



# City of Chicago



SO2019-4132

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 6/12/2019

**Sponsor(s):** Sawyer (6)  
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**Type:** Ordinance

**Title:** Amendment of Municipal Code Title 2 by adding new Chapter 2-80 entitled "Community Commission for Public Safety and Accountability" and amending Chapters 2-78 and 2-84

**Committee(s) Assignment:** Committee on Public Safety

**SUBSTITUTE**  
**ORDINANCE**

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

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

**WHEREAS**, Pursuant to 65 ILCS 5/3.1-30-5(a), the Mayor is authorized to appoint, with the advice and consent of the City Council, officers necessary to carry into effect the powers conferred upon municipalities, which, pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois, include the power to regulate for the protection of the public health and safety; and

**WHEREAS**, The Police Accountability Task Force called for creation of a "Community Safety Oversight Board," "comprised entirely of community residents," with "power to oversee CPD, the new CPIA [now the Civilian Office of Police Accountability] and all police oversight mechanisms," and specified that "The Community Board would ensure that ... all components of the police oversight system are held fully accountable, operate with maximum transparency and perform their roles in a manner that is informed by community needs"; and

**WHEREAS**, The United States Department of Justice concluded that "Chicago's deficient accountability systems contribute to CPD's pattern or practice of unconstitutional conduct" and "[i]t has never been more important to rebuild trust for the police within Chicago's neighborhoods most challenged by violence, poverty, and unemployment," and that "Chicago must undergo broad, fundamental reform to restore this trust," which "will benefit both the public and CPD's own officers," and "is necessary to solve and prevent violent crime"; and

**WHEREAS**, Research indicates that public participation in the determination of police department policy helps to build trust in the police department; and

**WHEREAS**, On January 31, 2019, the City entered into a federal court-enforced Consent Decree, which mandates substantial changes to CPD's policies and conduct; and

**WHEREAS**, People who trust the police department are more likely to cooperate with the police department, and public cooperation with the police department helps to reduce and solve crime; and

**WHEREAS**, Policing affects certain people more than others, especially people who are Black, Latinx, Indigenous, disabled, undocumented, transgender, or non-binary; and

**WHEREAS**, This ordinance establishes a Community Commission on Public Safety ("Commission") for the purposes of increasing public safety; ensuring that CPD activities are directed toward maximizing public health and safety while minimizing any harm to City residents; building trust and improving interactions between and among CPD and the people it serves; ensuring that CPD policies and practices are based on community needs and public input; increasing public support for CPD policies and practices; ensuring that CPD resources are not used inappropriately to address public health or safety issues that other professionals

can adequately address; encouraging the movement toward preventative, proactive, community-based, and evidence-based approaches to public safety; increasing transparency and public input into CPD operations, policies, and performance; providing the residents of every Chicago community with meaningful opportunities to shape CPD policies and practices that affect their lives; helping to bring the City into compliance with the Consent Decree as soon as is practicable; increasing efficiency in the use of public safety resources, including reducing overall spending; and increasing public accountability of CPD, the Civilian Office of Police Accountability, and the Police Board; and

**WHEREAS**, This ordinance also establishes District Councils for the purposes of building connections between CPD and the community; collaborating in the development and implementation of community policing initiatives; ensuring regular community input for Commission efforts; ensuring that within each police district there is a forum where district residents can raise and work to address any concerns about policing in the district, including, but not limited to, police interactions with youth and people of all immigration statuses; and ensuring the independence and increasing the legitimacy of the Commission by participating in the selection of its members; now, therefore,

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

**SECTION 1.** The foregoing recitals are adopted and incorporated into and made a part of this Ordinance.

**SECTION 2.** Title 2 of the Municipal Code of Chicago is hereby amended by creating a new Chapter 2-80, as follows:

**CHAPTER 2-80 COMMUNITY COMMISSION ON PUBLIC SAFETY**

**2-80-010 Definitions.**

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

“Chief Administrator” means the Chief Administrator of COPA.

“Commission” means the Community Commission on Public Safety established in this Chapter.

“Consent Decree” means the Consent Decree entered in the case of Illinois v. City of Chicago, 17-cv-6260, in 2019.

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

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

“District” means one of the 22 Department districts.

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

“Marginalized Communities” includes, but is not limited to, any of the following people: people under the age of 18; Black, Latinx, and Indigenous people; immigrants, including

undocumented immigrants; lesbian, gay, bisexual, transgender, non-binary, and queer people; Muslims; people with physical or mental disabilities; people experiencing homelessness; survivors of domestic violence; non-native English speakers; women; survivors of police misconduct or brutality; and the formerly incarcerated.

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

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

“Policy” means any Department general order, COPA policy, or Police Board policy.

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

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

“Superintendent” means the Superintendent of Police.

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

**2-80-020 Establishment.**

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

**2-80-030 Purpose.**

The purpose of the Commission is to: (1) increase public safety; (2) ensure that Department activities are directed toward maximizing public health and safety while minimizing any harm to City residents; (3) build trust and improve interactions between and among the Department and the people it serves; (4) ensure that Department policies and practices are based on community needs and public input; (5) increase public support for Department policies and practices; (6) ensure that Department resources are not used inappropriately to address public health or safety issues that other professionals can adequately address; (7) encourage the movement toward preventative, proactive, community-based, and evidence-based approaches to public safety; (8) increase transparency and public input into Department operations, policies, and performance; (9) provide the residents of every Chicago community with meaningful opportunities to shape Department policies and practices that affect their lives; (10) help to bring the City into compliance with the Consent Decree as soon as is practicable; (11) increase efficiency in the use of public safety resources, including reducing overall spending; and (12) increase public accountability of the Department, COPA, and the Police Board.

**2-80-040 Composition and qualifications.**

(a) Composition and term. The Commission shall be composed of seven commissioners. The Commission shall appoint a Commission president and vice-president from among its members, who each may serve one or more consecutive two-year terms. The first full slate of seven commissioners selected in 2023 shall be assigned a number between one and seven in a random drawing conducted by the Executive Director, which number shall correspond to the following initial terms:

- Commissioner 1 – 2 years
- Commissioner 2 – 2 years
- Commissioner 3 – 2 years
- Commissioner 4 – 4 years
- Commissioner 5 – 4 years
- Commissioner 6 – 4 years
- Commissioner 7 – 4 years

Thereafter, commissioners shall serve four-year terms, and no commissioner shall serve more than 12 years in their lifetime. A commissioner shall continue to serve until a successor is appointed and qualified.

(b) Qualifications. A candidate for commissioner shall:

- (1) be a resident of the City, and have resided in the City for at least the five years immediately preceding appointment;
- (2) have at least five years' combined experience in one or more of the following fields: law, public policy, social work, psychology, mental health, community organizing, civil rights, or advocacy on behalf of Marginalized Communities;
- (3) not have been convicted of bribery, embezzlement, extortion, perjury, or other corruption-related crime;
- (4) have adequately disclosed any personal, professional, or financial conflict of interest that could reasonably be thought to bear upon the person's performance as a commissioner;
- (5) have a reputation for integrity, professionalism, and sound judgment;
- (6) have a history of leadership and community involvement;
- (7) have a demonstrated ability to engage effectively with all who have a stake in policing, including, but not limited to, Marginalized Communities, police officers, and public officials;
- (8) have a history or reputation for working in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity;
- (9) have not been an employee of the Department, COPA, or the Police Board in any of the five years immediately preceding their appointment; and
- (10) not be a member of the Commission Nominating Committee.

At least two commissioners shall each have at least ten years of experience as a practicing attorney, with significant experience in civil rights, civil liberties, or criminal defense. At least one commissioner shall have at least ten years of experience in community organizing that involves a formal affiliation with one or more community-based organizations. Two commissioners shall be exempt from the requirements of subsection (b)(2) of this section, and shall be between the ages of 18 and 24 years old at the time of appointment and either have been incarcerated, under correctional supervision, on probation or parole, or have been the victim of police misconduct.

(c) Appointment. Commissioners shall be appointed by the Mayor from among candidates nominated by the Nominating Committee. At least two of the seven Commissioners shall reside on the North Side of Chicago and have resided on the North Side of Chicago for at least 365 days immediately preceding their appointment; at least two Commissioners shall reside on the South Side of Chicago and have resided on the South Side of Chicago for at least

365 days immediately preceding their appointment; and at least two Commissioners shall reside on the West Side of Chicago and have resided on the West Side of Chicago for at least 365 days immediately preceding their appointment. Each appointment shall be subject to the advice and consent of the City Council.

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

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

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

(2) The Nominating Committee shall receive applications for one calendar month after issuing the Request. After reviewing all applications received, the Nominating Committee shall select as finalists four qualified candidates for each existing vacancy or expiring term on the Commission, or shall submit all qualified candidates if the Nominating Committee determines that fewer than four candidates are qualified. The Nominating Committee shall conduct interviews of all finalists.

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

(4) The Mayor's selection of a nominee shall be referred to the City Council Committee on Public Safety for a hearing, and shall then be subject to the advice and consent of the City Council. If the City Council rejects the Mayor's selected nominee, within 30 days thereafter the Mayor shall either select a different nominee from the most recent list submitted by the Nominating Committee, or request that the Nominating Committee provide two new nominees.

(d) By May 15, 2021, the City Council shall establish by ordinance a process for selecting a temporary Commission, and by July 15, 2021, a temporary Commission shall be established to carry out the powers and duties outlined in 2-80-050 until the permanent Commission is appointed following the first District Council elections in November 2022. The temporary Commission shall be composed of seven commissioners, who must meet the qualifications outlined in 2-80-040(b). Temporary Commissioners shall serve until their successors take office following the District Council elections in November 2022. Temporary

Commissioners may not serve on the first permanent Commission. Temporary Commissioners can be removed for cause as outlined in 2-80-040(e). Any decision made by the temporary Commission must be reaffirmed by the permanent Commission.

(e) Removal from office. A commissioner may only be removed for just cause either by the Mayor, on any written charge, if the Mayor is of the opinion that the interests of the City demand removal, or by the City Council, for just cause, upon a two-thirds vote of the Committee on Public Safety and then a two-thirds vote of all members of the City Council. Just cause includes, 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 Commission, or other acts of nonfeasance, malfeasance, or misfeasance in office. If the Mayor removes, the Mayor shall report the reasons for the removal to the City Council at a meeting to be held not less than 5 nor more than 10 days after the removal. If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the City Council by a two-thirds vote of all members authorized by law to be elected disapproves of the removal, the Commissioner shall be restored to the office.

(f) Compensation. Each commissioner shall receive an annual stipend of \$12,000.00, and the president shall receive an annual stipend of \$15,000.00.

#### **2-80-050 Powers and Duties.**

The Commission shall have the following powers and duties:

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

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

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

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

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

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

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

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



(f) Recommend to the Public Safety Inspector General specific areas for investigation and evaluation, including emergent issues that, in the Commission's judgment, are needed to support public confidence in the Department and related criminal justice practices; if the Commission makes such a recommendation in writing, the Public Safety Inspector General shall respond in writing within 10 days;

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

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

(i) Create, review, and approve by majority vote any proposed new or amended Policy, as provided in section 2-80-110;

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

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

(l) Introduce and by majority vote adopt a resolution finding cause to remove the Superintendent or a Police Board member, as provided in section 2-80-090;

(m) Appoint the Chief Administrator with the advice and consent of the City Council, as provided in section 2-80-80;

(n) Remove the Chief Administrator, as provided in section 2-80-090;

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

(p) Identify and recommend to the City Council ways to increase effectiveness and efficiency in the use of public safety resources, including reducing overall spending;

(q) Identify and recommend to the City Council ways to ensure that Department resources are not used inappropriately to address issues that other professionals can adequately address;

(r) Identify and recommend to the City Council preventative, proactive, community-based, and evidence-based solutions to violence;

(s) Direct the Chief Administrator to investigate complaints of police misconduct;

- (t) Create policies and procedures for the functioning of the Commission;
- (u) Create a process for ensuring the Department is complying with its policies; and
- (v) Exercise other powers as necessary and proper to fulfill the purposes enumerated in this Chapter.

**2-80-060 Commission Meetings.**

(a) The Commission shall hold regular meetings on at least a monthly basis. All meetings shall comply with or exceed the requirements of the Illinois Open Meetings Act, 5 ILCS 120/1, et seq. Subject to applicable law, all Commission meeting minutes, deliberations, reports, investigations, and policies and procedures shall be posted on the Commission's publicly accessible website. Notice of each meeting, along with a proposed agenda, shall be posted on the Commission's website at least 7 days prior to each meeting. Audio and video recordings of each meeting will also be made available on the Commission's website.

(b) The Superintendent, Chief Administrator, and Police Board President may each designate a representative who may attend all Commission meetings and participate in policy discussions, but who shall not have voting authority.

(c) Upon submission to the Commission of a petition signed by at least 500 Chicago residents, the Commission shall hold a special meeting. The petition shall set forth with specificity the issues or concerns that would be the subject of the special meeting, and those issues or concerns must fall within the Commission's purposes as specified in section 2-80-030. The petition may include up to 20 questions to be directed to the Superintendent, the Public Safety Inspector General, the Chief Administrator, and the President of the Police Board. Within two weeks of receiving a petition for a special meeting, the Commission shall determine and announce whether a special meeting is required. If a special meeting is required, the meeting shall be convened within four weeks of submission of the petition.

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

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

(a) The purpose of the District Councils is to: (1) build connections between the police and the community; (2) collaborate in the development and implementation of community policing initiatives; (3) ensure regular community input for Commission efforts; (4) ensure that within each police district there is a forum where District residents can raise and work to address any concerns about policing in the District, including but not limited to police interactions with youth and people of all immigration statuses; (5) ensure the independence and increase the legitimacy of the Commission by participating in the selection of its members; (6) participate in the selection of Commissioners who will fulfill the purposes listed in Section 2-80-030 of this Chapter; and (7) assist the Commission in fulfilling the purposes listed in Section 2-80-030 of this Chapter.

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

- (1) be at least 18 years old on the date on which their term begins;

- (2) on the day of the election, have resided in the District they seek to serve for at least the previous 365 days, and be registered to vote in the District they seek to serve;
- (3) not have been convicted of bribery, embezzlement, extortion, perjury, or other corruption-related crime;
- (4) not be a member of the Commission; and
- (5) not have been an employee of the Department, Independent Police Review Authority, COPA, or the Police Board in any of the three years immediately preceding the date on which their term begins.

(c) Each District Council shall be elected by residents of the District. Persons wishing to appear on the ballot as a candidate for District Council shall file a statement of candidacy with the Chicago Board of Election Commissioners and submit petitions for nomination; the signature requirements for the petitions for nomination of District Council candidates shall be 0.5% of the total number of registered voters in the District, or a minimum of 25 registered voters in the District, whichever is greater. Eligible candidates for District Council shall appear on the ballot in a special election to be held concurrently with the general election on the first Tuesday after the first Monday of November, 2022. The candidates in each District receiving the greatest, second greatest, and third greatest number of votes shall take office on the second Monday of January, 2023 and shall serve until their successors take office.

Beginning in 2027, and quadrennially thereafter, District Councils shall be elected in the consolidated election held in odd-numbered years on the last Tuesday in February except as provided in 10 ILCS 5/2A-1.1a. The candidates in each District receiving the greatest, second greatest, and third greatest number of votes shall take office on the first Tuesday after the first Monday in May following their election.

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

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

If a vacancy occurs on any District Council, and there remains an unexpired portion of the term of at least 28 months, and the vacancy occurs at least 130 days before the next general municipal election, then the vacancy shall be filled for the remainder of the term at that general municipal election. Until the office is filled by election, the Mayor shall appoint a qualified person to the District Council with the advice and consent of the City Council. If a vacancy occurs on any District Council and there remains an unexpired portion of the term of less than 28 months, or the vacancy occurs less than 130 days before the general municipal election next scheduled under the general election law, then the Mayor shall have the power to appoint a qualified person to the District Council subject to the advice and consent of the City Council. When the Mayor is filling the District Council vacancy, the remaining member or members of the District Council shall, within 30 days of the vacancy being created, identify three people who meet the qualifications established in this Chapter and submit their names to the Commission. From among the names submitted by the District Council, the Commission shall,

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

(d) Each District Council member shall receive a stipend of \$500 per month while serving in this role.

(e) Each District Council shall:

- (1) Hold public meetings at least monthly to discuss policing issues;
- (2) Work with the Police District Commander and community members to help develop and implement community policing initiatives;
- (3) Delegate one or more District Council members to attend quarterly meetings with representatives from each District Council to identify trends and concerns;
- (4) Delegate one or more District Council members to attend annual meetings with representatives from each District Council to propose priorities for the Commission;
- (5) Work to develop and expand restorative justice and similar programs in the District;
- (6) Encourage and enable Department members to provide direct referrals and facilitate access to community resources in lieu of arrest;
- (7) Assist and engage with members of the public, including gathering input from the public regarding public safety and policing in their districts;
- (8) Report its findings, conclusions, and recommendations to the Commission as requested; and
- (9) Exercise any other powers delegated to it by the Commission.

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

(g) Each District Council shall have a Chair, a member of the Nominating Committee, and a Community Engagement Coordinator. District Council members on each District Council shall determine which member shall serve as Chair, which member shall serve on the Nominating Committee, and which member shall serve as Community Engagement Coordinator. Within 30 days of members taking office, each District Council shall submit to the Commission a document identifying who has been selected to fill each of these positions. If, 30 days after taking office, members of any District Council have not filled one or more of these positions, the Commission shall assign roles by a majority vote of the Commission.

**2-80-080 Superintendent, Chief Administrator, and Police Board: hiring, appointment.**

(a) Superintendent. The Superintendent shall be appointed by the Mayor upon recommendation of the Commission and with the advice and consent of the City Council. When a vacancy occurs in the position of Superintendent, the Commission shall hold at least four public hearings at which members of the public may provide recommendations to inform the Commission's selection of Superintendent candidates. At least one public hearing shall be held on the North Side of Chicago, the South Side of Chicago, the West Side of Chicago, and in downtown Chicago. Within 120 days after a vacancy occurs in the position of Superintendent, the Commission shall nominate three candidates to fill the position and submit those nominations to the Mayor.

After the Mayor has selected a candidate for Superintendent, but before the City Council has voted on whether to confirm the candidate, the Commission shall hold a public hearing at which the candidate shall appear and answer questions from the Commission and from members of the public. At the hearing, the Commission shall also provide time for public comment on the candidate. Before the public hearing, the Commission shall provide on its website an opportunity for members of the public to register questions for and comments about the candidate, and shall make publicly available a written explanation of why the Commission nominated this candidate.

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

(b) Chief Administrator. The Chief Administrator shall be appointed by the Commission with the advice and consent of the City Council. When a vacancy occurs or is anticipated in the position of Chief Administrator, the Commission shall engage a nationally recognized organization with expertise in government oversight to perform a nationwide search and identify at least ten candidates. The Commission shall select a Chief Administrator from among the candidates identified in this process. Such candidates shall fulfill the qualifications in section 2-78-115. The Commission shall select the candidate it deems most qualified. The Commission's selected candidate shall be referred to the City Council Committee on Public Safety for a hearing, and shall then be subject to the advice and consent of the City Council. If the City Council rejects the Commission's selected candidate, within 30 days thereafter the Commission shall select a new candidate.

(c) Police Board. When a vacancy occurs or is anticipated on the Police Board, the Commission shall, within 60 days, identify candidates eligible to fill the vacancy. Such candidates shall have the same qualifications as those for commissioners as set out in section 2-80-040(b), and shall adhere to the Police Board Selection Criteria contained in paragraph 532 of the consent decree entered in *State of Illinois v. City of Chicago*, No. 17-cv-6260. The Commission shall nominate three candidates to fill the position and submit those nominations to the Mayor.

(d) The Mayor's selection of a candidate in subsections (a) or (c), shall be referred to the City Council Committee on Public Safety for a hearing, and shall then be subject to the

advice and consent of the City Council. If the City Council rejects the Mayor's selected candidate, within 30 days thereafter the Mayor shall either select a different candidate from the most recent list submitted by the Commission, or request that the Commission provide three new candidates.

**2-80-090 Superintendent, Chief Administrator, and Police Board: Removal.**

(a) Removal of Superintendent or a Police Board member initiated by the Commission. The Commission may adopt a resolution finding cause to remove the Superintendent or a Police Board member. Cause shall include, but is not limited to, incompetence, neglect of duty, gross misconduct, or criminal conduct of any type that threatens to impair or undermine public confidence. Before such resolution is voted upon, the Commission shall provide written notice to the affected party of its intent to adopt the resolution, including a detailed explanation of the deficiencies that are the basis of the for-cause determination. Within 30 days of receiving this written notice, the affected party may respond in writing. Upon receipt of the affected party's response, or 30 days after delivery of written notice, whichever comes first, the Commission may vote on the resolution, which shall require the affirmative vote of at least two-thirds of the Commissioners to be adopted. Such resolution shall state with specificity the grounds for finding cause for the resolution of no confidence.

If the Commission adopts a resolution finding cause to remove the Superintendent or a Police Board member, the City Council Committee on Public Safety shall hold a hearing within 14 days at which it shall consider and vote on whether to recommend that the affected party be removed for cause. If the affected party requests to appear at the hearing, they shall be given an opportunity to speak and to respond to questions from members of the Committee on Public Safety. If a majority of the Committee on Public Safety votes in the affirmative to recommend that the affected party be removed, then the full City Council shall consider and vote on whether to recommend that the affected party be removed. The meeting of the full City Council shall take place within 30 days of the Commission's adoption of the resolution finding cause, or at the next regular meeting of the full City Council. If a majority of the City Council votes in the affirmative to recommend that the affected party be removed, the Mayor shall respond in writing to the City Council within 14 days after adoption of the resolution indicating that the Mayor will remove the Superintendent or Police Board member, or, if not, explaining why.

(b) Removal of Superintendent or a Police Board member initiated by the Mayor. The Mayor may remove the Superintendent or a Police Board member on any written charge if the Mayor is of the opinion that the interests of the City demand removal. The Mayor shall report the reasons for the removal to the City Council at a meeting to be held not less than 5 nor more than 10 days after the removal. If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the City Council by a two-thirds vote of all members authorized by law to be elected disapproves of the removal, the Superintendent or Police Board member thereupon shall be restored to the office.

(c) Removal of Chief Administrator. The Commission shall have the power to remove the Chief Administrator by a majority vote. The Chief Administrator may only be removed for cause, which shall include, but is not limited to, incompetence, neglect of duty, gross misconduct, or criminal conduct of any type that threatens to impair or undermine public confidence. The Commission shall provide written notice to the Chief Administrator of its intent to remove, including a detailed explanation of the deficiencies that are the basis of the for-cause determination. Within 30 days of receiving this written notice, the Chief Administrator may respond in writing. If the Chief Administrator requests within 30 days of receiving the written

notice, the Commission shall hold a hearing at which the Chief Administrator shall have the opportunity to speak and answer questions.

**2-80-100 Superintendent, Chief Administrator, and Police Board President: Performance reviews.**

Every year, the Commission shall establish goals and expectations for the Superintendent, Chief Administrator, and Police Board President, which the Commission shall make publicly available. By December 1st of each year, the Superintendent, Chief Administrator, and Police Board President shall each provide the Commission with a written self-evaluation that describes progress towards meeting that year's goals and expectations, and proposes goals and expectations for the next year. By December 31st of each year, the Commission shall provide the Superintendent, Chief Administrator, and Police Board President with preliminary written evaluations that include the Commission's assessment of the Superintendent's, Chief Administrator's, and Police Board President's performance in meeting the previous year's goals and expectations, and sets out goals and expectations for that calendar year. If the Superintendent, Chief Administrator, or Police Board President believe that changes to the written evaluation or the goals and expectations are warranted, within 15 days of receiving the evaluation they may request in writing that the Commission make such changes. By January 31st of each year, the Commission shall complete a final performance review of the Superintendent, Chief Administrator, and Police Board President covering the previous calendar year, and establish goals and expectations for the Superintendent, Chief Administrator, and Police Board President for the then-current calendar year.

**2-80-110 Department, COPA, and Police Board Policymaking.**

(a) Any new or amended Policy shall become effective only after Commission approval, by majority vote, except as set forth in subsections (c)(3), (d), or (e), and pursuant to subsection (c)(6).

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

- (1) The Commission may draft a Policy itself or initiate a Policy by making a written request to the Department, COPA, or the Police Board to draft such Policy.
- (2) When the Commission initiates a Policy by making a request that the Department, COPA, or the Police Board draft a Policy:
  - (A) The Department, COPA, or the Police Board shall accept or decline the request in writing within 14 days of receipt, and, if declining, provide the Commission with a written explanation.
  - (B) If the request is accepted, the Department, COPA, or the Police Board shall provide a draft of the Policy to the Commission within 60 calendar days, which time the Commission may extend at its discretion.
  - (C) If the Department, COPA, or the Police Board does not respond, declines the request, or accepts the request but fails to draft a

Policy within 60 calendar days or any extension thereto, the Commission may take its request to the Mayor who shall review the parties' positions and either direct the Superintendent, Chief Administrator, or Police Board President to take appropriate action, or explain in writing why the Mayor is not directing the Superintendent, Chief Administrator, or Police Board President to draft the policy.

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

- (1) The Commission, Department, COPA, or Police Board shall have 60 days after submission to provide written comments or suggestions to the submitting party on how to improve the Policy. The Commission may consult with subject matter experts and solicit public comment to inform its evaluation.
- (2) If, during the 60-day period for submitting written comments or suggestions, both the Commission and the party that either initiated the Policy or is subject to the Policy indicate in writing that they are in agreement about the Policy, then the Commission may place the Policy on its agenda for consideration at its next regularly scheduled meeting and may vote on the Policy at that meeting.
- (3) If, after 60 days of a new or amended Policy's submission, the Commission has not voted on the policy, and if the receiving party has not provided any written comments or suggestions on the Policy, then the Department, COPA, or the Police Board may place the Policy into effect.
- (4) If, during the 60-day period for submitting written comments or suggestions, there are written comments or suggestions, within 14 days of receipt, the receiving party shall provide a written response indicating whether the comments or suggestions will be incorporated into the new or amended Policy, or explaining why the comments or suggestions will not be incorporated.
  - (A) If there are written comments or suggestions, in the event that the response and subsequent actions address the comments or suggestions to the satisfaction of the parties, the Commission may place the new or amended Policy on its agenda for consideration at a regular meeting.
  - (B) If concerns remain following the receiving party's written response, the parties shall work collaboratively and in good faith for 30 days to reach an agreement on the Policy. If, after 30 days, the parties are unable to reach an agreement, the Commission may place the policy on its agenda for consideration at a regular meeting.



- (5) If, pursuant to subsection (b), the Department, COPA, or Police Board initiates a Policy, and the Commission completes the process described in subsection (c)(1), (c)(2), (c)(3), or (c)(4), but has not taken a vote on the Policy within 60 days of completing the process, then the Superintendent, Chief Administrator, or Police Board President, as appropriate, may request that the Commission vote on the Policy. If the Commission receives such a request, it shall place the Policy on its agenda for consideration at its next regularly scheduled meeting and shall vote on the Policy at that meeting.
- (6) Policy votes of the Commission shall go into effect 30 days after the Commission's vote, unless the City Council Committee on Public Safety acts by two-thirds vote to bring the action before the City Council. If the City Council Committee on Public Safety timely asserts jurisdiction over the Commission's action, the full City Council may, by two-thirds vote, veto the action of the Commission within 21 calendar days of the vote to bring the matter before it, or the action of the Commission shall become final. The Council may not amend or take any other action with respect to the Commission's action. An action vetoed by the Council shall be remanded to the Commission, which shall have the authority it originally held to take action on the matter.
- (7) The Commission shall post on its publicly accessible website any new or amended Policy; Commission request; Department, COPA, or Police Board response; written comments or suggestions; responses to written comments or suggestions; and Mayor's written responses.

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

(e) Prior to the adoption of any Policy except Policies created under subsection (d) above, all proposed changes to Policies shall be published on the Commission's website for at least 30 days prior to adoption, along with an explanation and summary in plain terms of the proposed changes. The Commission's website shall provide the general public with the means to submit comments on the Policy, including choosing whether they "support" or "oppose" the Policy. The website shall also allow the public to submit questions. The Commission may answer questions and post the responses on the page containing the proposed Policy changes. Upon the written request of four Commissioners, a public hearing shall be held on the proposed Policies, which shall include public comments. Such a hearing must be announced at the same time or after the proposed Policy has been posted on the website and at least seven (7) days in advance of the hearing.

(f) The requirements of this section notwithstanding, the Superintendent, Chief Administrator, and Police Board may hold public meetings and hearings on proposed policy changes before making a proposal to the Commission.

(g) The requirements of this section notwithstanding, any Policy covered by the Consent Decree shall be adopted pursuant to the process outlined by the Consent Decree and shall not be enacted unless and until approved pursuant to the terms of the Consent Decree.

**2-80-120 Access to Records.**

(a) Subject to applicable law, the Commission shall have access to information, documents, data, and records in the possession, custody, or control of the Department, COPA, the Police Board, or any other City department, agency, or entity in order to carry out the Commission's powers and duties in this chapter. Within 14 days after receiving a request, the requested agency shall either produce the requested materials, or respond in writing explaining with specificity why the materials will not be provided. The Commission shall publish any such written explanations on its publicly accessible website.

(b) Nothing in this section requires the Department to allow access to or disclose any information, documents, data, or records that would risk revealing or compromising confidential sources, impede or risk impeding a pending criminal investigation, or risk endangering a person.

(c) If the Commission believes a request for information, documents, or records has been improperly denied, it may file a complaint with the Inspector General.

**2-80-130 Reports.**

The Commission shall issue an annual report that includes a detailed summary of the Commission's activities during the year, as well as all policy, rule, and/or procedure changes enacted or recommended by the Commission, the relevant entity's response, and the status of implementation; all Commission requests for reviews, audits, analyses, and investigations, and the status of those reviews, audits, analyses, and investigations; and any other matters the Commission deems of public importance. The Commission shall make its annual reports publicly available by posting them on its publicly accessible website.

**2-80-140 Duty of Cooperation.**

It is the duty of every officer, employee, department, agency, contractor, subcontractor, agent, or licensee of the City to cooperate with the Commission as the Commission carries out its powers and duties under this Chapter. Any employee or appointed officer of the City who violates this section shall be subject to discipline, including, but not limited to, discharge, in addition to any other penalty provided in this Chapter.

**2-80-150 Retaliation, obstruction, or interference prohibited - Penalty.**

(a) No person shall retaliate against, punish, intimidate, discourage, threaten, or penalize any other person who serves or seeks to serve as a member of the Commission or District Councils, or participates or seeks to participate, in any capacity, in the work of the Commission or District Councils. No person shall knowingly interfere with or obstruct the Commission as the Commission carries out its powers and duties under this Chapter.

(b) The Inspector General shall review all complaints alleging violations of this section to determine whether to open an investigation, make a referral to an appropriate entity, or decline the complaint. If the Inspector General concludes that a complaint merits prosecution under this section, it shall share its findings and conclusions with the Corporation Counsel. If, in the course of its investigation, the Inspector General discovers conduct that may have violated a criminal statute, it may refer the complaint to the appropriate law enforcement authority. Subject to applicable law, the Inspector General shall also inform the Commission and the complainant

of the outcome of its investigation and include a description of the outcome in the next ensuing quarterly report following final disposition. The submission of a complaint alleging violations of this subsection does not bar the complainant from seeking any other remedy provided by law.

(c) Any person who willfully violates 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. 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, 65 ILCS 5/1-2-1.1.

#### **2-80-160 Budget and Staffing.**

The appropriations for the Commission and District Councils shall be determined by the City Council as part of the annual City budget process, but shall not be less than 0.3 percent of the annual appropriation of all non-grant funds for the Department contained in the annual appropriation ordinance for that fiscal year.

The City Council shall appropriate funds sufficient for the Commission and District Councils to perform their functions and duties as set forth in this section, including, at minimum, budgeting for an Executive Director, a staff person to oversee and support the day-to-day operations of the Commission, two attorneys, two policy analysts, a staff person to analyze trends and patterns related to COPA's investigative jurisdiction, a staff person to oversee and support the Commission's interaction with residents across Chicago and the day-to-day operations of the District Councils, staff to provide direct support to each of the District Councils, staff to ensure that youth actively participate in District Council activities, and such administrative and support staff as may be necessary for the efficient operation of the Commission and District Councils.

No later than July 1, 2021, the Commission shall be staffed by adequate numbers of personnel to competently and thoroughly carry out its duties.

#### **2-80-170 Review.**

Within three years after the 2023 full implementation of the Commission, the Public Safety Inspector General shall commence a formal review of key aspects of the operations of the Commission. The findings of the review shall be published in a report in accordance with the Inspector General's rules and mandates.

#### **2-80-180 Collective Bargaining Rights.**

Nothing in this chapter shall be construed to diminish the rights of City of Chicago employees to bargain collectively with the City, or diminish their rights as specified in their operative collective bargaining agreements; and nothing herein shall prohibit or in any way limit the City of Chicago's rights to engage in collective bargaining.

**SECTION 3.** Chapter 2-78 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

**2-78-110 Definitions.**

"Commission" shall refer to the Community Commission on Public Safety established in Chapter 2-80.

...

"Verbal abuse" means the use of oral or written remarks that are overtly insulting, mocking or belittling, whether or not directed at a person based upon their actual or, perceived race, immigration status, color, gender, age, religion, ancestry, national origin, sexual orientation, disability, marital status, parental status, military discharge status, source of income, or gender identity or expression of that person membership in a protected class. "Verbal abuse" shall also include any unwelcome sexual advances or requests for sexual favors.

...

"Sexual misconduct" means any form of unwelcome behavior—whether verbal, physical, or otherwise—of a sexual nature.

*(Omitted text is unaffected by this ordinance)*

**2-78-115 Chief Administrator – qualifications and appointment.**

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

The Chief Administrator shall be the chief executive officer of the Office, and shall be selected through the process set out in chapter 2-80-080. The Chief Administrator shall serve a term of four (4) years, and at the conclusion of such term may be considered for reappointment. The Chief Administrator may be removed from office prior to the conclusion of such term only for cause in accordance with Section 2-80-090.

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

*(Omitted text is unaffected by this ordinance)*

**2-78-120 Office and chief administrator – Powers and duties.**

The office and Chief Administrator shall have the following power and duties:

- (a) To receive and register all complaints filed against members of the Police Department;
- (b) ~~To conduct investigations into complaint against members of the Police Department alleging domestic violence, excessive, force, coercion, or verbal abuse~~ To conduct

investigations into all complaints against members of the Department alleging abuse of members of the public, including but not limited to those concerning domestic violence; excessive force; improper search or seizure of individuals or property, including false arrest; coercion; verbal abuse; knowingly endangering the health or well-being of members of the public; rape, sexual assault, and/or sexual misconduct; First Amendment violations; denial of access to an attorney, phone, food, water, medical care, bathroom, and/or visitation while in police custody; other Fifth Amendment violations; biased police practices; and the killing or injuring of an animal;

...

(c) ~~To conduct investigations into all incidents of an "officer-involved death," as that term is defined in 50-ILCS 727/1-5~~ RESERVED;

(d) ~~To conduct investigations into complaints against members of the Police Department alleging improper search or seizure of either individuals or property, or unlawful denial of access to counsel~~ RESERVED;

...

(j) ~~To conduct investigations within its jurisdiction in a manner consistent with Article IV of Chapter 2-84 of this Code, the rules established by the Police Board, and any other applicable laws and rules~~ RESERVED;

...

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

*(Omitted text is unaffected by this ordinance)*

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

~~Prior to serving a complete term, the Chief Administrator may be removed only for cause and in accordance with this section. The Mayor shall give written notice to the Chairman of the City Council's Committee on Public Safety and the Chief Administrator of his intent to remove the Chief Administrator, and the reason for the proposed removal. Within ten days after receipt of the notice, the Chief Administrator may file with the Chairman of the City Council's Committee on Public Safety a request for hearing on the cause for removal. If no such request is made within ten days, the Chief Administrator shall be deemed to have resigned his or her office as of the tenth day after receipt of the notice of intended removal. If such a request is made, the City Council Committee on Public Safety shall convene a hearing on the cause for removal of the Chief Administrator, at which the Chief Administrator may appear, be represented by counsel, and be heard. The hearing shall be convened within ten days after receipt of the request for the hearing and conclude within 14 days thereafter. The Mayor's notice of intended removal shall constitute the charge against the Chief Administrator. Removal of the Chief Administrator for~~

cause after the hearing shall require the affirmative vote of a majority of the members of the City Council.

The Chief Administrator shall be removed only in accordance with Chapter 2-80.

...

*(Omitted text is unaffected by this ordinance)*

**2-78-170 Rules and procedures.**

The Chief Administrator is authorized to adopt such rules and procedures as the Chief Administrator may deem appropriate for the proper administration and enforcement of this chapter. All such rules and procedures shall be adopted only after posting of the rules and procedures proposed to be adopted on the Office website at least 30 days prior to the effective date of such rules and procedures and only in accordance with Section 2-80-110. Upon adoption, the Chief Administrator shall maintain a copy of the rules and procedures on file at the Office, which copy shall be made available for public inspection during regular business hours. The Chief Administrator shall also publicly post such rules and procedures on the Office website, subject to any limitations imposed by applicable law.

**SECTION 4.** Chapter 2-84 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

**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 upon recommendation of the Commission and 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.

**2-84-030 Police board – Powers and duties.**

The board shall exercise the following powers:

~~4. 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;~~

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

32. 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.

*(Omitted text is unaffected by this ordinance)*

~~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.~~

*(Omitted text is unaffected by this ordinance)*

**2-84-040 Superintendent of police – Appointment as chief administrative authority.**

The superintendent of police shall be the chief executive officer of the police department. He shall be appointed by the mayor upon recommendation of the Commission in accordance with Chapter 2-80 police board and with the advice and consent of the city council and shall only be removed in accordance with Chapter 2-80 ~~serve at the pleasure of the mayor~~. The superintendent shall be responsible for the general management and control of the police department and shall have full and complete authority to administer the department in a manner consistent with the ordinances of the city, the laws of the state, and the rules and regulations of the Commission ~~police board~~.

**2-84-050 Superintendent of police – Powers and duties.**

Subject to the rules of the Department and the instruction of the ~~Board~~ Commission, said Superintendent shall have the power and duty:

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** A binding referendum in accordance with the terms of this Section shall be placed on the ballots of the 2022 primary elections to be voted on by all electors in the City of Chicago.

(a) The referendum on the ballot shall read:

“Shall the City of Chicago make the Commission created by Chapter 2-80 that oversees the Chicago Police Department (CPD) an 11-person body consisting of 9 Elected Commissioners and 2 Appointed Commissioners, and give the Commission authority over the following: CPD budget; hiring and firing (for cause) the Superintendent of Police and members of the Police Board; CPD, police board, and COPA policies; and police union contracts, in addition to any powers the commission already has or that are listed in Section 5 of the Ordinance that created the Commission?”

(b) The first election for Commissioners shall be held during the 2023 municipal elections.

(c) The Commission shall have the following powers, in addition to powers it may already have under this Ordinance:

- Power to create (in collaboration with CPD) and approve the CPD Budget, which the Mayor and City Council shall make part of the annual appropriations ordinance;

- Power to negotiate contracts with members of CPD and their collective bargaining representatives and to execute such contracts on the City's behalf;
- Power to appoint, and remove for cause, the CPD Superintendent, who shall serve 3-year terms (starting with the date of their appointment) subject to renewal by the Commission;
- Power to appoint members of the Police Board and to remove them for cause;
- Power to draft, collaborate on, and approve all rules, regulations, directives, orders, policies, and procedures of COPA, the Police Board, and CPD;
- Power to issue subpoenas to compel the attendance, testimony, and production of relevant information by a witness;
- Power to maintain permanent in-house legal counsel and to retain outside counsel to advise on legal issues and to perform other legal work;
- Power to appoint 2 Appointed Commissioners, representing Marginalized Communities as defined in the Ordinance, based on the recommendations of the Local District Councils as outlined in the Ordinance;
- Power to introduce to City Council ordinances that would improve public safety and police accountability;
- Power to make appointments to fill vacancies in local District Councils with the advice and consent of City Council;
- Power to appoint COPA, instead of the City's Corporation Counsel, to prosecute cases of police misconduct in front of the Police Board in order to reduce conflict of interest and increase transparency;
- Power to adopt rules and procedures for the conduct of its own business and to carry out its other powers.

(d) The 9 commissioners shall be divided equally among the South Side, North Side, and West Side (3 each) as defined in the Ordinance, and shall be elected by the electors of those areas.

(e) Upon passage of this referendum, the terms of all Commissioners who were not elected shall be set to end on the day in 2023 that the new term of the City Council begins. Elected Commissioners shall assume office on that same day. The Commission shall appoint the two additional Commissioners on the first Monday of August on odd years.

(f) Elected Commissioners shall serve four-year terms, with a maximum of 3 total terms. Elected Commissioner terms begin and end at the same time and day as regular Aldermanic terms. Appointed commissioners shall serve two-year terms, with a maximum of 4 total terms. Appointed Commissioner terms shall begin and end on the first Monday of August in odd years.

(g) Appointed Commissioners shall be selected in accordance with the process laid out in the Ordinance creating the Commission, except that the Commission shall replace the Mayor as the appointing authority.



(h) Once appointed, and unless otherwise noted in this ordinance, appointed Commissioners shall have the same powers and duties as elected Commissioners, except that their vote shall not be taken or counted if the vote is to (1) renew their appointment or (2) remove them from office.

(i) Elected Commissioners may not be removed from office by the Corporate Authorities. Appointed Commissioners may be removed by a two-thirds vote of the Commission.

(j) In elections for Commissioners, electors shall be instructed to vote for up to three candidates. The elections shall be held at the same time as the consolidated primary and shall be non-partisan, and the three candidates with the highest number of votes shall be declared the winners and shall assume office in accordance with this Section 5.

(k) Elected Commissioners qualifications. Elected Commissioners shall: have resided in the area they seek to represent (North Side, South Side, West Side) for at least one year prior to the election; have resided in Chicago for at least 3 years prior to the election; be 18 years or older on the date of the election; possess a minimum of two years of experience as representative, activist, organizer, or counsel on behalf of Marginalized Communities or organizations that protect the rights of Marginalized Communities. Elected Commissioners shall not: be or have been a sworn employee of a police department; be or have been a prosecutor or investigator at the Cook County State's Attorney's Office; be an immediate family member (partner, sibling, parent, or child) of a current or former sworn employee of a police department.

(l) The election of Commissioners shall be managed by the Chicago Board of Election Commissioners. Candidates shall comply with the requirements of state and local laws and procedures, including but not limited to requirements regarding petitions, statements of candidacy, statements of economic interest, signatures, fundraising, and filing deadlines.

(m) If any provision or part thereof of this referendum, or its application to any person or circumstance, is deemed by a court of competent jurisdiction to be unconstitutional or unenforceable, the remainder of this referendum and its application to other persons or circumstances is not affected.

(n) Where the terms of the referendum or this Section 5 are in conflict with any other City ordinances or rules, the terms of the referendum and this Section 5 shall control.

**SECTION 6.** This ordinance shall be in full force and effect \_\_\_\_\_