

CHAPTER 2-80

COMMUNITY COMMISSION FOR PUBLIC SAFETY AND ACCOUNTABILITY*

* **Editor's note** – Coun. J. 11-16-11, p. 13798, Art. I, § 2, repealed former Ch. 2-80, which pertained to the department of revenue.

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2-80-010 Definitions.

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

"Chief Administrator" means the Chief Administrator of COPA.

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

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

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

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

"District" means one of the 22 Department districts.

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

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

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

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

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

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

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

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

"Superintendent" means the Superintendent of Police.

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

(Added Coun. J. 7-21-21, p. 33219, § 2)

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

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

(Added Coun. J. 7-21-21, p. 33219, § 2)

2-80-030 Commission – 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 rooted in community needs and public input;
- (5) increase public support for Department policies and practices;
- (6) ensure that Department resources are not used inefficiently to address public health or safety issues that other professionals are better equipped to address;
- (7) encourage 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; and
- (12) increase public accountability of the Department, COPA, and the Police Board.

2-80-040 Commission – 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 two-year terms in that capacity. 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, public safety, community organizing, civil rights, or advocacy on behalf of marginalized communities;
- (3) 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;
- (4) have a reputation for integrity, professionalism, and sound judgment;
- (5) have a history of leadership and community involvement;
- (6) have a demonstrated ability to engage effectively with all who have a stake in policing, including, but not limited to, marginalized communities, police officers, and public officials;
- (7) have a demonstrated ability to work in groups in a collaborative manner that reflects sound judgment, independence, fairness, and objectivity;
- (8) have not been an employee of the Department, COPA, or the Police Board in any of the five years immediately preceding their appointment; and
- (9) not be a member of the Nominating Committee.

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

(c) *Appointment.* Except as provided in subsection (d) of this section, addressing an interim Commission, 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 City Council approval.

(1) At least 90 days 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.

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

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

(3) Within 60 days after issuing the Request, the Nominating Committee shall meet to select at least two applicants for each vacancy or expiring term for consideration by the 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) Within 30 days after receiving the list of nominees, the Mayor shall either appoint a candidate from the list to the Commission, or provide the Nominating Committee with a written explanation as to why the Mayor declined to appoint a candidate. The Nominating Committee shall make this written explanation publicly available on the Commission's website within three business days after receipt, and shall then, within 30 days after the Mayor's declination, submit to the Mayor a new list of two nominees for each vacancy or expiring term. This new list of nominees shall not include a candidate from any prior list submitted to the Mayor to fill the current existing vacancy or expiring term. Within 30 days after receiving the new list of candidates, the Mayor shall either appoint a candidate, or decline to appoint a candidate, as described in this section. This process shall continue until the Mayor appoints a candidate for consideration by the City Council Committee on Police and Fire, or its successor committee, and subsequent City Council approval. If the City Council rejects the Mayor's appointed candidate, within 30 days thereafter the Mayor shall either appoint a different candidate from the most recent list submitted by the Nominating Committee, or request that the Nominating Committee provide two new nominees. This process shall continue until the City Council confirms a candidate appointed by the Mayor.

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

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

If there is a vacancy on the interim Commission, within 30 days of the creation of the vacancy, the Committee on Committees and Rules shall use the process described above to nominate two people for consideration by the Mayor. Within 30 days after the Committee on Committees and Rules submits to the Mayor a list of nominees, the Mayor shall select a person to fill the vacancy on the interim Commission.

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

(e) *Removal from office.* A Commissioner may only be removed for Just Cause either at the discretion of the Mayor or by the City Council, upon a majority vote of the members of the Committee on Police and Fire, or its successor committee, and then a two-thirds vote of all members of the City Council. Before directing a removal, the Mayor shall provide written notice of such intent to the Chair of the Committee on Police and Fire, or its successor committee, who, within 30 days of the date of said notice, may convene a meeting of the Committee on Police and Fire, or its successor committee, to adopt a resolution overriding the intended removal, which must be passed by a two-thirds majority vote of the City Council to be effective. The Mayor or City Council must provide written notice that describes with specificity the reason for removal to the affected Commissioner.

(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.

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 10-27-21, p. 39525, § 4; Amend Coun. J. 5-23-22, p. 47840, § 1; Amend Coun. J. 7-19-23, p. 1768, § 3)

2-80-050 Commission – 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 to conduct research or audits on specific topics or issues, including emergent issues that, in the Commission's judgment, are needed to support public confidence in the Department and related criminal justice practices. If the Commission issues such a recommendation in writing, the Public Safety Inspector General shall respond in writing within ten business days;
- (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 Police and Fire, or its successor committee, and Corporation Counsel on the police accountability system, police services, and Department policies and practices of significance to the public;
- (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) Draft, 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 hear public comments;
- (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 two-thirds majority vote adopt a resolution of no confidence in the Superintendent or a Police Board member, as provided in Section 2-80-090;
- (m) Appoint the Chief Administrator with the advice and consent of the City Council, as provided in Section 2-80-080;
- (n) Remove the Chief Administrator, as provided in Section 2-80-090;
- (o) Before a City Council vote on the annual budget, review and, if warranted, 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;
- (q) Identify and recommend to the City Council ways to ensure that Department resources are used appropriately, taking into account issues that other professionals could adequately address;
- (r) Identify and recommend to the City Council preventative, proactive, community-based, and evidence-based solutions to violence;
- (s) Within 60 days after Commission members take office, appoint a Noncitizen Advisory Council, which shall include Chicago residents who are not United States citizens and Chicago residents who are undocumented, and may include people who work on behalf of Chicago residents who are not United States citizens; the Noncitizen Advisory Council shall advise the Commission to ensure that the perspectives and experiences of Chicago residents who are not United States citizens are reflected and incorporated in the Commission's work;
- (t) Collaborate with the Department regarding the CAPS program and other existing or future Department-led community policing programs;
- (u) Create operational policies and procedures for the Commission;
- (v) Monitor the Department's compliance with its policies; and
- (w) Subject to approval of the Corporation Counsel as to form and legality, engage experts to provide the Commission with the analyses necessary to develop new or amended Policy.

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 seven 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 discussions, but who shall not have voting authority.

(c) Upon submission to the Commission of a petition signed by at least 2,000 Chicago residents ("Qualifying Petition"), the Commission shall hold a special meeting. The Qualifying 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, and may propose up to ten specific topics for the Commission's consideration. The Commission may approve any or all such topics by majority vote, and shall thereupon generate questions, based on the approved submitted topics, to be directed to the Superintendent, the Public Safety Inspector General, the Chief Administrator, or the President of the Police Board, each of whom may, in their discretion, select one or more designees with subject matter knowledge to appear on their behalf. Within 14 days of receiving a Qualifying Petition, the Commission shall determine and announce whether a special meeting is required. If a special meeting is required, the meeting shall be convened within 21 days of submission of the Qualifying Petition.

(Added Coun. J. 7-21-21, p. 33219, § 2)

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 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.

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

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

(2) on the day of the election, have resided in the District in which 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 be a member of the Commission; and

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

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

Beginning in 2023, and every four years thereafter, District Councils shall be elected in a nonpartisan election coinciding with the consolidated primary election held in odd-numbered years on the last Tuesday in February. The candidates in each 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, then the Mayor shall appoint, with the advice and consent of the City Council, a new member to serve for the remainder of the unexpired term. When the Mayor is filling a District Council vacancy, the remaining member or members of the District Council shall, within 30 days of the vacancy being created, identify three people who meet the qualifications

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

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

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

(e) Each District Council shall:

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

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

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

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

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

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

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

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

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

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

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

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

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 7-19-23, p. 1954, § 1; Amend Coun. J. 12-16-24, p. 22879, Art. V, § 3)

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

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

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

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

After the Mayor has appointed and submitted to the City Council a candidate for Superintendent, but before the City Council Committee on Police and Fire, or its successor committee, has held a hearing on the appointment, the Commission shall hold a public hearing at which the candidate shall appear and answer questions from the Commission and from members of the public. At the hearing,

the Commission shall also provide time for public comment on the candidate. Before the public hearing, the Commission shall provide on its website an opportunity for members of the public to register questions for and comments about the candidate, and shall make publicly available a written explanation of why the Commission nominated this candidate.

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

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

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

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

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 11-7-22, p. 54948, Art. I, § 7; Amend Coun. J. 7-19-23, p. 1768, § 3; Amend Coun. J. 12-16-24, p. 22879, Art. II, § 5)

2-80-090 Superintendent, Police Board and Chief Administrator – Vote of no confidence; removal.

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

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

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

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

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 7-19-23, p. 1768, § 3)

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.

(Added Coun. J. 7-21-21, p. 33219, § 2)

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), or (d), and pursuant to subsection (c)(7).

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

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

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

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

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

(C) If the Department, COPA, or the Police Board does not respond, declines the request, or accepts the request but fails to draft a Policy within 60 calendar days or any extension thereto, the Commission may take its request to the Mayor who shall review the parties' positions and either direct the Superintendent, Chief Administrator, or Police Board President to take appropriate action, or explain in writing why the Mayor has concluded that no action is warranted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added Coun. J. 7-21-21, p. 33219, § 2)

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, request an extension of time if warranted, which shall be reasonably granted, 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 any City officer or employee to allow access to or disclose any information, documents, data, or records that would risk revealing or compromising confidential sources, or that would impede, risk impeding, or risk affecting the outcome of a pending criminal investigation or disciplinary proceeding, or that would 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 Office of Inspector General.

(Added Coun. J. 7-21-21, p. 33219, § 2)

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.

(Added Coun. J. 7-21-21, p. 33219, § 2)

2-80-140 Duty of cooperation.

It is the duty of the Superintendent, the Chief Administrator, and the President of the Police Board, or their respective designees, to cooperate with the Commission as the Commission carries out its powers and duties under this chapter.

(Added Coun. J. 7-21-21, p. 33219, § 2)

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 pursuant to that Office's processes set forth in the Code.

(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.

(Added Coun. J. 7-21-21, p. 33219, § 2)

2-80-160 Budget and staffing.

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

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 the Executive Director, who shall administer the affairs of the Commission and District Councils, staff to oversee and support the day-to-day operations of the Commission, adequate legal and policy analysis staff, staff to analyze trends and patterns related to COPA's investigative jurisdiction, staff to oversee and support the Commission's interaction with residents across Chicago, staff to oversee the day-to-day operations of and to provide direct support to each of the District Councils, and staff to ensure that youth actively participate in District Council activities. The City Council shall appropriate funds sufficient to provide for such administrative and support staff as may be necessary for the efficient operation of the Commission and District Councils.

No later than November 1, 2021, and subject to the availability of duly appropriated funds, the Commission shall be staffed by adequate numbers of personnel to competently and thoroughly carry out its duties.

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 10-27-21, p. 39525, § 5)

2-80-170 Review.

Within three years after the implementation of the regular 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.

(Added Coun. J. 7-21-21, p. 33219, § 2)

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.

(Added Coun. J. 7-21-21, p. 33219, § 2)

2-80-190 Consent decree – Update and public input.

(a) The Law Department shall provide a monthly written update to the Commission and to the City Council Committee on Police and Fire, or its successor committee, describing any court-ordered changes to the scope of the Consent Decree since the previous update, if there have been any such changes.

(b) Nothing in this chapter shall be construed to preclude the Commission or individual Commissioners from participating in the public input processes set forth in the Consent Decree.

(Added Coun. J. 7-21-21, p. 33219, § 2; Amend Coun. J. 7-19-23, p. 1768, § 3)