

## 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) *Demographics* refers to an individual's race, ethnicity, gender, age, and whether the individual self-identifies as Lesbian, Gay, Bisexual Transgender, Queer and/or Gender-non-conforming.
- (c) *Department* means the Chicago Department of Police.
- (d) *Deputy IG* shall mean the Deputy Inspector General for Public Safety.
- (e) *Police Board* means the Police Board established by Chapter 2-84 of this code, as amended.
- (f) *Sexual misconduct* means any form of unwelcome behavior of a sexual nature that is committed by a department member.
- (g) *Summary Report of investigation* shall contain the following information: Investigation log number; for each accused and witness officer: name(s), rank, unit of assignment, gender, race, year of birth, whether the officer was on duty, date of appointment to the department, and any injuries suffered by the officer; the available demographics of any civilian complainant and witness; injuries sustained by any civilian; a description of the initial incident, including the date and time, location, and a summary of the incident; a summary of the investigation, including the steps taken to obtain each piece of evidence and a summary of the evidence; and conclusions and findings, including any disciplinary recommendations.
- (h) *Superintendent* means the Chicago Superintendent of Police or his designated representative.
- (i) *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.
- (j) *Independent Police Review Authority* means the Independent Police Review Authority established by Chapter 2-57 of this code, as amended.

- (k) *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.**

- (a) 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 or her districts comprise.
- (b) 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 at its discretion.
- (c) Once elected, the members of the CPAC shall employ such deputies, assistants and other employees as may be provided for in the annual appropriation ordinance. CPAC shall have the power to hire other staff members or contract with persons, such as policy or data analysts, experts on police practices and investigations, IT experts, and legal and support staff, with the skills and expertise to assist the CPAC to fulfill its functions.
- (d) The offices of the CPAC shall be located in a facility outside of the Department of Police.
- (e) Chapter 2-78, Section 2-78-115, 2-78-120(b)-(e), and Chapter 2-84, Article I, Sections 2-84-020, 2-84-040, 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, 2-84-050 as it relates to the police board, 2-84-060 as it relates to the police board, 2-84-080 and Article IV, Sections 2-84-330, 2-84-350, 2-84-353, 2-84-360, 2-84-380, and Article V, Sections 2-84-390, 2-84-400, 2-84-410, 2-84-420 as it relates to the police board, are herewith repealed.

**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. A candidate for District CPAC Member must be 18 or more years of age and provide proof of having lived in the police district.

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:

- i. Reside within the Community Oversight District for at least one year before seeking the office;
- ii. Have resided continuously in the City of Chicago for at least 3 years preceding the election in which the candidate is on the ballot;

- iii. Be at least 18 years old on the date of the election; and
- iv. Possess at least one of the following:
  - 1. 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;
  - 2. A minimum of 2 years of experience and/or expertise related to protecting the rights of immigrants;
  - 3. 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;
  - 4. A minimum of 2 years of experience and/or expertise related to protecting the rights of people in Muslim communities;
  - 5. 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;
  - 6. A minimum of 2 years of experience and/or expertise related to protecting the rights of people who are homeless; or
  - 7. 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.
- v. 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.
- vi. Elections. 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 District Members may not serve concurrently in any other elected office.

The signature requirement to be nominated on the ballot for election as District 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.

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

- vii. Voting and Quorum. The powers of the CPAC shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with yeas and nays at length. A minimum of 7 CPAC Members must be present to adopt an order or resolution. A CPAC Member who is absent when a vote is taken may vote by proxy through a present Member. No Member may vote by proxy more than 4 times per term, and no more than 2 Members may vote by proxy on any one order or resolution.

**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:

- (a) Appoint the Superintendent. In appointing a Superintendent, 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.
- (b) Supervise the Superintendent. These responsibilities shall include:
  - 1. Completing annual evaluations of the job performance of the Superintendent. Every year, CPAC shall establish goals and expectations for the Superintendent and conduct a performance review evaluating progress towards meeting those goals and expectations. By December 1 of each year, the Superintendent shall provide the CPAC with a written self-evaluation that describes progress towards meeting that year's goals and expectations, and proposes goals and expectations for the next year. By December 31 of each year, the CPAC shall provide the Superintendent with a preliminary written evaluation that includes the CPAC's assessment of the Superintendent's performance in meeting the previous year's goals and expectations, and sets out goals and expectations for that calendar year. If the Superintendent believes that changes to the written evaluation or the goals and expectations are warranted, within 15 days of receiving the evaluation, the Superintendent may request in writing that the CPAC make such changes. By January 15 of each year, the CPAC shall complete a final performance review of the Superintendent covering the previous calendar year, and establish goals and expectations for the Superintendent for the then current calendar year, and the CPAC shall make public the Superintendent's self-evaluation, the CPAC's final performance review and the CPAC's final goals and expectations for the Superintendent.
  - 2. The Superintendent shall present any proposed changes to Police Department policies and procedures to the CPAC for public feedback at the CPAC's regular monthly 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. If the Superintendent rejects CPAC's recommendations, he or she must provide in writing the reasons for doing so, and CPAC shall immediately publish the Superintendent's response on its website. All policy changes shall be approved by majority vote of the CPAC. The CPAC retains the power to propose and adopt by majority vote changes to the policies and procedures of the Police Department, pursuant to section 2-83-040(d) below.
    - i. The process established in the consent decree in *State of Illinois v. City of Chicago*, Case No. 17-cv-6260, is the exclusive method for department policymaking concerning matters subject to the Consent Decree. When proposed Department policies are being reviewed pursuant to Consent Decree paragraphs 626-633, the Department shall submit to CPAC any policy subject to the Consent Decree. CPAC may conduct an advisory review of the policy, consulting experts, holding community meetings, and engaging in other actions

it deems necessary to thoroughly review the proposed policy. If the Court terminates the Consent Decree pursuant to paragraph 714 of the Consent Decree, or terminates the Consent Decree with respect to a given policy pursuant to Consent Decree paragraphs 715-716, that policy shall be subject to 2-83-040(2), 2-83-040(d), and 2-83-040(e).

- (c) Determine by majority vote whether cause exists to terminate the employment of the Superintendent. CPAC may seek to remove the Superintendent only for cause and in accordance with this section.
  - 1. Following a majority vote to remove the Superintendent for cause, the Secretary of the CPAC shall give written notice:
    - i. to the Chairman of the City Council's Committee on Public Safety of the CPAC's intent to remove the Superintendent; and
    - ii. to the Superintendent of the cause for the intended removal.
  - 2. Within ten days after receipt of the notice, the Superintendent 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 Superintendent 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 Superintendent, at which the Superintendent 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 Superintendent. CPAC's counsel shall represent CPAC at this hearing. Removal of the Superintendent for cause after the hearing shall require the affirmative vote of a majority of the members of the City Council.
- (d) Propose and adopt rules and regulations for the governance of the Department of Police of the city by majority vote at CPAC's public meetings.
- (e) Review and have power of final approval by majority vote on all new Department of Police policies and general and special orders proposed by the Department.
- (f) Appoint members to the Police Board.
  - 1. The CPAC shall appoint members of the Police Board, the body established in Section 2-84-20, as vacancies arise. This ordinance repeals Sections 2-84-030(1), (2), and parts of (3) of the ordinance establishing the Police Board. The responsibilities of the Police Board shall be limited to hearing 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.
  - 2. All Police Board members must have lived continuously in the City of Chicago for 3 years, and must have the same credentials outlined in 2-83-030(iii)-(v) outlined for

CPAC Members. No Police Board member shall have been an employee of the Independent Police Review Authority or the Civilian Office of Police Accountability within ten years of appointment. At least half of the Police Board members will have at least five years of experience as a practicing attorney in civil rights, civil liberties, or criminal defense. Additionally, the selection criteria for Police Board members shall comply with paragraph 532 of the Consent Decree in *Illinois v. City of Chicago*, 17-cv-6260 (N.D.Ill.).

- (g) Adopt policies and procedures for the Police Board. The Police Board shall present any proposed changes to Police Board policies and procedures to the CPAC for public feedback at the CPAC's regular monthly meetings. After obtaining feedback from the CPAC, public, and members of the Police Board, and making any modifications it deems appropriate, the Police Board shall submit the proposed changes to the CPAC for vote. Policy changes shall be approved by majority vote of the CPAC.
- (h) Determine by majority vote whether cause exists to terminate the employment of the members of the Police Board. Police Board members may be removed only for cause and in accordance with this section.
  - 1. Following a majority vote to remove a Police Board member for cause, the Secretary of the CPAC shall give written notice:
    - i. to the Chairman of the City Council's Committee on Public Safety of the CPAC's intent to remove the Police Board member; and
    - ii. to the Police Board of the cause for the intended removal.
  - 2. Within ten days after receipt of the notice, the Police Board member 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 Police Board member 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 Police Board member, at which the member 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 Police Board Member. CPAC's counsel shall represent CPAC at this hearing. Removal of a Police Board member for cause after the hearing shall require the affirmative vote of a majority of the members of the City Council.
- (i) Select the Chief Administrator for the Civilian Office of Police Accountability (COPA) by the following process:
  - 1. 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).

2. 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:
  - i. A commitment to the statement of purpose and policies described in this ordinance;
  - ii. Absence of previous employment by any law enforcement agency or the Cook County State's Attorney;
  - iii. Demonstrated integrity, professionalism, sound judgment, leadership, and management skills;
  - iv. The ability to design and implement protocols that will result in fair and unbiased investigations;
  - v. Experience and expertise in conducting or supervising investigations;
  - vi. Knowledge of relevant law and law enforcement practices, particularly of internal investigations of wrongdoing and use of force;
  - vii. 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
  - viii. 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.
3. 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.
4. Prior to the community meetings, the CPAC shall establish a process for soliciting, analyzing, and publicizing community feedback on the finalists.
5. 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.



6. 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 a 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.
  7. 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.
  8. A person may not serve more than a total of three terms as Chief Administrator in his or her lifetime;
- (j) Supervise the Chief Administrator of COPA. These responsibilities shall include:
1. Completing annual evaluations of the job performance of the Chief Administrator.
  2. 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 monthly 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.
  3. 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.
  4. Approving COPA's policies and procedures. The Chief Administrator shall present any proposed changes to COPA policies and procedures to the CPAC for public feedback at the CPAC's regular monthly 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.
  5. Directing that the Chief Administrator Investigator conduct investigations into police misconduct.
  6. Determining by majority vote whether cause exists to terminate the employment of the Chief Administrator.

- (i) 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: (a) to the Chairman of the City Council's Committee on Public Safety of the CPAC's intent to remove the Chief Administrator; and (b) to the Chief Administrator of the cause for the intended removal.
- (ii) 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.
- (iii) 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. CPAC's counsel shall represent CPAC at this hearing. 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.
- (k) Review, assess, and make any suggested changes to the proposed budget of the Department of Police and submit to City Council for approval.
- (l) 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.
- (m) Establish officers, committees and subcommittees for the effective conduct of CPAC business.
- (n) 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.
- (o) Disallow the use of the Department of Police by outside law enforcement agencies to commit crimes.
- (p) Oversee and monitor contract negotiations between the City and the police unions, and make public recommendations to City Council whether to approve the proposed contracts.
- (q) Remap the City of Chicago police districts as needed.
- (r) Appoint CPAC deputies. 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:

- i. To conduct community outreach in the Districts to ensure that the Department is providing service that is driven by community need, treating community members with respect, and serving the community with professionalism;
- ii. To build relationships with community service providers that offer services to residents in their Districts;
- iii. To make recommendations to the CPAC concerning revisions in policy, operating procedures, training, equipment, and supervision to improve police services to the people of Chicago;
- iv. To address police personnel and community groups on regulations and operations of the CPAC;
- v. To attend regular meetings with police supervisors and command staff in their Districts;
- vi. To sit in on officer performance evaluations;
- vii. To facilitate restorative circles and justice;
- viii. To mediate disputes among members of the Department and public;
  - a. The CPAC shall have the authority to develop a mediation program, overseen by CPAC Deputies and informed by national best practices, to resolve conflicts among members of the Department in their Districts and between Department members in their Districts and members of the public.
  - b. This program may also engage both complainants and accused police officers, aimed at resolving civilian complaints, except that mediation may not operate as a substitute to the formal investigative and disciplinary process in any 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;
- ix. To facilitate station adjustments and diversion of people from formal arrests and criminal prosecution and into community services;
- x. To reduce unnecessary arrests and the use of force by encouraging and enabling officers to provide direct referrals and facilitate access to community resources and programming, rather than forcibly arresting and/or formally processing people through the justice system; one of the criteria upon which officers will be

evaluated shall be on their success in reducing arrests and uses of force through community diversion and de-escalation;

- xi. To give community accommodation awards;
- xii. To monitor and report to the CPAC on all surveillance equipment and programs that operate in their Districts;
- xiii. To attend roll calls;
- xiv. To exercise any other powers delegated by the CPAC.

### **ARTICLE III. POLICY ANALYSIS AND COMMUNITY OUTREACH (2-83-080 et seq.)**

#### **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 COPA'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. COPA 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 COPA deems necessary during the investigation.

In conjunction with COPA, CPAC shall analyze policing trends and patterns related to the COPA'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;

In conjunction with COPA, CPAC shall 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 COPA shall initiate disciplinary investigations into the conduct of those identified officers;

CPAC shall ensure that COPA must 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;

CPAC shall 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;

CPAC will administer the office including, but not limited to, the hiring, firing, training, and supervision of all employees in conformity with the requirements of this ordinance; and

CPAC will 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; to terminate the Superintendent, Chief Administrator of COPA, or member of the Police Board; and to prosecute or defend COPA's investigative disciplinary and policy recommendations.

## **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 COPA is authorized to investigate, and information about the policy audit and data collection activities undertaken by the CPAC.

The Director of Community Engagement shall be responsible for ensuring that the CPAC shall hold a regular meeting at least once a month. 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, the Deputy IG, head of the Department's Bureau of Internal Affairs, head of the Department's Office of Constitutional Policing and Reform, 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.

CPAC shall conduct public hearings on matters that relate to the Chicago Police Department and its oversight entities, during which CPAC may require the Department and its oversight entities to produce records and information relevant to those hearings and compel members of those entities to appear at the hearings. CPAC shall also hold public hearings on proposed changes to Department policies and procedures, and rules and regulations.

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 500 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 45 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.

As a part of the Director's duties, he or she shall develop a community feedback process that seeks feedback from community members who interact with COPA on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from COPA, 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 also seek suggestions to improve the community member'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 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 COPA's investigations and their progress, and the CPAC shall ensure transparency throughout COPA's entire investigative process.

The CPAC, in conjunction with COPA, 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, the Office of Emergency Management and Communications, and COPA.

The CPAC shall ensure that COPA 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 COPA'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, COPA shall post on its website the following information for each investigation conducted by COPA:

- 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, the Department, 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 to COPA or the Department;
- 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;
  - 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. COPA's or the Department's recommended outcome of the investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated);
  - o. The COPA'S and/or the Department'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 COPA 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)
  - 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 COPA 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 COPA shall also 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 investigation. If COPA 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, COPA's posting of the video must occur within 14 days of the incident.

The COPA 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 COPA 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 investigation.

Within 10 days of completing each investigation, the COPA 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, COPA is prohibited from releasing to the public the civilian names and identifying information without their consent. COPA 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. COPA is otherwise authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.

COPA shall permanently retain and shall not destroy any records related to its investigations.

All of the reporting requirements contained in this section apply with equal force to CPAC, COPA, the Police Department, and the Bureau of Internal Affairs. For example, the Bureau of Internal Affairs must also post the above-required information about each misconduct complaint it receives or investigates on its website.

### **2-83-130 Reports - Open to public inspection.**

All reports, investigations, policies and procedures of 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
- 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 COPA 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, 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 shall ensure that COPA 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 the Police Board; (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 willfully refuse to comply with a subpoena issued by CPAC or COPA 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 COPA. Any person who willfully 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 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 AND EVALUATION (2-83-200 et seq.)**

**2-83-200 CPAC Budget and Independent Evidence Analysis Requirements**

Each fiscal year, the City Council shall appropriate an amount that shall not be less than one-half of one percent (0.5%) of the annual appropriation of the Department available to pay for the expenses of the CPAC.

**2-83-210      Evaluation**

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 oversight bodies, and make recommendations for improvement. The evaluations shall be publicly disseminated and posted on the CPAC's website.