

~~Proposed~~
Public Safety

ORDINANCE

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

SECTION 1. Chapter 2-78 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

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:

(Omitted text is unaffected by this ordinance)

"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; (v) a narrative summary of the investigation; and (vi) the Office's findings ~~and conclusions.~~

(Omitted text is unaffected by this ordinance)

2-78-110 Purpose.

The mission of the Civilian Office of Police Accountability is to provide a just and efficient means to fairly and timely conduct investigations within its jurisdiction, including investigations of alleged police misconduct and to determine whether those allegations are well-founded, applying a preponderance of the evidence standard; and to identify and address patterns of police misconduct; ~~and, based on information obtained through such investigations, to make policy recommendations to improve the Chicago Police Department and reduce incidents of police misconduct.~~

(Omitted text is unaffected by this ordinance)

2-78-120 Office and Chief Administrator – Powers and duties.

The Office and Chief Administrator shall have the following powers and duties:

(Omitted text is unaffected by this ordinance)

(l) Reserved: ~~To recommend to the Superintendent, with respect to incidents within its jurisdiction, appropriate disciplinary or other remedial action against members of the Police Department found to be in violation of any applicable Police Department rules, including rules related to the duty to provide truthful information regarding the officer's own conduct and the conduct of others, and the duty to report the misconduct of others. Such remedial action may include, but is not limited to, reassignment, additional training, or counseling;~~

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(m) Reserved: Based on information obtained through investigations conducted pursuant to this section, to recommend to the Superintendent, the Chair of the City Council Committee on Police and Fire, or its successor committee, the Police Board, and the Commission revisions to the Police Department's policies, practices, collective bargaining agreements, programs, and training in order to improve the accountability, effectiveness, integrity, and transparency of the Police Department;

(n) To conduct investigations to determine whether members of the Police Department are engaging in patterns or practices of misconduct; and, where a pattern or practice of misconduct is found, recommend revisions to the Police Department's policies, practices, programs, and training in order to address and eliminate such patterns or practices;

(Omitted text is unaffected by this ordinance)

(v) In the Chief Administrator's discretion, to review and investigate the facts of individual civil lawsuits and criminal proceedings involving alleged police misconduct, in order to identify and investigate incidents of police misconduct; or to make recommendations to improve Police Department policies and practices within the Office's jurisdiction;

(Omitted text is unaffected by this ordinance)

2-78-130 Reserved. Decisions, recommendations.

~~(a) Disciplinary-related recommendations.~~

(i) If the Chief Administrator issues a recommendation of discipline, or other, nondisciplinary remedial action with regard to one or more members of the Police Department, the Superintendent shall respond to such recommendation within 60 days (for purposes of this section, the "Review Period"). The Superintendent's response shall include either: (1) a confirmation that the recommendation was followed with respect to the employee in question, and, if applicable, a description of any additional disciplinary or other action imposed by the Superintendent; (2) a request that the Chief Administrator conduct additional investigation, specifying the additional investigation that is requested, and the reason(s) for that request; or (3) if the Superintendent intends to take no action, or intends to take action that differs in substance and/or scope from the recommendation, the information required under subsection (a)(ii) of this section. Upon request of the Superintendent, such Review Period may be extended for up to 30 additional days, for a total Review Period not to exceed 90 days.

(ii) If the Superintendent intends to take no action, or intends to take action different from that recommended by the Chief Administrator, the Superintendent shall describe the proposed different action and explain the reasons for it in a written response.

The Superintendent's response shall be submitted to the Chief Administrator within the Review Period.

(iii) Within ten business days after the submission of a response that proposes no action or different action than that recommended by the Chief Administrator, the Superintendent and the Chief Administrator shall meet to discuss the Superintendent's response. If, after meeting, the Chief Administrator and the Superintendent do not agree to the Chief Administrator's recommendation, the Chief Administrator shall, within five business days of such impasse, send

~~the Superintendent's response, along with the Chief Administrator's written objections to the response, to a member of the Police Board selected by the Police Board from its membership, with notice and a copy of all such materials to the Superintendent. The selected member shall, within ten business days of receipt of such response and objections, review the Chief Administrator's recommendation, the Superintendent's response, and the Chief Administrator's objections. Upon request of the member, the Superintendent and Chief Administrator may be required to present additional documentation or arguments in support of their positions. If, in the opinion of the member, the Superintendent does not meet his burden of overcoming the Chief Administrator's recommendation for discipline, the recommendation shall be deemed accepted by the Superintendent. The final decision of the member shall be announced at the next regular public meeting of the Police Board, and shall be promptly posted on the Police Board's website. If, in the opinion of the member, the Superintendent has met his burden, the Superintendent's response shall be implemented. The member shall recuse himself from any future involvement with the case by the full Police Board.~~

~~(iv) A response of the Superintendent that proposes to take no action or action different from that recommended by the Chief Administrator shall not be valid or effective until the process of subsection (a)(iii) of this section is completed.~~

~~(v) If the Superintendent does not respond to the Chief Administrator's recommendation within the Review Period, such recommendation shall be deemed accepted, and shall be implemented, by the Superintendent.~~

~~(vi) Nothing in this chapter shall limit the Superintendent's ability to impose additional action to that recommended by the Chief Administrator, including discipline that is more severe than that recommended by the Chief Administrator or non-disciplinary remedial actions in addition to the discipline recommended by the Chief Administrator.~~

~~(b) Policy, program, and practices recommendations. If the Chief Administrator issues a recommendation or report to the Superintendent concerning a policy, program, or practice of the Police Department, the Superintendent shall respond to such recommendation or report within 60 days of receipt. Such response shall include a description of the actions the Superintendent has taken or is planning to take, if any, with respect to the issues raised in the report or recommendation. If the Superintendent declines to implement one or more of the Chief Administrator's recommendations, such response shall explain the reasons for doing so. In addition, at the request of at least three aldermen, the Chair of the City Council Committee on Police and Fire, or its successor committee, shall request that the Superintendent or their designee appear at a hearing of the Committee on Police and Fire, or its successor committee, to explain and respond to questions concerning such response.~~

(Omitted text is unaffected by this ordinance)

2-78-145 Reports open to public inspection.

All Final Summary Reports of the Office shall be posted on the Office's website and open to public inspection, except to the extent that information contained therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as redacted, shall be posted on the Office's website and open to public inspection, ~~along with the response of the Superintendent thereto, if any, promptly after, but not before, the process set forth in Section 2-78-130(a) is completed and disciplinary charges,~~

~~if any, are served on the employees in question.~~ The Office also shall provide a copy of the report to the complainant, if there is one.

Such reports shall specify the allegations investigated, a finding of Sustained, Not Sustained, Exonerated or Unfounded for each allegation and a recitation of facts, and analysis to support each such finding. Under no circumstance may the report recommend, comment, or otherwise express any position with respect to any discipline or non-disciplinary action to the Superintendent for any finding.

~~Reports of the Office concerning its recommendations as to a Police Department policy, practice, or process, or training pursuant to Section 2-78-120(m) or (n) shall be posted on the Office's website and open to public inspection, except to the extent that information contained therein has been redacted because it is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law. Such reports, as redacted, shall be posted on the Office's website and open to public inspection, along with the Police Department's response thereto, promptly after, but not before, the process set forth in Section 2-78-130(b) is completed.~~

2-78-150 Quarterly and annual reports to legislative and executive branches.

(a) *Quarterly reports.* No later than the fifteenth day of, April, July and October of each year, the Chief Administrator shall post on the Office website for public review and file with the Mayor or their designee, the Superintendent, the Chair of the City Council Committee on Police and Fire, or its successor committee, and the City Clerk, a quarterly report providing information based on data through the end of the preceding month on: (1) the number of investigations initiated during that quarterly reporting period; (2) the number of investigations concluded during that quarterly reporting period, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the end of that quarterly reporting period; (4) the number of complaints not sustained during that quarterly reporting period; (5) the number of complaints sustained during that quarterly reporting period; (6) the number of complaints filed as to each Police Department district during the quarterly reporting period; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police, Department district during the quarterly reporting period; and (8) the number of complaints referred to other agencies during the quarterly reporting period and the identity of such other agencies. ~~Such quarterly reports shall also summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department, and the Superintendent's response to such reports or recommendations.~~

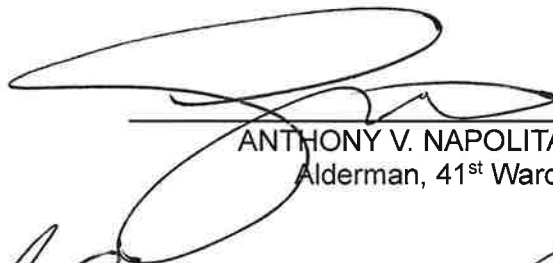
(b) *Annual reports.* No later than the fifteenth day of February of each year, the Chief Administrator shall post on the Office's website for public review and file with the Mayor or their designee, the Superintendent, the Chair of the City Council Committee on Police and Fire, or its successor committee, the City Clerk, and the Deputy Inspector General for Public Safety, an annual report providing information based on data during the prior calendar year on: (1) the number of investigations initiated during the prior calendar year; (2) the number of investigations concluded during the prior calendar year, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the last day of the prior calendar year; (4) the number of complaints not sustained during the prior calendar year; (5) the number of complaints sustained during the prior calendar year; (6) the number of complaints filed as to each Police Department district during the prior calendar year; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the prior calendar year; and (8) the number of complaints referred to other agencies during the prior calendar year and the identity of such other agencies.

Such annual reports shall also describe and summarize the results of the Office's investigations and the Office's other activities and performance during the prior calendar year.

Finally, such annual reports shall summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department during the prior calendar year, and the Superintendent's responses to such reports and recommendations.

(Omitted text is unaffected by this ordinance)

SECTION 2. This ordinance takes effect upon passage and publication.


41st
ANTHONY V. NAPOLITANO
Alderman, 41st Ward


36th


31st
Marty O'Hara 19

Daniel Carter 18



32
Scott Wagner 44

James Henderson 45
Nicholas Ippolito 38
Marty Quinn 13
Sivana Dubans

Anthony Ambrose 9th
Morgan Lee 24