

MUNICIPAL CODE OF CHICAGO

CHAPTER 2-84 DEPARTMENT OF POLICE Sections 010 - 050

[Current through Council Journal of December 18, 2019]

2-84-010 Establishment – Composition and organization.

There is hereby established an executive department of the municipal government of the city which shall be known as the department of police. The said department shall consist of: captains, lieutenants, sergeants, police officers and such other personnel as the police board deems necessary. All of the foregoing is subject to the appropriations for such positions and compensation therefor as is provided in the annual appropriation ordinance.

To supplement the police department, the board may appoint such number of civilian crossing guards to regulate traffic in the vicinity of grade schools during such hours of school days as may be required for that purpose.

(Prior code § 11-1; Amend Coun. J. 3-31-04, p. 20916, § 2.1)

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 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.

(b) Vacancies shall be filled for the remainder of an unexpired term in the same manner as original appointments.

(c) The mayor is authorized to remove any member of the police board for just cause, after written notice to the board member stating with particularity the grounds for such removal and an opportunity for a hearing before the mayor or the mayor's designee. Just cause for such removal shall include, 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 board, or other acts of nonfeasance, malfeasance or misfeasance in office. If, during any calendar year, a member of the police board fails to attend three or more scheduled meetings of the board, the president of the board shall provide written notice of such fact to the mayor and a rebuttable presumption of neglect of duty shall exist.

(d) The mayor shall designate a president and a vice-president from among the members of the board. The president and vice-president shall be designated to serve in such capacity for a term not to exceed two years, and may be redesignated by the mayor to serve in such capacity for an additional term(s) not to exceed two years. The board shall hold a regular meeting at least once a month. All regular meetings shall be in a public office

of the board with reasonable provision for attendance by the public. The superintendent of police or the superintendent's designee and the chief administrator of the independent police review authority or the chief administrator's designee shall be present at all public meetings of the board and shall have the right to take part in the discussions and deliberations but shall have no vote.

(e) The board shall appoint a secretary who shall not be a member of the board. The secretary shall keep a record of the proceedings and transactions of the board specifying therein the names of the members of the board at all meetings and giving the yeas and nays upon all votes. The secretary shall post and publish all orders, resolutions and notices which the board shall order to be posted and published, and shall perform such other duties as are herein or may be, by order of the board, imposed on the secretary. The yeas and nays of police board members on all votes shall be posted by the secretary on the police board website within ten business days of any such vote and shall remain posted on such website for at least two years.

(f) The powers of the board shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with yeas and nays at length. Such action shall be attested by the signatures of the president or vice-president or two members of the board and by the signature of the secretary of the board.

(Prior code § 11-2; Amend Coun. J. 9-8-11, p. 7259, § 1)

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

The board shall exercise the following powers:

1. 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;
2. To adopt rules and regulations for the governance of the police department of the City;
3. 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; and
4. To serve as a board to consider appeals, pursuant to Section 2-84-035, by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background investigation.

The board may appoint any member thereof or a hearing officer to hear disciplinary actions.

No officer or employee of the police department in the classified civil service of the city whose appointment has become complete may be removed or discharged, or suspended for more than 30 days except for cause upon written charges and after an opportunity to be heard in his own defense by the police board, or any member or hearing officer designated by it.

Before any such officer or employee may be interrogated or examined by or before the police board, or any member or hearing officer designated by it, or departmental agent or investigator, the results of which hearing, interrogation or examination may be the basis for filing charges seeking his removal or discharge, he must be advised in writing as to what specific improper or illegal act he is alleged to have committed; he must be advised in

writing that his admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking his removal or discharge; and he must be advised in writing that he has the right to counsel of his own choosing present to advise him at any hearing, interrogation or examination; and a complete record of any hearing, interrogation or examination shall be made and a complete transcript thereof made available to such officer or employee without charge and without delay.

Upon the filing of charges for which removal or discharge or suspension of more than 30 days is recommended, a hearing before the police board, or any member or hearing officer designated by it shall be held.

The police board shall establish rules of procedure not inconsistent with this section respecting notice of charges and the conduct of the hearings before the police board, or any member or hearing officer designated by it. The police board, or any member or hearing officer designated by it, is not bound by formal or technical rules of evidence, but hearsay evidence is inadmissible. The person against whom charges have been filed may appear before the police board, or any member or hearing officer designated by it, with counsel of his own choice and defend himself; shall have the right to be confronted by his accusers; may cross-examine any witness giving evidence against him; and may by counsel present witnesses and evidence in his own behalf.

The police board, or any member or hearing officer designated by it, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. All proceedings before the police board, or any member or hearing officer designated by it, shall be recorded. No continuance may be granted after a hearing has begun unless all parties to the hearing agree thereto. The findings and decision of the police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent. Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted by the secretary on the police board website within ten business days of the date of certification of such findings and decision to the superintendent, and shall remain posted on such website for at least two years. If any member of the police board dissents from the board's findings and decision, such member shall state the reasons for his or her dissent. Such dissents shall be posted by the secretary on the police board website within ten business days of the date of certification of the board's findings and decision to the superintendent, and shall remain posted on such website for at least two years.

In the designation of hearing officers, the police board shall select only attorneys licensed to practice in the State of Illinois, with a minimum of five years' experience. Hearing officers shall conduct disciplinary hearings in accordance with the provisions of this chapter and the rules of procedures established by the police board. The hearing officer may take judicial notice, rule on offers of proof, receive relevant evidence during the hearing and certify the record and make findings of fact, conclusions of law and recommendations to the police board following the hearing.

A majority of the members of the police board must concur in the entry of any disciplinary recommendation or action. In the event that three members of the board must recuse themselves pursuant to the provisions of Section 2-78-130, a majority of the

remaining members of the police board must concur in the entry of the disciplinary recommendation or action.

No member of the board may participate in any disciplinary recommendation or action without having read the record upon which said recommendation or action is based.

Nothing in this section limits the power of the superintendent to suspend a subordinate for a reasonable period, not exceeding 30 days.

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.

The board's power to adopt rules and regulations for the governance of the police department does not include authority to administer or direct the operations of the police department or the superintendent of police, except as provided in Section 12.1 of "An Act to regulate the civil service of cities" approved March 20, 1895, as amended. The board in its discretion shall have the authority to make recommendations to the superintendent of police and to the chairman of the city council committee on public safety or its successor committee concerning revisions in policy and operating procedures to increase the efficiency of the department of police. Such recommendations shall be posted on the police board website within two business days of the date on which such recommendation is made to the superintendent and shall remain posted on such website for a period of at least two years.

(Prior code § 11-3; Amend Coun. J. 7-19-07, p. 3588, § 2; Amend Coun. J. 9-8-11, p. 7259, § 2; Amend Coun. J. 4-13-16, p. 22636, §§ 1 – 3; Amend Coun. J. 11-21-17, p. 61913, § 2; Amend Coun. J. 11-26-19, p. 11390, Art. VII, § 1)

2-84-035 Appeals by applicants removed from eligibility list.

(a) Definitions. For purposes of this section, the following definitions shall apply:

"Applicant" means a person who has applied for a probationary police officer position with the Department.

"Board" means the Police Board created pursuant to Section 2-84-020.

"Department" means the City's Department of Police.

"Eligibility list" means the Department's list of eligible applicants for a probationary police officer position with the Department.

(b) Appeals. Appeals by applicants who have been removed from the eligibility list due to the results of a background investigation shall be governed by the following procedure and applicable rules:

(1) The applicant shall be given written notice by the Department of the Department's decision to remove the applicant from the eligibility list, along with the reason(s) for the disqualification decision.

(2) The applicant may, no later than 60 calendar days from the date on the notice, appeal the decision of the Department by filing with the Board a written request specifying why the Department erred in the factual determinations underlying the disqualification

decision, or bringing to the Board's attention additional facts directly related to the reason(s) for the disqualification decision.

(3) The Department may file a written response, and the applicant may file a written reply to the Department's response, as provided in the Board's rules of procedure.

(4) The Board shall render a decision on the appeal, as provided in the Board's rules of procedure.

(c) Burden of proof. The applicant shall have the burden of showing, by a preponderance of the evidence, that the Department's decision to remove the applicant from the eligibility list was erroneous.

(d) Hearing officers and final decisions. The Board may appoint hearing officers to consider applicants' appeals in accordance with this section and the rules of procedure adopted by the Board. Each hearing officer shall be an attorney admitted to the practice of law in the State of Illinois in good standing. Hearing officers may make findings of fact, conclusions of law, and recommendations to the Board. The Board shall be the final decision-making authority regarding any appeal under this section, and such decision shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

(e) Documentary review. The Board's consideration of the appeal provided in this section is limited to review of: (1) the applicant's request and reply; (2) the Department's response; (3) any relevant documentary evidence submitted with such request, reply or response; and (4) the hearing officer's findings, conclusions, and recommendations. There shall not be a hearing (whether in person or by video or audio conference) on the Department's decision to remove the applicant from the eligibility list.

(f) Failure to file timely appeal. If an applicant does not file a timely appeal as provided in subsection (b), such applicant shall be deemed to have waived his or her right under this section to appeal the Department's decision to remove the applicant from the eligibility list.

(g) Rules. The Board is authorized to promulgate rules of procedure not inconsistent with this section regarding the conduct of appeals under this section.

(Added Coun. J. 11-26-19, p. 11390, Art. VII, § 2)

2-84-040 Superintendent of Police – Appointment.

The Superintendent of Police shall be the chief executive officer of the Police Department. The Superintendent shall be appointed by the Mayor upon recommendation of the Police Board and with the advice and consent of the City Council and shall 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, except for those matters under the jurisdiction of the Office of Public Safety Administration, in a manner consistent with the ordinances of the City, the laws of the state, and the rules and regulations of the Police Board.

(Prior code § 11-5; Amend Coun. J. 6-5-87, p. 1164; Amend Coun. J. 4-13-16, p. 22636, §§ 1 – 3; Amend Coun. J. 11-26-19, p. 11390, Art. V, § 11)

2-84-050 Superintendent of Police – Powers and duties.

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

(1) To organize the Department;

(2) To make appointments, promotions, transfers of and to take disciplinary action against employees of the Department other than the Secretary of the Board;*

* Editor's note – Coun. J. 11-26-19, p. 11390, Art. V, § 12, omitted the phrase “other than the Secretary of the Board” from the amending legislation but did not strike it out. The language has been retained for now; future legislation will correct the text.

(3) To appoint, discharge, suspend or transfer the employees of the Department and to issue instructions to said employees in the line of their duties. Subsections (2) and (3) shall be administered in coordination with the Office of Public Safety Administration, and are subject to the career service provisions of Chapter 2-74 of this Code;

(4) To expend the funds of the Department in accordance with the provisions of the budget appropriations and subject to the approval of the Office of Public Safety Administration;

(5) To develop an annual departmental budget covering the anticipated revenues and expenditures of the Department conforming as far as practicable to the forms and dates provided for in relation to the general City budget; and

(6) To exercise such further powers in the administration of the Department as may be conferred upon the Superintendent by the Mayor, except for those powers exercised exclusively by the Office of Public Safety Administration.

(Prior code § 11-6; Amend Coun. J. 11-26-19, p. 11390, Art. V, § 12)