# City of Chicago

O2016-5707

## Office of the City Clerk

## Document Tracking Sheet

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| **Meeting Date:** | 7/20/2016 |
| **Sponsor(s):** | Ramirez-Rosa (35)<br>Brookins (21)<br>Moreno (1)<br>Pawar (47)<br>Foulkes (16)<br>Sadlowski Garza (10)<br>Maldonado (26)<br>Mitts (37) |
| **Type:** | Ordinance |
| **Title:** | Amendment of Municipal Code of Chicago by adding new Chapter 2-83 entitled "Civilian Police Accountability Council" |
| **Committee(s) Assignment:** | Committee on Public Safety |

PUBLIC SAFETY

# MUNICIPAL CODE OF CHICAGO
## Chapter 2-83 CIVILIAN POLICE ACCOUNTABILITY COUNCIL

## ARTICLE I. ORGANIZATION AND ELECTION (2-83-010 et seq.)

**2-83-010 Definitions.**

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

(a) *Coercion* means the use of express or implied threats that put a person in immediate fear of the consequences in order to compel that person to act against his or her will.

(b) *Department* means the Chicago Department of Police.

(c) *Police Board* means the Police Board established by Chapter 2-84 of this code, as amended.

(d) *Superintendent* means the Chicago Superintendent of Police or his designated representative.

(e) *Verbal abuse* means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived race, color, sex, religion, national origin, sexual orientation, or gender identity of that person.

(f) *Independent Police Review Authority* means the Independent Police Review Authority established by Chapter 2-57 of this code, as amended.

**2-83-020 Establishment--Composition.**

There is hereby established an office of the municipal government to be known as the Civilian Police Accountability Council [CPAC]. The CPAC shall be composed of elected individuals, one from each police district in the City of Chicago. Each CPAC member shall have voting power in the council equivalent to the percentage of the population of the City of Chicago that his district comprises. Once elected, the members of the CPAC shall employ such deputies, assistants and other employees as may be provided for in the annual appropriation ordinance. The offices of the CPAC shall be located in a facility outside of the Department of Police. The CPAC shall replace the Police Board and the Independent Police Review Authority. Chapter 2-57 in its entirety and Chapter 2-84, Article I, Sections 2-84-020, 2-84-030, 2-84-040, 2-84-050, 2-84-053, 2-84-060, 2-84-080 and Article IV, Sections 2-84-330, 2-84-350, 2-84-353, 2-84-360, 2-84-380 and Article V, Sections 2-84-390, 2-84-400, 2-84-410, 2-84-420, 2-84-430, 2-84-490, 2-84-500 are herewith repealed.

**2-83-030 Civilian Police Accountability Council--Election to Office.**

Members of the CPAC shall be elected in a non-partisan election every four years at the same time and places of the elections that year as for Local School Councils in the Chicago Public Schools. CPAC Members shall serve a term of four years, and be paid the same base salary as Aldermen in the Chicago City Council. A candidate for District CPAC Member must be 18 or more years of age and provide proof of having lived in the police district for at least one year before seeking the office. Elected District CPAC Members who move out of the police district from which they were elected must resign. Vacancies on the CPAC shall be filled by the remaining members of the CPAC from candidates selected from within the district of the missing member. The person selected by the CPAC to fill the vacancy will serve in the position until the next election. CPAC District Members may not serve concurrently in any other elected office.

The signature requirement to be nominated on the ballot for election as District Member of CPAC shall be 300 signatures of residents of the police district of the candidate on a nominating petition that states that the candidate seeks nomination to election to Member of the Civilian Police Accountability Council from the District in which they live, and will state the address of the candidate.

To vote in the election for CPAC Member, a person must provide proof of age and residency in the police district in which the person wishes to vote on the day of the election. Such proof of residency shall be the same as that required for voting in the election for Local School Council. Judges of election shall verify that the residence of the voter lies within the police district for which the person is requesting a ballot utilizing a Geographic Information System Mapping application. Every person voting will have their thumb-print stained with an ink that is indelible for at least 48 hours. No person may vote more than once.

The CPAC, once established, may provide for voting in subsequent elections via the Internet as the Council sees fit.

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

Neither active-duty nor retired law enforcement officers shall serve on the CPAC. Nor shall the spouse, domestic partner, partner to a civil union or any of the following, whether by blood, marriage or adoption; parent, son, daughter, stepson, stepdaughter, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-

law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, half brother, half sister, or first cousin of active-duty or retired law enforcement officers serve on the CPAC.

## ARTICLE II. POWERS AND DUTIES OF CPAC (2-83-040 et seq.)

### 2-83-040 Civilian Police Accountability Council --Powers and duties.

The CPAC shall exercise the following powers:

1. Appoint a Superintendent of Police;

2. Adopt rules and regulations for the governance of the Department of Police of the city;

3. 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;

4. Promulgate rules, regulations and procedures for the conduct of the CPAC's investigations consistent with the requirements of collective bargaining agreements, due process of law and equal protection under the law;

5. In those instances where CPAC's investigation indicates that a member of the Department of Police has committed a crime, petition the Chief Judge of the United States District Court for the Northern District of Illinois to convene a Grand Jury if one is not already convened, and present CPAC's findings of criminal activity to the Grand Jury to get an indictment for Deprivation of Rights Under Color of Law pursuant to 18 U.S. Code § 242;

6. Review, approve and submit to the City of Chicago the annual budget of the Department of Police;

7. Provide required educational opportunities for CPAC members to become familiar with citizens' United States and Illinois constitutional rights, learn law enforcement oversight techniques, and undergo victims' assistance, sexual assault and domestic violence certification training;

8. Establish officers, committees and subcommittees for the effective conduct of CPAC business;

9. Protect the rights guaranteed to the citizens of Chicago by the United States and Illinois Constitutions;

10. Review and sign off on all complaint investigations;

11. Review and sign off on all new Department of Police policies and special orders;

12. Disallow the use of the Department of Police by outside law enforcement agencies to commit crimes;

13. Negotiate and approve contracts with the police unions. and

14. Remap the City of Chicago police districts as needed as determined by the CPAC.

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 CPAC, the CPAC district panel consisting of the CPAC member for that district and his two deputies, or any member or hearing officer designated by the CPAC.

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

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

The CPAC 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 CPAC 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 CPAC, including an explanation of those findings and decision, when approved by the CPAC, shall be certified to the Superintendent of Police and shall be enforced by the Superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted on the CPAC 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 CPAC dissents from the CPAC'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 CPAC website within ten business days of the date of certification of the CPAC'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 CPAC shall select only attorneys licensed to practice law 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 CPAC. 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 CPAC following the hearing.

No member of CPAC 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 appointing a Superintendent of Police, the CPAC shall be governed in part by the professional and executive qualifications required for the position which shall be without reference to the residence of the candidate at the time of application. The CPAC shall evaluate new candidates until the position is filled.

The CPAC'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.

In addition to other powers conferred herein, the CPAC shall have the following powers and duties:

Each elected member of the CPAC shall appoint two deputies who will serve with the member in the police station of the district to which the member was elected. The deputies must be residents of the district. Each deputy will be paid the same base salary as a Chicago police officer. The member and the two deputies as a panel are empowered:

(a) To receive and register all complaints filed against members of the department in the CPAC member's district;

(b) To conduct investigations into complaints against members of the department concerning domestic violence, excessive force, coercion, and verbal abuse;

(c) To conduct investigations into all cases in which a department member discharges his or her firearm, stun gun, or taser in a manner which potentially could strike an individual, even if no allegation of misconduct is made;

(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;

(e) To review all cases settled by the Department of Law in which a complaint register was filed against a member of the department in that district, and if, in the opinion of the CPAC member, further investigation is warranted, to conduct such investigation;

(f) To conduct investigations in a manner consistent with the rules and regulations established by the CPAC and all Department operating procedures, general orders, collective bargaining agreements, and other applicable laws and regulations;

(g) To make recommendations to the Superintendent of Police concerning the appropriate disciplinary action against members of the Department in that district who have been found to be in violation of Department rules and regulations, or in violation of any of the laws of the State of Illinois or ordinances of the City of Chicago;

(h) To make recommendations to the CPAC concerning revisions in policy and operating procedures to increase the efficiency of the Department;

(i) To request information related to an investigation from any employee or officer of the district;

(j) 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;

(k) To address police personnel and community groups on regulations and operations of the

CPAC;

(l) To be on call 24 hours a day, seven days a week to handle immediate complaints lodged against the Department in that district;

(m) To suspend the police powers of any officer involved in a shooting pending a complete investigation; and

(n) To sit in on officer performance evaluations.

The CPAC member may also facilitate:

(a) Restorative circles and justice;

(b) Mediation - The CPAC member shall have the authority to develop a mediation program, informed by national best practices that engage both complainants and accused police officers, aimed at resolving civilian complaints, except that 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.;

(c) Station adjustments;

(d) Community accommodation awards;

(e) Random monitoring of police vehicle surveillance recording equipment; and

(f) CPAC attendance at all roll calls.

**2-83-050 Subpoena issuance.**

The CPAC or any member or hearing officer designated by it may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of relevant information. A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

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.

## ARTICLE III. DISCIPLINE AND INVESTIGATIONS (2-83-060 et seq.)

**2-83-060 Decisions; recommendations.**

(a) If the CPAC district panel or any member or hearing officer designated by it issues a

recommendation of discipline against one or more members of the district, the Superintendent must respond to such recommendation within 90 days. The response must include a description of any disciplinary action the Superintendent has taken with respect to the member in question.

(b) If the Superintendent did not take any disciplinary action, or took a different disciplinary action than that recommended by the CPAC district panel or any member or hearing officer designated by the CPAC, the Superintendent must describe the 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;

(ii) the superintendent's professional opinion with regard to the case;

(iii) 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 CPAC district panel or any member or hearing officer designated by it within the 90-day decision period.

(c) If the superintendent fails to respond to the recommendation within the 90-day decision period, such recommendation shall be deemed to be accepted by the superintendent.

(d) Nothing in this section shall limit the superintendent's ability to impose any additional discipline than that recommended by the CPAC district panel.

(e) If the CPAC district panel and the superintendent fail to agree on the discipline to be imposed, the matter shall be referred to the CPAC for resolution. The decision of the CPAC is final.

(f) If the CPAC district panel determines that a civilian's complaint is without merit, the civilian may appeal that ruling to the CPAC for reconsideration. The decision of the CPAC is final.

**2-83-070 Investigations.**

In addition to other powers conferred herein, the CPAC shall have the following powers and duties:

(a) To conduct investigations into incidents that include any complaint 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;

(b) 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 Chief Administrator determines such investigation is warranted;

(c) To conduct investigations into all cases in which a Department member discharges and/or uses his or her firearm, stun gun, or Taser, or any other weapon police use to inflict pain and induce compliance in a manner which potentially could strike an individual even if no allegation of misconduct is made;

(d) To conduct investigations in all cases in which a civilian dies and/or sustains a suspicious injury or 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, 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;

(e) 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;

(f) To investigate the facts stated in all lawsuits 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. CPAC shall not require that civilian plaintiffs in such litigation submit a sworn complaint prior to launching an investigation; review all 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

(g) 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 CPAC;

(h) To request information related to an investigation from any employee or officer of the

city and to execute information sharing agreement;

(i) 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;

(j) To compel prompt statements from members of the Department and to re-interview Department members as needed;

(k) To collect and preserve physical evidence related to matters under investigation by the CPAC;

(l) 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.

(m) To conduct investigations concurrently with any criminal investigation that may result from a matter under investigation by the CPAC;

(n) To play an active role 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;

(o) To analyze policing trends and patterns related to the CPAC's investigative jurisdiction, including but not limited to: officer use of force; police shootings; use of Tasers or any weapon used to inflict pain and/or to gain compliance; citizen complaint log numbers; and racial, ethnic, gender, sexuality, or geographic biases in policing;

(p) To conduct regular analyses of citizen complaints, use of force, lawsuits, and other relevant data to identify individual and groups of officers who may be engaged in a pattern of misconduct, and to initiate disciplinary investigations into the conduct of those identified officers;

(q) To examine the disciplinary and complaint history and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation;

(r) To maintain and regularly update a website that makes public the information described in this ordinance and to identify and execute other methods of widely disseminating to the general public information about the work of the CPAC;

(s) 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; and

(t) To maintain permanent in-house legal counsel to advise the CPAC on legal issues and to

represent the CPAC's Office in legal and administrative proceedings, including those to enforce the CPAC's subpoenas, and to prosecute or defend the CPAC's investigative, disciplinary, and policy recommendations.

**2-83-080 Proactive Policy and Pattern Analysis and Investigations**

The CPAC shall appoint a full time employee as Director of Policy and Practice Analysis and Investigations to analyze policing trends and patterns related to the CPAC's investigative jurisdiction and to launch disciplinary investigations into Department members who may demonstrate a pattern of misconduct and/or non-compliance with Department policy. The CPAC has the discretion to treat as confidential any proactive disciplinary investigation initiated and supervised by the Director of Policy and Practice Analysis and Investigations, and his or her staff, for as long as the CPAC deems necessary during the investigation.

If the CPAC or any member or hearing officer designated by it, does not conclude an investigation within six months after its initiation, the CPAC or any member or hearing officer designated by it, shall notify 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. The investigation will end only at CPAC's discretion.

**2-83-090 Cooperation in investigations.**

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the CPAC or any member or hearing officer designated by it, in any investigation or hearing undertaken pursuant to this chapter. Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

**2-83-100 Retaliation prohibited--Penalty.**

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the CPAC or any member or hearing officer designated by it, 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.

**2-83-110 Community Input, Engagement and Outreach**

The CPAC shall appoint a full time employee as Director of Community Engagement to

develop and implement a program of community outreach aimed at soliciting public input about police practices and the work of the CPAC from a broad segment of the community in terms of age, race, gender, gender expression, sexual orientation, neighborhood, ethnicity, and socio-economics. The Director of Community Engagement will also be responsible for assisting the CPAC to widely disseminate information regarding the activities of the CPAC including information about how individuals can file complaints, the investigative process, know-your-rights-training aimed at informing individuals about the types of police conduct the CPAC is authorized to investigate, and information about the policy audit and data collection activities undertaken by the CPAC. The Director of Community Engagement shall be responsible for ensuring that the CPAC holds at least four community meetings annually.

The CPAC 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 regular 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 civilian feedback process that seeks feedback from civilians who interact with the CPAC on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from the CPAC, their treatment throughout the investigation, the investigator's sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall also seek suggestions to improve the civilian's experience. The Director shall publish the results of those surveys in the CPAC's annual report.

## ARTICLE IV. CPAC REPORTS (2-83-120 et seq.)

### 2-83-120 Final Summary Reports--Open to public inspection. Transparency.

All final summary reports of the 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 CPAC to make all of its work available to the public in order to promote accountability and transparency. The CPAC shall keep the public informed of its

investigations and their progress, and the CPAC shall ensure transparency throughout the entire investigative process.

The CPAC must collect and post information on its website about pending investigations. Specifically, within 10 days of intake, the CPAC must publish on its website the information that triggered an investigation, including a copy of a civilian complaint, lawsuit, document reporting a suspicious injury, or a summary of any other information that triggered an investigation. The CPAC must regularly update both the complainant and the website as to the status of the investigation.

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

The CPAC shall maintain a database which contains the complete complaint and disciplinary history for each Department member. The database shall include, but is not limited to, the following for each member of the Department: 1) any and all police misconduct investigations; 2) complete disciplinary history; 3) all tactical response reports; 4) civil lawsuits and relevant motions to suppress in criminal cases; and 5) assignment histories. At the database shall be expanded to include any other relevant information. The CPAC shall be provided full administrative access to all databases maintained by the Chicago Police Department.

In addition, the CPAC shall maintain full administrative rights to an electronic database that is independent from databases used by the Department. It shall maintain the data in a format that allows efficient exporting of data. These data shall be posted live on the CPAC's website in delimited machine-ready format for public inspection. The data sets shall redact the names and other identifying information of civilians, including complainants. The database must, at a minimum, include the information described throughout this section.

Within 10 days of its availability, the CPAC 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 CPAC and/or otherwise came to the CPAC's attention;

6) Whether video of the incident exists;

7) Date the investigation was completed;

8) Name, race, and gender of the assigned Investigator(s), and date of Investigator's appointment in CPAC'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. On or off duty at time of incident;

j. In police uniform or plain clothes;

k. Number of previous log numbers against officer within 10 years of incident;

l. Number of previous sustained log numbers against officer within 10 years of incident.

m. All complaint category codes for the incident under investigation;

n. The CPAC's recommended outcome of the investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated);

o. The CPAC's recommended discipline;

p. The Superintendent's recommended outcome of the investigation of each complaint;

q. The Superintendent's recommended discipline;

r. The final outcome of the investigation;

s. The final discipline imposed;

11) For each witness officer:

a. Name;

b. Badge number;

c. Gender;

d. Race;

e. Year of Birth;

f. Unit of assignment on date of complaint incident;

g. Rank on date of complaint incident;

12) For each civilian involved in an incident under investigation:

a. Race;

b. Gender;

c. Age at time of complaint;

13) In addition to the information detailed above, the CPAC shall also post the following information within 10 days of its availability in every investigation of a Department member's discharge or other use of a firearm, stun gun, Taser, or any other device capable of inflicting pain or injury:

a. The type of incident (e.g., Taser, shooting with hits, shooting without hits, etc.);

b. The log number, "U" number, or any other tracking number used by the CPAC;

c. For each shooting officer:

i. The type of weapon used (if firearm, type and brand)

ii. Number of shots fired;

iii. The range at which the weapon was fired;

iv. For Taser incidents, the duration that the device was deployed and the number of cycles;

d. Injuries sustained by any officer on the scene;

e. For each target or victim of the weapon:

i. Type of animal targeted or victimized;

ii. If person is targeted or victimized, the CPAC shall also post the individual's:

1. Gender;

2. Race;

3. Age at time of incident;

4. Any weapon possessed;

5. The point at which any bullet impacted the subject;

iii. Any medical care provided;

iv. Injuries sustained;

v. Whether person or animal was killed.

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

The CPAC 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 CPAC 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 CPAC's investigation.

Within 10 days of completing each investigation, the CPAC must post on its website the summary report of investigation, and provide a copy of the summary report of investigation to any complaining witness.

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

Notwithstanding any other provision of this ordinance, CPAC is prohibited from releasing to the public the civilian names and identifying information without their consent. CPAC 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. CPAC is otherwise

authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.

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

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

All reports, investigations, policies and procedures of CPAC shall be open to public inspection, except to the extent that information contained therein is exempt from disclosure by the Illinois Freedom of Information Act, or any other applicable law. All investigations, audits, surveys, and policy evaluations and recommendations conducted by CPAC shall be released publicly at the time of completion and will be published on the website of CPAC's office and remain available on the website permanently. All data sets associated with each investigation, audit, survey, and policy evaluation and recommendation will be released publicly on the website of CPAC at the time of the publishing of the audit. The data sets will remain on the website for at least 10 years from the date of publication, but in no event may they be destroyed.

CPAC shall issue an annual report. The annual report must include a detailed summary of CPAC's activities during the year and shall include the following information:

1) A summary report for each investigation completed during applicable time frame;

2) A summary of all activities undertaken related to community input, engagement, and outreach, including the results of the customer feedback survey described above; and

3) A detailed annual statistical analysis that will help the general public understand the work of CPAC. Wherever possible, CPAC must aggregate the data by investigative category and the demographics of the involved civilians and Department members. The analysis shall include, but is not limited to, data related to the following:

a. Total number of civilian complaints received;

b. Total number of civilian complaints referred to internal affairs;

c. Total number and type (e.g., excessive force, false arrest, illegal search, domestic violence, sexual misconduct, rape, sexual assault, coercion, First Amendment, denial of access to counsel, other Fifth Amendment, etc.) of investigations opened;

d. Total number and type of investigations completed;

e. Total number and type of investigations that remain open;

f. Number and type of investigations resolved by mediation;

g. Investigative outcomes (e.g., sustained, not sustained, etc.) of completed

investigations aggregated by type of complaint;

h. Department member disciplinary recommendations aggregated by type of investigation, amount of discipline, and the demographics of involved civilians and involved Department members;

i. A comparison of the disciplinary recommendations made by the CPAC to those of the Superintendent and those actually imposed, aggregated by type of investigation and the demographics of involved civilians and Department members;

j. Total number of firearm discharges, aggregated by the demographics of involved civilians and Department members and resulting injuries or fatalities;

k. Total number of non-firearm weapon discharges, aggregated by type of weapon, demographics of involved civilians and Department members and resulting injuries or fatalities;

l. Data regarding the racial, ethnic, gender, and geographic demographics of the civilians and Department members involved in each investigation;

m. Unit by unit analysis of investigations by type and outcome (including disciplinary and/or training recommendation);

n. List of Department members with more than 10 misconduct complaints filed against them within 5 years of the reporting period, including for each Department member name, badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed against the member.

**2-83-140 Quarterly reports to legislative and executive branches.**

No later than the fifteenth day of January, April, July and October of each year, the CPAC or any member or hearing officer designated by it, shall file with the Office of the City Clerk and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating: (1) the number of investigations initiated since the date of the last report; (2) the number of investigations concluded since the last report; (3) the number of investigations pending as of the reporting date; (4) the number of complaints not sustained since the last report; (5) the number of complaints sustained since the last report; (6) the number of complaints filed in each district since the last report; (7) without identifying any complainant, the number of complaints filed against each police officer in each district since the last report; (8) the number of complaints referred to other agencies and the identity of such other agencies; (9) the number of complaints in the last 30, 60, and 90 days, and the last 6 months; (10) the number of complaints referred or appealed to CPAC; (11) a

demographic breakdown of the complainants, including but not limited to race, sex, or age; and (12) a breakdown by complaint type. Such reports shall be open for public inspection and shall be posted on the city's website.

## ARTICLE V. REMOVAL FROM OFFICE AND PENALTIES (2-83-150 et seq.)

### 2-83-150 CPAC--Conditions for removal from office.

Members and employees of the CPAC shall be subject to Title 2, Chapter 2-55 of the Municipal Code of the City of Chicago, the Office of the Legislative Inspector General.

### 2-83-160 Obstructing or interfering with investigations--Penalty.

No person shall wilfully refuse to comply with a subpoena issued by CPAC or any member or hearing officer designated by it, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of CPAC. Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than $1,000.00 and not more than $5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended.

### 2-83-170 Violation--Penalty--Discharge or other discipline.

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

### 2-83-180 Rules and regulations.

The CPAC, or any member or hearing officer designated by it, is authorized to adopt such rules, regulations and procedures as it may deem expedient for the proper administration and enforcement of the provisions of this chapter.

### 2-83-190 Public policy.

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

## ARTICLE VI. BUDGET (2-83-200 et seq.)

### 2-83-200 CPAC Budget, Staffing, and Independent Evidence Analysis Requirements

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 CPAC. The CPAC must maintain at least one full-time investigator for every 100 sworn officers in the Department.

Investigators employed by the CPAC 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.