

POLICE SETTLEMENT TRANSPARENCY ACT ORDINANCE

WHEREAS, The City of Chicago has paid out more than \$1,000,000 in settlements and judgments related to the actions of the Chicago Police Department and Chicago police officers for 125 of the 156 months from 2008-2020.

Whereas the City of Chicago has paid out on average \$49,000,000 per year on settlements and judgments related to the actions of the Chicago Police Department and Chicago police officers since 2004.

WHEREAS, The City of Chicago has paid out nearly \$850,000,000 on settlements and judgments related to the actions of the Chicago Police Department and Chicago police officers from 2004-2020.

WHEREAS, The City of Chicago spends millions of dollars each year representing the Chicago Police Department and Chicago police officers in civil litigation but refuses to make the spending data public.

WHEREAS, The City of Chicago spends tens of millions of dollars each year on private law firms to represent the Chicago Police Department and Chicago police officers in civil litigation but refuses to publish data about what firms are being retained, under what terms they are being contracted, and why those specific firms and lawyers are being chosen.

WHEREAS, Higher rates of transparency and accountability will result in lower rates of police misconduct – thus decreasing the fiscal damage done to the city as a whole.

WHEREAS, an analysis of agenda items of the Committee on Police & Fire and the Committee on Public Safety from January 2000 through July 2020 shows that the Committee has spent equal time on donating used police and fire equipment than on monitoring the activities of the Chicago Police Department or the police accountability system.

WHEREAS, The City of Chicago could re-invest the \$49,000,000 per year they pay out on police civil litigation to hire 490 full-time social workers to work with children from Chicago's most underserved communities.

WHEREAS, The City of Chicago could re-invest the \$49,000,000 per year they pay out on police civil litigation to provide 40,000 + 1-bedroom apartments for unhoused Chicagoans.

WHEREAS, The City of Chicago could re-invest the \$49,000,000 per year they pay out on police civil litigation to provide 14,000,000 meals per year through meals on wheels.

WHEREAS, The City of Chicago could re-invest the \$49,000,000 per year they pay out on police civil litigation to provide over 12,250,000 free lunches to Chicago Public School children.

WHEREAS, The transparency mandated in this ordinance can help the women and men of the Chicago Police Department that are doing their jobs with honesty and integrity to better understand why cases are settled, the extent that evidence supports or doesn't support the settling of the case, and the financial impact to the city to pay to represent officers in these cases and the subsequent settlements and judgments.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO.

SECTION 1. The Municipal Code of the City of Chicago is hereby amended adding a new Chapter 2-179, which shall be known as the Police Settlement Transparency and Accountability Ordinance.

2-179-010 Definitions.

The following terms whenever used in this ordinance shall have the following meanings unless a different meaning appears from the context of the text.

“CCPSA” refers to the Community Commission for Public Safety and Accountability.

“COPA” refers to the Civilian Office of Police Accountability, as referenced throughout this text, specifically in section **2-179-040**.

“CPB” refers to the Chicago Police Board.

“CPD” refers to the Chicago Police Department. This ordinance applies to both the officers within the CPD as well as the institution itself.

“DPSIG” refers to the Deputy Inspector General for Public Safety

“IAD” refers to the Chicago Police Department Bureau of Internal Affairs.

“Superintendent” refers to the Superintendent of Chicago Police Department.

“Misconduct” refers to police misconduct, specifically, any illegal or inappropriate action taken by an officer in the Chicago Police Department or the Chicago Police Department itself. This includes categories of misconduct such as but not limited to excessive force, extended detention, false arrest, failure to provide medical care, illegal search/seizure, malicious prosecution, reversed conviction and wrongful death/vehicle pursuit.

“Settlement” refers to a payout by the City of Chicago in response to information received by any Department regarding the conduct of both sworn officers and civilian employees of the Chicago Police Department. This definition is applicable regardless of whether a civil complaint has been filed in any court or if the amount of the settlement is below the amount requiring approval from the City Council Finance Committee.

2-179-020 Purpose and Intent

The purpose of this legislation is to provide City Council alderpeople with the information and data needed to assess and manage the financial exposure created by police misconduct. The City Council for this purpose shall require the City of Chicago’s Law Department and the Chicago Police Department and other city agencies that have been charged with investigating police misconduct to submit documentation and data [to the appropriate council subcommittee]that are used to support their settlement and disciplinary decisions. This review by the City Council seeks to reduce civil liability costs and assess whether a pattern of events emerges that warrants

corrective action to prevent future similar occurrences of police misconduct. Additionally, the ordinance outlines the requirements for the Committee on Public Safety to hold a twice-a-year meeting at which time the agenda will be strictly focused on finding remedies for misconduct. The City Council's oversight function will not include participation in settlement negotiations. This mitigation of risk and increase in transparency and accountability should result in reduced numbers of misconduct incidents, a reduction in civil liability expenditures and thus a positive impact on police and community relations. To ensure the attention, cooperation and timely management of this review process, the Committee on Public Safety shall hold monthly status meetings that review pending complaints. These meetings shall be attended by department heads of relevant police accountability agencies, as outlined in section **2-179-020** of this report. This ordinance also outlines the improvements in transparency regarding the handling of civil litigation cases involving the police department and the criminal prosecution of members of the Chicago Police Department. It lists information that must be collected and delivered to each alderperson about civil settlements at least 7 days prior to any vote taken by the City Council Finance Committee to approve all civil settlements regarding alleged police misconduct. This ordinance outlines the information that must be collected and delivered to each alderperson regarding civil judgments at least 7 days prior to any meeting of the City Council Committee on Public Safety where the judgment is an agenda item.

2-179-020 - Committee Meetings

Once a month the Committee on Public Safety shall hold a public hearing where the only agenda items can be settlements and court judgments related to civil litigation involving the Chicago Police Department or any sworn officer or civilian employee. This hearing shall be held **within 5 working days after** the approval of any civil settlements by the Chicago City Council or any subcommittee thereof involving the actions or lack of action of a sworn officer or civilian employee of the Chicago Police Department. Each court judgment or civil settlement

shall be a separate agenda item but any single meeting can have either a single or multiple civil settlements or judgments on the agenda.

Attendees. At this hearing, the following leaders, or their representatives and designees, must brief the Committee on Public Safety on the settlement and be fully prepared for questions from the committee members.

- Superintendent of Chicago Police Department
- Commanding Officer, Chicago Police Department Internal Affairs Division
- Chief Administrator, Citizen Office of Police Accountability
- Deputy Inspector General for Public Safety, Office of the Inspector General
- President, Chicago Police Board
- Corporation Counsel, City Law Department
- President, Community Commission for Public Safety & Accountability

Audio and Video Evidence. All audio and video of the incident must be made available for public showing at the hearing upon request of any member of the Chicago City Council regardless of their membership on the Committee on Public Safety.

Agenda. The agenda for this meeting must be made available to the public by publishing it on the City of Chicago's website no less 7 days prior to the commencement of the hearing. The agenda must remain on the website for 10 years.

2-179-030 Information to be identified

The following information from the identified city departments shall be provided in writing to each alderperson & the CCPSA at least one week prior to any City Council Finance Committee vote to approve any settlement involving the Chicago Police Department, any of their sworn officers, or any of its civilian employees regarding any act whether on or off duty. Any vote taken by said bodies without this information being delivered to each alderperson at least two working days before any vote will be deemed void.

City Law Department

City of Chicago Law Department shall provide alderperson & the CCPSA with:

1. A summary of the history of the case from the initial complaint to disposition including the facts, testimony, exhibits and attach transcripts if available.
2. A detailed summary of any previous cases the law department or its designee has handled where any of the named officers were defendants. This summary should include any information regarding the disposition of the case including settlement and or judgment amounts. It should also include case numbers, date of settlement, and identify in which court the case was heard.
3. A comprehensive list of all previous cases the law department has handled within the last 10 years where the type of misconduct is materially similar to acts alleged in the case being settled. The list shall identify the case number, date of settlement, defendants, complainant, case disposition, and the court that heard the case.
4. Outside counsel shall provide a detailed account of legal services rendered including hourly billing rate, dates and description of services provided, and lawyers that provided services that were billed to the city.
5. Expert Witness shall produce their invoice for services rendered as a consultant/witness to City Corporation Counsel for payment. Corporation Counsel shall attach this invoice.
6. The Law Department shall also provide a list of other cases in which the expert has been retained on behalf of the city, the services rendered, the dates of service, and the total amount paid in each case to the expert.

Citizen Office of Police Accountability (COPA)

Citizen Office of Police Accountability shall provide the alderperson & the CCPSA with:

1. A list of all previous complaints filed against any officer who is a named defendant in a settlement decision before the Council where COPA, or a predecessor, maintained jurisdiction and had responsibility to investigate the complaint.
2. The disposition of each investigation, the name of the primary investigator(s), what discipline, if any, was recommended and the final discipline the officer served including instances where the case was grieved through collective bargaining.
3. Whether the officer filed a grievance, appealing a proposed disciplinary action through a collective bargaining agreement and the results of any appeals, including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Department Bureau of Internal Affairs (IAD)

Chicago Police Department Bureau of Internal Affairs shall provide alderperson & the CCPSA with:

1. A list of all previous complaints filed against any officer who is a named defendant for which IAD maintained jurisdiction and had responsibility to investigate the complaint.
2. The date each investigation was opened, the date it was closed, the disposition of each investigation, what discipline--if any--was recommended by IAD, and the final discipline the officer served including instances where the case was grieved through collective bargaining.
3. Whether the officer in question filed a grievance appealing a proposed disciplinary action through a collective bargaining agreement and the results of this process including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Board (CPB)

Chicago Police Board (CPB) shall provide alderperson & the CCPSA with:

1. The cases in which any officer named in the complaint was the subject of any case that results in a hearing in front of the Chicago Police Board for either an appeal of a suspension of any length, a case where the Chicago Police Department was seeking the

officer's termination, or a case decided by a member of the police board in the event of an officer discipline disagreement between the COPA, IAD, and the Superintendent.

Deputy Inspector General for Public Safety (DIG-PS)

Deputy Inspector General for Public Safety shall provide alderperson with & the CCPSA:

1. A list of all audits, research, or reports having been completed (that can be discussed publicly without conflicting with other city ordinances) that address in any way the conduct, tactics, practices, policies, or general orders identified in the complaint associated with the settlement or judgment being addressed.
2. If the DIG-PS has conducted a prior review of the conduct or practices at hand, the DIG-PS should detail the findings of this review, what if any recommendations were made in association with the analysis, and what if any response the DIG-PS received from the Chicago Police Department or any police accountability agency.

Chicago Police Department (CPD)

Chicago Police Department shall provide alderperson with & the CCPSA:

1. A signed statement from the Superintendent or their designee acknowledging the misconduct and settlement. This statement shall certify that the Superintendent has reviewed all the material provided by the various other departments as detailed in this section.

2-179-030 Judgments for Review

Every judgment in a civil litigation case involving the Chicago Police Department, any sworn officer, or civilian employee regardless of the amount of the judgment must be an agenda item on the next monthly public hearing of the Committee of Public Safety as detailed in **2-179-020** of this ordinance---regardless of the amount. The following information from the departments listed below shall be provided in writing to each alderperson at least a week prior to a meeting of the Committee of Public Safety where a civil judgment involving the Chicago Police Department or any of its employees regarding any alleged misconduct of any kind is to appear on the agenda.

City Law Department

City Law Department shall provide alderperson & the CCPSA with:

1. A summary of the events including what evidence there is to support this judgment including what if any audio or video there is of the misconduct alleged in the complaint.
2. A detailed summary of any previous cases where any of the named officers were defendants. This summary shall include any information regarding the disposition of the case including settlement and or judgment amounts. It shall also include case numbers and identify in which court the case was heard.
3. A comprehensive list of all previous cases the law department has handled within the last 10 years where the type of misconduct is materially like the acts alleged in the case resulting in this judgment. The list shall identify the case number, defendants, complainant, case disposition, and the court that heard the case.
4. A signed statement from the Corporation Counsel, certifying their billing statements accounting for all legal services rendered by their department or outside counsel, attesting to their hourly rate and hours billed on the case resulting in a judgment. This statement must provide separate accounting for both the time and money spent by the law department and all outside counsel retained in this case.

Citizen Office of Police Accountability (CORA)

Citizen Office of Police Accountability shall provide alderperson & the CCPSA with:

1. A list of all previous complaints filed against any officer that is a named defendant in the settlement decision now before the Council where CORA, or any of its predecessors, maintained jurisdiction and had responsibility to investigate the complaint.
2. The opening and closing dates of the investigation, the disposition of each investigation, what discipline, if any, was imposed, and the final discipline the officer served including instances where the case was grieved appealing a proposed disciplinary action through collective bargaining.

3. Anytime the officer filed a grievance through a collective bargaining agreement and the results of this process, including any ruling by an arbitrator or settlement agreement between the officer and the city of Chicago.

Chicago Police Department Bureau of Internal Affairs (IAD)

Chicago Police Department Bureau of Internal Affairs shall provide alderperson & the CCPSA with:

1. A list of all previous complaints filed against any officer that is a named defendant for which IAD maintained jurisdiction and had responsibility to investigate the complaint.
2. The opening and closing dates of the investigation, the disposition of each investigation, what discipline, if any, was imposed by IAD, and the final discipline the officer served including instances where the case was grieved through collective bargaining.
3. If the officer filed a grievance appealing a proposed disciplinary action through a collective bargaining agreement and the results of this process including any ruling by an arbitrator or settlement agreement between the officer and the City of Chicago.

Chicago Police Board

Chicago Police Board shall provide alderperson & the CCPSA with:

1. A list of all cases in which any officer named in the complaint was the subject of a hearing in front of the Chicago Police Board for either an appeal of a suspension of any length or where the Chicago Police Department was seeking the officer's termination.
2. Any case where any named defendant was a party to any review of a disagreement between the Superintendent of the Chicago Police Department and the Chief Administrator of CORA or the Commanding Officer of IAD.

Deputy Inspector General for Police (DIGP)

Deputy Inspector General for Police shall provide alderperson with & the CCPSA:

1. A list of all non-confidential audits, research, or reports underway or having been completed that address in any way the conduct, tactics, practices, policies, or general orders identified in the complaint associated with this judgment.
2. If a prior review(s) of the conduct or practices at hand exists, the DIG-PS should detail when the review(s) took place, the findings of those review(s), what if any recommendations were made in association with the analysis contained in the reviews, and what if any response the DIG-PS received from the Chicago Police Department to each review.

Chicago Police Department (CPD)

Chicago Police Department shall provide alderperson with & the CCPSA:

1. A signed statement from the Superintendent or his or her designee, certifying the misconduct and judgment under the penalty of perjury. This statement should also include their confirmation that he/she has reviewed all the material provided by the various other departments as detailed in this section.

2-179-040 Remedies

Within two business days of the 15th of January and July of every year the Chicago City Council Committee on Public Safety shall hold a public meeting where the entire agenda must be dedicated to the topics detailed in this section. All reports mandated in this section must be made in writing to every member of the City Council & the CCPSA a week prior to the hearings. All named City of Chicago officials or their designee in this section must appear to report to and answer questions from the Committee of Public Safety members and other City Council members that attend.

Deputy Inspector General for Public Safety (DIG-PS)

The Deputy Inspector General shall report to the City Council on Chicago Police Department practices that merit further investigation. The Deputy Inspector General shall suggest investigative priorities of the DIG-PS within the context of the potential patterns and practices identified to the

City Council. The Deputy Inspector General shall report to the City Council on significant findings identified by its pattern and practice investigations. The report shall include recommendations for corrective actions to be taken by the CPD or other city agencies. The Deputy Inspector General shall also report on relevant "best practices" currently being employed by other law enforcement agencies and make recommendations to the City Council on which ones should be adopted by the CPD or other Chicago agencies.

Civilian Office of Police Accountability (COPA)

The Chief Administrator shall report to the City Council on the progress and outcomes of any research COPA has conducted on the patterns and practices of the Chicago Police Department or any of its sworn officers or civilian employees. The Chief Administrator will also detail all recommendations for policy changes COPA has made to the Chicago Police Department or any police accountability agencies, the basis for those recommendations, and what if any response COPA received from the Chicago Police Department.

Chicago Police Department (CRD)

The Superintendent of the Chicago Police Department shall have read all monthly reports required by this ordinance as well as all previous reports mandated by section **2-179-030** of this ordinance and shall report to the City Council what the CPD plans through supervision, training, adjustments to general orders, and/or to the use of force model to eliminate the problematic behaviors, systems, and outcomes identified in those reports. The Superintendent of the Chicago Police Department shall report to the City Council what recommendations for changes in policy, practices, training, or any general orders the Department has received from the Civilian Office of Police Accountability, Chicago Police Board, or the Deputy Inspector General for Public Safety, since the last meeting of the public safety committee and what, if any, remedies the Department has for each recommendation. The commanding officer of the training academy for the Chicago Police Department shall have read all monthly reports required by this ordinance as well as previous reports mandated by section **2-179-030** of this ordinance and shall report to the City

Council what progress or setbacks has been encountered in implementing their plans to eliminate police misconduct.

Cook County State's Attorney's Office (SAO)

1. The Chair of the Committee on Public Safety shall send a request, no less than 30 days before the scheduled hearing date, to the Cook County State's Attorney's Office for a representative from the office to appear before the Committee and provide information regarding the submission of cases for prosecution and the prosecution of all misdemeanor and felony cases involving both sworn officers and/or civilian employees of the Chicago Police Department.
2. This information shall include the status of all cases submitted or referred to the Cook County State's Attorney's Office during the previous six months from the Chicago Police Department, the Internal Affairs Division of the Chicago Police Department, the Civilian Office of Police Accountability, and or the Deputy Inspector General for Public Safety. The Cook County State's Attorney's Office shall also be asked to provide a non-privileged status report of all active criminal prosecutions office involving the prosecution of both sworn officers and civilian employees of the Chicago Police Department.
3. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who in the last six months are believed to have provided false or misleading testimony and a list of all officers whom the Cook County State's Attorney's Office has determined should not be called as witnesses in future proceedings.
4. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who in the last six months are believed to engaged in misconduct or other acts that challenges their credibility to such a degree that the Cook County State's Attorney's Office will no longer call them as witnesses.

5. The Cook County State's Attorney's Office shall be requested to provide the City Council with a list of all Chicago Police Officers who have been the subject of these disclosure orders or credibility memos since 2010.

City Law Department

1. The Corporation Counsel shall report to the City Council on the status of all ongoing and completed civil litigation cases since 2000 against the Chicago Police Department, any sworn officer, or civilian employee. This report shall provide a list of every case-by-case number, named defendants, complainant, basis for complaint, damages sought, the amount spent to date on defending the case by both internal and outside counsel, the court with jurisdiction, the date each case was filed, and a detailed disposition for all cases that have been concluded.

2. The Corporation Counsel shall report to the City Council when a lawyer from the City's law department or outside counsel has been sanctioned, disciplined, admonished or censured by a judge for withholding pertinent evidence from plaintiffs in any lawsuit involving the Chicago Police Department or any sworn officer or civilian employee. This report shall provide a detailed summary of the facts involved in each case, including the date, case number, named defendants, the names of all internal and outside counsel, the court with jurisdiction, the name of the lawyer(s) responsible for the misconduct, and any remedy, censure, or punishment imposed by the judge. If a judge addressed the misconduct in open court, the Corporation Counsel shall provide a transcript of each session in which the judge made any comment on the sanctioned behavior and the sanctioned attorney(s). If the misconduct is the basis for the city reaching a settlement or an increase in awarded damages this also must be reported with the amount of any settlement or damages that were awarded as part of the disposition of the case.

3. For each case in which a Law Department attorney or an attorney from an outside firm working for the city is censured, sanctioned, disciplined or admonished for withholding evidence, the Corporation Counsel shall report to the City Council all steps being taken internally to prevent this behavior from being repeated.

4. The Corporation Counsel shall not hire any outside counsel who has been admonished, censured, sanctioned, or disciplined by a judge for withholding evidence to any civil suit that alleges misconduct of any kind committed by a Chicago Police Officer.

2-179-050 Transparency Mechanisms

All documents created in response to this ordinance must be made public through posting on the City of Chicago's website no less than two business days prior to the public hearing being held by the Committee on Public Safety and must stay on the City of Chicago's website for at least 10 years. All such documents must be retained for 35 years.

All documents produced and or provided by any of the mandated attendees in response to questions or requests from any members of the City Council during or in response to the public hearing in this request must be posted on the City of Chicago's website within 24 hours of the documents being circulated to any alderpeople and must stay on the City of Chicago's website for 10 years. All such documents must be retained for 35 years.

The City of Chicago Law Department shall maintain a distinct data set and make this data set available on the City of Chicago's data portal that details the following data fields on each civil lawsuit that is filed against the Chicago Police Department, any sworn office, or civilian employee.

The data fields shall include:

- Case number
- Court hearing the case
- Each named defendant
- Each named plaintiff
- Name of counsel representing plaintiff
- Summary of the allegation at the heart of complaint
- City Law Department lawyer(s) working on the case
- Number of hours spent by each Law Department lawyer
- Total cost of hours working on case by each law department lawyer

- Name of any outside firm retained on this case
- Names of that firm's lawyers working on the case
- Number of hours spent on the case by each outside lawyer
- Hourly rate being charged by each outside lawyer working on the case
- Total cost to city to date for each outside lawyer working on the case
- Total billed to the city to date by law firms assigned to the case
- The total amount of any judgment against each named defendant
- The total of any settlement with any plaintiff and which named defendant the settlement pertains to
- A detailed summary of a complaint
- The name and rank of each defendant
- The assignment of each defendant at the time the alleged acts were committed
- The current assignment of each defendant
- The number of times each named defendant has been sued previously
- The total amount paid out related to each named defendant in civil settlements and judgments in previous civil settlements and judgments in cases in which each defendant was previously sued

Any audio or video involved in any settled case or civil judgment covered in this ordinance must be posted to the City of Chicago website no less than two working days prior to the commencement of the public hearing and must stay on the website for 10 years. The audio and video must be retained for at least 35 years.

The Civilian Office of Police Accountability and the Internal Affairs Division of the Chicago Police Department shall maintain separate and distinct data sets and make them available on the City of Chicago's data portal. These data sets should include the following the submission of cases for criminal review, investigation, and prosecution at either the Cook County State's Attorney's Office or the United States Attorney's Office.

- Date case was submitted for review
- Agency the case was submitted to
- Charge sought
- Was the case accepted for prosecution
- Case number
- The court in which the case will be heard
- If case was accepted what charges were filed
- If case was not accepted for prosecution, why
- The date that the case was either accepted or the date that prosecution was denied
- The outcome of any criminal prosecution or plea bargain
- The names of all officers named as defendants in all cases accepted for prosecution

A list of all cases in which any of the named defendants were previously prosecuted as named defendants in criminal cases of any kind during at the time they were employed by the Chicago Police Department.

Section 2.

This ordinance shall be in full force and effect upon its passage and approval.