



Office of the City Clerk

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Legislation Text

File #: O2022-925, **Version:** 1

ORDINANCE

WHEREAS, The City of Chicago ("City") is a home rule municipality as described in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City established by ordinance at Chapter 2-84 of the Municipal Code of Chicago a Department of Police ("CPD") to protect the health, safety, and welfare of its residents; and

WHEREAS, This ordinance also establishes District Councils for the purposes of building connections between CPD and the community; collaborating in the development and implementation of community policing initiatives; ensuring regular community input for Commission efforts; ensuring that within each police district there is a forum where district residents can raise and work to address any concerns about policing in the district, including, but not limited to, police interactions with youth and people of all immigration statuses; and ensuring the independence and increasing the legitimacy of the Commission by participating in the selection of its members; now, therefore,

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

SECTION 1. A binding referendum in accordance with the terms of this Section shall be placed on the ballots of the February 28, 2023 Chicago consolidated primary elections to be voted on by all electors in the City of Chicago. The referendum on the ballot shall read:

Shall the City of Chicago change the Community Commission for Public Safety and Accountability, currently a 7-member appointed body established by Chapter 2-80 of the Municipal Code of the City of Chicago that oversees the Chicago Police Department (CPD), into an 11- person body, consisting of 9 Commissioners, first elected at the April 4, 2023 consolidated election, and 2 appointed Commissioners, and expand the Commission's powers pursuant to

Section 2 of Ordinance Number _____ adopted by the City Council on _____, including by giving the Commission authority over the following: (i) CPD budget; (ii) hiring and firing (for cause) the Superintendent of Police and members of the Police Board; (iii) the drafting and approval of CPD, police board, and COPA policies; and (iv) the negotiation and execution of police union contracts, in addition to the powers the Commission already has or that are listed in Chapter 2-80 of the Municipal Code of the City of Chicago?

[J YES

SECTION 2. Upon passage of the referendum established by this ordinance:

(a), The Community Commission for Public Safety and Accountability shall have the following powers, in addition to powers granted under Chapter 2-80 of the City Code:

to create (in collaboration with CPD) and approve the CPD Budget, which the Mayor and City Council shall make part of the annual appropriations ordinance;

- ii. to negotiate contracts with members of CPD and their collective bargaining representatives and to execute such contracts on the City's behalf;
 - iii. to appoint, and remove for cause, the CPD Superintendent, who shall serve 3-year terms (starting with the date of their appointment) subject to renewal by the Commission;
 - iv. to appoint members of the Police Board and to remove them for cause;
 - v. to draft, collaborate on, and approve all rules, regulations, directives, orders, policies, and procedures of COPA, the Police Board, and CPD;
 - vi. to issue subpoenas to compel the attendance, testimony, and production of relevant information by a witness;
 - vii. to maintain permanent in-house legal counsel and to retain outside counsel to advise on legal issues and to perform other legal work;
 - viii. to appoint 2 Appointed Commissioners, representing Marginalized Communities as defined in Chapter 2-80 of the City Code, based on the recommendations of the Local District Councils as outlined in the City Code;
 - ix. to introduce to City Council ordinances that would improve public safety and police accountability;
 - x. to make appointments to fill vacancies in local District Councils with the advice and consent of City Council;
 - xi. to appoint COPA, instead of the City's-Corporation Counsel, to prosecute cases of police misconduct in front of the Police Board in order to reduce conflict of interest and increase transparency; and
 - xii. to adopt rules and procedures for the conduct of its own business and to carry out its other powers.
- b) The 9 elected commissioners shall be divided equally among the South Side, North Side, and West Side (3 each) as defined in Chapter 2-80 of the City Code, and shall be elected by the electors within those areas.
- c) The terms of all Commissioners who were not elected shall be set to end on the day in 2023 that the new term of the City Council begins. Elected Commissioners shall assume office on that same day. The Commission shall appoint the two additional Commissioners on or before the first Monday of August on odd years.
- d) Elected Commissioners shall serve four-year terms, with a maximum of 3 total terms. Elected Commissioner terms begin and end at the same time and day as regular Aldermanic terms. Appointed commissioners shall serve two-year terms, with a maximum of 4 total terms. Appointed Commissioner terms shall begin and end on the first Monday of August in odd years.
- e) Appointed Commissioners shall be selected in accordance with the process established in Chapter 2-80, except that the Commission shall replace the Mayor as the appointing authority.
- (f) Once appointed, and unless otherwise noted in this ordinance, appointed Commissioners

shall have the same powers and duties as elected Commissioners, except that their vote shall not be taken or counted if the vote is to renew their appointment or remove them from office.

g) Elected Commissioners may not be removed from office by the Corporate Authorities. Appointed Commissioners may only be removed by a two-thirds vote of the Commission.

h) In elections for Commissioners, electors shall be instructed to vote for up to three candidates. Other than the first election, the elections shall be held at the same time as the consolidated primary and shall be non-partisan, and the three candidates with the highest number of votes shall be declared the winners and shall assume office in accordance with this ordinance.

(i) Candidates for the Commissioner shall: (i) have resided in the area they seek to represent (North Side, South Side, West Side) for at least one year prior to the election; (ii) have resided in Chicago for at least 3 years prior to the election; (iii) be 18 years or older on the date of the election; and (iv) possess a minimum of two years of experience as representative, activist, organizer, or counsel on behalf of Marginalized Communities or organizations that protect the rights of Marginalized Communities. Candidates for the Commission shall not: (i) be or have been a sworn employee of a police department; (ii) be or have been a prosecutor or investigator at the Cook County State's Attorney's Office; or (iii) be an immediate family member (partner, sibling, parent, or child) of a current or former sworn employee of a police department.

(j) The election of Commissioners shall be managed by the Chicago Board of Election Commissioners. Candidates shall comply with the applicable requirements of State and local laws and procedures, including, but not limited to, requirements regarding petitions, statements of candidacy, statements of economic interest, signatures, fundraising, and filing deadlines.

(k) If any provision or part thereof of this referendum, or its application to any person or circumstance, is deemed by a court of competent jurisdiction to be unconstitutional or unenforceable, the remainder of this referendum and its application to other persons or circumstances is not affected.

SECTION 3. Where the terms of this referendum or this ordinance are in conflict with any other City ordinances or rules, the terms of the referendum and this ordinance shall control.

SECTION 4. Following passage by City Council, City Clerk of the City of Chicago shall complete any blanks, as applicable, and certify the public question referenced in Section 1 of this ordinance to the Chicago Board of Election Commissioners in accordance with Article 28 of the Election.

SECTION 5. This ordinance shall be in full force and effect upon its passage.