State's Attorney;

3) Has ever been convicted of bribery, embezzlement, extortion, perjury, or other corruption related offenses; or

4) Fails to disclose any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the individual's performance as a council member, including but not limited to:

i. Whether the individual has ever been employed by the Independent Police Review Authority, the Civilian Office of Police Accountability, the Police Board, or the City of Chicago;

ii. **Whether any of the individual's immediate relatives have ever been employed by the Independent Police Review Authority, the Civilian Office of Police Accountability, the Police Board, or the City of Chicago; and**

iii. **Whether the individual has any personal or business relationship with any department, agency, or entity of the City of Chicago.**

Elected CPAC Members who move out of the contiguous police districts from which they were elected must resign. Vacancies on the CPAC shall be filled by the remaining members of the CPAC from candidates selected from within the contiguous districts of the missing member. The person selected by the CPAC to fill the vacancy will serve in the position until the next election. CPAC Members may not serve concurrently in any other elected office.

The signature requirement to be nominated on the ballot for election as a member of CPAC shall be 300 signatures of residents of the contiguous police districts of the candidate on a nominating petition that states that the candidate seeks nomination to election to Member of the Civilian Police Accountability Council from the contiguous police districts in which they live, and will state the address of the candidate.

To vote in the election for CPAC Member, a person must provide proof of age and residency in the contiguous police districts in which the person wishes to vote on the day of the election. Such proof of residency shall be the same as that required for voting in the election for Local School Council. Judges of election shall verify that the residence of the voter lies within the contiguous police districts for which the person is requesting a ballot utilizing a Geographic Information System Mapping application. Every person voting will have their thumb-print stained with an ink that is indelible for at least 48 hours. No person may vote more than once.

The CPAC, once established, may provide for voting in subsequent elections via the Internet as the Council sees fit.

A candidate for election shall not accept contributions of any kind from outside the district for which he or she is running.

ARTICLE II. POWERS AND DUTIES OF CPAC (2-83-040 et seq.) 2-83-040 Civilian Police

Accountability Council -Powers and duties.

The CPAC shall exercise the following powers: 1. Appoint a Superintendent of Police;

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2. Adopt rules and regulations for the governance of the Department of Police of the city;

3. Appoint members to the Police Board whose sole duty is to hear disciplinary actions for which a suspension for more than the 30 days expressly reserved to the Superintendent is recommended, or for removal or discharge involving officers and employees of the Police Department in the classified civil service of the city;

4. Select the Chief Administrator for the Civilian Office of Police Accountability (COPA) implementing the following process:

(a)

Conduct or direct, with the assistance of an independent search firm, a 90-day, nationwide search to identify and interview qualified candidates for the position. The search process should ordinarily begin at least six months before the expiration of the Chief Administrator's term, unless an incumbent is removed or resigns from office midterm. The top three candidates shall be identified by a majority vote of the CPAC by considering, at a minimum, the criteria outlined below. Within 48 hours of the vote identifying the top three candidates, their names shall be made public and the candidates' application materials shall be posted on a city-maintained website (after redacting any personal contact information and other private information, such as social security numbers).

(b)

To ensure that the Chief Administrator will be fair and impartial, and will be perceived as fair and impartial by civilians and members of the Department, candidates must possess, at a minimum, the following qualifications to be eligible for hire:

A commitment to the statement of purpose and policies described in this ordinance;

- 2) Absence of previous employment by any law enforcement agency or the Cook County State's

Attorney;

- 3) Demonstrated integrity, professionalism, sound judgment, leadership,

and management skills;

- 4) The ability to design and implement protocols that will result in fair and unbiased investigations;

- 5) Experience and expertise in conducting or supervising investigations;

- 6) Knowledge of relevant law and law enforcement practices, particularly of internal

investigations of wrongdoing and use of force;

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- 7) A juris doctor degree from an accredited law school and a minimum of five years of experience in the practice of law or in the criminal justice field; and

8) The ability to work with diverse individuals and constituencies including, but not limited to, people of all races, ethnicities, ages, immigrant or citizenship status, ability gender, sexual orientation, or gender identity; law enforcement; members of the press; and elected officials.

- c) Within 30 days of their selection, the top three candidates identified by the CPAC will be required to attend

at least two community meetings at times and locations to be determined by the CPAC. The CPAC shall ensure that the community meetings are widely promoted throughout the city. During these community meetings, the three finalists shall present their qualifications and vision for fulfilling the mission and responsibilities of the office. The meetings must include an opportunity for community members to ask questions of the candidates.

d) Prior to the community meetings described in (c), the CPAC shall establish a process for soliciting, analyzing, and publicizing community feedback on the finalists.

e) Within 14 days of the last community meeting, the CPAC, by majority' vote, will nominate a candidate for Chief Administrator to be presented to the City Council for confirmation.

f) The Chief Administrator shall be appointed for a term of four years. In the event that the Chief Administrator does not complete his or her term, or in the event the City Council fails to confirm an given nominee, the former Chief Administrator's First Deputy shall be appointed as interim Chief Administrator. The interim Chief Administrator shall serve in this position until the CPAC can complete the appointment process described above.

g) The CPAC, by a majority vote, may opt to recommend to retain the incumbent Chief Administrator upon the end of his or her term. Prior to making such a recommendation, the CPAC shall develop a process for receiving and considering feedback from the general public on the issue of whether the incumbent Chief Administrator should be retained. This process shall include at least one public hearing, and should begin at least nine months prior to the expiration of the Chief Administrator's term.

h) A person may not serve more than a total of three terms as Chief Administrator in his or her lifetime;

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5. The CPAC will be responsible for supervising the Chief Administrator of COPA. These responsibilities shall include:

a) Completing annual evaluations of the job performance of the Chief Administrator.

b) Reviewing, providing feedback, and approving the annual strategic plan of the Chief Administrator. The Chief Administrator shall submit its annual strategic plan for the agency for the upcoming year on or by September 15 each year. The Chief Administrator shall present its strategic plan at one of the CPAC's quarterly public meetings, at a date to be set by the CPAC, with advance public notice, for public and CPAC comment and feedback. The Chief Administrator shall modify his or her plan as appropriate to meet the CPAC's approval. The Chief Administrator's final plan must be approved by a majority vote of the CPAC.

c) Reviewing, providing feedback, and approving the quarterly reports of the Chief Administrator. The Chief Administrator shall solicit public feedback on his or her quarterly reports and recommendations at the CPAC's regularly

scheduled quarterly meetings.

d) The Chief Administrator shall present any proposed changes to COPA policies and procedures to the CPAC for public feedback at the CPAC's regular quarterly meetings. After obtaining feedback from the CPAC, public, and members of the Department, and making any modifications that the Chief Administrator deems appropriate, the Chief Administrator shall submit the proposed changes to the CPAC for vote. Policy changes shall be approved by majority vote of the CPAC.

e) Directing that the Chief Administrator Investigator conduct investigations into police misconduct.

f) Determining by majority vote whether cause exists to terminate the employment of the Chief Administrator.

Prior to serving a complete term, the Chief Administrator may be removed only for cause and in accordance with this section and 2-78-155. Following a majority vote to remove the Chief Administrator for cause, the Secretary of the CPAC shall give written notice:

1) to the Chairman of the City Council's Committee on Public Safety of the CPAC's intent to remove the Chief Administrator; and

2) to the Chief Administrator of the cause for the intended removal.

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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 the office as of the tenth day after receipt of the notice of intended removal. If such a request for a hearing is made, the City Council Committee on Public Safety shall convene a public 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 CPAC'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.

6. In those instances where COPA's investigation indicates that a member of the Department of Police has committed a crime, petition the Chief Judge of the United States District Court for the Northern District of Illinois to convene a Grand Jury if one is not already convened, and present COPA's findings of criminal activity to the Grand Jury to get an indictment for Deprivation of Rights Under Color of Law pursuant to 18 U.S. Code § 242;

7. Review, approve and submit to the City of Chicago the annual budget of the Department of Police;

8. Provide required educational opportunities for CPAC members to become familiar with citizens' United States and Illinois constitutional rights, learn law enforcement oversight techniques, and undergo victims' assistance, sexual assault and domestic violence certification training;

9. Establish officers, committees and subcommittees for the effective conduct of CPAC business;

10. Protect the rights guaranteed to the citizens of Chicago by the United States and Illinois Constitutions by hiring a CPAC Attorney and staff as needed to interpret the rights of the citizens, and to draft, as needed, legislation on behalf of CPAC and/or the City Council;

11. Review and sign off on all complaint investigations;

12. Review and sign off on all new Department of Police policies and special orders;

13. Disallow the use of the Department of Police by outside law enforcement agencies to commit crimes;

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14. Within financial guidelines set by the Chicago City Council, negotiate and approve contracts with the police unions;

15. Remap the City of Chicago police districts as needed as determined by the CPAC; and

16. Investigate all allegations of City of Chicago Police Department misconduct not investigated by COPA.

No officer or employee of the Police Department in the classified civil service of the city whose appointment has become complete may be removed or discharged, or suspended for more than 30 days, except for cause upon written charges and after an opportunity to be heard in his own defense by the police board.

Before any such officer or employee may be interrogated or examined by or before the COPA, the CPAC or any member or hearing officer designated by the CPAC, or any departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to counsel of his own choosing present to advise him at any hearing, interrogation or examination. A complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such officer or employee without charge and without delay.

Upon the filing of charges for which removal or discharge or suspension of more than 30 days is recommended, a hearing before the police board shall be held.

The CPAC shall establish rules of procedure not inconsistent with this section respecting notice of charges and the conduct of the hearings before the CPAC or any member or hearing officer designated by it. The CPAC, or any member or hearing officer designated by it, is not bound by formal or technical rules of evidence, but hearsay evidence is inadmissible in CPAC proceedings. The person against whom charges have been filed may appear before the CPAC, or any member or hearing officer designated by it,

with counsel of his own choice and defend himself; shall have the right to be confronted by his accusers; may cross-examine any witness giving evidence against him; and may through counsel present witnesses and evidence in his own behalf.

The CPAC or any member or hearing officer designated by it may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of

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relevant books and papers. All proceedings before the CPAC or any member or hearing officer designated by it shall be recorded. No continuance may be granted after a hearing has begun unless all parties to the hearing agree thereto. The findings and decision of the CPAC, including an explanation of those findings and decision, when approved by the CPAC, shall be certified to the Superintendent of Police and shall be enforced by the Superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted on the CPAC website within ten business days of the date of certification of such findings and decision to the superintendent, and shall remain posted on such website for at least two years. If any member of the CPAC dissents from the CPAC's findings and decision, such member shall state the reasons for his or her dissent. Such dissents shall be posted by the secretary on the CPAC website within ten business days of the date of certification of the CPAC's findings and decision to the superintendent, and shall remain posted on such website for at least two years.

In the designation of hearing officers, the CPAC shall select only attorneys licensed to practice law in the State of Illinois, with a minimum of five years' experience. Hearing officers shall conduct disciplinary hearings in accordance with the provisions of this chapter and the rules of procedures established by the CPAC. The hearing officer may take judicial notice, rule on offers of proof, receive relevant evidence during the hearing and certify the record and make findings of fact, conclusions of law and recommendations to the CPAC following the hearing.

No member of CPAC may participate in any disciplinary recommendation or action without having read the record upon which said recommendation or action is based.

Nothing in this section limits the power of the Superintendent to suspend a subordinate for a reasonable period, not exceeding 30 days.

In appointing a Superintendent of Police, the CPAC shall be governed in part by the professional and executive qualifications required for the position which shall be without reference to the residence of the candidate at the time of application. The CPAC shall evaluate new candidates until the position is filled.

The CPAC's power to adopt rules and regulations for the governance of the Police Department does not include authority to administer or direct the operations of the Police Department or the Superintendent of Police, except as provided in Section 12.1 of "An Act to regulate the civil service of cities," approved March 20, 1895, as amended.

The Superintendent of Police shall present any proposed changes to Department policies and procedures, and rules and regulations, to the CPAC for public feedback at one of CPAC's quarterly meetings. After obtaining feedback from the CPAC, public, and members of the Department, and making any modifications that the Superintendent deems appropriate, the Superintendent shall submit the proposed changes to the CPAC for vote. Policy changes shall be approved by majority vote of the CPAC.

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

Each elected member of the CPAC shall appoint two deputies who will serve with the member in the police stations of the contiguous police districts to which the member was elected. The deputies must be residents of the contiguous police districts. Each deputy will be paid the same base salary as a Chicago police officer. The member and the two deputies as a panel are empowered:

- a) To receive and register all complaints filed against members of the department in the CPAC member's district;
- b) To review all cases settled by the Department of Law in which a complaint register was filed against a member of the department in that district, and if, in the opinion of the CPAC member, further investigation is warranted, to conduct such investigation;
- c) To conduct investigations in a manner consistent with the rules and regulations established by the CPAC and all Department operating procedures, general orders, collective bargaining agreements, and other applicable laws and regulations;
- d) To make recommendations to the Superintendent of Police concerning the appropriate disciplinary action against members of the Department in that district who have been found to be in violation of Department rules and regulations, or in violation of any of the laws of the State of Illinois or ordinances of the City of Chicago;
- e) To make recommendations to the CPAC concerning revisions in policy and operating procedures to increase the efficiency of the Department;
- f) To request information related to an investigation from any employee or officer of the district;
- g) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication;

- (h) To address police personnel and community groups on regulations and operations of the

CPAC;

(i) To be on call 24 hours a day, seven days a week to handle immediate complaints lodged against the Department in that set of contiguous police districts;

0 To suspend the police powers of any officer involved in a shooting pending a complete investigation; and

(k) To sit in on officer performance evaluations. The CPAC member may also facilitate:

a) Restorative circles and justice;

b) Mediation - The CPAC member shall have the authority to develop a mediation program, informed by national best practices that engage both complainants and accused police officers, aimed at resolving civilian complaints, except that no incident involving an allegation of use of force, sexual assault, rape, sexual misconduct, the discharge of a firearm, or the discharge of a stun gun, Taser or any other weapon police use to inflict pain and induce compliance shall be mediated;

c) Station adjustments;

d) Community accommodation awards;

e) Random monitoring of police vehicle surveillance recording equipment; and

f) **CPAC attendance at all roll calls. 2-83-050 Subpoena**

issuance.

The CPAC or any member or hearing officer designated by it 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 of the subpoena.

ARTICLE III. DISCIPLINE AND INVESTIGATIONS (2-83-060 et seq.) 2-83-060 Decisions; recommendations.

a) If the CPAC district panel or any member or hearing officer designated by it issues a recommendation of discipline against one or more members of the district, the Superintendent must respond to such recommendation within 90 days. The response

must include a description of any disciplinary action the Superintendent has taken with respect to the member in question.

b) If the Superintendent did not take any disciplinary action, or took a different disciplinary action than that recommended by the CPAC district panel or any member or hearing officer designated by the CPAC, the Superintendent must describe the different action and explain the reasons for the different action in the written response. The Superintendent's response shall include, but is not limited to, the following reasons for taking a different action:

- i) an analysis of the employee's work history, including any prior disciplinary actions, any prior complaints filed against the employee, and/or any prior complimentary history;
- ii) the superintendent's professional opinion with regard to the case;
- iii) the existence of any lawsuits arising out of the performance of police duties to which the employee has been a named party, and the outcome of such lawsuits, including those in which the employee has been exonerated; and
- iv) any evidentiary concerns with regard to the investigation.

This response must be submitted to the CPAC district panel or any member or hearing officer designated by it within the 90-day decision period.

c) If the superintendent fails to respond to the recommendation within the 90-day decision period, such recommendation shall be deemed to be accepted by the superintendent.

d) Nothing in this section shall limit the superintendent's ability to impose any additional discipline than that recommended by the CPAC district panel.

e) If the CPAC district panel and the superintendent fail to agree on the discipline to be imposed, the matter shall be referred to the full CPAC for resolution. The decision of the CPAC is final, but appealable to the Circuit Court of Cook County.

f) If the CPAC district panel determines that a civilian's complaint is without merit, the civilian may appeal that ruling to the CPAC for reconsideration. The decision of the CPAC is final, but appealable to the Circuit Court of Cook County.

2-83-070 Investigations.

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

a) To conduct investigations into incidents not investigated by COPA that include any complaint against members of the Department concerning domestic violence, excessive force, illegal search or seizure, false arrest, coercion, and verbal abuse, rape, sexual assault, sexual misconduct, First Amendment violations, denial of access to an attorney, phone, family member, or other visitor while in police custody, other Fifth Amendment violations, biased police practices, or unjustifiably killing or injuring an animal;

b) To conduct investigations into the conduct of members of the Department concerning any investigative category, even in the absence of a civilian complaint, when, based on information and belief, the CPAC determines such investigation is warranted;

c) To instruct the Chief Administrator of COPA to conduct investigations into all cases in which a Department member discharges and/or uses his or her firearm, stun gun, or Taser, or any other weapon police use to inflict pain and induce compliance in a manner which potentially could strike an individual even if no allegation of misconduct is made;

d) To instruct the Chief Administrator of COPA to conduct investigations in all cases in which a civilian dies and/or sustains a suspicious injury or any injury that requires medical attention in police custody or as a result of an interaction with the police, even if no allegation of misconduct is made, to identify these instances through a review of the Department's tactical response (use of force) reports and when possible, through information sharing agreements negotiated with relevant entities, including, but not limited to, the Cook County Jail, the Cook County Public Defender's and State's Attorney's Offices, and the Illinois Department of Corrections;

e) To instruct the Chief Administrator of COPA to conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made;

f) To investigate the facts stated in all lawsuits that allege a member of the Department engaged in excessive force, sexual misconduct, a false arrest, or illegal search or seizure, and/or committed another civil rights violation or tort. CPAC shall not require that civilian plaintiffs in such litigation submit a sworn complaint prior to launching an investigation; review all cases settled

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by the department of law in which a complaint register was filed against a member of the department, and if, in the opinion of the Chief Administrator, further investigation is warranted, to conduct such investigation;

g) To investigate any other violation of police Rules and Regulations, policies and procedures, or the United States Constitution that may have occurred in any incident under investigation by the CPAC;

h) To request information related to an investigation from any employee or officer of the city and to execute information sharing agreement;

(i) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication;

(j) To compel prompt statements from members of the Department and to re-interview Department members as needed;

(k) To collect and preserve physical evidence related to matters under investigation by the CPAC;

(l) To compel members of the Department to immediately submit to tests for substances, physical evidence, and DNA, including, but not limited to, breath, blood, urine, and DNA tests.

(m) To conduct investigations concurrently with any criminal investigation that may result from a matter under investigation by the CPAC;

(n) To play an active role in the community, perform community outreach, publicize the civilian complaint process, and identify locations within that are suitable for civilians to file complaints online, via the telephone, and in community-based environments free from police presence;

(o) In conjunction with COPA, to analyze policing trends and patterns related to the CPAC's investigative jurisdiction, including but not limited to: officer use of force; police shootings; use of Tasers or any weapon used to inflict pain and/or to gain compliance; citizen complaint log numbers; and racial, ethnic, gender, sexuality, or geographic biases in policing;

(p) In conjunction with COPA, to conduct regular analyses of citizen complaints, use of force, lawsuits, and other relevant data to identify individual and groups of officers who may be engaged in a pattern of misconduct, and to initiate disciplinary investigations into the conduct of those identified officers;

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(q) In conjunction with COPA, to examine the disciplinary and complaint history and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation;

(r) To maintain and regularly update a website that makes public the information described in this ordinance and to identify' and execute other methods of widely disseminating to the general public information about the work of the CPAC;

(s) To administer the office including, but not limited to, the hiring, terminating, training, and supervision of all employees in conformity with the requirements of this ordinance; and

(t) To maintain permanent in-house legal counsel to advise the CPAC on legal issues and to represent the CPAC's Office in legal and administrative proceedings, including those to enforce the CPAC's subpoenas, and to prosecute or defend the CPAC's investigative, disciplinary, and policy recommendations.

2-83-080 Proactive Policy and Pattern Analysis and Investigations

The CPAC shall appoint a full time employee as Director of Policy and Practice Analysis and Investigations to, in conjunction with COPA, analyze policing trends and patterns related to the CPAC's investigative jurisdiction and to launch disciplinary investigations into Department members who may demonstrate a pattern of misconduct and/or non-compliance with Department policy. The CPAC has the discretion to treat as confidential any proactive disciplinary investigation initiated and

supervised by the Director of Policy and Practice Analysis and Investigations, and his or her staff, for as long as the CPAC deems necessary during the investigation.

If the CPAC or any member or hearing officer designated by it, does not conclude an investigation within six months after its initiation, the CPAC or any member or hearing officer designated by it, shall notify 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 failure to complete the investigation within six months. The investigation will end only at CPAC's discretion.

Five years from the effective date of this ordinance, and every five years thereafter, the CPAC shall issue a request for a proposal for a complete evaluation of the entire police oversight process. The evaluation shall be completed by an independent, third-party entity that has experience conducting evidence-based evaluations of police oversight bodies. The evaluation will assess the overall effectiveness of Chicago's system of police oversight, the roles of the individual police

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oversight bodies, and make recommendations for improvement. The evaluations shall be publicly disseminated and posted on the CPAC's website. 2-83-090 Cooperation in investigations.

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the CPAC or any member or hearing officer designated by it, in any investigation or hearing undertaken pursuant to this chapter. Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter. 2-83-100 Retaliation prohibited-Penalty.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the CPAC or any member or hearing officer designated by it, in the performance of his or her office. Any person who violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation. 2-83-110 Community Input, Engagement and Outreach

The CPAC shall appoint a full time employee as Director of Community Engagement to develop and implement a program of community outreach aimed at soliciting public input about police practices and the work of the CPAC from a broad segment of the community in terms of age, race, gender, gender expression, sexual orientation, neighborhood, ethnicity, and socio-economics. The Director of Community Engagement will also be responsible for assisting the CPAC to widely disseminate information regarding the activities of the CPAC including information about how individuals can file complaints, the investigative process, know-your-rights-training aimed at informing individuals about the types of police conduct the CPAC is authorized to investigate, and information about the policy audit and data collection activities undertaken by the CPAC.

The Director of Community Engagement shall hold a regular meeting at least once a quarter. All regular meetings shall be public. The Director shall make reasonable efforts to ensure that public hearings are widely accessible, and shall post notice of each

meeting, along with a proposed agenda, on the CPAC's website at least 7 days prior to each meeting. The Chief Administrator of COPA, the President of the Police Board and the Superintendent of Police shall attend these meetings and provide to the CPAC and general public updates on activities as requested by the CPAC, and answer questions from the CPAC and general public.

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The CPAC 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.

On the petition of more than 3,000 residents of the City of Chicago filed in the office of the City Clerk, the Director shall hold a special Citizens' Meeting for the purpose of responding to the petition. The petition shall set forth with particularity the issues of concern, which may include policies, practices, training, supervision, or equipment of the Police Department or Police Oversight Entities; the need for an investigation, analysis, or audit; or other issues of public concern. The petition may require the Police Superintendent, the Deputy IG and/or the Chief Administrator of COPA to be present at the meeting to address the issues raised in the petition. The petition may contain no more than 20 questions in total that may be directed to the CPAC, Police Superintendent, the President of the Police Board, the Deputy IG and/or the Chief Administrator of COPA. The CPAC, Police Superintendent, the President of the Police Board, the Deputy IG and/or the Chief Administrator of COPA must respond to the questions in the petition during the Citizens' Meeting, subject to the Freedom of Information Act and privacy laws. The Director must hold the Citizens' Meeting within 14 days of the petition's filing. The Citizens' Meeting must be conducted in accordance with the Open Meetings law and the CPAC must widely disseminate, to the general public, information about the meeting date, time, and location.

The CPAC shall appoint staff sufficient to ensure that all civilian complaints are assigned a complaint support specialist, who shall provide support to civilians throughout the complaint and investigative process. Such support services shall include, but are not limited to providing complainants with regular updates regarding the status of their complaints, counseling complainants regarding the investigative process and outcomes, and providing referrals to outside sendee providers whenever necessary.

As a part of the Director's duties, he or she shall develop a civilian feedback process that seeks feedback from civilians who interact with the CPAC on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from the CPAC, their treatment throughout the investigation, the investigator's sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall

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also seek suggestions to improve the civilian's experience. The Director shall publish the results of those surveys in the CPAC's annual report.

ARTICLE IV. CPAC REPORTS (2-83-120 et seq.) 2-83-120 Final Summary Reports-

Open to public inspection. Transparency.

All final summary reports of the CPAC and COPA 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, the applicable collective bargaining agreement, or any other applicable law.

It shall be the policy of the CPAC to make all of its work available to the public in order to promote accountability and transparency. The CPAC shall keep the public informed of its investigations and their progress, and the CPAC shall ensure transparency throughout the entire investigative process.

The CPAC must collect and post information on its website about pending investigations. Specifically, within 10 days of intake, the CPAC must publish on its website the information that triggered an investigation, including a copy of a civilian complaint, lawsuit, document reporting a suspicious injury, or a summary of any other information that triggered an investigation. The CPAC must regularly update both the complainant and the website as to the status of the investigation.

When the Superintendent rejects, disputes, or agrees with a finding or outcome recommended by the CPAC, the complete written explanation must be published on the website along with the public investigation history. All such updates should also be published to a live time-stamped data feed. All current and historic public information pertaining to all complaints or investigations must be accessible through a well-documented API or data feed (i.e., Rich Site Summary, RSS) that conforms to open data standards

The CPAC shall maintain a database which contains the complete complaint and disciplinary history for each Department member. The database shall include, but is not limited to, the following for each member of the Department: 1) any and all police misconduct investigations; 2) complete disciplinary history; 3) all tactical response reports; 4) civil lawsuits and relevant motions to suppress in criminal cases; and 5) assignment histories. The database shall be expanded to include any other relevant information. The CPAC shall be provided full administrative access to all databases maintained by the Chicago Police Department and COPA.

In addition, the CPAC shall maintain full administrative rights to an electronic database that is independent from databases used by the Department. It shall maintain the data in a format that allows efficient exporting of data. These data shall be posted live on the CPAC's website in delimited machine-ready format for public inspection. The data sets shall redact the names and other

identifying information of civilians, including complainants. The database must, at a minimum, include the information described throughout this section.

Within 10 days of its availability, the CPAC shall post on its website the following information for each investigation conducted by COPA and CPAC:

- 1) The log or complaint number;
- 2) The beat number in which the complaint incident took place;
- 3) Location of incident reduced to hundred block;
- 4) Date and time of the incident;
- 5) Date the incident was reported to the COPA and/or CPAC and/or otherwise came to the CPAC's attention;
- 6) Whether video of the incident exists;
- 7) Date the investigation was completed;
- 8) Name, race, and gender of the assigned Investigator(s), and date of Investigator's appointment in COPA's or CPAC's office;
- 9) For civilian complaints, whether the complaint was accompanied by a signed affidavit;
- 10) For each Department member who is a subject of the investigation:
 - a. Name;
 - b. Badge Number;
 - c. Unit of assignment at the time of complaint;
 - d. Race;
 - e. Gender;
 - f. Year of birth;
 - g. Date of Appointment to the Chicago Police Department;
 - h. Rank at the time of complaint;
 - i. On or off duty at time of incident;
 - j. In police uniform or plain clothes;
 - k. Number of previous log numbers against officer within 10 years of incident;

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l. Number of previous sustained log numbers against officer within 10 years of incident.

m. All complaint category codes for the incident under investigation; n. The COPA'S and/or CPAC's recommended outcome of the

investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated);

- o. The COPA'S and/or CPAC's recommended discipline;
- p. The Superintendent's recommended outcome of the investigation of each

complaint;

- q. The Superintendent's recommended discipline; r. The final outcome of the investigation; s. The final discipline imposed;

11) For each witness officer:

- a. Name;
- b. Badge number;
- c. Gender;
- d. Race;
- e. Year of Birth;
- f. Unit of assignment on date of complaint incident;
- g. Rank on date of complaint incident;

12) For each civilian involved in an incident under investigation:

- a. Race;
- b. Gender;
- c. Age at time of complaint;

13) In addition to the information detailed above, the CPAC shall also post the following information within 10 days of its availability in every investigation of a Department member's discharge or other use of a firearm, stun gun, Taser, or any other device capable of inflicting pain or injury:

- a. The type of incident (e.g., Taser, shooting with hits, shooting without hits, etc.);
- b. The log number, "U" number, or any other tracking number used by the CPAC;
- c. For each shooting officer:
 - i. The type of weapon used (if firearm, type and brand)

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- ii. Number of shots fired;
- iii. The range at which the weapon was fired;
- iv. For Taser incidents, the duration that the device was deployed and the

number of cycles;

- d. Injuries sustained by any officer on the scene;
- e. For each target or victim of the weapon:
 - i. Type of animal targeted or victimized;
 - ii. If person is targeted or victimized, the CPAC shall also post the

individual's:

- 1. Gender;
- 2. Race;
- 3. Age at time of incident;
- 4. Any weapon possessed;
- 5. The point at which any bullet impacted the subject;
- iii. Any medical care provided;
- iv. Injuries sustained;
- v. Whether person or animal was killed.

The CPAC shall also strive to post on its website any video of an incident that is the subject of its investigation, after redacting any parts capturing events within private areas, such as inside a person's home, or that would violate clearly established rights to personal privacy, within 48 hours of the incident, unless the release would seriously compromise the integrity of COPA's or CPAC's investigation. If CPAC withholds video, it must articulate and publish the reason that the release would seriously compromise the integrity of the investigation, and shall post the video as soon as possible after the 48-hour-period, but under all circumstances, CPAC's posting of the video must occur within 14 days of the incident.

The CPAC shall post on its website any "911" records or records of police radio communications or data transmissions related to the incident within 10 days of their availability. The CPAC shall also release lab test results, police reports, and other information, after redacting any private material, so long as the release would not seriously compromise the integrity of the COPA's or CPAC's investigation.

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Within 10 days of completing each investigation, the CPAC must post on its website the summary report of investigation, and provide a copy of the summary report of investigation to any complaining witness.

Summary Reports for complaints that are not supported by an affidavit-if an affidavit is required by state law-must include a detailed record of any attempts to contact the complainant to obtain an affidavit as well as a detailed record of the preliminary investigation, including any attempts to obtain sufficient evidence to continue the investigation.

Notwithstanding any other provision of this ordinance, CPAC is prohibited from releasing to the public the civilian names and identifying information without their consent. CPAC shall provide any alleged victim in a sexual misconduct, sexual assault, rape or domestic violence investigation with the option to keep confidential the specific details of the complaint and specifics of the investigation from the Summary Reports made available to the public. CPAC is otherwise authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.

CPAC shall permanently retain and shall not destroy any records related to its investigations. 2-83-130 Quarterly Reports - Open to public inspection.

All reports, investigations, policies and procedures of CPAC and COPA shall be open to public inspection, except to the extent that information contained therein is exempt from disclosure by the Illinois Freedom of Information Act, or any other applicable law. All investigations, audits, surveys, and policy evaluations and recommendations conducted by CPAC and COPA shall be released publicly at the time of completion and will be published on the website of CPAC's office and remain available on the website permanently. All data sets associated with each investigation, audit, survey, and policy evaluation and recommendation will be released publicly on the website of CPAC 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, but in no event may they be destroyed.

CPAC shall issue an annual report. The annual report must include a detailed summary of CPAC's and COPA's activities during the year and shall include the following information:

- 1) A summary report for each investigation completed during applicable time frame;
- 2) A summary of all activities undertaken related to community input, engagement, and outreach, including the results of the customer feedback survey described above; and

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3) A detailed annual statistical analysis that will help the general public understand the work of CPAC and COPA. Wherever possible, CPAC must aggregate the data by investigative category and the demographics of the involved civilians and Department members. The analysis shall include, but is not limited to, data related to the following:

- a. Total number of civilian complaints received;
- b. Total number of civilian complaints referred to internal affairs;
- c. Total number and type (e.g., excessive force, false arrest, illegal search, domestic violence, sexual misconduct, rape, sexual assault, coercion, First Amendment, denial of access to counsel, other Fifth Amendment, etc.) of investigations opened;
- d. Total number and type of investigations completed;
- e. Total number and type of investigations that remain open;
- f. Number and type of investigations resolved by mediation;

- g. Investigative outcomes (e.g., sustained, not sustained, etc.) of completed investigations aggregated by type of complaint;
- h. Department member disciplinary recommendations aggregated by type of investigation, amount of discipline, and the demographics of involved civilians and involved Department members;
- i. A comparison of the disciplinary recommendations made by the CPAC to those of the Superintendent and those actually imposed, aggregated by type of investigation and the demographics of involved civilians and Department members;
- j. Total number of firearm discharges, aggregated by the demographics of involved civilians and Department members and resulting injuries or fatalities;
- k. Total number of non-firearm weapon discharges, aggregated by type of weapon, demographics of involved civilians and Department members and resulting injuries or fatalities;
- l. Data regarding the racial, ethnic, gender, and geographic demographics of the civilians and Department members involved in each investigation;
- m. Unit by unit analysis of investigations by type and outcome (including disciplinary and/or training recommendation);
- n. List of Department members with more than 10 misconduct complaints filed against them within 5 years of the reporting period, including for each Department member name,

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badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed against the member.

2-83-140 Quarterly reports to legislative and executive branches.

No later than the fifteenth day of January, April, July and October of each year, the CPAC or any member or hearing officer designated by it, shall file with the Office of the City Clerk and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating: (1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any complainant, the number of complaints filed against each police officer in each district since the last report; (8) the number of complaints referred to other agencies and the identity of such other agencies; (9) the number of complaints in the last 30, 60, and 90 days, and the last 6 months; (10) the number of

complaints referred or appealed to CPAC; (11) a demographic breakdown of the complainants, including but not limited to race, sex, or age; and (12) a breakdown by complaint type. Such reports shall be open for public inspection and shall be posted on the city's website.

ARTICLE V. REMOVAL FROM OFFICE AND PENALTIES (2-83-150 et seq.) 2-83-150 CPAC-Conditions for removal from office.

Members and employees of the CPAC shall be subject to Title 2, Chapter 2-55 of the Municipal Code of the City of Chicago, the Office of the Legislative Inspector General. 2-83-160 Obstructing or interfering with investigations-Penalty.

No person shall wilfully refuse to comply with a subpoena issued by CPAC or any member or hearing officer designated by it, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of CPAC. Any person who wilfully violates the provisions of 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, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and

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prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

2-83-170 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 discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

2-83-180 Rules and regulations.

The CPAC, or any member or hearing officer designated by it, is authorized to adopt such rules, regulations and procedures as it may deem expedient for the proper administration and enforcement of the provisions of this chapter. 2-83-190 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.

ARTICLE VI. BUDGET (2-83-200 et seq.) 2-83-200 CPAC Budget, Staffing, and Independent Evidence Analysis Requirements

Each fiscal year, the City Council shall appropriate an amount that shall not be less than one and-a half percent (1.5%) of the annual appropriation of the Department available to pay for the expenses of the CPAC. The CPAC must maintain at least one full-time investigator licensed by the Illinois Department of Financial and Professional Regulation for every 100 sworn officers in the Department.

Investigators employed by the CPAC may not have previously been employed by the Department and/or the Cook County State's Attorney. Investigators should broadly represent the diversity and demographics of the City by way of, including but not limited to, racial, ethnic, gender, and geographic diversity. y

Alderman, 5th Ward

Alderman, 35th Ward

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