

Chicago Council of Lawyers Communication about Mayor's Proposed Police Accountability Ordinance.

In the first week of October, Mayor Emanuel is scheduled to propose to the City Council an ordinance to create two new agencies. The first, the Civil Office of Police Accountability (COPA), will investigate complaints against police officers of alleged misconduct. The second, the new office of Deputy Inspector General for Public Safety will audit COPA's performance of its duties.

The Chicago Council of Lawyers is part of the *Chicago Civil Rights Collaborative for Police Reform* that has met and advocated with City officials. We are pleased that the Mayor's office has made important strides toward an ordinance that will grant significant independence for these two new agencies. But the ordinance must include additional critical safeguards to ensure that policing in Chicago is fully accountable and transparent to the public.

First, these two new agencies must be adequately funded with a budget that is insulated from politics.

Second, both agencies must have the ability to retain their own counsel to enforce subpoenas they have issued. Normally attorneys with the Chicago Corporation Counsel's office enforce a city agency's subpoenas. But attorneys with the Corporation Counsel's office also defend police officers and the City in lawsuits alleging police misconduct, and thus a conflict of interest exists. We suggest that the ordinance allow recipients of agency subpoenas to file written objections, and require each agency to respond in writing, before the agency may go to court to enforce its subpoena. We also suggest the cost of an attorney who enforces an agency's subpoena come from that agency's budget. These two provisions should ensure that the agencies do not abuse their subpoena power.

Third, for a period of three years, COPA should not be able to hire former CPD officers as investigators. While we understand that the Chief Administrator of COPA might want free reign to recruit and hire the most capable investigators, the public concern around bias—based on a long history of perceived bias in the CPD culture—is justified and outweighs that interest. At the end of the three year period, the Mayor, the City Council and the public should reconsider the continuing need for this provision.

Finally, we understand that the new Deputy Inspector for Public Safety will have the power to make written recommendations to the Police Department and related agencies. If such an agency rejects a recommendation, it must be required promptly to explain its reasons in writing, and the recommendation and the agency's response must be promptly posted on the web page of the Deputy Inspector for Public Safety.

The Chicago Council of Lawyers will continue to work with City officials, other legal and policy advocacy organizations, and community-based groups to promote the changes that are needed to produce lasting police reform and accountability. We urge our Mayor and City Council to include the above provisions in the upcoming ordinance.

