

RESOLUTION TO ESTABLISH A CIVILIAN REVIEW BOARD FOR THE CITY OF AURORA

A Resolution Directing the Preparation of an Ordinance Establishing a Civilian Review Board to Review Matters Involving the Police Department.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Aurora's CHANGE (Community Helping Aurora's Necessary Growth and Empowerment) Reform Initiative was created in June of 2020 in response to the national civil unrest and national calls for change in policing; and

WHEREAS, the CHANGE Reform Initiative focused on strengthening police and community relations and accountability through a multi-phased approach of reviewing law enforcement policies and procedures and exploring new implementations; and

WHEREAS, the initiative led to a multi-phased approach, with one of the phases focusing on the exploring on the implementation of a Civilian Review Board, also known as the CRB; and

WHEREAS, the attached draft resolution will establish the general framework for the CRB with the Ordinance establishing to follow.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that it is the policy of the City that a review board consisting of civilians appointed by the Mayor with the advice and consent of the City Council be established by ordinance and tasked with the duty to review policies and practices of the Police Department and the proposed discipline of Police Officers who are the subjects of citizen complaints as more fully set forth in subsequent ordinance; and further

BE IT RESOLVED, that the Corporation Counsel, whether personally or through his assistants and special counsel, shall commence the preparation of an ordinance to carry into effect the purposes of this resolution and present the same to the City Council for its deliberation without delay; and further

BE IT RESOLVED, that the ordinance prepared for City Council deliberation shall consist of the following:

First: A provision creating the Civilian Review Board ("Board") as a permanent commission of the City for incorporation into the Code of Ordinances.

Second: A provision defining the membership of the Board as consisting of nine (9) City residents appointed by the Mayor with the advice and consent of the City Council for staggered terms of three (3) years. In order to achieve this result, the terms of the initial committee members will be shorter than those of their successors. The provision shall further provide for the qualification and training of commission members and impose limits on the number of consecutive terms as member may serve.

Third: A provision defining the general powers and the duties of the Board. Such general powers and duties shall consist of the following:

- A. To monitor and evaluate efforts in the Police Department in regard to racial, gender, cultural diversity and equity in such areas as recruitment, training, and overall relationship with the public;
- B. In conjunction with City staff, to compile statistics concerning police department interactions with the public;
- C. To make periodic reports and recommendations to the City Council and the public regarding matters within the Board's scope of authority;
- D. To conduct its duties in accordance with all provisions of applicable law and ordinance, including but not limited to the Open Meetings Act, and the Ethics Ordinance.

Fourth: A provision defining the specific powers and duties of the Board relating to civilian complaints concerning police conduct. Such specific powers and duties shall consist of the following:

- A. To receive civilian complaints concerning police conduct and to forward all such complaints to the Police Department's Office of Professional Standards;
- B. In any case involving an allegation of police officer misconduct in relation to that officer's interaction with a civilian, to review the internal investigation file prior to any final decision on discipline being recommended by the Chief of Police to the Director of Human Resources. The purpose of the review is for the Board to determine whether the investigation was complete, thorough, objective, and fair, based on the following factors:
 - 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 extent to which appropriate interviews were conducted with the complainant, witnesses, involved officers/employees and any other persons having knowledge relating to the allegations.
 - 4. The process of seeking, collecting and maintaining evidence pertaining to the investigation.
 - 5. The written findings determined by Office of Professional Standards.
 - 6. The written recommendation of the Police Department's Employee Review Board.
 - 7. As part of its review, the Board may view video evidence of the incident.
- C. Upon completion of this review, to provide a written report and recommendations to the Chief of Police, including a recommendation that there be further investigation.

D. To have said written and report and recommendations reviewed and considered by the Chief of Police prior to making any final disciplinary decision.

E. To be given timely notice of the Chief of Police's final disciplinary decision.

Fifth: A provision requiring the dissemination of information to the public regarding the board, its duties, and the complaint process. The provision shall require the development of an on-line resource available on the City's web page that shall, with respect to civilian complaints provide the following information:

A. Who may file a complaint.

B. When a complaint should be filed.

C. How a complaint is to be filed.

D. What the complainant can expect in connection with the processing of a complaint.

E. The manner and the extent to which the complainant will be advised as to the results of the investigation of the citizen's complaint

Sixth: A provision reflecting the applicability of collective bargaining agreements to the provisions of the ordinance. Unless otherwise provided as a result of the collective bargaining process in a collective bargaining agreement, the Chief of Police has the exclusive power to impose the disciplinary sanction of suspension and the Human Resources Director has the exclusive power to impose the disciplinary sanction of termination with respect to members of the Police Department.

PASSAGE: OCTOBER 13, 2020