Chapter xx THE COMMUNITY OVERSIGHT BOARD

WHEREAS an investigation in 2015-16 by the United States Department of Justice ("the US DOJ") found a “pattern or practice of unconstitutional use of force” by the Chicago Police Department (CPD), which is disproportionately borne by Chicago’s African-American community.

WHEREAS the US DOJ’s investigation further found that Chicago’s “deficient accountability systems contribute to CPD’s pattern and practice of unconstitutional conduct.”

WHEREAS the US DOJ recommended that the Chicago Police Board “relinquish its role of providing community input into CPD’s accountability system to the Community Oversight Board that the City has committed to creating.”

WHEREAS Chicago’s Police Accountability Task Force (“PATF”) released a report in 2016 finding that Chicago’s “failure to make accountability a core value and imperative” had contributed to a loss of public faith in the CPD and its oversight system.

WHEREAS the PATF report documented the severe deficiencies in Chicago’s police oversight system, including uninvestigated complaints, lack of discipline for official misconduct, and a high number of officers with high numbers of complaints.

WHEREAS the PATF report recommended that Chicago’s “police oversight system would benefit greatly from increased community involvement,” and that a “community oversight body … would fill a gaping hole in Chicago’s current system.”

WHEREAS Paragraph 425 of the Illinois v. Chicago Consent Decree recognizes that “[m]eaningful community involvement is imperative to CPD accountability and transparency,” and explicitly contemplates “the creation and participation of a community safety oversight board” as an integral part of “CPD’s accountability system.”

X-1-1 Introduction and Purpose

This ordinance establishes the Community Oversight Board (Board) to improve police accountability, transparency, and effectiveness in Chicago, and to provide for direct community oversight of the Chicago Police Department and the Civilian Office of Police Accountability.

The public policy of this chapter is to:

1) Create a formal empowered role for the Chicago community in police oversight to ensure that the police, public safety entities, and police oversight entities are accountable to the people of Chicago;

2) Establish a process for meaningful public participation in developing police policies and practices that respect the rights of all people in Chicago, foster mutual trust and cooperation between police and citizens, and enhance the safety of all of Chicago’s communities; and

3) Create a police oversight process that is accountable to all residents of Chicago.
x-1-2 Definitions.

The following terms wherever used in this chapter shall have the following meanings:

(a) **Oversight entity** shall mean the Chicago Police Board, Civilian Office of Police Accountability, Deputy Inspector General of Public Safety, and the Bureau of Internal Affairs of the Chicago Police Department.
(b) **Board** shall mean the Community Oversight Board.
(c) **COPA** shall mean the Civilian Office of Police Accountability.
(d) **Chief Administrator** shall mean the head of the Civilian Office of Police Accountability.
(e) **Deputy IG** shall mean the Deputy Inspector General for Public Safety.
(f) **Department** shall mean the Chicago Police Department.
(g) **OEMC** shall mean the City’s Office of Emergency Management and Communications.

x-2-1 Establishment and Composition of the Community Oversight Board.

(a) **Composition.** The Community Oversight Board shall be composed of 11 Board Members with equal voting power. One District Board Member shall be elected from each of 10 voting districts composed of 5 contiguous wards, as defined below. One At-Large Board Member shall be elected in a citywide election. Board Members shall be elected as follows:

1) One District Board Member shall be elected by voters residing in Wards 5, 7, 8, 9, and 10. These wards shall be defined as Community Oversight District One.
2) One District Board Member shall be elected by voters residing in Wards 2, 4, 6, 20, and 42. These wards shall be defined as Community Oversight District Two.
3) One District Board Member shall be elected by voters residing in Wards 17, 18, 19, 21, and 34. These wards shall be defined as Community Oversight District Three.
4) One District Board Member shall be elected by voters residing in Wards 13, 14, 15, 16, and 23. These wards shall be defined as Community Oversight District Four.
5) One District Board Member shall be elected by voters residing in Wards 3, 11, 12, 22, and 25. These wards shall be defined as Community Oversight District Five.
6) One District Board Member shall be elected by voters residing in Wards 24, 27, 28, 29, and 37. These wards shall be defined as Community Oversight District Six.
7) One District Board Member shall be elected by voters residing in Wards 1, 32, 33, 43, and 44. These wards shall be defined as Community Oversight District Seven.
8) One District Board Member shall be elected by voters residing in Wards 26, 30, 31, 35, and 36. These wards shall be defined as Community Oversight District Eight.

9) One District Board Member shall be elected by voters residing in Wards 38, 39, 41, 45, and 50. These wards shall be defined as Community Oversight District Nine.

10) One District Board Member shall be elected by voters residing in Wards 40, 46, 47, 48, and 49. These wards shall be defined as Community Oversight District Ten.

11) One At-Large Board Member shall be elected by voters residing in all 50 wards.

(b) Elections. The first Community Oversight Board shall be elected in the first scheduled general election following the enactment of this ordinance. All subsequent elections for the Community Oversight Board shall take place concurrently with mayoral and City Council elections. Each Board Member shall serve a term of 4 years, except for members of the first Board, who will serve a term lasting until end of the term of the Mayor who is in office when the first Board is elected. No Board Member shall serve more than a lifetime total of 12 years, or 3 terms. Elections for positions on the Community Oversight Board shall be non-partisan.

(c) Eligibility. Only individuals who meet the qualifications listed below shall be eligible for candidacy for the position of District Board Member or At-Large Board Member. Candidates can satisfy the requisite qualifications by possessing relevant personal experience. Nothing in this subsection shall be read to require that Board Members possess specific professional experience or academic credentials. Each candidate for Board Member must:

1) Reside within the Community Oversight District they seek to represent;
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 District Board Member or At-Large Board Member if the individual:

1) Has ever served as a law enforcement officer or had a family member, including a spouse, domestic partner, parent, sibling, child, grandparent, or grandchild, serve 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 Board 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.

(d) **Filing for Candidacy.** To be placed on the ballot, a candidate for the position of District Board Member or At-Large Board Member must file a petition for candidacy with the Board of Election Commissioners of the City of Chicago, in accordance with 65 ILCS 5/4-3-8. Such petition for candidacy shall be filed not more than 99 nor less than 92 days prior to the date of the election. The petition for candidacy must be in a form that is in accordance with the relevant provisions of 10 ILCS 5/7-10. Signature requirements for a valid petition for candidacy shall be as follows:

1) If a candidate seeks to run for the position of District Board member, the candidate’s petition for candidacy must contain at least 500 signatures from residents of the Community Oversight District in which the candidate seeks to run.
2) If a candidate seeks to run for the position of At-Large Board Member, the candidate’s petition for candidacy must contain at least 500 signatures from residents of the City of Chicago. The petition for candidacy for a candidate for At-Large Board Member must contain at least 50 signatures from each of 5 of the Community Oversight Districts.
Candidates for any Board Member position must also file with the Board of Election Commissioners a statement of candidacy in accordance with 65 ILCS 5/4-3-7. Such statement of candidacy must be in a form that is in accordance with 10 ILCS 5/7-10. The statement of candidacy must additionally describe the ways in which the candidate meets the eligibility requirements listed in Part C.

(e) **Compensation.** Each Board Member, including District Board Members and the At-Large Board Member, shall be compensated with an annual salary of $20,000.

(f) **Leadership.** As a first order of business upon assuming office, the Board Members shall elect a President and a Vice President from among the 11 Board Members. The President and Vice President shall be designated to serve in such capacity for a term not to exceed 2 years, and may serve no more than 2 such terms. The Board shall elect a new President and Vice President no less than 30 days prior to the expiration of the terms of the outgoing President and Vice President.

(g) **Vacancies.** In the event that a District Board Member or At-Large Board Member resigns or is removed prior to the end of the 4-year term for which the Board Member was elected, the President of the Board shall appoint a Replacement Board Member. The Replacement Board Member must meet all of the eligibility requirements listed in Part C. Upon appointment, the Replacement Board Member shall assume the full rights and responsibilities of the departing Board Member and shall serve until the end of the departing Board Member’s term. In the event that the President of the Board resigns or is removed, the Vice President shall appoint the Replacement Board Member.

(h) **Voting and Quorum.** The powers of the Board 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 Board Members must be present to adopt an order or resolution. Regardless of how many Board Members are present or how many votes are cast, no order or resolution shall be adopted if it does not receive support from a majority of the full Board, or a minimum of 6 yea votes. A Board Member who is absent when a vote is taken may vote by proxy through a present Board Member. No Board Member may vote by proxy more than 4 times per term, and no more than 2 Board Members may vote by proxy on any one order or resolution.

(i) **Removal.** The City Council, by two-thirds vote, may remove a member of the Board. The City Council may only remove a Board Member for cause and in accordance with this section. Any City Council member may propose to remove a Board Member by submitting to the City Council Public Safety Committee a document that describes with specificity the grounds for removal. The City Council member proposing removal must also send written notice to the Board Member in question, stating with specificity the grounds for such removal. The Public Safety Committee shall convene to determine whether the stated reasons for removal meet the removal criteria established in this section. The Board Member whose removal is proposed may request a hearing before the Public Safety Committee. Following such hearing and discussion of the alleged causes for removal, the Public Safety Committee shall vote on whether to remove. If a majority
of the Public Safety Committee votes to remove a Board Member, then the full City Council shall take up the issue. Upon a two-thirds vote by the full City Council, the Board Member’s termination shall be final. Just cause for removal shall include, but is not limited to:

1) Incompetence;
2) Neglect of duty;
3) Gross misconduct;
4) Criminal conduct of the type that threatens to impair or undermine public confidence in the Board; or
5) Other acts of nonfeasance, malfeasance, or misfeasance while in office.

If, during any calendar year, a Board Member fails to attend one-fourth or more scheduled meetings of the Board, the President of the Board shall provide written notice of such fact to the City Council Public Safety Committee and a rebuttable presumption of neglect of duty shall exist.

(j) Appropriation of Funds. The City Council shall appropriate resources to ensure that the Board has sufficient non-Board Member employees in order to exercise the duties described throughout this ordinance. This shall include, but is not limited to:

1) An Executive Director;
2) A Board Secretary, but who shall keep a record of all proceedings and transactions of the Board and otherwise ensure that the transparency provisions described below are adhered to.

City Council shall also appropriate resources for the Board 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 Board to fulfill its functions.

(k) Office. The Community Oversight Board shall maintain its own office that is independent of and housed separately from the Office of the Inspector General, the Civilian Office of Police Accountability, and the Chicago Police Department.

x-3-1 Powers and Duties.

The Board shall exercise the following powers:

(a) Conduct public hearings on matters that relate to the Chicago Police Department and its oversight entities, during which the board 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;
(b) Select the superintendent of police from the three final candidates chosen by the mayor;

(c) Adopt rules and regulations for the governance, oversight and investigation of the police department of the city and approve all policies and procedures;

(d) Hire, advise and evaluate the Chief Administrator, and move to terminate the Chief Administrator, upon a finding of good cause;

(e) Direct the Chief Administrator to conduct disciplinary investigations into possible police misconduct;

(f) Obtain confidential access to the databases and records of CPD, OEMC, and COPA;

(g) Advise the Inspector General regarding the selection and retention of the Deputy IG, including the development of a meaningful public comment process;

(h) Request that the Deputy IG conduct a review and/or audit of the policies, procedures, practices, operations, supervision, training, and budget of the Police Department, the Police Department’s Bureau of Internal Affairs, COPA, and other policing-related entities;

(i) Secure independent audits of the entire police oversight process, as explained below;

(j) Propose written recommendations to the Superintendent of Police, Deputy IG, the Chief Administrator, the Department the Mayor, City Council, and other relevant governmental entities concerning changes to policies, procedures, practices, directives, supervision, training, and equipment to achieve greater efficacy, fairness, transparency, and accountability in police services and oversight;

(k) Maintain and regularly update a website that makes public the information related to the Community Oversight Board, and identify and execute other methods of widely disseminating to the general public information about the work of the Board.

x-4-1 Public Hearings and Citizen Petition Process

The Community Oversight Board shall hold a regular meeting at least once a month. All regular meetings shall be public. The Board 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 Board’s website at least 7 days prior to each meeting. The Police Superintendent, the Deputy IG, the Chief Administrator, and the head of the Chicago Police Department’s Bureau of Internal Affairs shall attend these meetings and provide to the Board and general public updates on activities as requested by the Board, and answer questions from the Board and general public.
The Board 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 Board 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 Superintendent of Police, Chief Administrator, Deputy IG, and the head of the Bureau of Internal Affairs 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 Board, Superintendent of Police, Chief Administrator, Deputy IG, and/or head of the Bureau of Internal Affairs. The Board, Superintendent of Police, Chief Administrator, the Deputy IG, and/or head of the Bureau of Internal Affairs must respond to the questions in the petition during the Citizens’ Meeting, subject to the Freedom of Information Act and privacy laws. The Board 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 Board must widely disseminate, to the general public, information about the meeting date, time, and location.

x-4-1-a Approval of Chicago Police Department Policies and Procedures

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

x-4-2 Responsibility to Produce Information to the Board

The Board may request that the Department, COPA, Police Board, OEMC, or Office of the Inspector General to produce information and records, collect and report data, and answer questions concerning its operations. It shall post all such requests on its website. The relevant agency must respond to each request in writing within 30 days of the request. The Board retains the power to require the Superintendent of Police, the Chief Administrator, President of the Police Board, Deputy IG, and head of OEMC to participate in a public hearing to answer questions and respond to comments related to the Board’s requests.
x-5-1 Selection of the Superintendent of Police.

When the Mayor chooses to appoint a new Superintendent of Police or a vacancy otherwise arises, the Mayor shall develop a process through which he or she shall identify three finalists and submit the application material related to those finalists to the Community Oversight Board. Within 30 days of the Mayor’s submission, the Board shall hold at least two public meetings at times and locations to be determined by the Board. The Board shall ensure that the community meetings are widely publicized throughout the city. During these meetings, the top three candidates shall present their qualifications and vision for the Police Department. The meetings must include an opportunity for community members to ask questions of the candidates and provide feedback to the Board. The Board, through a majority vote, shall then nominate a police superintendent from the Mayor’s three finalists, or, if the Board finds by majority vote that none of the Mayor’s finalists are qualified to serve as Superintendent, it shall so notify the Mayor, and the Mayor shall within 60 days submit a new list of three finalists to the Board for vetting through the public process described above. The Board shall submit its nominee to City Council for confirmation. If City Council fails to confirm the Board’s nominee, the Board may nominate another candidate from the Mayor’s finalists or request that the Mayor identify three additional candidates for Board consideration. Whenever an unexpected vacancy arises, the Mayor retains the power to appoint an interim Superintendent of Police to serve as Superintendent until the permanent Superintendent has been confirmed through the process described above.

x-6-1 Selection of the Chief Administrator.

The Board shall implement the following process to select the Chief Administrator:

(a) The Board shall 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 of Chief Administrator. 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 Board 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:

1) 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;
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 Board will be required to attend at least two community meetings at times and locations to be determined by the Board. The Board 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 Board shall establish a process for soliciting, analyzing, and publicizing community feedback on the finalists.

(e) Within 14 days of the last community meeting, the Board, 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, the Mayor shall appoint an interim Chief Administrator, subject to the approval of a majority vote of the Board. If the Board rejects the Mayor’s appointee, 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 Board can complete the appointment process described above.

(g) The Board, 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 Board 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.
**x-7-1 Oversight over the Chief Administrator.**

The Board will be responsible for supervising the Chief Administrator. 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 Board’s monthly public meetings, at a date to be set by the Board, with advance public notice, for public and Board comment and feedback. The Chief Administrator shall modify his or her plan as appropriate to meet the Board’s approval. The Chief Administrator’s final plan must be approved by a majority vote of the Board.

(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 Board’s regularly scheduled monthly meetings.

(d) The Chief Administrator shall present any proposed changes to COPA policies and procedures to the Board for public feedback at the Board’s regular monthly meetings. After obtaining feedback from the Board, 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 Board for vote. Policy changes shall be approved by majority vote of the Board.

(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 Community Oversight Board shall give written notice:

   (a) to the Chairman of the City Council's Committee on Public Safety of the Board’s intent to remove the Chief Administrator; and

   (b) to the Chief Administrator of the cause for the intended removal.

Within ten days after receipt of the notice, the Chief Administrator may file with the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Chief Administrator shall be deemed to have resigned 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 Community Oversight Board’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.

x-7-2 Oversight of the Deputy Inspector General for Public Safety

The Board shall ensure that the Deputy IG’s work is informed by and is accountable to the broader Chicago community, and the experience and perspectives of the communities most affected by police abuse. The Board and Deputy IG have the following responsibilities to one another, in addition to those described elsewhere in this ordinance:

(a) The Deputy IG has the responsibility to inform the Board and public about its work, and to solicit feedback.

(b) The Deputy IG shall solicit regular feedback from the Board and the public at the Board’s monthly public meetings about types of analyses to undertake, data to collect and report, its investigations and possibilities for follow-up, and its recommendations about policy, training, equipment, and supervision.

(c) The Deputy IG shall submit its annual strategic plan to the Board on or by September 15 of the preceding year. The Deputy IG shall present oral testimony about its strategic plan at one of the Board’s monthly public meetings, at a date to be set by the Board, with advance public notice, for public comment and feedback. The Deputy IG shall solicit feedback from the Board and members of the public, respond to questions, and make modifications as it finds appropriate.

(d) The Deputy IG shall submit to the Board each of its reports, audits, reviews, analyses, investigations, and policy, training, or equipment recommendations. The Deputy IG shall then present its reports at public hearings scheduled by the Board, with appropriate notice to the public, to solicit public comment and feedback. These may occur at the Board’s regular monthly public meetings, at the discretion of the Board. The Deputy IG shall answer public and Board questions about each of its reports, and respond to suggestions for modification, follow-up, further investigation or analysis, and other policy, training, supervision, or equipment recommendations that arise from the report. The Board may schedule follow-up public meetings with the Deputy IG as it sees fit.

(e) The Police IG shall also submit its quarterly reports to the Community Oversight Board, and solicit feedback and answer questions about those reports in the Board’s next regular monthly public meeting following the submission of its report.
(f) The Board may request that the Deputy IG collect and report data, conduct an analysis, review, or audit of the Department, the police oversight entities, or other public safety agencies in Chicago, or investigate an incident or pattern of police misconduct. It shall post all such requests on its website. The Deputy IG must respond to each request in writing within 30 days of the request. The Board shall publish on its website the Deputy IG’s written response to the Board’s request within five business days of receipt. The Board retains the power to require the Deputy IG to participate in a public hearing to answer questions and respond to comments related to the Board’s requests.

x-8-1 Policy Recommendations.

(a) The Board may make policy, procedure, training, supervision, and equipment recommendations to the Department, Chief Administrator, or OEMC at any time, and shall publish those recommendations on the Board’s website within five business days of submitting its recommendations. The Superintendent of Police, Chief Administrator, or OEMC must issue a written response to each of the Board’s recommendations within 30 days of receipt, stating whether it will accept the recommendations. If he or she accepts the recommendations, he or she must submit a written plan, including a timetable for implementation. The Board shall publish the written plan in a publicly accessible area of the Board’s website within five business days of receipt.

(b) If the Superintendent, Chief Administrator, or Director of OEMC declines to implement the Board’s recommendations, he or she must submit to the City Council Committee on Public Safety and the Board, in writing, the reasons for rejecting the recommendations, within 30 days of receipt of the recommendations. The Board shall publish the written reasons in a publicly accessible area of the Board’s website within five business days of receipt.

(c) The Board and/or the City Council Committee on Public Safety may hold a public hearing on its recommendations and require the Superintendent, Chief Administrator, and/or Director of OEMC to attend and answer questions about the recommendations and his or her responses to those recommendations.

(d) The Board may also hold public hearings on the Deputy IG’s policy and training recommendations to determine whether the relevant public safety agency should be required to adopt those recommendations. The Board may require representatives of the Deputy IG’s office and representatives of the relevant public safety entities to appear and to give testimony in those hearings.

x-9-1 Transparency and Annual Report.
(a) All meeting minutes, deliberations, reports, investigations, policies, and procedures of the Board 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.

(b) The Board shall issue an annual report. The annual report must include a detailed summary of the Board’s activities during the year and shall be posted on the Board’s website. The report shall also include policy, procedure, training, supervision, and equipment recommendations made by the Board, the relevant entity’s response to those recommendations, the status of implementation of the Board’s recommendations, the Board’s requests for audits, analyses, and investigations, and the status of those audits, analyses, and investigations.

x-10-1 Evaluation.

Two years from the effective date of this ordinance, and every five years thereafter, the Board shall issue a request for a proposal for a complete evaluation of the entire police oversight process, including the Bureau of Internal Affairs. 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 Board’s website.
Chapter 2-84 DEPARTMENT OF POLICE

2-84-010 Establishment –Composition and organization.

There is hereby established an executive department of the municipal government of the city which shall be known as the department of police. The said department shall consist of: captains, lieutenants, sergeants, police officers and such other personnel as the police board deems necessary. All of the foregoing is subject to the appropriations for such positions and compensation therefor as is provided in the annual appropriation ordinance.

To supplement the police department, the board may appoint such number of civilian crossing guards to regulate traffic in the vicinity of grade schools during such hours of school days as may be required for that purpose.

2-84-020 Police board—Establishment, membership and organization.

(a) There is hereby created a police board consisting of nine members to be appointed by the mayor, by and with the advice and consent of the city council. Except in the case of vacancies filled for the remainder of an unexpired term, board members shall be appointed for a term of five years, or until their respective successors are appointed and qualified. Provided, however, that no person shall be eligible for reappointment to the board if such person has served on the board for more than ten years during his or her lifetime. Board members shall be reasonably compensated for their service on the board as provided for in the annual appropriation ordinance.

(b) Vacancies shall be filled for the remainder of an unexpired term in the same manner as original appointments.

(c) The mayor is authorized to remove any member of the police board for just cause, after written notice to the board member stating with particularity the grounds for such removal and an opportunity for a hearing before the mayor or the mayor’s designee. Just cause for such removal shall include, but is not limited to, incompetence, neglect of duty, gross misconduct or criminal conduct of the type that threatens to impair or undermine public confidence in the board, or other acts of nonfeasance, malfeasance or misfeasance in office. If, during any calendar year, a member of the police board fails to attend three or more scheduled meetings of the board, the president of the board shall provide written notice of such fact to the mayor and a rebuttable presumption of neglect of duty shall exist.

(d) The mayor shall designate a president and a vice-president from among the members of the board. The president and vice-president shall be designated to serve in such capacity for a term not to exceed two years, and may be redesignated by the mayor to serve in such capacity for an additional term(s) not to exceed two years. The board shall hold a regular meeting at least once a month. All regular meetings shall be in a public office of the board with reasonable provision for attendance by the public. The superintendent of police or the
superintendent’s designee and the chief administrator of the independent police review authority or the chief administrator’s designee shall be present at all public meetings of the board and shall have the right to take part in the discussions and deliberations but shall have no vote.

(e) The board shall appoint a secretary who shall not be a member of the board. The secretary shall keep a record of the proceedings and transactions of the board specifying therein the names of the members of the board at all meetings and giving the yeas and nays upon all votes. The secretary shall post and publish all orders, resolutions and notices which the board shall order to be posted and published, and shall perform such other duties as are herein or may be, by order of the board, imposed on the secretary. The yeas and nays of police board members on all votes shall be posted by the secretary on the police board website within ten business days of any such vote and shall remain posted on such website for at least two years.

(f) The powers of the board 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. Such action shall be attested by the signatures of the president or vice-president or two members of the board and by the signature of the secretary of the board.

2-84-030 Police board—Powers and duties.

The board shall exercise the following powers:

1. When a vacancy occurs in the position of superintendent of police, to nominate three candidates to fill the position and to submit those nominations to the mayor;

2. To adopt rules and regulations for the governance of the police department of the city; and

To serve as a board 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.

The board may appoint any member thereof or a hearing officer to hear disciplinary actions.

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, or any member or hearing officer designated by it. Before any such officer or employee may be interrogated or examined by or before the police board, or any member or hearing officer designated by it, or 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; and 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, or any member or hearing officer designated by it shall be held.

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

The police board, 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 relevant books and papers. All proceedings before the police board, 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 police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted by the secretary on the police board 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 police board dissents from the board’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 police board website within ten business days of the date of certification of the board’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 police board shall select only attorneys licensed to practice 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 police board. 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 police board following the hearing.
A majority of the members of the police board must concur in the entry of any disciplinary recommendation or action. In the event that three members of the board must recuse themselves pursuant to the provisions of Section 2-57-060, a majority of the remaining members of the police board must concur in the entry of the disciplinary recommendation or action.

No member of the board 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 designating the nominees for the position of superintendent of police, the board shall be governed solely by the professional and executive qualifications required for the position which shall be without reference to the residence of the nominees. If none of the nominees accept appointment, the board shall submit new lists of three nominees until the position is filled.

The board'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 board in its discretion shall have the authority to make recommendations to the superintendent of police and to the chairman of the city council committee on public safety or its successor committee concerning revisions in policy and operating procedures to increase the efficiency of the department of police. Such recommendations shall be posted on the police board website within two business days of the date on which such recommendation is made to the superintendent and shall remain posted on such website for a period of at least two years.
CHAPTER 2-78 CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

2-78-100 Definitions.

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

“Board” means the Community Oversight Board.

“Chief Administrator” means the Chief Administrator of the Civilian Office of Police Accountability or the Chief Administrator's designee.

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

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

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

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

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

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

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

“Police Department” means the Department of Police established in Chapter 2-84 of this Code.
“Superintendent” means the Superintendent of Police or the Superintendent's designee.

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

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

2-78-115 Chief administrator – Qualifications and selection appointment.

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

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

The Community Oversight Board shall implement the following process to select the Chief Administrator:

(a) The Board shall 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 of Chief Administrator. 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 Board 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).
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:

1) 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;
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.

Within 30 days of their selection, the top three candidates identified by the Board will be required to attend at least two community meetings at times and locations to be determined by the Board. The Board 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.

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

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

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, the Mayor shall appoint an interim Chief Administrator, subject to the approval of a majority vote of the Board. If the Board rejects the Mayor’s appointee, 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 Board can complete the appointment process described above.
The Board, 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 Board 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.

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

The Chief Administrator shall have the following minimum qualifications:

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

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

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

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

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

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

2-78-155 Chief administrator – Conditions for removal from office.

Prior to serving a complete term, the Chief Administrator may be removed only for cause and in accordance with this section. Following a majority vote to remove the Chief Administrator for cause, the Secretary of the Community Oversight Board The Mayor shall give written notice

(a) to the Chairman of the City Council's Committee on Public Safety of the Board’s intent to remove the Chief Administrator; and

(b) to the Chief Administrator of the cause for the intended removal, his intent to remove the Chief Administrator, and the reason for the proposed removal.

Within ten days after receipt of the notice, the Chief Administrator may file with the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Chief Administrator shall be deemed
to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request 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 Community Oversight Board’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.