

**POLICE BOARD
CITY OF CHICAGO**

RULES OF PROCEDURE

18 July 2019

**VI. REVIEWS OF DISCIPLINARY-RELATED RECOMMENDATIONS UNDER THE
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY ORDINANCE**

Chapter 2-78 of the Municipal Code of Chicago relating to the Civilian Office of Police Accountability (“COPA”) imposes on the Police Board certain duties when a disagreement arises between the COPA Chief Administrator (“Chief Administrator”) and the Superintendent of Police (“Superintendent”) over the recommended discipline for Police Department (“Department”) members under investigation for violating Department rules. In particular, §2-78-130(a)(iii) of the COPA Ordinance assigns a member of the Police Board a role in resolving any such disagreement. The following Rules of Procedure set forth the method by which the Police Board will perform such duties under §2-78-130(a)(iii) of the COPA Ordinance.

- A. To perform its duties under the COPA Ordinance, the Police Board shall designate from its membership one member to review disciplinary recommendations (“Reviewing Member”). The Reviewing Member shall be selected from a randomly-generated list of Board members. The Reviewing Member so selected shall consider one request for review; the next Board member on the list shall consider the next request for review, and so on. Substitution of the Reviewing Member may be made from time to time, as authorized by the Police Board, in the event that the Reviewing Member becomes unavailable to perform the functions required of a Reviewing Member.
- B. A request for review of a disciplinary recommendation (“Request for Review”) by the Chief Administrator shall be sent to the Office of the Police Board and to the attention of the Executive Director of the Police Board. The Request for Review shall consist solely of: (1) the recommendation of discipline issued by the Chief Administrator (recommended findings for each allegation of misconduct and recommended disciplinary action), (2) the Superintendent’s written response to the Chief Administrator’s recommendation of discipline, addressing each allegation and the recommended disciplinary action, and (3) the Chief Administrator’s written objections to the Superintendent’s response. The Request for Review shall be accompanied by a certificate from the Chief Administrator stating: (1) the date on which the Chief Administrator issued the recommendation of discipline, (2) the date on which the Chief Administrator received the Superintendent’s written response, (3) the date(s) on which the Chief Administrator and Superintendent met to discuss the Superintendent’s response, as required under the COPA Ordinance, (4) the date and method by which the Chief Administrator sent the Request for Review to the Office of the Police Board, and (5) pursuant to §2-78-130, a certification from the Chief Administrator that the Superintendent was provided notice that the Chief Administrator had referred a particular matter for a Request for Review to the Office of the Police Board (“Certificate”). In

addition, the Chief Administrator shall promptly send to the Superintendent a notice and a copy of the Certificate and all Request for Review material that was sent to the Office of the Police Board.

- C. Upon receipt, the Executive Director of the Police Board will prepare for and forward to the Reviewing Member a Request for Review file consisting solely of: (1) the recommendation of discipline issued by the Chief Administrator, (2) the Superintendent's written response to the Chief Administrator's recommendation of discipline, (3) the Chief Administrator's written objections to the Superintendent's response, and (4) the Certificate. The file shall indicate the date of receipt of the Request for Review.
- D. Within 10 business days of receipt, the Reviewing Member shall review the Request for Review file. Upon completion of this review, the Reviewing Member may, in her/his discretion, request that the Chief Administrator and the Superintendent present additional documentation or present oral or written arguments in support of their respective positions. Any such request by the Reviewing Member shall be in writing, shall be served upon the Chief Administrator and the Superintendent, and shall identify the additional information or actions requested. The additional information or documentation requested shall be provided, and any argument scheduled, within a reasonably prompt period of time, as determined by the Reviewing Member. The Reviewing Member may impose reasonable limitations on the presentation of additional documentation or argument. The Chief Administrator and Superintendent shall serve each other with copies of any additional documentation submitted to the Reviewing Member.
- E. The Reviewing Member shall consider the Request for Review file, and the requested additional documentation and argument, if any, for the purpose of determining whether the Superintendent has met the Superintendent's burden of overcoming the Chief Administrator's recommendation for discipline. In making that determination, the Reviewing Member shall consider and determine whether the Superintendent's proposed disposition is more reasonable and appropriate than the Chief Administrator's recommendation based on the nature of the misconduct alleged and the information contained in the Request for Review file. If, in the opinion of the Reviewing Member, the Superintendent's response did not meet the Superintendent's burden to overcome the Chief Administrator's recommendation for discipline, the Chief Administrator's recommendation shall be deemed accepted by the Superintendent, as provided by the COPA Ordinance. If, in the opinion of the Reviewing Member, the Superintendent met the burden to overcome the Chief Administrator's recommendation for discipline, the Superintendent's response shall be implemented, as provided by the COPA Ordinance. The Reviewing Member shall notify in writing the Chief Administrator and Superintendent of the Reviewing Member's determination, which shall be announced at the next regular public meeting of the Police Board, and shall be promptly posted on the Police Board's website.
- F. The Reviewing Member shall recuse her/himself from any future involvement by the full Police Board with respect to the disciplinary matter before the Reviewing Member.