

POLICE BOARD
CITY OF CHICAGO

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE REGARDING
CONSENT DECREE PARAGRAPH 536—DISCIPLINARY FILES¹

Proposed Amendment to Section II.D. of the Police Board Rules of Procedure:

The Corporation Counsel and the Respondent shall be given access to the Respondent's complete disciplinary file and will have the opportunity to move for entry into the record of proceedings any relevant aspect of the Respondent's disciplinary file, as permitted by law and any applicable collective bargaining agreements. **It shall be within the discretion of the Hearing Officer to rule on any such motion; such rulings shall be subject to review by the Board.**

Proposed Amendment to Section II.H. of the Police Board Rules of Procedure (Pre-Hearing Conference):

A pre-hearing conference may be held at any time by the Hearing Officer whenever he/she deems that such a conference may aid in the disposition of the case or preparation for the evidentiary hearing. The parties will be notified of the date and time of a pre-hearing conference at a regularly scheduled status hearing or by written notice. All pre-hearing conferences shall be held at the office of the Police Board and shall be closed to the public. Counsel (or any other representative of the parties) who will actually try the case and parties who are unrepresented must be present, but parties represented by counsel need not appear (unless ordered to do so by the Hearing Officer). At the pre-hearing conference, counsel must be prepared to discuss the issues that will be tried, the witnesses who will be called and the testimony of each witness at the hearing, and the exhibits that will be offered into evidence.

At the pre-hearing conference, the Hearing Officer shall have the discretion to require counsel to consider and discuss the following:

1. Formulation and simplification of the issues for the hearing;
2. Stipulations as to issues, evidence, or exhibits that will avoid unnecessary proof;
3. Evidentiary issues that may arise at the hearing;

¹ Paragraph No. 536 of the Consent Decree entered in *Illinois v. Chicago* states:

As part of the Police Board proceedings, the parties to the Police Board case (the Superintendent and the involved CPD member) will be given access to the CPD member's complete disciplinary file and will have the opportunity to move for entry into the record of proceedings any relevant aspect of the CPD member's disciplinary file, as permitted by law and any applicable collective bargaining agreements.

4. The identity of the witnesses to be called, and the subject matter and the facts relating to the subject matter on which they will testify (counsel shall bring to the pre-hearing conference a written list of the witnesses to be called in the case in chief);
5. Limitations on the number or type of witnesses to be called in order to avoid unnecessary proof or cumulative evidence;
6. The identity of any expert witnesses to be called and the subject matter on which they will testify, as well as any other information disclosed pursuant to Section II-G above;
7. The availability of the witnesses to be called (counsel shall bring to the pre-hearing conference information as to the dates on which each witness is available to testify);
8. The exhibits each party intends to offer or use at the hearing and possible objections to such exhibits (counsel shall exchange copies of such exhibits prior to or at the pre-hearing conference, and shall bring to the pre-hearing conference a written list of the exhibits to be offered into evidence in the case in chief);
9. Any demonstrative aids to be used at the hearing;
10. The Respondent's complimentary and disciplinary record to be considered by the Police Board, and any issues pertaining to such record **(the Hearing Officer shall inquire as to whether either party requested, received, and reviewed the Respondent's complete disciplinary file and, if so, whether either party plans to move for entry into the record any relevant aspect of the disciplinary file pursuant to Section II.D. above; if either party states that they have not requested the complete disciplinary file, the Hearing Officer will inquire as to whether the party is intentionally waiving the right to do so..**
11. The timeline filed pursuant to Section II-B above; and
12. Such other matters that the Hearing Officer determines may facilitate the just, speedy, and efficient disposition of the case.

The results of the pre-hearing conference shall be set forth in a written Order to be entered by the Hearing Officer.

All counsel are required to fully participate in the pre-hearing conference, provide all information requested by the Hearing Officer in connection with sub-paragraphs 1-12 set forth above, and comply with the Hearing Officer's written pre-hearing

conference Order. If any counsel fails to fully participate in such a pre-hearing conference or provide the information requested by the Hearing Officer, the Hearing Officer or the Police Board may issue sanctions against such party and/or its counsel, including but not limited to dismissal of the case, entry of an adverse judgment in the case, limitation of the scope of a witness's testimony at the hearing, or exclusion of the testimony of a witness or evidence.

Proposed new appendix to the Police Board Rules of Procedure:

Respondent's Complete Disciplinary File

The Respondent's "complete disciplinary file" consists of (a) a listing of all complaints of alleged misconduct made against the Respondent, and (b) records showing all disciplinary actions taken against the Respondent and the cause of each disciplinary action.

The Superintendent possesses and maintains the Respondent's complete disciplinary file. The following procedures are created to give access to this file.

- 1. The Corporation Counsel shall be given access to the Respondent's complete disciplinary file upon written request to the Superintendent.**
- 2. The Respondent shall be given access to her/his complete disciplinary file upon written request pursuant to CPD Employee Resource E01-03— Personnel Records and the Illinois Personnel Record Review Act (820 ILCS 40).**
- 3. The Executive Director of the Police Board shall retrieve the written decision of any prior Police Board disciplinary case against the Respondent and shall provide a copy of any such decision to the Corporation Counsel and the Respondent at the initial status hearing of the current disciplinary case against the Respondent.**