

SUBSTITUTE ORDINANCE

Chapter xx POLICE OVERSIGHT

X-1-1 Introduction and Purpose

This ordinance establishes three oversight entities to improve police accountability, transparency, and effectiveness in Chicago: the Community Oversight Board (Board), the Independent Citizen Investigator of the Police (Citizen Investigator), and the Public Safety Office in the Inspector General's Office (Police IG). The Board provides for direct community oversight of the Chicago Police Department, the Citizen Investigator investigates police misconduct against civilians, and the Inspector General for Public Safety reviews the operations and integrity of the city's public safety and police oversight agencies. Each entity is separate from and independent of the Chicago Police Department, the City Council, and Office of the Mayor.

The public policy of this chapter is to:

- 1) Establish policing policies and practices that respect the rights of all people in Chicago, foster mutual trust and cooperation between police and citizens, and assist police officers increase the safety of all of Chicago's communities;
- 2) Ensure that each form of police oversight functions as independently as possible from the executive and legislative branches of government of the City of Chicago;
- 3) Provide the people of Chicago and their police officers a fair and impartial system for the investigations of civilian police complaints and other investigations into police misconduct and use of force;
- 4) Ensure that police officers are held accountable when they abuse their powers or otherwise violate the public trust;
- 5) Identify, investigate, and terminate officers who have engaged in patterns of misconduct;
- 6) Address the police code of silence;
- 7) Create a transparent process by which members of the public can monitor and evaluate police misconduct and use of force investigations;
- 8) Create a police oversight process that is accountable to all residents of Chicago;
- 9) Gather and analyze data on the impact police policies and practices on Chicago's most vulnerable populations;
- 10) Identify and address bias in the Department and other public safety agencies; and
- 11) Establish dedicated resources within the Office of the Inspector General to monitor the agencies responsible for public safety in Chicago and endow the Inspector General with the powers and resources necessary to fulfill those responsibilities.

Chapter xx THE COMMUNITY OVERSIGHT BOARD

x-1-1 Definitions.

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

- (a) Oversight entity shall mean the Chicago Police Board, Independent Citizen Investigator of the Police, 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) Independent Citizen Police Investigator shall mean the head of the Office of the Independent Citizen Investigator of the Police.
- (d) Police IG shall mean the Inspector General for Public Safety.
- (e) Department shall mean the Chicago Police Department.
- (f) OEMC shall mean the City's Office of Emergency Management and Communications.

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

- (a) The Community Oversight Board shall be comprised of eleven members who meet the qualifications listed below. Priority shall be given to individuals who are from the communities identified. Board members can satisfy the requisite qualifications by possessing relevant personal experience and nothing in this subsection shall be read to require that board members possess specific professional experience or academic credentials:
 - 1) Four individuals representing civil rights, activist, and organizing groups that focus on issues relating to young people, African-Americans and/or Latinos and their interactions with the police;
 - 2) One individual who has experience and expertise related to protecting the rights of immigrants;
 - 3) One individual who has experience and expertise related to protecting the rights of the Lesbian, Gay, Bisexual, Transgender, and Queer communities;
 - 4) One individual who has experience and expertise related to protecting the rights of the Middle Eastern and/or Muslim communities;
 - 5) One individual from the faith-based community, who has experience with police-community interactions;
 - 6) One individual who has experience and expertise related to the rights of people living with mental illness and other disabilities and their interactions with the police;
 - 7) One individual who has experience and expertise related to protecting the rights of people who are homeless;
 - 8) One individual who has experience and expertise related to protecting the rights of people who have been victims of police misconduct and/or police brutality.

The Inspector General shall develop a process to seek public input to assist him or her in identifying individuals who meet the qualifications listed above. The Inspector General shall then appoint individuals to the Community Oversight Board, with the advice and consent of City Council. Board members shall be appointed for a term of five years or until their respective successors are appointed and qualified. 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 Inspector General is authorized to remove any member of the Board for just cause, after written notice to the Board member stating with particularity the grounds for such removal. Just cause for 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 Board 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 Inspector General and a rebuttable presumption of neglect of duty shall exist.
- (d) The Board members shall elect a president and 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 serve no more than two terms.
- (e) The City Council shall appropriate resources to ensure that the Board has sufficient employees in order to exercise the duties described throughout this ordinance. This shall include, but is not limited to, an Executive Director, a Board Secretary who shall not be a member of the Board 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, or experts on police practices and investigations, with the skills and expertise to assist the Board to fulfill its functions.
- (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.
- (g) The Community Oversight Board shall maintain its own office that is independent of and housed separately from the Office of the Inspector General, the Citizen Investigator of the Police, 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;
- (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 Independent Citizen Investigator;
- (e) Direct the Independent Citizen Investigator to conduct disciplinary investigations into possible police misconduct;
- (f) Advise the Inspector General regarding the selection and retention of the Inspector General for Public Safety, including the development of a meaningful public comment process;
- (g) Request that the Inspector General for Public Safety 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, the Independent Citizen Investigator of the Police and other policing-related entities;
- (h) Secure independent audits of the entire police oversight process, as explained below;
- (i) Propose written recommendations to the Superintendent of Police, Inspector General for Public Safety, the Independent Citizen Investigator, 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;
- (j) 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 Inspector General for Public Safety, the Independent Citizen Investigator of the Police, 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.

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, Independent Citizen Investigator, Inspector General for Public Safety, 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, Independent Citizen Investigator, Inspector General for Public Safety, and/or head of the Bureau of Internal Affairs. The Board, Superintendent of Police, Independent Citizen Investigator, the Police Inspector General, 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 Department's Responsibility to Produce Information to the Board

The Board may request that the Department produce information and records, collect and report data, and answer questions concerning its operations. It shall post all such requests on its website. The Department must respond to each request in writing within 30 days of the request, and the Board shall publish the Department's responses on its website. The Board retains the

power to require the Superintendent of Police 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 Independent Citizen Investigator.

The Board shall implement the following process to select the Independent Citizen Investigator of the Police:

- (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 Independent Citizen Investigator of the Police. The search process should ordinarily begin at least six months before the expiration of the Independent Citizen Investigator's, 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 in 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) Candidates must possess, at a minimum, the following qualifications to be eligible for hire, and to ensure that they will be fair and impartial and will be perceived as fair and impartial by civilians and members of the Department:
 - 1) A commitment to the statement of purpose and policies described in this ordinance,

- 2) Absence of previous employment by the Chicago Police Department or the Cook County State's Attorney,
 - 3) The highest degree of integrity,
 - 4) Demonstrated leadership and management skills,
 - 5) The ability to design and implement protocols that will result in fair and unbiased investigations,
 - 6) Experience and expertise in conducting or supervising investigations,
 - 7) Knowledge of relevant law and law enforcement practices,
 - 8) 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
 - 9) The ability to communicate with diverse constituencies including, but not limited to, people of all races, ethnicities, ages, immigrant or citizenship status, genders, sexual orientation, or gender identification; 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 Independent Citizen Investigator to be presented to the City Council for confirmation.
- (f) The Independent Citizen Investigator shall be appointed for a term of four years. In the event that the Independent Citizen Investigator does not complete his or her term, the Inspector General shall, subject to the approval of the City Council, appoint an interim Independent Citizen Investigator who 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 Independent Citizen Investigator. 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 Independent Citizen Investigator should be retained. This process shall include at least one public hearing.
- (h) A person may not serve more than a total of three terms as the Independent Citizen Investigator in his or her lifetime.

x-6-2 Selection of the Inspector General for Public Safety (Police IG).

The Board shall have the following responsibilities related to the selection and retention of the Inspector General for Public Safety:

- (a) At least 90 days prior to posting the position, the Inspector General shall solicit input and advice from the Community Oversight Board about desired qualifications and potential candidates for the Inspector General for Public Safety.
- (b) After vetting the applicants, the Inspector General will present three finalists for the position of Inspector General for Public Safety to the Board. The Board will be responsible for developing a process to review these candidates. This process shall include at a minimum, interviews with a majority of the Board members.
- (c) Within 30 days of their selection, the three finalists for Inspector General for Public Safety 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 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) At the conclusion of this process, the Board shall meet with the Inspector General to provide its assessment and discuss the candidates. The Inspector General retains the final authority for the hiring decision.
- (f) If the Community Oversight Board finds that just cause exists to remove the Inspector General for Public Safety, the Board may submit a petition and hold a public hearing requesting that the Inspector General to remove the Police IG. The Inspector General must attend the hearing and answer questions concerning the petition, subject to Illinois privacy laws. The Inspector General retains the final authority to decide whether cause exists to remove the Police IG.

x-7-1 Oversight over the Independent Citizen Investigator.

The Board will be responsible for supervising the Independent Citizen Investigator. These responsibilities shall include:

- (a) Completing annual evaluations of the job performance of the Independent Citizen Investigator.
- (b) Reviewing, providing feedback, and approving the annual strategic plan of the Independent Citizen Investigator. The Independent Citizen Investigator shall submit its annual strategic plan for the agency for the upcoming year on or by September 15 each year. The Citizen Investigator 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 Independent Citizen Investigator shall modify his or her plan as appropriate to meet the Board's approval. The Citizen Investigator's final plan must be approved by a majority vote of the Board;
- (c) Reviewing, providing feedback, and approving the quarterly reports of the Independent Citizen Investigator. The Independent Citizen Investigator shall solicit public feedback on its quarterly reports and recommendations at the Board's regularly scheduled monthly meetings.
- (d) Directing that the Independent Citizen Investigator conduct investigations into police misconduct.
- (e) Determining by majority vote whether cause exists to terminate the employment of the Independent Citizen Investigator.

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

The Board shall ensure that the Inspector General for Public Safety'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 Police IG have the following responsibilities to one another, in addition to those described elsewhere in this ordinance:

- (a) The Police IG has the responsibility to inform the Board and public about its work, and to solicit feedback.
- (b) The Board has the responsibility to provide the Police IG feedback and direction on police oversight, and to call the IG to account for what it is doing to ensure the effectiveness and accountability of the Department and police oversight agencies in Chicago.
- (c) The Police 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.
- (d) The Police IG shall submit its annual strategic plan to the Board on or by September 15 of the preceding year. The Police 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 Police IG shall solicit feedback from

the Board and members of the public, respond to questions, and make modifications as it finds appropriate.

- (e) The Police IG shall submit to the Board each of its reports, audits, reviews, analyses, investigations, and policy, training, or equipment recommendations. The Police 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 Police 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 Police IG as it sees fit.
- (f) 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.
- (g) The Board may request that the Police IG to 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 conduct an investigation into an incident or pattern of police misconduct. It shall post all such requests on its website. The Police IG must respond to each request in writing within 30 days of the request. The Board shall publish on its website the Police IG's written response to the Board's request within five business days of receipt. The Board retains the power to require the Police 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, Independent Citizen Investigator, Inspector General for Public Safety, 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, Independent Citizen Investigator, Inspector General, 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, Independent Citizen Investigator, Inspector General, 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, Independent Citizen Investigator, Police IG, and/or Director of OEMC to attend and answer questions about the recommendations and his or her responses to those recommendations.

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 date the first Independent Citizen Investigator and Inspector General for Public Safety selected pursuant to these provisions have assumed office, 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 2-57 INDEPENDENT CITIZEN INVESTIGATOR OF THE POLICE

2-57-010 Definitions.

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

- (a) Office of the Independent Citizen Investigator of the Police (also referred to throughout this chapter as “Investigator”), which shall include the Independent Citizen Investigator and such deputies, assistants and other employees as required in order to ensure that the Investigator can exercise the duties described throughout this ordinance in a thorough, timely and unbiased manner. ~~Chief administrator means the chief administrator of independent police review.~~
- (b) Independent Citizen Investigator (ICI) means the leader of the Office of the Independent Citizen Investigator of the Police.
- (c) ~~(b)~~ *Coercion* means the use of express or implied threats ~~of violence~~ that put a person in ~~immediate~~ fear of the consequences in order to compel that person to act against his or her will.
- (d) ~~(c)~~ *Department* means the Chicago department of police.
- (e) ~~(d)~~ *Police Board* means the police board established by Chapter 2-84 of this code, as amended.
- (f) Community Oversight Board means the board established by Chapter _____ of this code.
- (g) ~~(e)~~ *Superintendent* means the superintendent of police or his or her designated representative.
- (h) ~~(f)~~ *Verbal abuse* means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived race, color, ~~sex, gender,~~ religion, national origin, sexual orientation, disability, mental illness, or gender identity of that person.
- (i) Excessive force means an officer’s use of force against an individual, where, under the circumstances, the use of force or the extent of the force was unjustified. This definition is applicable whether the officer was on duty or off duty.
- (j) Sexual misconduct means any form of unwelcome behavior of a sexual nature that is committed by a department member against a civilian.

- (k) Domestic violence means physical abuse, harassment, stalking, intimidation, or violations of orders of protection (or similar court orders) involving a sworn officer's family or household member. Family or household member means spouses, former spouses, parents, children, stepchildren, persons who share or formerly shared a common dwelling, persons who have or who are alleged to have a child in common, persons who have or have had a dating or other significant relationship, and persons with disabilities and their personal assistants and caregivers.
- (l) Biased police practices mean policies and practices that result in department members offering less robust services, or providing less protection to certain victims, on the basis of gender, sexual orientation, gender expression, immigration status, race, ethnicity, or religion, or failing to respond to crimes that disproportionately harm a particular group of people or targeting certain individuals or communities for police interactions on the basis of gender, sexual orientation, gender expression, immigration status, race, ethnicity, or religion.
- (m) Suspicious injury means any injury to the head, mouth, face, nose, back, groin, or genitals, including, but not limited to, black eyes, bruising to the mouth, broken noses, and broken and/or sprained shoulders, ankles and/or wrists. It also includes the death or injuries to a person as a result of an interaction with a police officer, including a motor vehicle accident or a death/injury that was sustained while in police custody or in a police lock-up facility.
- (n) Summary Report of investigation shall contain the following information: Investigation log number; for each accused and witness officer: name(s), rank, unit of assignment, gender, race, year of birth, whether the officer was on duty, date of appointment to the department, and any injuries suffered by the officer; the available demographics of any civilian complainant and witness; injuries sustained by any civilian; a description of the initial incident, including the date and time, location, and a summary of the incident; a summary of the investigation, including the steps taken to obtain each piece of evidence and a summary of the evidence; and conclusions and findings, including any disciplinary recommendations.
- (o) Investigative Category refers to the types of incidents the Investigator is empowered to investigate. The investigative categories are: domestic violence; excessive force; false arrest; illegal search or seizure; coercion; rape, sexual assault, sexual misconduct; First Amendment violations; detention violations, including denial of access to an attorney or phone; other Fifth Amendment violations; verbal abuse; biased police practices; conduct that injures or kills an animal; the discharge of a firearm, the discharge of a stun gun, Taser, O.C. or pepper spray, or use of any other weapon, such as a baton, that police use to inflict pain or induce compliance; and conduct that results in a civilian sustaining a

suspicious injury after an interaction with a department member. The incidents in these investigative categories shall fall under the Investigator’s jurisdiction.

- (p) Demographics refers to an individual’s race, ethnicity, gender, age, and whether the individual self-identifies as Lesbian, Gay, Bisexual Transgender, Queer and/or Gender-non-conforming.

2-57-020 Establishment — ~~Composition~~, and composition of the Investigator.

~~There is hereby established an office of the municipal government to be known as the independent police review authority, which shall include the chief administrator of independent police review and such deputies, assistants and other employees as may be provided for in the annual appropriation ordinance. Office of the Independent Citizen Investigator of the Police (referred to throughout this chapter as “Investigator”). The offices of the independent police review authority~~ Investigator shall be located in a facility outside of the department of police.

Subject to the approval of City Council, the current Chief Administrator of the Independent Police Review Authority shall be provided the opportunity to serve an entire term as the inaugural Independent Citizen Investigator, with the full powers of that office. Nine months prior to the expiration of the Citizen Investigator’s first term, the Community Oversight Board shall initiate the process described in Section X-6-1 to decide whether to appoint the Citizen Investigator for a second term or initiate a search for the next Citizen Investigator.

The Independent Police Review Authority shall cease to exist and the Investigator shall assume all duties formerly executed by the Independent Police Review Authority within a reasonable amount of time, not to exceed 180 days of the effective date of this Ordinance.

2-57-030 Chief administrator — ~~Appointment as chief administrative authority.~~

~~The chief administrator shall be the chief executive officer of the independent police review authority. The chief administrator shall be appointed by the mayor subject to the approval of the city council. The chief administrator shall be responsible for the general management and control of the independent police review authority and shall have full and complete authority to administer the office in a manner consistent with the ordinances of the city, the laws of the state, and the rules and regulations of the police board. The chief administrator shall be appointed for a term of four years, or until his or her successor is appointed and approved. In the event that the chief administrator does not complete his or her four year term, the mayor shall, subject to the approval of the city council, appoint a new chief administrator who shall be appointed for a new four year term.~~

2-57-030 Independent Citizen Investigator—Powers and duties. 2-57-040 Chief administrator— Powers and duties.

In addition to other powers conferred herein, the ~~chief administrator~~ Independent Citizen Investigator shall have the following powers and duties:

- (a) To provide the people of Chicago and their police officers a fair and impartial system for the investigation of civilian police complaints and other instances of police conduct as described more below and to ensure that all investigations employ a preponderance of the evidence standard when determining whether a department officer violated policy and/or engaged in an act of misconduct; ~~To receive and register all complaints filed against members of the department;~~
- (b) To conduct investigations into incidents that include any complaints against members of the department concerning domestic violence, excessive force, illegal search or seizure, false arrest, coercion, and verbal abuse, rape, sexual assault, sexual misconduct, First Amendment violations, denial of access to an attorney, phone, family member, or other visitor while in police custody, other Fifth Amendment violations, biased police practices, or unjustifiably killing or injuring an animal;
- (c) To conduct investigations into the conduct of members of the department concerning any investigative category, even in the absence of a civilian complaint, when, based on information and belief, the Independent Citizen Investigator determines such investigation is warranted;
- (d) ~~(e)~~ To conduct investigations into all cases in which a department member discharges and/or uses or attempts to use his or her firearm, stun gun, or taser, or any other weapon police officers use to inflict pain and induce compliance in a manner which potentially could strike an individual, even if no allegation of misconduct is made;
- (e) To conduct an investigation in all cases in which a civilian dies or sustains any injury that requires medical attention in police custody or as a result of an interaction with the police, even if no allegation of misconduct is made, and to conduct a preliminary investigation to see determine whether a full investigation is warranted into all other suspicious injuries, to identify these instances through a review of the department's tactical response (use of force) reports, and when possible, through information sharing agreements negotiated with relevant entities, including, but not limited to, the Cook County Jail, the Cook County Public Defender's and State's Attorney's Offices, and the Illinois Department of Corrections;
- (f) ~~(d)~~ To conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made;

- (g) ~~(e)~~ To investigate the facts stated in all lawsuits and criminal motion to suppress granted by a judge that allege a member of the department engaged in excessive force, sexual misconduct, a false arrest, or illegal search or seizure, and/or committed another civil rights violation or tort; review al cases settled by the department of law in which a complaint register was filed against a member of the department, and if, in the opinion of the chief administrator, further investigation is warranted, to conduct such investigation;
- (h) To investigate any other violation of police Rules and Regulations, policies and procedures, or the United States Constitution that may have occurred in any incident under investigation by the Investigator;
- (i) ~~(f)~~ To forward al other complaints filed against members of the department incidents which are unrelated to the Investigator's jurisdiction to the department's bureau of internal affairs appropriate oversight entity;
- ~~(g) To conduct investigations in a manner consistent with Article IV of Chapter 2-84, the rules and regulations established by the police board, and al department operating procedures, general orders, collective bargaining agreements, and other applicable laws and regulations;~~
- (j) ~~(h)~~ To make recommendations to the superintendent concerning: the appropriate disciplinary action against members of the department found to be in violation of department rules and regulations and to monitor, track, and publicly report on the outcomes of these recommendations, including any discipline actually imposed;
- ~~(i) To make recommendations to the superintendent, the police board, and the chairman of the city council committee on public safety concerning revisions in policy and operating procedures to increase the efficiency of the department;~~
- (k) ~~(j)~~ To request information related to an investigation from any employee or officer of the city To require that the department, any other city agency, and all city employees to produce information related to the Independent Citizen Investigator's investigations and to execute information sharing agreements;
- (l) ~~(k)~~ To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-57-050;
- (m) To compel prompt statements from members of the department and to re-interview department members as needed;
- (n) To monitor the collection and preservation of physical evidence related to matters under investigation by the Investigator, and to direct the Department and other city entities to collect and preserve such physical evidence;

- (o) To compel members of the department to immediately submit to tests for substances, physical evidence, and DNA, including, but not limited to, breath, blood, urine, and DNA tests;
- (p) To conduct investigations concurrently with any criminal investigation that may result from a matter under investigation by the Investigator;
 - ~~(l) To address police personnel and community groups on regulations and operations of the independent police review authority; and—~~
- (q) ~~(m)~~ To promulgate all rules, regulations, information sharing agreements, and procedures necessary to comport with the Independent Citizen Investigator's duties and the purpose of this ordinance; for the conduct of the independent police review authority's investigations consistent with the requirements of collective bargaining agreements, due process of law and equal protection under the law.
- (r) To actively participate in the community, perform community outreach, publicize the civilian complaint process, and identify locations within that are suitable for civilians to file complaints online, via the telephone, and in community-based environments free from police presence;
- (s) To analyze policing trends and patterns related to the Investigator's investigative jurisdiction;
- (t) To propose written recommendations related to the Investigator's investigative jurisdiction to the Department, the Community Oversight Board, the Mayor, City Council, and other relevant governmental entities concerning changes to policies, procedures, practices, directives, supervision, training, and equipment to achieve greater accountability, efficiency, fairness, and transparency in policing services and oversight;
- (u) To recommend additional training or supervision of particular officers who participated in incidents that triggered the Investigator's investigations;
- (v) To conduct regular analyses of citizen complaints, uses of force, lawsuits, criminal motions to suppress, and other relevant data to identify individual and groups of officers who may be engaged in a pattern of misconduct, and to initiate investigations into the conduct of those identified officers;
- (w) To examine the disciplinary history, complaint history, and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation;
- (x) To conduct Force Analysis Panels with the department, the Inspector General for Public Safety, and any auditors or community oversight entities after investigations into shootings and other major uses of force, whether or not they result in sustained findings, in order to determine if they reveal any systemic deficiencies in training, policy,

supervision, or equipment. The Investigator shall present any such deficiencies to the department during the Force Analysis Panels, submit its recommendations from those Panels to the Community Oversight Board, and publish its recommendations on its website within five business days;

- (y) To maintain and regularly update a website that publicizes the information described in this ordinance and to identify and execute other methods of widely disseminating to the general public information about the work of the Investigator;
- (z) To administer the office, including, but not limited to, the hiring, terminating, training, and supervision of all employees in conformity with the requirements of this ordinance;
- (aa) To maintain a permanent staff of in-house legal counsel to advise the Independent Citizen Investigator on legal issues and to represent the Investigator's Office in legal and administrative proceedings, including those to enforce the Investigator's subpoenas, and to prosecute or defend the Investigator's investigative, disciplinary, and policy recommendations;
- (bb) To ensure that the office of the Investigator functions as independently as possible from the executive and legislative branches of government of the City of Chicago; and
- (cc) To continue, in the discretion of the Investigator, police misconduct investigations to their completion, even if the subject of the investigation resigns while the investigation is pending.

~~Nothing in this chapter shall preclude the chief administrator from referring a complaint or information concerning a member of the department to the appropriate federal, state or local law enforcement authorities.~~

2-57-040 Establishment of Independent Budget and Staffing of the Independent Citizen Investigator.

Each fiscal year, the City Council shall appropriate an amount that shall not be less than one-and-a half percent (1.5%) of the annual appropriation of the department available to pay for the expenses of the Investigator. The Investigator's office shall strive to maintain at least one full-time investigator for every 100 sworn officers in the department, subject to the Investigator's judgment of how resources should be allocated in order to best carry out the functions of the Office.

Investigators employed by the Independent Citizen Investigator may not have previously been employed by the Department and/or the Cook County State's Attorney. Investigators should broadly represent the diversity and demographics of the City by way of, including but not limited to, racial, ethnic, gender, and geographic diversity.

2-57-050 Policy Recommendations.

The Investigator may make policy, procedure, training, supervision, and equipment recommendations to the Department at any time, and shall publish those recommendations on the Investigator's website within five business days of submitting its recommendations to the Department. The superintendent of police must issue a written response to each of the Investigator's recommendations to the Department within 30 days of receipt stating whether the Department will accept the recommendation. If the superintendent accepts the recommendation, he or she must submit a written plan, including a timetable for implementation. The Investigator shall publish the written plan in a publicly accessible area of the Investigator's website within five business days of receipt.

If the superintendent declines to implement the policy recommendation, he or she must submit, within 30 days of receipt of the recommendation, to the City Council Committee on Public Safety, the Inspector General for Public Safety, Community Oversight Board, and the Investigator, in writing, the reasons for rejecting the recommendation. The Investigator shall publish the written reasons in a publicly accessible area of the Investigator's website within five business days and document it in the Investigator's quarterly report. The Community Oversight Board and Committee on Public Safety may hold hearings to determine whether to require the department to adopt the recommendations of the Independent Citizen Investigator.

2-57-060 Proactive Policy and Pattern Analysis and Investigations.

The Independent Citizen Investigator shall appoint a full time employee as Director of Policy and Practice Analysis and Investigations to analyze policing trends and patterns related to the Investigator's investigative jurisdiction. The Independent Citizen Investigator has the authority to launch disciplinary investigations into department members who may be engaged in a pattern of misconduct and/or non-compliance with department policy. The Investigator has the discretion to treat as confidential any proactive disciplinary investigation for as long as the Investigator deems necessary during the investigation.

2-57-070 Community Input, Engagement and Outreach.

The Independent Citizen Investigator shall appoint a full-time employee as Director of Community Engagement to develop and implement a program of community outreach aimed at soliciting public input on police practices and the work of the Investigator from a broad segment of the community in terms of age, race, gender, gender expression, sexual orientation, neighborhood, ethnicity, and socioeconomic status. The Director of Community Engagement will also be responsible for assisting the Independent Citizen Investigator to widely disseminate information regarding the activities of the Investigator's Office, including information about how individuals can file complaints, the investigative process, know-your-rights-training aimed at informing individuals about the types of police conduct the Investigator is authorized to investigate, and information about the policy audit and data collection activities undertaken by

the Investigator. The Director of Community Engagement shall be responsible for ensuring that the Investigator holds at least four community meetings annually.

The Independent Citizen Investigator shall appoint staff sufficient to ensure that all civilian complaints are assigned a complaint support specialist, who shall provide support to civilians throughout the complaint and investigative process. Such support services shall include, but are not limited to, providing complainants with updates regarding the status of their complaints, counseling complainants regarding the investigative process and outcomes, and providing referrals to outside service providers whenever necessary.

As a part of the Director's duties, he or she shall develop a process that seeks feedback from civilians who interact with the Investigator on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from the Investigator, their treatment throughout the investigation, the individual investigators' sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall also solicit suggestions to improve the civilian's experience. The Director shall publish the results of those surveys in at least one of the Investigator's quarterly reports of each calendar year.

2-57-080 2-57-50 Subpoena issuance and Evidence Preservation.

The Independent Citizen Investigator ~~chief administrator~~, or his or her designee, may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of relevant information including, but not limited to, any document maintained by the department or other agency. 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 shall be 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. The Independent Citizen Investigator shall have the authority to enforce any subpoena issued by the Investigator by bringing a cause of action in the appropriate court.

The Department and other City agencies, such as the Office of Emergency Management Communications, are prohibited from destroying any evidence related to any incidents that may fall under the Investigator's jurisdiction for investigation, and the Department and other City agencies must take proactive measures to preserve all such evidence.

2-57-090 2-57-60 Decisions; Recommendations-disciplinary guidelines.

When the Independent Citizen Investigator finds by a preponderance of the evidence that a department member engaged in misconduct and/or violated department policy and/or any applicable law, the Investigator shall recommend discipline for that department member. The Independent Citizen Investigator and superintendent shall move to terminate any department member who lies or otherwise knowingly gives false information in an investigation. Irrespective of whether a violation of law or policy is substantiated, the Independent Citizen Investigator has the discretion to recommend training and supervision for any department member who participated in an incident that triggered the Investigator's investigation.

- (a) If the Independent Citizen Investigator ~~chief administrator~~ issues a recommendation of discipline against one or more members of the department, the superintendent must respond to such recommendation in writing within ~~90~~ 14 days. The response must include a description of any disciplinary action the superintendent has taken with respect to the member in question.
- (b) The superintendent must implement the Independent Citizen Investigator's recommendations unless clear and convincing evidence exists that the Independent Citizen Investigator abused his or her discretion in making the recommendation. If the superintendent believes that the Independent Citizen Investigator has abused his or her discretion, the superintendent must submit to the Independent Citizen Investigator a written response describing how the Independent Citizen Investigator's recommendation constitutes an abuse of discretion. If the superintendent did not take any disciplinary action, or takes a different disciplinary action than that recommended by the chief administrator, the superintendent must describe the proposed different action and explain the reasons for the different action in the written response. The superintendent's response shall include, but is not limited to, the following reasons for taking a different action:
- ~~(i) an analysis of the employee's work history, including any prior disciplinary actions, any prior complaints filed against the employee, and/or any prior complimentary history;~~
 - ~~(i) the superintendent's professional opinion with regard to the case;~~
 - ~~(ii) the existence of any lawsuits arising out of the performance of police duties to which the employee has been a named party, and the outcome of such lawsuits, including those in which the employee has been exonerated; and~~
 - ~~(iv) any evidentiary concerns with regard to the investigation.~~
- ~~This response must be submitted to the chief administrator within the 90-day decision period.~~
- (c) The superintendent must submit his or her written response to the Independent Citizen Investigator within the 14-day decision period. Within ten business days after the submission of a response letter which proposes more or less discipline than that recommended by the Independent Citizen Investigator ~~chief administrator~~, the superintendent and the Independent Citizen Investigator ~~chief administrator~~ shall meet and determine whether they can reach an agreement regarding the appropriate disciplinary action. ~~to discuss the reasons for the superintendent's actions. If the chief~~

~~administrator does not concur with regard to the superintendent's reasons for the differing disciplinary action, the chief administrator, If they are unable to reach agreement, the Independent Citizen Investigator shall, within five business days, send the superintendent's response, along with the Independent Citizen Investigator's chief administrator's objections, to a separate panel consisting of three persons who shall be designated by the police board from its membership.~~

- (d) ~~(e)~~ The three-member panel shall, within ten business days of receipt, review the superintendent's response and the Independent Citizen Investigator's chief administrator's objections. Upon the request of the three-member panel, the superintendent and the Independent Citizen Investigator chief administrator may be required to present additional documentation or present oral arguments in support of their positions. If the superintendent's response does not ~~meet its burden of overcoming the chief administrator's~~ demonstrate that the Independent Citizen Investigator's recommendation for discipline was an abuse of discretion in the opinion of the majority of the three-member panel, the recommendation shall be deemed to be accepted by the superintendent.
- (e) ~~(d)~~ No action of the superintendent which proposes to impose ~~take~~ less discipline than that recommended by the Independent Citizen Investigator chief administrator shall be valid until the provisions of subsection (c) of this section are followed.
- (f) ~~(e)~~ ~~If the officer fails to respond to the recommendation within the 90-day decision period, such recommendation shall be deemed to be accepted by the officer and be forwarded to the superintendent to impose.~~
- (g) ~~(f)~~ Nothing in this section shall limit the superintendent's ability to impose any additional discipline than that recommended by the Independent Citizen Investigator chief administrator.
- (h) Counsel for the Investigator shall have primary responsibility to represent the Investigator in any proceeding in which an officer or the Department challenges the investigative or disciplinary findings of the Investigator.
- (i) The Independent Citizen Investigator shall publish on its website its investigative and disciplinary recommendations, and the Superintendent's written response to those recommendations, within 10 days of the Investigator's receipt of the Superintendent's response. It shall also publish the Investigator's and superintendent's submissions to the three-member panel of the Police Board and the Police Board's decision, within 10 days of its receipt of the decision.

2-57-100 2-57-070 Time frame for investigations ~~not concluded within six months.~~

The Independent Citizen Investigator will ensure that all investigations commence immediately after complaints are filed or an incident triggering an investigation occurs and proceed as expeditiously as possible. The Department and OEMC shall implement procedures to

ensure that members of the Department and OEMC immediately notify the Independent Citizen Investigator whenever an incident falls within the Investigator's jurisdiction, such as a police-involved shooting. The failure to immediately notify the Investigator of such an incident shall result in discipline. If an investigation exceeds six months, the Independent Citizen Investigator must notify the Inspector General for Public Safety, the Community Oversight Board, the City Council Committee on Public Safety, the complainant (if applicable), and the employee named in the complaint or his or her counsel of the general nature of the complaint of information giving rise to the investigation and the reasons for failure to complete the investigation within six months.

~~If the chief administrator does not conclude an investigation within six months after its initiation, the chief administrator shall notify the mayor's of ice, the city council committee on public safety, the complainant, and the employee named in the complaint or his or her counsel of the general nature of the complaint or information giving rise to the investigation and the reasons for failure to complete the investigation within six months.~~

~~2-57-110 Quarterly reports to legislative and executive branches.~~

~~No later than the fifteenth day of January, April, July and October of each year, the chief administrator shall file with the mayor's of ice, the city council committee on public safety, the of ice of the city clerk, and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating: (1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any individual, the number of complaints filed against each police officer in each district since the last report; and (8) the number of complaints referred to other agencies and the identity of such other agencies. Such reports shall be open for public inspection and shall be posted on the city's website~~

2-57-110 ~~2-57-080~~ Cooperation in investigations.

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the Independent Citizen Investigator ~~chief administrator~~ in any investigation or hearing undertaken pursuant to this chapter, including promptly making themselves available for interviews, re-interviews, and any testing for evidence or substances at the request of the Investigator. Any employee or appointed officer of the city who violates any provision of this section shall be subject to recommended for discharge ~~(or such other discipline as may be specified in an applicable collective bargaining agreement)~~ in addition to any other penalty provided in this chapter.

2-57-120 ~~2-57-090~~ Retaliation prohibited – Penalty.

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Independent Citizen Investigator or Inspector General for Public Safety ~~chief administrator~~ in the performance of his or her office. Any person who

violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation and shall be immediately recommended for discharge.

The Superintendent, the Independent Citizen Investigator, and the Inspector General for Public Safety shall together promulgate policies and directives to protect department members and employees from suffering any retaliation, punishment, or penalty for complaining to, cooperating with, or assisting the Independent Citizen Investigator or Inspector General in the performance of his or her office.

2-57-130 2-57-100 Final Summary Reports – Open to public inspection. Transparency.

~~All final summary reports of the independent police review authority shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act, collective bargaining agreement, or any other applicable law.~~

It shall be the policy of the Investigator to make its work available to the public in order to promote accountability and transparency. The Investigator shall keep the public informed of its investigations and their progress, and the Investigator shall ensure transparency throughout the entire investigative process.

All reports, investigations, policies and procedures of the Investigator 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.

Except for confidential investigations described herein, the Investigator must collect and post the following information on its website within 10 days of intake: the information that triggered an investigation, including a copy of a civilian complaint or intake form (after redacting any private and personal information protected by law), lawsuit, document reporting a suspicious injury, or a summary of any other information that triggered an investigation. Information about confidential investigations shall be published on the website of the Investigator's office, promptly after the need for preserving confidentiality ceases to exist.

The Investigator must update both the complainant and the website as to the status of the investigation. Within 10 days of its availability, the Investigator shall post on its website the following information for each investigation:

- 1) The log or complaint number;
- 2) The beat number in which the complaint incident took place;
- 3) Location of incident reduced to hundred block;
- 4) Date and time of the incident;

- 5) Date the incident was reported to the Investigator and/or otherwise came to the Investigator's attention;
- 6) Whether video of the incident exists;
- 7) Date the investigation was completed;
- 8) Name, race, and gender of the assigned Investigator(s), and date of Investigator's appointment in Investigator's office;
- 9) For civilian complaints, whether the complaint was accompanied by a signed affidavit;
- 10) For each department member who is a subject of the investigation:
 - (a) Name;
 - (b) Badge number;
 - (c) Unit of assignment at the time of complaint;
 - (d) Race;
 - (e) Gender;
 - (f) Year of birth;
 - (g) Date of appointment to the Chicago Police Department;
 - (h) Rank at the time of complaint;
 - (i) Whether on or off-duty at time of incident;
 - (j) Whether in police uniform or plain clothes;
 - (k) Number of previous log numbers against officer within 10 years of incident;
 - (l) Number of previous sustained log numbers against officer within 10 years of incident;
 - (m) All complaint category codes for the incident under investigation;
 - (n) The final outcome of the investigation; and
 - (o) The final discipline imposed;
- 11) For each witness officer:
 - (a) Name;
 - (b) Badge number;
 - (c) Gender;
 - (d) Race;
 - (e) Year of birth;
 - (f) Unit of assignment on date of complaint incident; and
 - (g) Rank on date of complaint incident;
- 12) For each civilian involved in an incident under investigation:
 - (a) Race;
 - (b) Gender; and
 - (c) Age at time of complaint;
- 13) The Investigator shall also post the following information within 10 days of the Superintendent's response to the Investigator's investigative and disciplinary findings:

- (a) The Investigator's recommended outcome of the investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated);
 - (b) The Investigator's recommended discipline;
 - (c) The superintendent's recommended outcome of the investigation of each complaint;
 - (d) The superintendent's recommended discipline.
- 14) In addition to the information detailed above, the Investigator shall also post the following information within 10 days of its availability in every investigation of a department member's discharge or other use of a firearm, stun gun, taser, or any other device capable of inflicting pain or injury:
- (a) The type of incident (e.g., taser, shooting with hits, shooting without hits, etc.);
 - (b) The log number, "U" number, or any other tracking number used by the Investigator;
 - (c) For each shooting officer:
 - i. The type of weapon used (if firearm, type and brand)
 - ii. Number of shots fired;
 - iii. The range at which the weapon was fired; and
 - iv. For Taser incidents, the duration that the device was deployed and the number of cycles;
 - (d) Injuries sustained by any officer on the scene; and
 - (e) For each target or victim of the weapon:
 - i. If animal is targeted or victimized, the type of animal;
 - ii. If person is targeted or victimized, the Investigator shall also post the individual's:
 - 1. Gender;
 - 2. Race;
 - 3. Age at time of incident;
 - 4. Any weapon possessed; and
 - 5. The point at which any bullet impacted the subject;
 - iii. Any medical care provided;
 - iv. Injuries sustained; and
 - v. Whether person or animal was killed.

The Investigator shall also strive to post on its website any video of an incident that is the subject of its investigation within 48 hours of the incident, unless the release would seriously compromise the integrity of the Investigator's investigation. Prior to posting, the Investigator shall redact any parts capturing events within private areas, such as inside a person's home, or any parts that would violate clearly established rights to personal privacy. If the Investigator withholds video, he or she must articulate and publish the reason for his or her belief that the release would seriously compromise the integrity of the investigation, and shall post the video as soon as possible after the 48-hour-period. Under all circumstances, the Investigator shall post the video within 14 days of the incident.

The Investigator shall post on its website any "911" records or records of police radio communications or data transmissions related to the incident within 10 days of their availability.

The Investigator shall also release lab test results, police reports, and other information, after redacting any private material, so long as the release would not seriously compromise the integrity of the Investigator's investigation.

Within 10 days of completing each investigation, the Investigator shall post on its website the summary report of investigation, and provide a copy of the summary report of investigation to any complaining witness. The Investigator shall ensure that the summary reports remain available on its website permanently.

Summary Reports for complaints that are not supported by an affidavit, if an affidavit is required by state law, must include a detailed record of any attempts to contact the complainant to obtain an affidavit as well as a detailed record of the preliminary investigation, including any attempts to obtain sufficient evidence to continue the investigation.

The Investigator shall provide any alleged victim in a sexual misconduct, sexual assault, rape or domestic violence investigation with the option to keep confidential the specific details of the complaint and specifics of the investigation from the Summary Reports made available to the public. The Investigator is otherwise authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.

When the superintendent rejects, disputes, or agrees with a finding or outcome recommended by the Investigator, the complete written explanation must be published on the website along with the public investigation history. All such updates shall be published to a live timestamped data feed. All current and historic public information pertaining to any complaints or investigations shall be made accessible through a well-documented API or data feed (i.e., Rich Site Summary, RSS) that conforms to open data standards.

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

2-57-140 Quarterly Reports.

The Investigator and the Chicago Police Department's Bureau of Internal Affairs shall issue quarterly reports. The quarterly reports must include a detailed summary of the Investigator's and the Bureau of Internal Affairs' activities for the quarter and shall include the following information:

- 1) A summary report for each investigation completed during applicable time frame;
- 2) A summary report of each mediation completed during the applicable time frame, including the outcome of the mediation;
- 3) A summary of all activities undertaken related to community input, engagement, and outreach, including the results of the customer feedback survey described above;
- 4) Any recommended modifications to department policies, procedures, practices, directives, supervision, training, and equipment; the superintendent's written responses to those recommendations; and the status of the implementation of those recommendations;

- 5) Any recommended changes to policies, procedures, training, resources, and powers of the Independent Citizen Investigator or the Bureau of Internal Affairs, including any recommended amendments to this ordinance to improve the Investigator's and Internal Affairs' ability to conduct prompt, high quality, thorough, and unbiased investigations that are transparent to the public;
- 6) A detailed annual statistical analysis that will help the general public understand the work of the Investigator and Internal Affairs. Wherever possible, the Investigator and Bureau of Internal Affairs must aggregate the data by investigative category and the demographics of the involved civilians and department members. The analysis shall include, but is not limited to, data related to the following:
 - (a) Total number of complaints received;
 - (b) Total number of complaints referred to other oversight entities ;
 - (c) Total number and type (e.g., excessive force, false arrest, illegal search, domestic violence, sexual misconduct, rape, sexual assault, coercion, First Amendment, denial of access to counsel, other Fifth Amendment, etc.) of investigations opened;
 - (d) Total number and type of investigations completed;
 - (e) Total number and type of investigations that remain open;
 - (f) Number and type of investigations resolved by mediation;
 - (g) The length of time that investigations remained open;
 - (h) Investigative outcomes (e.g., sustained, not sustained, etc.) of completed investigations aggregated by type of complaint;
 - (i) Department member disciplinary recommendations aggregated by type of investigation, amount of discipline, and the demographics of involved civilians and involved department members;
 - (j) A comparison of the disciplinary recommendations made by the Investigator or Internal Affairs to those of the superintendent and those actually imposed, aggregated by type of investigation and the demographics of involved civilians and department members;
 - (k) Data regarding the racial, ethnic, gender, and geographic demographics of the civilians and department members involved in each investigation;
 - (l) The Citizen Investigator shall also include the following additional statistical analyses in its quarterly reports:
 - i. Total number of firearm discharges, aggregated by the demographics of involved civilians and department members and resulting injuries or fatalities;
 - ii. Total number of non-firearm weapon discharges, aggregated by type of weapon, demographics of involved civilians and department members and resulting injuries or fatalities;
 - iii. Unit-by-unit analysis of investigations by type and outcome (including disciplinary and/or training recommendation) of all investigations, including police misconduct investigations conducted by the Bureau of Internal Affairs or other city agencies;
 - iv. List of department members with more than 10 misconduct complaints filed against them within five years of the reporting period, irrespective of the agency that investigated the complaint, identifying each department

member by name, badge number, unit of assignment, gender, race, date of appointment to the department, and providing the number and types of complaints filed against the member.

2-57-145 Databases.

The Chicago Police Department shall maintain a database, to which the Investigator shall have full access, which contains the complete complaint and disciplinary history for each current and former department member since 1967. The database shall include, but is not limited to, the following information for each present and former member of the department:

- 1) any and all police misconduct investigations;
- 2) his or her complete disciplinary history;
- 3) all tactical response reports;
- 4) assignment histories; and
- 5) from the date of the enactment of this ordinance going forward, civil lawsuits and relevant motions to suppress in criminal cases.

At the Independent Citizen Investigator's request, the database shall be expanded to include any other relevant information. The Investigator shall be provided full unfettered access to this and other databases and records of the Department and Office of Emergency Management and Communications (OEMC), except where expressly prohibited by law, and the ability to use those databases and records in ways that are invisible to the Department and other public safety and police oversight entities.

In addition, the Investigator shall maintain full administrative rights to its own electronic database to collect, track, and analyze information about police misconduct complaints that is independent from databases used by the department. It shall maintain the data in a format that allows for the efficient exporting of the data in machine-ready format for public inspection. The database must, at a minimum, include the information described throughout sections 2-57-130 and 2-57-140.

2-57-150 Obligation to make referrals to authorities.

The Independent Citizen Investigator shall refer all cases in which he or she has a reasonable belief that the officer may have committed a crime for possible criminal prosecution to the appropriate county, state, or federal prosecutor.

2-57-160 Mediation Program.

The Independent Citizen Investigator shall have the authority to develop a mediation program, informed by national best practices, that engages both complainants and accused police officers, and is aimed at resolving civilian complaints. Complaints shall not be mediated without the express written consent of both the civilian complainant(s) and accused police officer(s).

However, no incident involving an allegation of use of force, sexual assault, rape, sexual misconduct, the discharge of a firearm, or the discharge of a stun gun, taser, or any other weapon police use to inflict pain and induce compliance shall be mediated.

2-57-170 2-57-120 Independent Citizen Investigator Chief administrator — Conditions for removal from office.

Prior to serving a complete term, the Independent Citizen Investigator ~~chief administrator~~ may be removed only for cause and in accordance with the provisions of this section. ~~The mayor~~ Following a majority vote to remove the Independent Citizen Investigator for cause, the Secretary of the Community Oversight Board shall give written notice (a) to the city council of the Board's his intent to remove the Independent Citizen Investigator chief administrator; and (b) to the Independent Citizen Investigator chief administrator of the cause of his or her intended removal.

Within ten days after receipt of the notice, the ~~Independent Citizen Investigator chief administrator~~ may file with the city council a request for hearing on the cause for removal. If no such request is made within ten days, the ~~Independent Citizen Investigator 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 is made, the city council shall convene a public hearing on the cause for removal of the Independent Citizen Investigator chief administrator, at which the Independent Citizen Investigator chief administrator may appear, be represented by counsel and be heard. The hearing shall be convened within ten days after receipt of the request therefor and shall conclude within 14 days thereafter. The mayor's The Community Oversight Board's notice of intended removal shall constitute the charge against the Independent Citizen Investigator chief administrator. Removal of the ~~Independent Citizen Investigator chief administrator~~ for cause after the hearing shall require the affirmative vote of a majority of the members of the city council.

2-57-175 Evaluation

One year from the date the first Independent Citizen Investigator selected pursuant to these provisions has assumed office, and every three years thereafter, the Inspector General for Public Safety, in consultation with the Community Oversight Board, shall audit the operations of the Independent Citizen Investigator, or contract with an independent third party that has experience conducting evidence-based evaluations of police oversight bodies, to conduct such audit. At a minimum the audit shall assess the following subjects: (a) the Investigator's compliance with the requirements of this ordinance; (b) whether its investigations are fair, thorough, and comply with the highest professional standards; (c) the Investigator's transparency to the public, including its systems for tracking and reporting information about police misconduct; (d) the accuracy and integrity of its data and other information that it maintains and/or reports to the public; (e) the Investigator's systems for addressing potential patterns of police misconduct; and (f) its communications with and outreach to the public and effectiveness in building a relationship of trust with the public. The evaluation must include statistically significant surveys of civilians who had contact with the Investigator's office in order to

determine levels of civilian trust in and satisfaction with the Investigator's work and shall also include an analysis of the Investigator's customer feedback process. The evaluation shall be publicly disseminated and posted on the Investigator's website.

2-57-180 2-57-130 Obstructing or interfering with investigations or destroying/failing to preserve evidence - Penalty.

No person shall willfully refuse to comply with a subpoena issued by the Independent Citizen Investigator ~~chief administrator~~, willfully destroy or fail to preserve evidence related to an incident that falls under the Investigator's jurisdiction, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter ~~and conducted by an announced investigator of the independent police review authority~~. Any person who willfully violates the provisions of this section shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

2-57-190 2-57-140 Violation – Penalty – Discharge or other discipline.

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge ~~(or such other discipline as may be specified in an applicable collective bargaining agreement)~~ in addition to any other penalty provided in this chapter.

2-57-200 2-57-150 Rules and regulations.

The Independent Citizen Investigator ~~chief administrator~~ is authorized to adopt such rules, regulations and procedures as he or she may deem expedient for the proper administration ~~administrator~~ and enforcement of the provisions of this chapter.

2-57-210 Collective Bargaining Agreement.

The City of Chicago shall not enter into any collective bargaining agreement that limits the duties or powers of the Investigator as set forth in this Act, unless such limitation is required to comply with existing federal or state law.

2-57-160 Public Policy

~~The public policy of this chapter is to make certain that complaints concerning police misconduct and abuse are resolved fairly and timely. All collective bargaining agreements must be in accord with this policy.~~

Chapter 2-56 OFFICE OF THE INSPECTOR GENERAL

2-56-010 Establishment - Composition.

There is hereby established an office of the municipal government to be known as the office of the inspector general, which shall include an inspector general and such deputies, assistants and other employees as may be required to implement the powers and duties stated herein. Within the Office of the Inspector General, there is established the Public Safety Office, which shall include an Inspector General and such assistants and other employees as may be required to implement the powers and duties stated herein.

The appropriations available to pay for the expenses of the office of inspector general during each fiscal year shall be not less than one-tenth of one percent (0.1%) of the annual appropriation of all funds contained in the annual appropriation ordinance, as adjusted. For purposes of this section, "as adjusted" means subtracting, before applying the percentage: (i) all funds for services to sister agencies pursuant to intergovernmental agreement as provided in Section 2-56-030, and (ii) all funds appropriated for pension payments above those amounts set forth in the appropriation ordinance for fiscal year 2014.

The appropriations available to pay for the expenses of the Public Safety Office each fiscal year shall not be less than three quarters of one percent (0.75%) of the annual appropriation of the Chicago Police Department. The Public Safety Office shall be located in a facility located outside of the Department, Police Board, and Independent Citizen Investigator of the Police. The Public Safety Office shall maintain full administrative rights to an electronic database that is independent from any such databases used by the department, Police Board, and Independent Citizen Investigator of the Police. The employees of the Public Safety Office shall not be current or former employees of the Department, Police Board, and Independent Citizen Investigator or the Cook County State's Attorney's Office.

Chapter 2-56-0xx – Monitoring of Public Safety.

(a) Definitions.

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

- 1) Chief Executive means the Superintendent of the Department, the Independent Citizen Investigator, or the president of the police board.
- 2) Department means the Chicago Department of Police.
- 3) Police IG means Inspector General for Public Safety.
- 4) Discipline Matrix means a standardized matrix which stipulates the minimum and maximum allowed disciplinary action for officer misconduct based on the type and level of misconduct as well as any mitigating or aggravating factors.
- 5) MCC means the Municipal Code of the City of Chicago.

- 6) Police Board means the Police Board established by Chapter 2-84 of this code, as amended.
- 7) Superintendent means the superintendent of police or his or her designated representative.

2-56-020 Inspector general – Qualifications, appointment, and authority.

(a) *Qualifications for appointment.*

1. In considering a candidate for the position of Inspector General, the appointing authority shall evaluate and consider any and all qualifications that are relevant to the position of Inspector General, including, but not limited to:
 - i. The candidate's integrity;
 - ii. The candidate's potential for strong leadership;
 - iii. The candidate's demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields;
 - iv. The candidate's demonstrated experience and/or ability in working with local, state and federal law enforcement agencies and the judiciary; and
 - v. Any other qualifications deemed relevant by the appointing authority.
2. The appointing authority's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.
3. A qualified candidate for Inspector General shall be a person who:
 - i. Holds a bachelor's degree from an accredited institution of higher education;
 - ii. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
 - iii. Has at least five years of experience in any one, or a combination, of the following fields:

As an Inspector General;

As a federal law enforcement officer;

As a federal or state court judge;

As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power;

As a senior-level auditor or comptroller; or

As a supervisor in an Office of Inspector General or similar investigative agency.

4. A highly qualified candidate shall be a qualified candidate who:

- i. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception, or conspiracy; or
- ii. Holds an advanced degree in law, accounting, public administration, or other relevant field.

(b) *Appointment and authority.*

The inspector general shall be appointed for a term of four years, in accordance with the procedures set forth in this section, and shall have responsibility for the operation and management of the office of the inspector general.

(c) *Reappointment.*

The mayor may reappoint an incumbent inspector general term, subject to approval of the city council, without seeking a recommendation of the Selection Committee described in subsection (d) of this section. Not less than 45 days prior to the end of the inspector general's term, the mayor shall notify the city council whether he will reappoint the then incumbent inspector general.

(d) *Selection Process*

A Selection Committee consisting of five members, three of whom shall be selected by the mayor and two of whom shall be selected by the city council, shall be responsible for identifying potential candidates and for proposing potential candidates to the mayor. The mayor's selection must be confirmed by the city council.

Within 15 days of an actual or expected vacancy in the position of inspector general because of death, resignation, removal, or the mayor's decision not to reappoint an incumbent inspector general, the Selection Committee shall identify a national executive search firm (the "Search Firm") to perform executive search services and to create a pool of the 20 most qualified candidates for the position of Inspector General, produced by the search (the "Pool"). The Search Firm shall perform its services and

submit the identities of the candidates which comprise the Pool, including resumes, qualifications, and statements detailing each member of the Pool's credentials for the appointment of Inspector General, to the Selection Committee.

The Selection Committee shall review the credentials of Pool members, and shall recommend one or more qualified persons to the mayor, by concurrence of at least four Committee members. The mayor may appoint any person recommended by the Committee, subject to approval of the city council. If the mayor rejects all candidates recommended by the Selection Committee, the Committee shall solicit and screen additional potential candidates in the same manner, repeating the process until the mayor appoints a recommended person, subject to approval of the city council. The term of the inspector general shall commence upon the city council's approval of the mayor's appointment, and shall extend for a period of four years.

2-56-025 Definitions.

Whenever used in this chapter:

- (a) "City employee" shall include any individual employed or appointed by:
 - (1) the city of Chicago; or
 - (2) any committee of the Chicago city council or bureau or other service agency of the city council; or
 - (3) any member of the city council, whether part-time or full-time, including an individual retained as an independent contractor.
- (b) "Ultimate jurisdictional authority" shall mean the following:
 - (1) for any city officer (elected or appointed), city employee, contractor/vendor or lobbyist with respect to a violation of the Governmental Ethics Ordinance (Chapter 2-156 of this Code), the city Board of Ethics;
 - (2) for all other matters affecting any city employee: the mayor and, as appropriate, the head of each affected department or agency;
 - (3) for all other matters affecting a city contractor, vendor, or bidder seeking a city contract: the mayor and, as appropriate, the head of each affected department or agency;
 - (4) for all other matters affecting a city licensee or entity seeking city certification: the mayor and, as appropriate, the head of each affected department or agency;
 - (5) for all other matters related to the city council: the chairman of the city council committee on committees, rule and ethics.

2-56-xx Inspector General for Public Safety--Appointment

The Inspector General for Public Safety, which shall be housed within the Office of the Inspector General, shall be responsible for the general management and control of the Public Safety Office and shall have full and complete authority to administer the Office in a manner consistent with the ordinances of the City of Chicago and the laws of the State of Illinois.

The Inspector General shall have final authority to develop and oversee the process of selecting the Inspector General for Public Safety, subject to the requirements set forth in Section x-5-2. Candidates for Inspector General for Public Safety shall possess, at a minimum, the following qualifications:

- 1) A commitment to the statement of purpose and policies described in this ordinance,
- 2) Absence of previous employment by the Chicago Police Department or the Cook County State's Attorney,
- 3) The highest degree of integrity,
- 4) Demonstrated leadership and management skills,
- 5) The ability to oversee complex audits, reviews, and analyses of one of the country's largest urban police departments, related public safety agencies, and their oversight entities,
- 6) Experience and expertise in conducting or supervising investigations,
- 7) Knowledge of relevant law and law enforcement practices,
- 8) 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
- 9) The ability to communicate with diverse constituencies including, but not limited to, people of all races, ethnicities, ages, immigrant or citizenship status, genders, sexual orientation, or gender identification; law enforcement; members of the press; and elected officials.

2-56-030 Inspector General - Powers and duties.

In addition to other powers conferred herein, and subject to subsection 2-56-050(a)(2), the inspector general shall have the following powers and duties:

- (a) To receive and register complaints and information concerning misconduct, inefficiency and waste within the city government;
- (b) To investigate the performance of governmental officers, employees, functions and programs, either in response to complaint or on the inspector general's own initiative, in order to detect and prevent misconduct, inefficiency and waste within the programs and

operations of the city government;

- (c) To promote economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the city government by reviewing programs, identifying any inefficiencies, waste and potential for misconduct therein, and recommending to the mayor and/or the city council policies and methods for the elimination of inefficiencies and waste, and the prevention of misconduct;
- (d) To report to the ultimate jurisdictional authority concerning results of investigations, audits and program reviews undertaken by the office of inspector general;
- (e) To compel production of ~~request~~ information related to an investigation, audit or program review from any employee, elected or appointed officer, department, agency, contractor, subcontractor, agent or licensee of the city, and every applicant for certification of eligibility for a city contract or program;
- (f) To conduct public hearings, at his discretion, in the course of any activity conducted pursuant to this chapter an investigation hereunder;
- (g) To administer oaths and to examine witnesses under oath;
- (h) To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-56-040;
- (i) To retain outside, private legal counsel to represent the inspector general in any legal matter, enforcement action, or court proceeding, and to enforce subpoenas;
- (j) (↔) To exercise any of his powers or duties specified in this Code with respect to any sister agency, as that term is defined in Section 1-23-010, pursuant to an intergovernmental agreement that the city may enter into with such sister agency as authorized by the city council, and as such power or duty may be modified by such agreement;
- (k) (↔) For the purpose of assisting in the investigation and prosecution of matters within the jurisdiction of the inspector general as specified in this chapter, to engage in activities that are both authorized by and carried out under the direction of the Illinois Attorney General, the Cook County State's Attorney, the United States Department of Justice and other agencies authorized to investigate and prosecute violations of criminal law. The inspector general shall undertake such training and certification as necessary and appropriate to engage in such activities. Provided, however, employees of the office of inspector general shall not, in the performance of their official duties under the code: (i) arrest, commit for examination or detain in custody any person, or (ii) carry a firearm or other weapon;

- (l) ~~(k)~~ To promulgate rules and regulations for the conduct of investigations and public hearings consistent with the requirements of due process of law and equal protection under the law.

2-56-xx Inspector General for Public Safety--Powers and duties.

In addition to other powers conferred herein and other sections of the MCC, the Inspector General for Public Safety shall have the broad power to initiate without limitation any investigation, review, or audit of the Department, OEMC, the Independent Citizen Investigator, the Police Board, and other public safety related entities of the City of Chicago, including the investigation, review, or audit of ongoing matters. As a part of those broad powers, the Inspector General for Public Safety shall have the authority to:

- (a) Review the policies, procedures, practices, supervision, training, resources, and equipment of the city agencies listed above, audit compliance, identify areas for improvement, propose changes, and assess compliance with the proposed changes;
- (b) Access the databases and records of the Department, OEMC, Police Board, and the Independent Citizen Investigator, except where expressly prohibited by law, and the ability to use those databases and records in ways that are invisible to the Department and other public safety and police oversight entities;
- (c) Compel any of the above listed public safety and police oversight agencies to produce records promptly in response to the Police IG's requests;
- (d) Compel the prompt statement or testimony of any city employee;
- (e) Audit the performance recognition system, the personnel concerns program, the behavioral intervention system, the non-disciplinary intervention program, and any other officer intervention or personnel program that is used by the Department to identify officers in need of monitoring, training, counseling, behavioral intervention, or assistance;
- (f) Analyze policing trends and patterns, including but not limited to: officer use of force; officer-involved shootings; complaints against officers; and racial, ethnic, gender, sexuality, or geographic biases in policing;
- (g) Analyze investigations conducted by the Independent Citizen Investigator and the Department's Bureau of Internal Affairs to assess their quality and integrity, including whether they are timely, professional, unbiased, complete, and thorough, and whether recommended dispositions are supported by the preponderance of the evidence;

- (h) Recommend that the Independent Citizen Investigator or the Department's Bureau of Internal Affairs expand, reopen, or complete disciplinary investigations to the satisfaction of the Inspector General;
- (i) Monitor investigations of police shootings, police conduct that results in death, serious bodily injury, and civilian complaints of racial or ethnic bias in real time;
- (j) Conduct disciplinary investigations upon referral from or agreement of the Independent Citizen Investigator or the Department's Bureau of Internal Affairs. The Inspector General of Public Safety's investigative and disciplinary findings shall have the same effect and be subject to the same procedures as those of the Independent Citizen Investigator;
- (k) Collect and analyze sustained findings and discipline recommended or imposed by the Independent Citizen Investigator, and the Department's Bureau of Internal Affairs to review the integrity and fairness of particular disciplinary findings and to assess disciplinary trends, determine whether discipline is fairly and consistently applied, and determine whether final disciplinary decisions are being executed as resolved;
- (l) Refer complaints or information concerning a member of the department to the appropriate federal, state, or local law enforcement authorities for prosecution of a criminal offense;
- (m) Review any discipline matrix in use by the Independent Citizen Investigator, Bureau of Internal Affairs, and the Police Board to determine whether disciplinary guidelines for each type and level of misconduct are appropriate;
- (n) Audit the citizen complaint process of the Independent Citizen Investigator and the Department's Bureau of Internal Affairs, including but not limited to the agencies' practices and procedures related to the: use of mediation, citizen engagement, and investigative process;
- (o) Audit the integrity of the data and information tracked and reported by the Independent Citizen Investigator and the Department's Bureau of Internal Affairs, and the agencies' practices and procedures for making their work transparent to the public;
- (p) Review and analyze the procedures, integrity, and transparency of the police board's and arbitrators' reviews of police disciplinary decisions; and
- (q) Direct the Independent Citizen Investigator or the Department's Bureau of Internal Affairs to conduct confidential disciplinary investigations into patterns of police misconduct.

In addition, the Inspector General for Public Safety shall have the affirmative responsibility to:

- (a) Perform periodic audits of the Independent Citizen Investigator, or contract with independent third parties to perform such audits, as required in Section 2-57-175;
- (b) Analyze data, including citizen complaints, civil lawsuits, information from criminal cases including motions to suppress and judicial findings concerning the credibility of police testimony, use-of-force incidents, traffic and pedestrian stops, video and audio recordings of police/civilian encounters, and other information that may reveal individual officers or groups of officers engaged in patterns of police misconduct and that identify practices in need of reform;
- (c) Participate in Force Analysis Panels led by the Independent Citizen Investigator after investigations into shootings and other major uses of force to determine if they reveal any systemic deficiencies in training, policy, supervision, or equipment;
- (d) Respond in writing to the Community Oversight Board's request for audits, reviews, or investigations of the City of Chicago's public safety and police oversight entities; if the Police IG determines that 1) he or she lacks the resources to conduct the requested audit, review, or investigation and/or 2) probable cause does not exist to comply with the request, he or she may decline the request, but must do so in writing within 14 business days of receiving the request.
- (e) Conduct ongoing community outreach and education to keep the public informed about the work of the Inspector General for Public Safety, striving to make informational materials easily accessible and available in multiple languages;
- (f) Publish quarterly public reports about its activities, present those reports at the public meetings of the Community Oversight Board, and attend and answer community questions at the monthly public meetings of the Community Oversight Board;

2-56-xx Data Collection, Reporting, and Analysis Requirements

- (a) The Department, other public safety entities, and police oversight entities shall have the ongoing responsibility to collect and publicly report the following data and other information, and the Inspector General for Public Safety has the responsibility to review, analyze, and report on these data, including conducting periodic audits or reviews of the integrity of the data provided by the relevant agency:
 - i. Demographic and geographic data, including race/gender/age, related to police stops, searches, arrests, and uses of force (including taser and weapon

discharges) of or against civilians, police misconduct complaints, police response times to calls for service; (The Department shall be responsible for collecting and sharing with the Police IG these data with respect to police stops, searches, arrests, and uses of force; The Citizen Investigator and the Department's Bureau of Internal Affairs shall be responsible for collecting and sharing with the Police IG these data with respect to police misconduct complaints; OEMC and the Department shall be responsible for collecting and sharing with the police IG these data with respect to response times to calls for service);

- ii. Department members' interactions with vulnerable populations, including but not limited to racial, ethnic or religious minorities; individuals living with mental illness or emotional disturbances; homeless people; undocumented immigrants; and members of the lesbian, gay, bisexual, or transgendered communities; (the Department shall be responsible for collecting and providing these data to the Police IG for analysis and public reporting);
- iii. Demographic data, including race/gender/age, related to Department employment at every rank; (the Department shall be responsible for collecting and providing these data to the Police IG for analysis and public reporting);
- iv. Crime statistics and clearance rates by geography and demographics; (the Department shall be responsible for collecting and reporting these data to the Police IG, and the Police IG shall analyze the integrity of these data);
- v. The deployment of Department officers by geography, police unit, and demographics, and the deployment of Department officers in public schools; (the Department shall be responsible for collecting and providing these data to the Police IG for analysis and public reporting);
- vi. Chicago police officers involved as defendants in civil litigation, subject to criminal motions to suppress, or who have been found to have provided incredible testimony by a judge; (the Department shall be responsible for collecting and providing these data to the Police IG for analysis and public reporting);
- vii. Criminal complaints brought by Department officers that may be used to justify or cover up misconduct, such as assault or battery on a police officer, resisting arrest, obstruction, and disorderly conduct; (the Department shall be responsible for collecting and providing these data to the Police IG for

analysis and public reporting);

- viii. Findings and adjudications of police discipline in cases brought to the Police Board or for arbitration; (the Police Board and the City's Department of Law shall be responsible for collecting and providing these data to the Police IG for analysis and public reporting).

(b) The Inspector General for Public Safety shall collect, analyze, and publicly report data and issue reports on at least an annual basis related to the areas below for a minimum of three years from the enactment of this ordinance, and has the power to continue to do so thereafter in its discretion:

- i. Video and audio recordings from police body-worn cameras and police car dashboard cameras; As a part of its analysis, the Inspector General for Public Safety shall evaluate whether the cameras are fully operational; monitor officer compliance with policies and procedures for the maintenance and use of the cameras; recommend improvements to those procedures; identify opportunities for improved policies, training, and supervision; ensure that police misconduct revealed in video footage is properly investigated; audit practices and policies related to storage and retention of these recordings, and refer cases for disciplinary investigations to the Independent Citizen Investigator or the Bureau of Internal Affairs;
- ii. The Department's practices concerning the access to counsel of persons in police facilities;
- iii. The Department's and OEMC's use, storage, and tracking of audio and video surveillance equipment and the recordings from such equipment, including the use of cell site simulators;
- iv. The Department's practices concerning policing protests and other protected First Amendment Activities;
- v. The Department's practices for evaluating the job performance of its police officers;
- vi. The Department's practices related to assigning police officers in public schools, those officers' activities in those schools, and the training and supervision provided to police officers assigned to work in schools;
- vii. Calls for police service related to domestic violence and sexual assault; how

those calls do or do not result in police reports, arrests, and charges; and disparities by race, ethnicity, gender, sexual orientation, geography, or other demographic information;

viii. Searches of individuals' homes, property, and persons conducted pursuant to consent ("consent searches");

(c) The Department and OEMC shall collect and provide records, data, and other information requested by the Police IG to enable the Police IG to conduct these analyses.

2-56-xx Policy Recommendations from the Office of Public Safety

- (a) The Inspector General for Public Safety has the authority to review and make recommendations to the Department, Police Board, and the Independent Citizen Investigator for changes in policies, procedures, practices, directives, training, and equipment to improve police services and accountability.
- (b) To do so, the Inspector General for Public Safety shall submit a written recommendation to the chief executive of the appropriate agency, provide a copy of its recommendation to the Community Oversight Board, and publish its recommendation on the Inspector General's website within five business days of its submission.
- (c) Upon receipt of the recommendation, the chief executive of the corresponding agency shall issue a written response to the Inspector General for Public Safety within 30 days stating whether the agency will accept and implement the recommendation.
- (d) If the chief executive chooses to accept the recommendation, the agency must submit a written plan, including a timetable for implementation. The written plan shall be published in a publicly accessible area of the Inspector General for Public Safety's website within five business days of receipt.
- (e) If the chief executive chooses not to implement the policy recommendation, he or she must submit to the City Council Committee on Public Safety, the Community Oversight Board, and the Inspector General for Public Safety, in writing, the reasons for rejecting the recommendation. The written reasons shall be published in a publicly accessible area of the Inspector General for Public Safety's website within five business days.
- (f) The Community Oversight Board and City Council Committee on Public Safety may elect to hold public hearings on the Inspector General for Public Safety's recommendations to determine whether relevant agency should be required to adopt the recommendations. Those hearings shall be open to public and must be publicized by the Board or City Council no less

than 14 days before the hearing. The hearing may include testimony from civilians, representatives of the Inspector General's office, and representatives of the agency that rejected the recommendation.

2-56xx Real-Time Monitoring

The Department and Independent Citizen Investigator shall immediately notify the Inspector General for Public Safety any time it becomes aware of a police-involved shooting, a death, or serious bodily injury after an interaction with a member of the Department, or a complaint of ethnic or racial bias against a member of the Department. Failure to provide such notification shall be grounds for discipline. In these cases, the Police IG may in its discretion respond to the scene, monitor the investigation in real time, observe investigative interviews, offer recommendations to improve the quality of the investigation, and work to ensure that the investigations are complete, thorough, objective, and fair.

2-56xx Duty to Cooperate with the Deputy Inspector General

The Department, Independent Citizen Investigator, Police Board, Office of Emergency Management Communications, and all other public safety-related and police oversight agencies of the City of Chicago and their employees, have an affirmative duty to cooperate fully with the Inspector General for Public Safety, provide prompt oral or written statements as requested, and provide complete, unrestricted and prompt access to all City records, audits, contracts, reports, communications, litigation and settlement records, personnel records, and databases to enable the Inspector General for Public Safety to fulfill its responsibilities under this ordinance. Any employee or appointed officer of the City who violates any provision of this section shall be recommended for discharge in addition to any other penalty provided in this chapter.

2-56-xx Transparency.

- (a) The Inspector General for Public Safety shall prepare a thorough written report for each of its investigations, reviews, studies, analyses, and audits, and any recommendations that arise from its activities. All reports of the Public Safety Office shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act or any other applicable law.
- (b) The Inspector General for Public Safety shall publish on its website each of the reports listed in sub-section (a) above, except for reports of police misconduct investigations, within five business days of completion, and shall ensure that those reports remain permanently available on the website. All data sets associated with each report shall also be published on the Inspector General for Public Safety's website, consistent with applicable privacy laws. The data sets shall remain on the website for at least 10 years from the date of publication, but in no event may they be destroyed. The Inspector General for Public Safety shall publish on its website reports from its police misconduct recommendations, and the Superintendent's

written response to those investigations within 10 days of its receipt of the Superintendent's response.

- (c) All policy recommendations and subsequent records related to these recommendations are open to public inspection and shall be published on the Inspector General for Public Safety's website within five business days of completion and shall permanently remain on the website.
- (d) The Inspector General for Public Safety shall also publish on its website and submit to the Community Oversight Board quarterly reports that summarize its work during the quarter. These reports shall include its required and discretionary data analyses described in this ordinance; a summary of the active non-confidential investigations, audits, reviews, and analyses; its recommendations as to policies, practices, procedures, training, supervision, and equipment, including the status updates on the adoption of previous recommendations; a summary and links to each audit, review, and analysis completed; and a summary of its planned activities going forward. The report for the first quarter shall also include the Police IG's strategic plan for the year.
- (e) Rules and regulations.
The Inspector General is authorized to adopt such rules, regulations and procedures as he or she may deem expedient for the proper administration and enforcement of the provisions of this subsection.

[Remainder of Inspector General Ordinance, beginning with 2-56-035, remains unchanged]

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.~~