



CITY OF CHICAGO



CHICAGO POLICE BOARD

# **STANDARD OPERATING PROCEDURES AND POLICIES**

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**Police Board  
City of Chicago**

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**01 January 2023**

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## **Section 1: Introduction**

### **§1.1 Police Board's Powers and Responsibilities**

The Police Board (“Board”) derives its authority from city ordinance and state law, and its primary powers and responsibilities include:

- Deciding disciplinary cases when the Superintendent of Police files charges to discharge a sworn officer from the Chicago Police Department (“CPD”);
- Ruling on disagreements between the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) and the Superintendent of Police regarding discipline of an officer;
- Holding monthly meetings that provide an opportunity for all members of the public to present questions and comments directly to the Board;
- Deciding appeals by applicants to become a Chicago police officer who have been disqualified due to the results of a background examination; and
- Adopting the rules and regulations governing the Chicago Police Department, and making recommendations for changes in CPD policy and operating procedures.

### **§1.2 Purpose of this Publication**

The purpose of this publication is to document the procedures and policies regarding the operations of the Board and its staff.

## **Section 2: Police Disciplinary Matters**

### **§2.1 Hearing Officers**

Section 2-84-030 of the Municipal Code of Chicago grants the Board the power to designate hearing officers to conduct disciplinary hearings (“Hearing Officers”).

#### **§2.1.1 Hearing Officer Selection Criteria**

The Board will use the following criteria when selecting Hearing Officers:

1. Attorney licensed to practice in the State of Illinois, with a minimum of five years’ experience;
2. Extensive trial experience;
3. Hearing officer or quasi-judicial experience (preferred, but not required);
4. In-depth knowledge of the law and procedure;
5. Excellent oral- and written-communication skills;
6. Ability to be impartial when conducting disciplinary proceedings;
7. Ability to present complex legal and factual issues clearly and impartially to the Board members;
8. Professional and personal integrity and good character; and
9. Not be a current employee of the City of Chicago Law Department, Police Department, or Civilian Office of Police Accountability, or an employee of one of these agencies within the last three years.

To ensure that the Board has sufficient information to evaluate Hearing Officer candidates on the above criteria, the Board’s selection process will include completion of an extensive application form, submission of a writing sample, two rounds of interviews, conversations with references and others in the legal community, and a background check.

#### **§2.1.2 Hearing Officer Selection Process**

The Board will use the following process for selecting new Hearing Officers.

The Board's executive director ("Executive Director") will post a position announcement on the Board's website, notify local bar associations of the announcement, and place an advertisement in the Chicago Daily Law Bulletin.

The application deadline will be no sooner than three weeks after the posting of the position announcement. To be considered for the position, an applicant must submit: (1) an application form that includes detailed information on the applicant's education, legal practice, litigation experience, hearing officer experience, and references; (2) a résumé; and (3) one writing sample.

The Board will authorize a search committee to review applications and conduct a first round of interviews. The search committee will consist of two Board members, current Police Board Hearing Officers, the Board's legal counsel, and the Executive Director. The search committee will use the criteria in §2.1.1 above to select applicants for an interview with the committee and to recommend a short list of candidates to the Board. The Board will then review their applications and interview these candidates. The Board will use the criteria in §2.1.1 above to select one or more finalists for the position.

The Board's legal counsel and the Executive Director will: (1) contact each finalist's references and others in the legal community to discuss the finalist's qualifications; (2) have a background check of each finalist conducted; and (3) report to the Board the results of their discussions and the background checks.

The Board will take final action at a public meeting to designate one or more new Hearing Officers.

The Board's president, Executive Director, and new Hearing Officer will sign a letter of understanding regarding the terms of service.

### §2.1.3 Hearing Officer Orientation

The Executive Director will provide each new Hearing Officer with relevant sections of the Illinois Compiled Statutes, the Municipal Code of Chicago, and the Board's Rules of Procedure. Each new Hearing Officer will meet with the Executive Director and current Hearing Officers to discuss this material and to ensure that each new Hearing Officer understands that the requirements set forth in this material apply to the Board's process for handling police disciplinary cases.

Each new Hearing Officer will review records of proceedings and observe status hearings, pre-hearing conferences, and evidentiary hearings of cases currently before the Board, and will observe executive sessions at which the Board considers cases.

The Board's Hearing Officers, Executive Director, and legal counsel will meet at least twice per year to discuss changes to procedures and issues pertaining to the handling of cases.

#### §2.1.4 Assignments of Disciplinary Matters to Hearing Officers

Pursuant to Section I-E of the Board's Rules of Procedure, after the filing of written charges and prior to the initial status hearing, each new case shall be assigned to a Hearing Officer. The Executive Director shall assign cases to Hearing Officers on a rotating basis (*e.g.*, if there are three Hearing Officers, case 1 is assigned to Hearing Officer 1, case 2 to Hearing Officer 2, case 3 to Hearing Officer 3, case 4 to Hearing Officer 1, and so on). Cases arising out of the same Complaint Register investigation shall be assigned to the same Hearing Officer.

Pursuant to Section IV-D of the Board's Rules of Procedure, each new review of suspension accompanied by the filing of charges shall be assigned to a Hearing Officer other than the one to whom the accompanying disciplinary case is assigned. The Executive Director shall assign reviews to Hearing Officers on a rotating basis. Reviews arising out of the same Complaint Register investigation shall be assigned to the same Hearing Officer.

### **§2.2 Policy Regarding Data About Police Board Decisions**

The Executive Director shall track and publish case-specific and aggregate data about Police Board decisions, as follows.

#### §2.2.1 Case-Specific Data

The Executive Director shall publish on the Board website a spreadsheet of case-specific data about Board decisions and shall update the spreadsheet each month. The spreadsheet shall contain and include, at a minimum, the following data on each case decided since January 1, 2019:

1. the date of the alleged misconduct;
2. the date on which the investigating agency (COPA, CPD Bureau of Internal Affairs (BIA), district, or Office of the Inspector General (OIG)) received the complaint or notification for investigation;
3. the date(s) of the Board hearing over which the hearing officer presided;
4. the disciplinary recommendations and/or decisions (where applicable) made by COPA, BIA, OIG, the Superintendent, and the Board; and
5. whether any Board decision has been appealed to any state court and, if so, the court's final judgment.

### §2.2.2 Aggregate Data

No later than March 31 of each year, the Executive Director shall publish on the Board website aggregate data about Board decisions made during the previous calendar year. The publication shall contain and include, at a minimum, the following data:

1. the average time between the filing of disciplinary charges with the Board and the first day of hearing;
2. the average time between the filing of disciplinary charges with the Board and the Board's decision;
3. the average time between the date on which the investigating agency (COPA, BIA, district, or OIG) received the complaint for investigation and the Board's decision; and
4. the average time between the date of the alleged misconduct giving rise to the complaint or notification and the Board's decision.

### §2.3 Assignments of Reviews of COPA/CPD Disagreements

Pursuant to Section VI of the Board's Rules of Procedure, when a disagreement between the COPA Chief Administrator and the Superintendent of Police regarding the discipline of an officer is referred to the Board, one Board member shall be selected from a randomly-generated list of Board members to review the disagreement. The Executive Director shall use a random-list generator to create a list of Board members and shall assign reviews to Board members on a rotating basis (the first review shall be assigned to the first Board member on the list, the second review to the second Board member on the list, and so on). Once all Board members on the list have been assigned a review, the Executive Director shall generate a new random list for the assignment of reviews. Disagreements arising out of the same Complaint Register investigation shall be assigned to the same Board member.

### §2.4 Conflicts of Interest

If at any time a Board member or Hearing Officer discovers that her/his participation in a Board disciplinary matter creates an actual or potential conflict of interest, she/he shall immediately notify the Executive Director or the Board's legal counsel.

## Section 3: Police Board Meetings

### §3.1 Regular Public Meetings

Section 2-84-020 of the Municipal Code of Chicago requires the Board to hold a regular public meeting at least once a month.

### §3.1.1 Notice of Meetings

At each public meeting, the Board will provide notice of the next month's regular public meeting. In addition, the Board's staff will provide notice of the next regular public meeting on the Board's website.

The Board's staff will post the agenda for each regular public meeting at least 48 hours in advance of the meeting.

### §3.1.2 Policy Regarding the Attendance of and Participation by the Public at Board Meetings

The Police Board values the attendance of the public at its meetings and the opportunity to receive comments and questions on matters concerning the Board or Police Department. The Board will treat members of the public with courtesy and respect, and expects that the public will treat Board members and Department members in a similar manner.

Toward that end, the Board has adopted the following rules governing conduct at Board meetings:

1. An individual wishing to address the Board must sign-up in advance by contacting the Board's office no later than 3:00 p.m. of the day of the meeting, or by signing up in person at the meeting location up to 15 minutes before the meeting begins.
2. When called upon to address the Board, each speaker is to identify him/herself and speak clearly so that all in attendance may hear and so that the court reporter may make an accurate record of the proceedings.
3. Due to time constraints, each speaker is limited to two minutes and must conclude when asked to do so by the Board member acting as parliamentarian.
4. Personal attacks, obscene language, fighting words, threats, conduct intended to disrupt or interfere with the meeting, and comments not related to matters within the Board's or the Department's jurisdiction, by a speaker or any person in attendance, are strictly prohibited.

Violation of any of the above rules may result in the removal of the violator from the meeting room, or in the immediate adjournment of the meeting; in addition, repeated violations may result in the violator not being permitted to attend or participate in future Board meetings.

[Adopted at the Board's 23 July 2019 public meeting.]



### §3.1.3 Policy Regarding Community Input Received at Police Board Public Meetings

The City values the attendance of the public at monthly Police Board meetings and the opportunity to receive comments and questions concerning police-related matters. The following policy is created to ensure responsiveness to community input received at the meetings.

1. Each Police Board public meeting shall be transcribed by a court reporter. The transcript of the meeting shall include a complete report of each speaker's remarks, and shall be posted on the Police Board website.
2. Within seven business days of the public meeting, the Executive Director of the Police Board shall review the transcript of the meeting, classify the community input received, and direct the community input to the appropriate responding agency (Police Department, Civilian Office of Police Accountability, Police Board, Deputy Inspector General for Public Safety, and/or any other appropriate agency).
3. Each responding agency shall make best efforts to respond fully to the community input. (As defined in Paragraph No. 729 of the Consent Decree entered in *Illinois v. Chicago*, “‘Best efforts’ require a party, in good faith, to take all reasonable steps to achieve the stated objective.”)
4. Within ten business days of receiving the community input from the Executive Director of the Police Board, each responding agency shall provide the Executive Director with a written report documenting its response to the community input to date. The Executive Director of the Police Board shall track all community input and responses.
5. The Executive Director of the Police Board shall post on the Police Board website prior to the next public meeting: (a) a report of the tracking of community input and responses (if no response is received, this will be noted on the report), and (b) each responding agency's written report of its response to the community input.

[Adopted at the Board's 20 June 2019 public meeting.]

## §3.2 Executive Sessions

The Board meets in executive session (closed meeting) to consider police disciplinary cases and other matters, as authorized by the Illinois Open Meetings Act.

### §3.2.1 Notice of Meetings

At each executive session, the Board's Executive Director will provide notice of the next executive session.

The Board's staff will post the agenda for each executive session at least 48 hours in advance of the meeting.

### §3.2.2 Providing Police Disciplinary Case Material to Board Members

Approximately three weeks in advance of an executive session at which a police disciplinary case will be considered, or as soon as practical, the Board's staff will provide the Board members with the video recording of the entire evidentiary hearing and the record of proceedings of the disciplinary case (see Appendix C of the Board's Rules of Procedure a listing of the contents of the record of proceedings that shall be provided to the Board members).

### §3.3 Attendance at Board Meetings by Audio or Video Conference

Pursuant to the requirements of the Illinois Open Meetings Act, the Board has adopted the following rules regarding Board members' attendance at Board meetings by audio or video conference.<sup>1</sup>

1. If a Board member wishes to attend a closed or open Board meeting by audio or video conference, the member must notify the Executive Director before the meeting unless advance notice is impractical.
2. If a quorum of the members of the Board is physically present at the location of the meeting, a majority of the Board may allow a member to attend the meeting by audio or video conference if the member is prevented from physically attending because of: (a) personal illness or disability; (b) employment purposes or the business of the public body; or (c) a family or other emergency.

[Adopted at the Board's 14 December 2006, public meeting.]

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<sup>1</sup>These rules do not apply when the Board president has determined, as authorized by the Illinois Open Meetings Act, that holding an in-person meeting is not practical or prudent.

## Section 4: Meetings with Other Agencies

### §4.1 Quarterly Meetings with COPA and PSIG

At least quarterly, the president of the Board, or his or her designee, will meet with the Civilian Office of Police Accountability and the Deputy Inspector General for Public Safety to confer and share information regarding trends and analyses of data relating to the Chicago Police Department. They will jointly or separately provide any resulting recommendations for changes in CPD policy or rules, in writing, to the Superintendent.

All policy recommendations from the president of the Police Board along with the Superintendent's responses will be published on the Board's website.

## Section 5: Chicago Police Department Applicant Appeals

### §5.1 Assignment of Appeals to Appeals Officers

Pursuant to Section VII-C of the Board's Rules of Procedure, upon receipt of an appeal by an applicant for a probationary police officer position who have been removed from the Chicago Police Department's eligibility list due to the results of a background examination, the Executive Director shall assign the appeal to an appeals officer of the Board ("Appeals Officer"). The Executive Director shall assign appeals to Appeals Officers on a rotating basis (*e.g.*, if there are three Appeals Officers, appeal 1 is assigned to Appeals Officer 1, appeal 2 to Appeals Officer 2, appeal 3 to Appeals Officer 3, appeal 4 to Appeals Officer 1, and so on).

## Section 6: Chicago Police Department Rules and Regulations

### §6.1 Policy on Adopting Chicago Police Department Rules and Regulations

Section 2-84-030 Municipal Code of Chicago grants the Police Board the power to "adopt rules and regulations for the governance of the Police Department of the City." The Police Board will use the following process when adopting new rules and regulations as well as revising existing rules and regulations.

1. **Draft Rules for Public Comment.** The Board will (a) post on its website a draft of all new rules and regulations and revisions to existing rules and regulations ("Draft"), and (b) consider all public comments on the Draft that are received by the deadline set by the Board. The deadline will be at least forty-five days after posting of the Draft.
2. **Public Notice.** The Board will provide immediate public notice of the posting of the Draft and deadline for public comments by (a) making an announcement at a Police Board public meeting, and (b) sending written notification to:
  - The Mayor and all members of the City Council;

- The heads of the Chicago Police Department, Civilian Office of Police Accountability, Public Safety Section of the Office of the Inspector General, the Community Commission for Public Safety and Accountability, and the Department of Law;
  - The heads of the unions representing members of the Chicago Police Department; and
  - Other stakeholders, such as community organizations.
3. **Community Engagement.** After public notice and prior to the deadline for public comments, the Board will provide the following opportunities for those listed above as well as members of the public to ask questions about and comment on the Draft:
- a. **Monthly Police Board Public Meeting.** At one of its monthly public meetings following the public meeting at which the Draft was announced, the Board will present key components of the Draft. There will be an opportunity during the public-comment portion of the meeting to address questions and comments to the full Board. The Board's monthly meetings are carried live by social and traditional media, and recordings of the meetings are available on the Board's website.
  - b. **Meetings with Individual Board Members.** Individual Board members will be available to meet to discuss the Draft. The Board will contact organizations and individuals who have expressed interest to the Board in this or similar topics to ascertain if they would like to meet with a Board member.
  - c. **Written Comments.** The Board will consider written comments on the Draft that are submitted to the Board's office by the deadline. These comments will be posted on the Board's website (commenters' personal information will be redacted).
4. **Vote on the Draft at a Monthly Public Meeting.** Following consideration of all public comments, the Board will post an updated Draft and vote on it at a subsequent Police Board public meeting that takes place no sooner than three weeks after the posting of the updated Draft.

[Adopted at the Board's 15 December 2022 public meeting.]