

ORDINANCE

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

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

WHEREAS, This ordinance presents a referendum to Chicago voters on whether to: (i) change the Community Commission for Public Safety and Accountability (CCPSA) from a 7-member appointed body to an 11-member body, consisting of nine elected Commissioners and two appointed Commissioners; and (ii) change the City's form of government by altering the relative powers of City officials relating to the CCPSA; now, therefore,

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

SECTION 1. A binding referendum in accordance with the terms of this Section shall be placed on the ballots of the November 5, 2024 general election to be voted on by all electors in the City of Chicago. The referendum on the ballot shall read:

Shall the City of Chicago change the Community Commission for Public Safety and Accountability, currently a 7-member appointed body established by Chapter 2-80 of the Municipal Code of the City of Chicago that oversees the Chicago Police Department (CPD), into an 11-person body, consisting of 9 Commissioners, first elected at the 2027 Chicago municipal election, and 2 appointed Commissioners, and change the City's form of government by altering the relative powers of City officials pursuant to Section 2 of Ordinance Number O2024-_____ adopted by the City Council on _____?

[] YES

[] NO

SECTION 2. Chapter 2-80 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-80-010 Definitions.

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

"Chief Administrator" means the Chief Administrator of COPA.

"Commission" means the Community Commission for Public Safety and Accountability established in this Chapter.

"Consent Decree" means the Consent Decree entered into between the State of Illinois and the City of Chicago on January 31, 2019 (17-cv-6260), as amended or supplemented from time to time by order of the U.S. District Court.

"COPA" means the Civilian Office of Police Accountability established in Chapter 2-78.

"Department" means the Department of Police established in Chapter 2-84.

"District" means one of the 22 Department districts of the three districts established for election of Commissioners under Section 2-80-040(d).

"Inspector General" means the Office of Inspector General established in Chapter 2-56.

"Just Cause" means any egregious act or omission, including but not limited to gross misconduct or criminal conduct, which impairs the individual's ability to fulfill their duties and obligations.

"Marginalized community" means (i) a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to that member's personal qualities or (ii) residents of areas of the City that have been historically disinvested or have been subject to over-policing. "Marginalized community" includes, but is not limited to, African Americans, Native Indians, Alaskan Natives, Hispanics, Asian Americans, and Pacific Islanders.

"Nominating Committee" means the nominating committee that is comprised of one member from each Police District as determined pursuant to subsection (g) of Section 2-80-070, to fill existing and anticipated vacancies on the Commission.

"North Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 1 (Rogers Park), Community Area 2 (West Ridge), Community Area 3 (Uptown), Community Area 4 (Lincoln Square), Community Area 5 (North Center), Community Area 6 (Lake View), Community Area 7 (Lincoln Park), Community Area 8 (Near North Side), Community Area 9 (Edison Park), Community Area 10 (Norwood Park), Community Area 11 (Jefferson Park), Community Area 12 (Forest Glen), Community Area 13 (North Park), Community Area 14 (Albany Park), Community Area 15 (Portage Park), Community Area 16 (Irving Park), Community Area 17 (Dunning), Community Area 18 (Montclare), Community Area 19 (Belmont Cragin), Community Area 20 (Hermosa), Community Area 21 (Avondale), Community Area 22 (Logan Square), Community Area 32 (Loop), Community Area 76 (O'Hare), and Community Area 77 (Edgewater).

"Police Board" means the Police Board established in Chapter 2-84.

"Police District" means one of the 22 Department districts.

"Policy" means any Department policy or general order, COPA policy, or Police Board policy, to the extent that any said policy is not covered by or in the jurisdiction of the Consent Decree or otherwise identified by the U.S. District Court as falling within the scope of the Independent Monitor's mandate. "Policy" does not include the allocation or deployment of Department personnel or resources to address public safety or other matters affecting the day-to-day operation of the Department, COPA, or the Police Board.

"Public Safety Inspector General" means the Deputy Inspector General for Public Safety established in Chapter 2-56.

"South Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 33 (Near South Side), Community Area 34 (Armour Square), Community Area 35 (Douglas), Community Area 36 (Oakland), Community Area 37 (Fuller Park), Community Area 38 (Grand Boulevard), Community Area 39 (Kenwood), Community Area 40 (Washington Park), Community Area 41 (Hyde Park), Community Area 42 (Woodlawn), Community Area 43 (South Shore), Community Area 44 (Chatham), Community Area 45 (Avalon Park), Community Area 46 (South Chicago), Community Area 47 (Burnside), Community Area 48 (Calumet Heights), Community Area 49 (Roseland), Community Area 50 (Pullman), Community Area 51 (South Deering), Community Area 52 (East Side), Community Area 53 (West Pullman), Community Area 54 (Riverdale), Community Area 55 (Hegewisch), Community Area 56 (Garfield Ridge), Community Area 57 (Archer Heights), Community Area 58 (Brighton Park), Community Area 59 (McKinley Park), Community Area 60 (Bridgeport), Community Area 61 (New City), Community Area 62 (West Elsdon), Community Area 63 (Gage Park), Community Area 64 (Clearing), Community Area 65 (West Lawn), Community Area 66 (Chicago Lawn), Community Area 67 (West Englewood), Community Area 68 (Englewood), Community Area 69 (Greater Grand Crossing), Community Area 70 (Ashburn), Community Area 71 (Auburn Gresham), Community Area 72 (Beverly), Community Area 73 (Washington Heights), Community Area 74 (Mount Greenwood), and Community Area 75 (Morgan Park).

"Superintendent" means the Superintendent of Police.

"West Side" means the following Community Areas, as utilized by the U.S. Bureau of the Census, collectively: Community Area 23 (Humboldt Park), Community Area 24 (West Town), Community Area 25 (Austin), Community Area 26 (West Garfield Park), Community Area 27 (East Garfield Park), Community Area 28 (Near West Side), Community Area 29 (North Lawndale), Community Area 30 (South Lawndale), and Community Area 31 (Lower West Side).

2-80-020 Community Commission for Public Safety and Accountability – Establishment.

There is hereby established a commission to be known as the Community Commission for Public Safety and Accountability, which shall include Commissioners and non-voting staff, including an Executive Director, and such deputies, assistants, and other employees, as may be provided for in the annual appropriation ordinance, and as required to implement the Commission's powers and duties. The Commission will adopt rules and procedures for the conduct of its business, and may establish any committees deemed necessary for the conduct of its business. The Executive Director shall administer the affairs of the Commission, hire and supervise Commission staff, and exercise such additional powers as may be conferred by, and are within the jurisdiction of, the Commission and consistent with applicable law. The Commission Mayor shall appoint the first Executive Director, who shall serve at the pleasure of the Commission established in Section 2-80-040(c)(4) or established pursuant to Section 2-80-040(d). Any subsequent Executive Director shall be appointed by, and serve at the pleasure of, the Commission.

(Omitted text is unaffected by this ordinance)

2-80-040 Commission – Composition and qualifications.

(a) *Composition and term.* The Commission shall be composed of 11 Commissioners seven commissioners, nine of which shall be elected beginning with the 2027 municipal election and two which will be appointed by the elected Commissioners on or before the first Monday of August every odd year. The Commission shall appoint a Commission President and Vice-President from among its members, who each may serve one or more two-year terms in that

capacity. Elected Commissioners shall serve four-year terms, with a maximum of three terms. Appointed Commissioners shall serve two-year terms with a maximum of four terms. The first full slate of seven Commissioners selected in 2023 shall be assigned a number between one and seven in a random drawing conducted by the Executive Director, which number shall correspond to the following initial terms:

~~— Commissioner 1 — 2 years~~

~~— Commissioner 2 — 2 years~~

~~— Commissioner 3 — 2 years~~

~~— Commissioner 4 — 4 years~~

~~— Commissioner 5 — 4 years~~

~~— Commissioner 6 — 4 years~~

~~— Commissioner 7 — 4 years~~

~~— Thereafter, Commissioners shall serve four-year terms, and no Commissioner shall serve more than 12 years in their lifetime. A Commissioner shall continue to serve until a successor is elected or appointed, as appropriate and qualified.~~

(b) *Qualifications.* A candidate for Commissioner shall:

(1) be a resident of the City, and have resided in the City for at least the three five-years immediately preceding their election or appointment;

(2) for elected Commissioners, be a resident of their district, and have resided in such district for at least one year immediately preceding their election;

(3) have at least two five-years' combined experience as a representative, activist, organizer, or counsel on behalf of marginalized communities or organizations that protect the rights of marginalized communities; in one or more of the following fields: law, public policy, social work, psychology, mental health, public safety, community organizing, civil rights, or advocacy on behalf of marginalized communities;

(4) be 18 years or older on the date of the election or appointment; have adequately disclosed any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the person's performance as a Commissioner;

(5) satisfy the qualifications for elected office under the Illinois Municipal Code, codified at 65 ILCS 5/3.1-10-5;

(6) not be or have been a sworn employee of a police department, a member of the Fraternal Order of Police Lodge #7, or an employee of the Independent Police Review Authority, COPA, or the Police Board; and have a reputation for integrity, professionalism, and sound judgment;

~~(75) not be or have been a prosecutor or investigator at the Cook County State's Attorney's Office, have a history of leadership and community involvement;~~

~~(6) Have a demonstrated ability to engage effectively with all who have a stake in policing, including, but not limited to, marginalized communities, police officers, and public officials;~~

~~—(7) have a demonstrated ability to work in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity;~~

~~—(8) have not been an employee of the Department, COPA, or the Police Board in any of the five years immediately preceding their appointment; and~~

~~—(9) not be a member of the Nominating Committee.~~

~~At least two Commissioners shall each have at least ten years of experience as a practicing attorney, with significant experience in civil rights, civil liberties, or criminal defense or prosecution. At least one Commissioner shall have at least ten years of experience in community organizing that involves a formal affiliation with one or more community-based organizations. Two Commissioners shall be exempt from the requirements of subsection (b)(2) of this section, and shall be between the ages of 18 and 24 years old (regular Commission) or the ages of 18 and 26 years old (interim Commission) at the time of appointment.~~

~~(c) *Election of Commissioners.* Three Commissioner shall be elected by residents of the three districts established under this chapter. Persons wishing to appear on the ballot, either as a candidate or a slate of candidates, for Commissioner shall file a statement of candidacy with the Chicago Board of Election Commissioners and submit petitions for nomination; the signature requirements for the petitions for nomination of Commissioner candidates shall be equal to the lesser of: (i) 250 registered voters in the district; and (ii) 0.5 percent of the total number of registered voters in the district who voted in the next preceding Presidential election, but in no event fewer than a minimum of 25 registered voters in the district. Petitions for nominations under this subsection may contain the names of two or more candidates. If a petition for nomination contains the names of two or more candidates, the signature of a registered voter on such petition shall count towards the minimum signature requirement for each candidate whose name appears on the petition.~~

~~Beginning in 2027, and every four years thereafter, Commissioners shall be elected in a nonpartisan election coinciding with the consolidated primary election held in odd-numbered years on the last Tuesday in February. The candidates in each district receiving the greatest, second greatest, and third greatest number of votes shall take office on the first Tuesday after the first Monday in May following their election.~~

~~In all Commission elections, voters may vote for up to three candidates.~~

~~Between the day established by law for the commencement of the circulation period for nomination petitions for the Commission election and the day after the Commission election, district boundaries shall not be altered.~~

~~(d) *Districts for Elected Commissioner.* The nine elected Commissioners shall be elected, three each, by the voters of districts as follows:~~

(1) The First District shall be comprised of the following wards: 2; 30; 32; 34; 38; 39; 40; 41; 43; 44; 45; 46; 47; 48; 49; and 50.

(2) The Second District shall be comprised of the following wards: 1; 12; 13; 14; 22; 23; 24; 25; 26; 27; 28; 29; 31; 33; 35; 36; and 37.

(3) The Third District shall be comprised of the following wards: 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 16; 17; 18; 19; 20; 21; 42.

(e) Appointment of Commissioners. Except as provided in subsection (d) of this section, ~~addressing an interim Commission,~~ Appointed Commissioners shall be appointed by the Commission ~~Mayor~~ from among candidates nominated by the Nominating Committee. All candidates nominated by the Nominating Committee must represent marginalized communities, and at least one of the appointed Commissioners must be between the ages of 18 and 26 and at least one of the appointed Commissioners must be a family member of an incarcerated or formerly incarcerated person. At least two of the seven Commissioners shall reside on the North Side of Chicago and have resided on the North Side of Chicago for at least 365 days immediately preceding their appointment; at least two Commissioners shall reside on the South Side of Chicago and have resided on the South Side of Chicago for at least 365 days immediately preceding their appointment; and at least two Commissioners shall reside on the West Side of Chicago and have resided on the West Side of Chicago for at least 365 days immediately preceding their appointment. Each appointment shall be subject to City Council approval.

(1) At least 90 days before the expiration of an appointed Commissioner's term, and any time there is a vacancy in a appointed Commissioner position, ~~on the Commission,~~ the Nominating Committee shall make publicly available a Request for Application for Commissioner ("Request"). The Request shall include a form for applying to be a candidate for Commissioner and state the:

- (A) process for selecting an appointed Commissioner;
- (B) description of specific duties and responsibilities of a Commissioner;
- (C) qualifications for becoming a Commissioner; and
- (D) timeline for Commissioner selection.

An application shall be made in writing, shall state how the applicant meets the qualifications established in this Chapter, shall contain at least three letters of support from people familiar with the applicant's qualifications, and shall include any additional information that the Nominating Committee deems appropriate for consideration.

Applicants may include with their application a written statement describing their experience with policing and the criminal legal system that may have had an impact on their life and on their interest in serving on the Commission. The Nominating Committee may consider this experience when selecting candidates.

(2) The Nominating Committee shall receive applications for 30 days after issuing the Request. After reviewing all applications received, the Nominating Committee shall select as finalists no fewer than four qualified candidates for each existing vacancy or expiring term on

the Commission, or shall submit all qualified candidates if the Nominating Committee determines that fewer than four candidates are qualified. The Nominating Committee shall conduct interviews of all finalists.

(3) Within 60 days after issuing the Request, the Nominating Committee shall meet to select at least two applicants for each vacancy or expiring term for consideration by the Commission Mayer for appointment to the Commission, subject to City Council approval. Each applicant must receive at least 15 votes from the Nominating Committee in order to be nominated. The two applicants receiving the most votes will be selected as nominees. The Nominating Committee shall promptly transmit the list of nominees and each nominee's application materials to the Commission Mayer.

(4) Within 30 days after receiving the list of nominees, the Commission Mayer shall either appoint a candidate from the list to the Commission, or provide the Nominating Committee with a written explanation as to why the Commission Mayer declined to appoint a candidate. The Nominating Committee shall make this written explanation publicly available on the Commission's website within three business days after receipt, and shall then, within 30 days after the Commission's Mayer's declination, submit to the Commission Mayer a new list of two nominees for each vacancy or expiring term. This new list of nominees shall not include a candidate from any prior list submitted to the Commission Mayer to fill the current existing vacancy or expiring term. Within 30 days after receiving the new list of candidates, the Commission Mayer shall either appoint a candidate, or decline to appoint a candidate, as described in this section. This process shall continue until the Commission Mayer appoints a candidate for consideration by the City Council Committee on Police and Fire, or its successor committee, and subsequent City Council approval. If the City Council rejects the Commission's Mayer's appointed candidate, within 30 days thereafter the Commission Mayer shall either appoint a different candidate from the most recent list submitted by the Nominating Committee, or request that the Nominating Committee provide two new nominees. This process shall continue until the City Council confirms a candidate appointed by the Commission Mayer.

If a vacancy occurs in any elected Commissioner position, the vacancy shall be filled pursuant to the process established for selecting appointed Commissioners, except that the Nominating Committee shall take into account the residency qualifications, but not the specific qualifications for an appointed Commissioner, and submit nominees to the Commission. Each appointment shall be subject to City Council approval.

(fd) The Commission, as appointed on and before May 17, 2027, shall serve as an An interim Commission shall be established to carry out the powers and duties outlined in Section 2-80-050 until the regular Commission is constituted appointed following the first District Council elections of Commissioners in the 2027 municipal election. The interim Commission shall be composed of seven commissioners. The Chicago City Council Committee on Committees and Rules shall nominate 14 people for consideration by the Mayor for appointment to the interim Commission. All nominees must meet the qualifications outlined in 2-80-040(b). At least four of the nominees shall reside on the North Side of Chicago and have resided on the North Side of Chicago for at least 365 days immediately preceding their nomination; at least four nominees shall reside on the South Side of Chicago and have resided on the South Side of Chicago for at least 365 days immediately preceding their nomination; and at least four nominees shall reside on the West Side of Chicago and have resided on the West Side of Chicago for at least 365 days immediately preceding their nomination. By December 1, 2021, the Committee on Committees and Rules shall by majority vote approve the list of 14 nominees and submit the list to the Mayor for consideration.

~~By January 1, 2022, the Mayor shall appoint seven members to the interim Commission from the list of nominees approved and submitted by the Committee on Committees and Rules. At least two of the interim Commissioners shall reside on the North Side of Chicago and have resided on the North Side of Chicago for at least 365 days immediately preceding their nomination; at least two of the interim Commissioners shall reside on the South Side of Chicago and have resided on the South Side of Chicago for at least 365 days immediately preceding their nomination; and at least two of the interim Commissioners shall reside on the West Side of Chicago and have resided on the West Side of Chicago for at least 365 days immediately preceding their nomination.~~

If there is a vacancy on the interim Commission, within 30 days of the creation of the vacancy, the Committee on Committees and Rules shall ~~use the process described above to~~ nominate two people for consideration by the Mayor, with such nominees residing in the same area of the City as the previous Commissioner. Within 30 days after the Committee on Committees and Rules submits to the Mayor a list of nominees, the Mayor shall select a person to fill the vacancy on the interim Commission.

Interim Commissioners shall serve until their successors take office following the first District Council elections of Commissioners in the 2027 municipal election. Interim Commissioners can be removed for Just Cause pursuant to Section 2-80-040(e).

(ge) *Removal from office.* Elected Commissioners may only be removed from office in the manner proscribed for removal of an alderman pursuant to State law. An appointed A Commissioner may only be removed by a two-thirds vote of the Commission, and appointed Commissioners may not participate in any vote to remove themselves from office or in any vote to renew their appointment. Interim Commissioners may only be removed for Just Cause either at the discretion of the Mayor or by the City Council, upon a majority vote of the members of the Committee on Police and Fire, or its successor committee, and then a two-thirds vote of all members of the City Council. Before directing a removal of an interim Commissioner, the Mayor shall provide written notice of such intent to the Chair of the Committee on Police and Fire, or its successor committee, who, within 30 days of the date of said notice, may convene a meeting of the Committee on Police and Fire, or its successor committee, to adopt a resolution overriding the intended removal, which must be passed by a two-thirds majority vote of the City Council to be effective. The Mayor or City Council must provide written notice that describes with specificity the reason for removal to the affected interim Commissioner.

(hf) *Compensation.* Each commissioner shall receive an annual salary equal to the average salary of a member of City Council. ~~stipend of \$12,000.00, and the president shall receive an annual stipend of \$15,000.00.~~

2-80-050 Commission – Powers and duties.

The Commission shall have the following powers and duties:

(a) Create and approve, in collaboration with the Department, the Department budget, which the Mayor and City Council shall adopt in each year's annual appropriations ordinance;

(b) Negotiate contracts with members of the Department and their collective bargaining representatives and to execute such contracts on the City's behalf;

(c) Respond to public safety-related community needs and concerns through means including, but not limited to, the following:

(1) Engaging in community outreach to obtain the perspectives of community members and Department employees on police-community relations, Department policies and practices, and the police accountability system;

(2) Maintaining connections with representatives of disenfranchised communities and with other community groups throughout the City; and

(3) Providing the Department, Police Board, COPA, and Public Safety Inspector General with community feedback relevant to their operations received as a result of the Commission's public outreach activities;

(db) Oversee the District Councils and delegate powers and duties to the District Councils at its discretion and consistent with applicable law;

(ee) Publish reports as required by this Chapter, and report to the public about matters related to policing that concern all Chicago communities;

(fe) Have access to information, documents, data, and records in order to carry out the Commission's powers and duties, as provided in Section 2-80-120;

(ge) Assess performance of and set goals for the Superintendent, Chief Administrator, and Police Board President;

(hf) Recommend to the Public Safety Inspector General to conduct research or audits on specific topics or issues, including emergent issues that, in the Commission's judgment, are needed to support public confidence in the Department and related criminal justice practices. If the Commission issues such a recommendation in writing, the Public Safety Inspector General shall respond in writing within ten business days;

(ig) Review and provide input to the Chief Administrator, Public Safety Inspector General, Superintendent, Police Board, and other City departments and offices, including the Mayor, City Council Committee on Police and Fire, or its successor committee, and Corporation Counsel on the police accountability system, police services, and Department policies and practices of significance to the public;

(jh) Collaborate with the Department, COPA, and the Police Board in the development of new or amended Policy, as provided in Section 2-80-110;

(ki) Draft, review, and approve by majority vote any proposed new or amended Policy, as provided in Section 2-80-110;

(lj) By majority vote and subject to applicable law and reasonable scheduling accommodation, require the attendance of the Superintendent, the Public Safety Inspector General, the Chief Administrator, and the President of the Police Board, or their designees, at any regular or special meeting of the Commission in order to provide updates on matters as requested by the Commission, and to answer questions from the Commission and hear public comments;

~~(mk) In the event of a vacancy, interview, assess the qualifications of, and appoint the recommend to the Mayor candidates having appropriate qualifications for the positions of Superintendent and Police Board members, as provided in Section 2-80-080;~~

~~(n) Remove the Superintendent or members of the Police Board for Just Cause by a two-thirds vote;~~

~~(l) Introduce and by two-thirds majority vote adopt a resolution of no confidence in the Superintendent or a Police Board member, as provided in Section 2-80-090;~~

~~(om) Appoint the Chief Administrator with the advice and consent of the City Council, as provided in Section 2-80-080;~~

~~(pn) Remove the Chief Administrator, for Just Cause, by a two-thirds vote; as provided in Section 2-80-090;~~

~~(e) Before a City Council vote on the annual budget, review and, if warranted, recommend changes to the proposed Department budget appropriation;~~

~~(qp) Identify and recommend to the City Council ways to increase effectiveness and efficiency in the use of public safety resources, including by introduction of ordinances to City Council;~~

~~(rq) Identify and recommend to the City Council ways to ensure that Department resources are used appropriately, taking into account issues that other professionals could adequately address, including by introduction of ordinances to City Council;~~

~~(sf) Identify and recommend to the City Council preventative, proactive, community-based, and evidence-based solutions to violence, including by introduction of ordinances to City Council;~~

~~(ts) Within 60 days after Commission members take office, appoint a Noncitizen Advisory Council, which shall include Chicago residents who are not United States citizens and Chicago residents who are undocumented, and may include people who work on behalf of Chicago residents who are not United States citizens; the Noncitizen Advisory Council shall advise the Commission to ensure that the perspectives and experiences of Chicago residents who are not United States citizens are reflected and incorporated in the Commission's work;~~

~~(ut) Collaborate with the Department regarding the CAPS program and other existing or future Department-led community policing programs;~~

~~(v) Issue subpoenas to compel the attendance and testimony of witnesses and the production of documents; administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of relevant information;~~

A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas; a subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the

documents or other items described in the subpoena; in no event shall the date for examination or production be less than seven days after service of the subpoena;

(w) Maintain permanent in-house counsel and retaining outside counsel to advise on legal issues and perform other legal work, including to enforce and defend against subpoenas and to advise and represent the Commission, provided:

(i) such counsel are selected from a pool of no fewer than five firms previously approved by the Corporation Counsel after consultation with the Commission;

(ii) such counsel are retained pursuant to the standard terms of engagement then used by the Corporation Counsel, including any limitations on fees or costs;

(iii) the costs of such representation are paid from the appropriations of the Commission;
and

(iv) the Commission provides the Corporation Counsel with notice of the engagement, including the firm selected and a copy of the engagement agreement;

Nothing in this provision or item (w) shall be construed to alter the exclusive authority of the Corporation Counsel to either defend and supervise the defense of claims against the City and/or individual City defendants, or to provide the Commission with the authority to settle monetary or other claims against the City and/or individual City defendants;

(x) Appoint COPA attorneys to prosecute disciplinary cases involving police misconduct in order to reduce conflicts of interest and increase transparency, whom the Corporation Counsel shall designate as Special Assistants Corporation Counsel for the limited purposes stated in this paragraph;

(y) Appoint two appointed Commissioners, pursuant to 2-80-040 and based on recommendations of District Councils;

(zu) Create operational policies and procedures for the Commission; and

(aav) Monitor the Department's compliance with its policies.

(Omitted text is unaffected by this ordinance)

2-80-070 District Councils – Establishment, purpose, composition and duties.

There is hereby established, within each Police District, a District Council.

(a) The purpose of the District Councils is to: (1) build connections between the police and the community; (2) collaborate in the development and implementation of community policing initiatives; (3) ensure regular community input for Commission efforts; (4) ensure that within each Police District there is a forum where Police District residents can raise and work to address any concerns about policing in the Police District, including but not limited to police interactions with youth and people of all immigration statuses; (5) ensure the independence and increase the legitimacy of the Commission by participating in the selection of its members; and (6) ~~participate in the selection of Commissioners who will fulfill the purposes listed in Section 2-~~

~~80-030 of this Chapter; and (7) assist the Commission in fulfilling the purposes listed in Section 2-80-030.~~

(b) Each District Council shall be comprised of three members who are elected to serve four-year terms. No person may serve more than a total of 12 years on a District Council in their lifetime. A candidate for District Council membership shall:

(1) satisfy the qualifications for elected office under the Illinois Municipal Code, codified at 65 ILCS 5/3.1-10-5;

(2) on the day of the election, have resided in the Police District in which they seek to serve for at least the previous 365 days, and be registered to vote in the Police District they seek to serve;

(3) not be a member of the Commission; and

(4) not have been an employee of the Department, Independent Police Review Authority, COPA, or the Police Board in any of the three years immediately preceding the date on which their term begins.

(c) Each District Council shall be elected by residents of the Police District. Persons wishing to appear on the ballot, either as a candidate or a slate of candidates, for District Council shall file a statement of candidacy with the Chicago Board of Election Commissioners and submit petitions for nomination; the signature requirements for the petitions for nomination of District Council candidates shall be equal to the lesser of: (i) 250 registered voters in the Police District; and (ii) 0.5 percent of the total number of registered voters in the Police District who voted in the next preceding Presidential election, but in no event fewer than a minimum of 25 registered voters in the Police District. Petitions for nominations under this subsection may contain the names of two or more candidates. If a petition for nomination contains the names of two or more candidates, the signature of a registered voter on such petition shall count towards the minimum signature requirement for each candidate whose name appears on the petition.

Beginning in 2023, and every four years thereafter, District Councils shall be elected in a nonpartisan election coinciding with the consolidated primary election held in odd-numbered years on the last Tuesday in February. The candidates in each Police District receiving the greatest, second greatest, and third greatest number of votes shall take office on the first Tuesday after the first Monday in May following their election.

In all District Council elections, voters may vote for up to three candidates.

Between the day established by law for the commencement of the circulation period for nomination petitions for District Council election and the day after the District Council election, Police District boundaries shall not be altered, unless necessary to address a public safety emergency, in which case the Superintendent shall publicly post the reason for the alteration.

If a vacancy occurs on any District Council, then the vacancy shall be filled by the Commission nominating a qualified candidate, subject to City Council approval, pursuant to 65 ILCS 5/3.1-10-51. ~~When the Mayor is filling a District Council vacancy, the remaining member or members of the District Council shall, within 30 days of the vacancy being created, identify three people who meet the qualifications established in this Chapter and submit their names to the Commission. From among the names submitted by the District Council, the Commission shall,~~

~~within 60 days of the vacancy being created, select a person to recommend to the Mayor to fill the vacancy. If all of the positions on a District Council become vacant, the Commission shall, within 60 days of the creation of each vacancy, select a person who meets the qualifications established in this Chapter to recommend to the Mayor to fill the vacancy.~~

All laws in force in the City governing elections for municipal offices or applicable thereto and not inconsistent with the provisions of this section shall apply to and govern all elections held under the terms of this section.

(d) Each District Council member shall receive a stipend of \$500 per month while serving in this role. Each stipend shall be factored into the Commission's annual budget and shall be paid on an annualized pro rata basis to each District Council member.

(e) Each District Council shall:

(1) Hold public meetings at least monthly to discuss policing issues;

(2) Work with the Police District Commander and community members to help develop and implement community policing initiatives;

(3) Delegate one or more District Council members to attend quarterly meetings with representatives from each District Council to identify trends and concerns;

(4) Delegate one or more District Council members to attend annual meetings with representatives from each District Council to propose priorities for the Commission;

(5) Work to develop and expand restorative justice and similar programs in the Police District;

(6) Encourage Department members to facilitate access to community resources;

(7) Assist and engage with members of the public, including gathering input from the public regarding public safety and policing in their districts;

(8) Report its findings, conclusions, and recommendations to the Commission as requested; and

(9) Exercise any other powers delegated to it by the Commission.

(f) District Council members may make policy recommendations to the Commission; respond to community members' questions and concerns by requesting information related to investigations from the Department or COPA, subject to applicable law and Department or COPA policy; and provide information to Department members and community groups on the work of the Commission and District Councils.

(g) Each District Council shall have a Chair, a member of the Nominating Committee, and a Community Engagement Coordinator. District Council members on each District Council shall determine which member shall serve as Chair, which member shall serve on the Nominating Committee, and which member shall serve as Community Engagement Coordinator. Within 30 days of members taking office, each District Council shall submit to the Commission a document identifying who has been selected to fill each of these positions. If, 30 days after

taking office, members of any District Council have not filled one or more of these positions, the Commission shall assign roles by a majority vote of the Commission.

(h) District Councils may enlist qualified volunteers to assist them in carrying out their duties, including but not limited to serving on committees, pursuant to this section. For example, District Councils may enlist volunteers to ensure that the perspectives and experiences of Police District district-residents who are not United States citizens are reflected and incorporated in the District Council's work.

2-80-080 Superintendent, Chief Administrator and Police Board – Selection; appointment.

(a) *Superintendent.* When a vacancy occurs in the position of Superintendent, the Commission shall hold at least four public hearings at which members of the public may provide recommendations to inform the Commission's selection of Superintendent candidates. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, and the West Side of Chicago.

To solicit candidates to fill the Superintendent vacancy, the Commission shall conduct a nationwide search, including recruiting candidates, thoroughly reviewing applications, conducting background checks, and conducting in-depth interviews of the best-qualified candidates. Qualified candidates will, at a minimum, demonstrate experience in leading proactive public-safety initiatives, advances in training and accountability, and increasing trust between police officers and the communities they serve.

~~Within 120 days after a vacancy occurs in the position of Superintendent, the Commission shall submit three candidates for the position to the Mayor. Within 30 days thereafter, the Mayor shall either select one of these candidates, or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit to the Mayor three new candidates, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor appoints and submits for City Council approval a candidate.~~

The Superintendent shall be appointed by the Commission nominating a qualified candidate, subject to City Council approval. After the Commission ~~Mayor has nominated~~ appointed and submitted to the City Council a candidate for Superintendent, but before the City Council Committee on Police and Fire, or its successor committee, has held a hearing on the appointment, the Commission shall hold a public hearing at which the candidate shall appear and answer questions from the Commission and from members of the public. At the hearing, the Commission shall also provide time for public comment on the candidate. Before the public hearing, the Commission shall provide on its website an opportunity for members of the public to register questions for and comments about the candidate, and shall make publicly available a written explanation of why the Commission nominated this candidate.

After the City Council has approved the appointment of the Superintendent, the Commission shall hold at least four public hearings at which the Superintendent may speak and members of the public may share comments and questions, and provide recommendations to inform the Commission's work with the Superintendent. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, and the West Side of Chicago.

(b) *Chief Administrator.* The Chief Administrator shall be appointed by the Commission subject to City Council approval. When a vacancy occurs or is anticipated in the position of Chief Administrator, the Commission shall engage a nationally recognized organization with expertise in government oversight to perform a nationwide search and identify at least ten candidates. The Commission shall select a Chief Administrator from among the candidates identified in this process. Such candidates shall fulfill the qualifications in Section 2-78-115. The Commission shall select the candidate it deems most qualified and publish its selection on its website. The Mayor shall have the opportunity to provide written input on the Commission's selection before its referral to the City Council Committee on Police and Fire, or its successor committee. The Commission's selected candidate shall be referred to the City Council Committee on Police and Fire, or its successor committee, for a hearing, and shall then be subject to City Council approval. If the City Council rejects the Commission's selected candidate, within 30 days thereafter the Commission shall select a new candidate.

(c) *Police Board.* When a vacancy occurs on the Police Board, the Commission shall, within 60 days, identify candidates eligible to fill the vacancy. Such candidates shall have the qualifications listed in Section 2-80-040(b)(1) through (b)(7) and (b)(9), and shall adhere to the Police Board Selection Criteria promulgated pursuant to paragraph 532 of the Consent Decree. For each Police Board vacancy, the Commission shall, within 30 days, nominate a replacement Police Board member, subject to City Council approval, shall submit to the Mayor three candidates it deems most qualified, except that, for an anticipated vacancy due to the expiration of a term, the Commission may submit only one eligible candidate for reappointment. Within 30 days thereafter, the Mayor shall select a candidate, or reject the candidates or reappointment candidate, and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. Within 30 days after this rejection, the Commission shall submit three new candidates to the Mayor, which shall not include any previous candidate. Within 30 days thereafter, the Mayor shall either select a candidate or reject the candidates and provide the Commission with a written explanation, which the Commission shall make publicly available no later than three business days after receipt. This process shall continue until the Mayor selects a candidate.

~~—(d) The Mayor's selection of a candidate in subsections (a) or (c), shall be referred to the City Council Committee on Police and Fire, or its successor committee, for a hearing, and shall then be subject to City Council approval. If the City Council rejects the Mayor's selected candidate, within 30 days thereafter the Mayor shall either select a different candidate from the most recent list submitted by the Commission, or request that the Commission provide three new candidates.~~

2-80-090 [Reserved]. Superintendent, Police Board and Chief Administrator—Vote of no confidence; removal.

~~—(a) The Commission may adopt by a two-thirds vote a resolution of no confidence in the fitness of the Superintendent, a Police Board member, or the Chief Administrator to hold their position. Such resolution may only be considered for Just Cause. Upon passage by a two-thirds vote of a motion to take a no confidence vote, the Commission shall provide written notice to the affected party of its intent to adopt such resolution, including a detailed explanation of the deficiencies that are the basis of the "for Just Cause" determination. Within 30 days of receiving this written notice, the affected party may respond in writing. Upon receipt of the affected party's response, or 30 days after delivery of written notice, whichever comes first, the Commission may vote on a resolution of no confidence.~~

~~—If the Commission adopts a resolution of no confidence in the Superintendent, a Police Board member, or the Chief Administrator, the City Council Committee on Police and Fire, or its successor committee, shall hold a hearing within 14 days at which it shall consider and vote on whether to recommend that the affected party be removed for Just Cause. If the affected party requests to appear at the hearing, they shall be given an opportunity to speak and to respond to questions from Committee members. If a majority of the members of the Committee on Police and Fire, or its successor committee, votes in the affirmative to recommend that the affected party be removed, then the City Council shall consider and vote on whether to recommend that the affected party be removed or, in the case of the Chief Administrator, whether to remove. The City Council shall meet for this purpose either within 30 days of the Commission's vote of no confidence, or at the next regular meeting of the City Council.~~

~~(b) If a two-thirds majority of all members of the City Council vote in the affirmative to recommend that the Superintendent or a Police Board member be removed, the Mayor shall respond in writing to the City Council within 14 days after adoption of the resolution, explaining the actions that the Mayor will take in response.~~

~~—If a two-thirds majority of all members of the City Council vote in the affirmative to remove the Chief Administrator, the Chief Administrator shall be removed pursuant to a schedule that will permit an orderly transition in that office.~~

(Omitted text is unaffected by this ordinance)

2-80-110 Department, COPA and Police Board policymaking.

(a) Any new or amended Policy shall become effective only after Commission approval, by majority vote, except as set forth in subsections ~~(e)(3), or (d), and pursuant to subsection (e)(7).~~

(b) A new or amended Policy may be initiated by the Department, COPA, the Police Board, or the Commission.

(1) The Commission may initiate a Policy either by drafting a Policy itself or by making a written request to the Department, COPA, or the Police Board to draft such Policy.

(2) If the Commission requests that the Department, COPA, or the Police Board draft a Policy:

(A) The Department, COPA, or the Police Board shall accept or decline the request in writing within 14 days of receipt, and, if declining, provide the Commission with a written explanation.

(B) If the request is accepted, the Department, COPA, or the Police Board shall provide a draft of the Policy to the Commission within 60 calendar days, which time the Commission may extend at its discretion.

(C) If the Department, COPA, or the Police Board does not respond, declines the request, or accepts the request but fails to draft a Policy within 60 calendar days or any extension thereto, the Commission may draft and approve such Policy, with or without input from the Superintendent, Chief Administrator, or Police Board President, as applicable, at the Commission's discretion. ~~take its request to the Mayor who shall review the parties' positions and either direct the Superintendent, Chief Administrator, or Police Board President to take~~

~~appropriate action, or explain in writing why the Mayor has concluded that no action is warranted.~~

(c) The initiating party shall submit the proposed new or amended Policy to the Commission, and to the Department, COPA, or Police Board, as appropriate, for review.

(1) The Commission and the Department, COPA, or Police Board shall have 60 days after submission to provide written comments or suggestions to the submitting party on how to improve the Policy.

(2) If, during the 60-day period for submitting written comments or suggestions, both the Commission and the party that either initiated the Policy or is subject to the Policy indicate in writing that they are in agreement about the Policy, then the Commission may place the Policy on its agenda for consideration at its next regularly scheduled meeting and may vote on the Policy at that meeting.

(3) If, after 60 days of a proposed new or amended Policy's submission, the Commission has not voted on the Policy, ~~such Policy shall be deemed rejected by the Commission, and if the receiving party has not provided any written comments or suggestions on the Policy, then the Department, COPA, or the Police Board may place the Policy into effect.~~

(4) If, during the 60-day period for submitting written comments or suggestions, there are written comments or suggestions, within 14 days of receipt, the receiving party shall provide a written response indicating whether the comments or suggestions will be incorporated into the new or amended Policy, or explaining why the comments or suggestions will not be incorporated.

(A) If there are written comments or suggestions, in the event that the response and subsequent actions address the comments or suggestions to the satisfaction of the parties, the Commission may place the new or amended Policy on its agenda for consideration at a regular meeting.

(B) If concerns remain following the receiving party's written response, the parties shall work collaboratively and in good faith for 30 days to reach an agreement on the Policy. If, after 30 days, the parties are unable to reach an agreement, the Commission may place the policy on its agenda for consideration at a regular meeting.

(5) If, pursuant to subsection (b), the Department, COPA, or Police Board initiates a Policy, and the Commission completes the process described in subsection (c)(1), (c)(2), (c)(3), or (c)(4), but has not taken a vote on the Policy within 60 days of completing the process, then the Superintendent, Chief Administrator, or Police Board President, as appropriate, may request that the Commission vote on the Policy. If the Commission receives such a request, it shall place the Policy on its agenda for consideration at its next regularly scheduled meeting and shall vote on the Policy at that meeting.

(6) The Commission will use national best practice methods to engage impacted communities in Policy development, including consultation with subject matter experts. Prior to the adoption of any Policy except Policies created under subsection (d), all proposed changes to Policies shall be published on the Commission's website for at least 30 days prior to adoption, along with an explanation and summary in plain terms of the proposed changes. The Commission's website shall provide the general public with the means to submit comments on

the Policy, including choosing whether they "support" or "oppose" the Policy. The website shall also allow the public to submit questions. The Commission may answer questions and post the responses on the page containing the proposed Policy changes. Upon the written request of four Commissioners, a public hearing shall be held on the proposed Policies, which shall include public comments. Such a hearing must be announced at the same time or after the proposed Policy has been posted on the website and at least seven (7) days in advance of the hearing.

~~(7) [Reserved]. A new or amended Policy shall go into effect 60 days after approval by a majority vote of Commissioners, unless the Mayor issues a written determination rejecting the Policy within that 60-day period. Such written determination shall explain with specificity the reason for rejection. The Mayor's determination shall be final unless, within 60 days of the determination's issuance, the City Council, by the affirmative vote of two-thirds of all aldermen then holding office, approves the Policy notwithstanding the Mayor's determination. The Policy shall become effective 30 days after such affirmative vote.~~

(8) The Commission shall post on its publicly accessible website any new or amended Policy; Commission request; Department, COPA, or Police Board response; written comments or suggestions; responses to written comments or suggestions; and Mayor's determination.

(d) If circumstances demand the immediate creation of, or change to, a Policy, the Department, COPA, or Police Board may, upon written notice to the Commission, issue a temporary Policy that will be in effect for up to 60 days or until the Policy receives final consideration from the Commission as set forth in subsection (c) of this section.

(e) Any new or amended Policy developed pursuant to this section shall provide the Department with sufficient time to train its members to implement and comply with that new or amended Policy prior to its becoming effective.

(f) Nothing in this section shall be construed to prohibit the Superintendent, Chief Administrator, and Police Board from, in their discretion, holding public meetings and hearings on proposed policy changes before making a proposal to the Commission.

(Omitted text is unaffected by this ordinance)

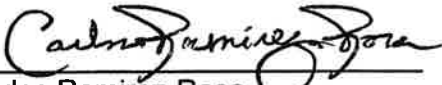
2-80-160 Budget and staffing.

The appropriations for the Commission and District Councils, collectively, shall be determined by the City Council as part of the annual City budget process, but shall not be less than 0.22 percent of the annual appropriation of all non-grant funds for the Department contained in the annual appropriation ordinance for that fiscal year.

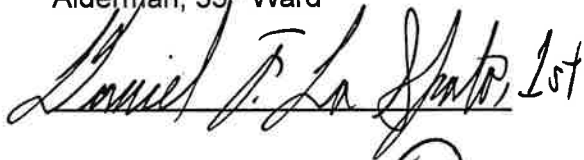
(Omitted text is unaffected by this ordinance)

SECTION 3. Following passage by City Council, City Clerk of the City of Chicago shall complete any blanks, as applicable, and certify the public question referenced in Section 1 of this ordinance to the Chicago Board of Election Commissioners in accordance with Article 28 of the Election Code.


SECTION 4. Sections 1 and 3 of this ordinance shall be in full force and effect upon its passage and approval, and Section 2 of this ordinance shall take effect upon passage of the referendum established by Section 1 of this ordinance.




Carlos Ramirez-Rosa
Alderman, 35th Ward



Daniel P. La Spata, 1st







25





25



33


4



12


MDP 22

