

7/18/2019
7/23/2019
8/28/2019
9/17/2019
9/30/2019
10/7/2019
10/16/2019
11/11/2019

79-O-19

AN ORDINANCE

**Creating Title 2, Chapter 15 of the Evanston City Code Forming a
“Citizen Police Review Commission”**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: Legislative Statement. This Ordinance creates a City of Evanston Citizens Police Review Commission whose primary function is to address issues of complaints filed by citizens against an Evanston Police Officer. Equity and inclusion are core values of the Evanston community. The City Council determines that it is in the best interest of the City to create a Citizen Police Review Commission to increase transparency and build a trusting relationship between the community and the Evanston Police Department.

Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164). Pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City’s home rule powers. At meetings

held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, and made findings. It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747(1991)) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (1995)).

The City Council finds that creating an entity that proactively addresses issues of citizen complaints against police officers in the City of Evanston is a priority. The City Council desires to amend the City Code to create a Citizen Police Review Commission.

SECTION 2: Title 2, Chapter 15 of the Evanston City Code of 2012, as amended ("City Code"), is hereby created and shall read as follows:

CHAPTER 15 – CITIZENS POLICE REVIEW COMMISSION

2-15-1: PURPOSE.

The Citizen Police Review Commission is established as a subcommittee for the City's Human Services Committee, for the following purposes:

- (A)** To promote public confidence in the professionalism and accountability of the City of Evanston's Police Department through unbiased review of the investigation of citizen complaints, thoughtful policy recommendations;
- (B)** To add a citizen perspective to the evaluation of citizen complaints;
- (C)** To provide a timely, fair and objective review of citizen complaints and the manner which they are investigated; and
- (D)** To provide a systematic means to achieve continuous improvement in citizen and police interactions.

2-15-2: MEMBERSHIP; QUALIFICATIONS FOR MEMBERSHIP.

The Commission consists of nine (9) members who serve without compensation and are residents of the City of Evanston. The members must include the following:

- (A) All members must possess a reputation of fairness, integrity and a sense of public service.
- (B) No current elected official, City employee or family member of any City employee may serve on the Commission.
- (C) The appointments shall reflect community diversity, including all nine (9) wards, income levels, ethnicity, age, gender and experience.
- (D) Members must commit to attending meetings regularly and participating in other initiatives of the Commission.

2-15-3: TRAINING AND ORIENTATION.

- (A) The City Manager's Office, in coordination with the Chief of Police, shall develop written standards for orientation, training and continuing education for the Commission members.
- (B) All appointees must complete the initial training and orientation before the first formally convened meeting.
- (C) Training may include police ride-along and firearms simulator training.

2-15-4: TERM.

- (A) Commission members are appointed to three (3) year terms by the Mayor with the advice and consent of the City Council after the initial appointments for staggered terms. No member may serve more than two (2) terms.
- (B) The terms of the initial appointees shall be staggered as follows:
 1. Two (2) persons shall serve a one-year term.
 2. Three (3) persons shall serve a two-year term.
 3. Four (4) persons shall serve a three year term.

2-15-5: POWERS AND DUTIES.

- (A) The purpose of the Commission's review shall be to determine if the completed internal investigation, prior to any final decision on discipline made by the Chief of Police, is complete, thorough, objective and fair based on:
 1. The thoroughness with which each allegation has been investigated.
 2. The extent to which witnesses and/or persons known to have information, knowledge or evidence pertaining to the allegation(s) were contacted or interviewed.
 3. The manner and tone in which interviews were conducted with the complainant, witnesses, involved officer/employees and other persons having knowledge relating to the allegations.
 4. The process of seeking, collecting and maintaining evidence pertaining to the investigation.
 5. The findings determined by Office of Professional Standards.
- (B) The Commission may review a copy of the citizen complaint, a transcript of any interviews conducted, and the final report prepared by the Office of Professional Standards relating to the investigation provided as follows:

1. The identity of all parties to the Complaint shall remain anonymous, including but not limited to the Complainant and the accused officer/employee.
 2. Access to certain information may be restricted in conformance with applicable laws.
- (C) The Commission may view videos of the incident as necessary in closed session.
 - (D) The Commission shall provide a written report summarizing its findings upon completion of its review of a completed investigation and the Office of Professional Standards findings to the Chief of Police.
 - (E) The Commission will provide an annual overview to the Human Services Committee of complaints reviewed and findings of the Commission.
 - (F) A representative of the Police Department command staff assigned by the Police Chief to the Office of Professional Standards shall be present during the review to answer questions, provide explanations or provide other assistance if needed.
 - (G) Pursuant to the Collective Bargaining Agreement, only the Police Chief and the City Manager are empowered to impose discipline.

2-15-6: RULES; SELECTION OF A CHAIRPERSON.

- (A) The Commission must annually elect a Chairperson from among its members.
- (B) The Commission must adopt rules and regulations necessary to exercise its responsibilities.
- (C) Meetings shall be held in conformance with the Open Meetings Act.
- (D) The Police Chief or the City Attorney may request a suspension of the review if there is a separate criminal investigation underway or if civil action against the City is threatened, underway or pending.

2-15-7: MEMBER RESPONSIBILITY.

- (A) Members shall conduct themselves in a manner that maintains public confidence in the integrity of the Commission.
- (B) Members shall refrain from making any comments outside of the committee meetings regarding any pending complaint or investigation.
- (C) A member shall recuse him or herself from deliberations in which he or she has a personal, professional or conflict of interest of any nature.
- (D) A violation of any of these provisions may be grounds for immediate removal from the Commission by the mayor.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: The City of Evanston Citizen Police Advisory Committee is hereby dissolved effective January 1, 2020.

SECTION 5: This ordinance must be in full force and effect after its passage, approval, and publication in a manner provided by law.

SECTION 6: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: _____, 2019

Approved:

Adopted: _____, 2019

_____, 2019

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation
Counsel