

STATE OF ILLINOIS)
COUNTY OF WINNEBAGO)
SS

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 12th day of January 2022 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2022-9-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of
the City, this 12th day of January 2022.

[SEAL]

LEGAL DIRECTOR AND *EX OFFICIO*
KEEPER OF THE RECORDS AND SEAL

NOM:cb Committee report passed: 1/10/22

ORDINANCE NO. 2022- 9 - O

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD,
WINNEBAGO COUNTY AND OGLE COUNTY, ILLINOIS, THAT:**

By passage and approval of this Ordinance, the Mayor and Legal Director are hereby authorized to approve and adopt the attached Sections 13-70 through 13-74 to the City of Rockford Code of Ordinances to establish a Civilian Oversight Board.

The provisions and sections of this Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

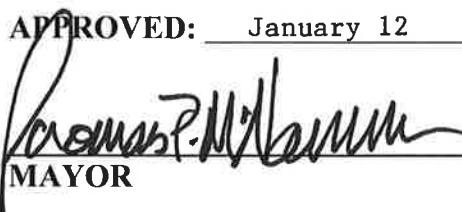
AYES: LOGEMANN, TORINA, PRUNTY, WILKINS, HOFFMAN, ROSE, QUINONEZ, MEEKS,
MCNEELY, RONNE

NAYS: DURKEE, TUNEBERG, FROST, BEACH

ABSENT: _____

ABSTAIN: _____

APPROVED: January 12, 2022.


MAYOR

ATTESTED:


LEGAL DIRECTOR

PASSED: 1/10/22

APPROVED: 1/12/22

PUBLISHED: 1/12/22

ATTESTED and FILED in my office this 12th day of January, 2022, and published in pamphlet form this 12th day of January, 2022 by order of the City Council of the City of Rockford, Illinois.

N. O. Meyer
Legal Director and ex officio
Keeper of the Records and Seal

RECOMMENDED AND
APPROVED BY:

N. O. Meyer
NICHOLAS O. MEYER, Legal Director

Ordinance Establishing a Civilian Oversight Board

Section 13-70 General Provisions:

A. Creation and Purpose: A civilian oversight board is hereby created to:

1. Provide a systematic means by which to achieve continuous improvement in police community interactions and ensure accountability;
2. Provide citizen oversight and promote public confidence in the professionalism and accountability of the City of Rockford Police Department through fair, objective, and unbiased review of the investigation and outcome of citizen complaints and use of force;
3. Add a citizen perspective to the evaluation of complaint and use of force;
4. Serve as an advisory board to the Chief of Police, Mayor, and City Council;
5. Recommend improvements to policy and training that improves police community interactions;
6. Provide fair treatment to and protect the rights of civilians and police officers;
7. Monitor and evaluate that RPD's efforts in regard to racial and cultural diversity in such areas as training, recruitment, promotions, and interpersonal relations;
8. Review patterns in problems and identify solutions that will prevent misconduct from occurring in the future.

B. Definitions: As used this Article, the following terms are defined as follows:

1. "Board" means the civilian oversight board created herein;
2. "Chief" means the chief of police;

3. “Civilian complaint” shall mean a formal complaint submitted to any officer or employee of the City by a member of the public regarding any member of the department or any complaint received by the board in accordance with subsection F in Section 13-70.
4. “Collective Bargaining Agreement” means the Collective Bargaining Agreement between the City of Rockford and PB&PA Unit 6.
5. “Crime of dishonesty” means any offense defined as a felony by federal or state law or an offense that involves dishonesty or false statements. A crime of dishonesty does not include mere possession of cannabis or a controlled substance or related paraphernalia, or the unlawful purchase or possession of alcohol or tobacco by a person under the age of 21;
6. “Department” means the Rockford Police Department;
7. “Disciplinary Act” means the Uniform Peace Officers’ Disciplinary Act, 50 ILCS 725/1 et seq.;
8. “Domestic or sexual violence” means offenses defined by Article 11. Sex Offenses and Sec. 12-3.2 of the Illinois Criminal Code of 2012.
9. “Ethics ordinance” means Sec. 2-103 of the City of Rockford Code of Ordinances;
10. “Forcible felony” means an offense defined by section 2-8 of the Criminal Code of 2012, 720 ILCS 5/2-8, and includes any felony offense which involves the use or threat of physical force or violence against any individual;
11. “Formal complaint” means any verified complaint that complies with the requirements of section 3.9(b) of the Disciplinary Act;

12. “Formal investigation” shall have the same meaning as defined by the Disciplinary Act;
13. “Informal inquiry” shall have the same meaning as defined by the Disciplinary Act;
14. “Open Meetings Act” means the Open Meetings Act, 5 ILCS 120/ et seq.

C. Composition

1. The board shall consist of seven (7) members appointed by the Mayor with advice and consent of City Council;
2. In making appointments under this Section, the Mayor shall take into account the benefits to the city and its residents of having members who reflect the diversity of the community, whether through race, ethnicity, age, sex, sexual orientation, gender identity, education, socio-economic status, professional experiences, neighborhood of residence, or other relevant traits.
3. In making appointments under this Section, the Mayor shall further take into account the benefit to the city of having members committed to carrying out the purpose and duties of the board in a thorough, unbiased, and objective manner and who are committed to upholding the legitimacy and integrity of the board. The Mayor shall consider the conduct, public statements, membership in associations, and social media posts of candidates which demonstrate an overtly pro or anti law enforcement sentiment or bias.
4. The Mayor shall appoint the chair. The chair shall preside at all meetings of the board.

5. Term of Office.

a) The term of membership for each member shall be three years. Members shall serve until a successor has been appointed. Provided, however, the term of office for the original appointments made under this chapter shall be as follows: two members for a one-year term; two members for a two-year term; and three members for a three-year term. All subsequent appointments shall be terms of three years. No member shall serve more than two full three year terms.

6. Members shall attend all regularly scheduled board meetings. If a member is absent for three (3) successive meetings or a cumulative of three (3) meetings during any twelve (12) month period without notification or good cause, the Mayor may determine that the member has constructively resigned from office and proceed to appoint some other person to complete the unexpired term as provided herein.

7. The Mayor may remove any member on a written charge whenever the Mayor is of the opinion that the interests of the city demand removal. The Mayor shall report the reasons for removal to the city council at its next meeting held more than two (2) full business days following the removal. If the Mayor fails or refuses to report to the city council the reasons for the removal, or if the city council by a majority vote of all aldermen elected disapprove of the removal, the member thereupon shall be restored to the office. Upon restoration, the member shall take a new oath of office. No members shall be removed a second time for the same offense.

D. Qualifications:

1. Prior to taking office, every person appointed to the board shall meet the qualifications herein and complete the training set forth in subsection E in Sec.13-70. All applicants and members shall attest, and will be subject to a background check to verify, that they satisfy the qualifications for office.
2. Qualifications for office.
 - a. All members, at the time of their appointment and during their service, shall reside within the corporate boundaries of the City of Rockford.
 - b. No more member shall serve more than two full three-year terms.
 - c. No member shall be a current peace officer or have an immediate family member or household member employed as a peace officer. A former peace officer or immediate family member may serve if said officer resigned or retired in good standing and has not been employed as an officer for at least 10 years.
 - d. No member shall presently serve as an elected officer or employee of the City.
 - e. No person convicted of a criminal or misdemeanor charge of domestic or sexual violence, violation of a civil no contact order, stalking, or violation of an order of protection shall serve on the board.
 - f. No attorney actively engaged in criminal defense or prosecution or defense of litigation brought pursuant to 42 USC §1983 and involving governmental entities shall serve on the board.
 - g. No person convicted of a forcible felony shall serve on the board, unless said person has had no new criminal convictions for at least 10 years following the expiration of his/her mandatory supervised release. However, no person convicted

of first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement or any similar offense in any other jurisdiction shall serve on the board.

- h. No person convicted of a crime of dishonesty within the last ten (10) years shall serve on the board.
- i. No person who has failed to complete the training required in subsection E in Sec.13-70 serve on the board.
- j. No person who is ineligible by federal or state law or rule to have access to law enforcement data required for use by the board.

E. Training:

- 1. All persons appointed to the board shall, prior to taking office, complete a mandatory training curriculum consisting of the following:
 - a. An overview of the organization and operation of the department;
 - b. The Rockford Police Department Citizen Police Academy program. The department shall make accommodation to provide the program in an expedited manner to the board;
 - c. A “ride along” with a police officer in each district and each shift to acquaint the member with the geography of the city and the real-world application of departmental policies and training. RPD Police Ride-Along program;

- d. An overview of departmental policies and training regarding use of force, including authorized compliance and de-escalation techniques and the circumstances where their use is appropriate;
- e. An overview of the equipment and weapons carried by police officers and their purposes and methods of use, which may include practical training in the operation and use of firearms;
- f. An overview of laws governing the interaction between peace officers and members of the public;
- g. An overview of the department's Office of Professional Standards;
- h. Scenario-based observation or training with department staff;
- i. Force Science training;
- j. Cultural competency training;
- k. An overview of this ordinance and applicable ethics ordinances;
- l. Completion of the Open Meetings Act training required by law;

F. Duties:

- 1. The board shall have the following duties:
 - a. Receive citizen complaints as to allegations of misconduct by members of the department and refer the same to the department's Office of Professional Standards for investigation.
 - b. Monitor the processing of all citizen complaints through timely updates on case status and outcome from the Office of Professional Standards.

- c. Timely review of the completed internal investigation of all citizen complaints and use of force above a Force Level 4 as defined in the department's General Order 1.16.
- d. The purpose of the board's review is to determine whether the investigation was complete, thorough, objective, and fair and whether outcome was appropriate, based on the following criteria:
 - 1) Thoroughness of the investigation;
 - 2) The extent to which witnesses or persons known to have information, knowledge, or evidence pertaining to the allegation(s) or incident were contacted or interviewed;
 - 3) The extent to which appropriate interviews were conducted with a complainant, witnesses, involved officers or employees, and any other persons having knowledge relating to the incident;
 - 4) The process of seeking, collecting, and maintaining evidence pertaining to the investigation; and
 - 5) The appropriateness of any discipline;
- e. The board shall provide a written report summarizing its findings as to each investigation to the Office of Professional Standards and Chief.
- f. The board shall conduct deliberations as allowed by the Open Meetings Act, including convening into closed session where appropriate.
- g. In conducting its review, the board shall have access to and review:

- 1) Any documentary evidence in the possession of the department related to the incident, including incident reports, interview transcripts, and audio and video evidence;
- 2) All formal recommendations made to the Chief by department personnel or bodies including the Office of Professional Standards and the department's internal use of force review committee with respect to discipline imposed or training recommendations, if any.

G. Additional Duties:

1. The board shall have the following additional duties:
 - a. Review at least semi-annually data related to citizen complaints, use of force, and outcomes;
 - b. Provide at least annually a written report to the Mayor, Chief, and City Council as to as to the conduct of its affairs and recommendations for improving polices, practices, or training aimed at developing a stronger relationship between the department and the community;
 - c. To develop rules and procedures necessary to carry out the duties of the board.

Section 13-71 Administrative Support:

A. The Department of Law shall assign an employee of the Department to serve as clerk to the board. The clerk shall make a permanent record of all the acts and business of the board and keep the same in the clerk's custody and control. The Clerk shall keep the minutes of all proceedings. The Clerk shall maintain a copy of each report of the

board's findings following the review of investigations. Said report shall include reflect the vote of each member. Said report shall constitute a public record.

- B. The Chief and Legal Director shall provide such support to the board as it may require, including the designation of an official liaison from the Police Department and Department of Law to the board who shall attend its meetings. The liaison designated by the Legal Director shall draft the board's written findings, reports, and recommendations.
- C. The police department shall make available to the board all relevant materials and records as it may reasonably require in the performance of its duties. The police department or the Department of Law shall redact information regarding the identity of complainants, witnesses, and involved officers as well as any other information that could compromise a criminal investigation or that is protected from disclosure by law.
- D. The police department provide all trainings set forth in Sec.13-70(E).
- E. The public information officers in the Mayor's office and the police department shall provide such support as the board may require in performing its duties.
- F. The Information Technology Department shall provide such support as the board may require in performing its duties.

Section 13-72 Meetings:

- A. The board shall conduct its meetings in accordance with the Open Meetings Act, and the Collective Bargaining Agreement.
- B. Public speaking. Members of the public shall have the opportunity to address the board under the rules established and recorded by the city council applicable to its own meetings. The board may adopt additional rules requiring members of the public to

limit their remarks to subjects within the scope of the board's jurisdiction. The board shall not consider public comment to constitute any part of the record as to a civilian complaint upon which they may be called to review.

- C. The board shall establish a regular meeting calendar and shall meet at least quarterly.
- D. A majority of the members appointed to the board shall constitute a quorum. No meeting may occur, nor business conducted without the establishment and maintenance of a quorum. Quorum is at least 50% of all appointed members.

Section 13-73. Dissemination of Information

- A. The board shall direct any media requests regarding complainants or on-going investigations to the police department's public information officer or the city's director of communications and strategic initiatives. The public information officer and director of communications and strategic initiatives, in consultation with the legal director, will respond to public information requests as permitted by city and department policy and any applicable laws or regulations on behalf of the board.
- B. The city shall cause the creation of a page on the city's official website describing the board, its duties, membership, and the review process. The page shall also contain information as to who may file a complaint; when a complaint should be filed; how a complaint is to be filed; what the complainant can expect in connection with the processing of a complaint; and the manner and extent to which the complainant will be advised of the results of the investigation.
- C. Members shall refrain from making any comments outside of the board meetings regarding any complaint or investigation.

D. No member shall communicate nor otherwise divulge any non-public information obtained by virtue of membership on the board, including, but not limited to information disclosed in properly closed sessions of the board or in the materials reviewed by the board related to civilian complaints. A person who knowingly violates this provisions of this paragraph shall forfeit membership on the board.

E. Public Education. The board shall be responsible for addressing and educating members of the public about the board's mission, responsibilities, and operations. The board shall be responsible for working with the public information officers within the department and the director of communications and strategic initiatives to engage in programs and opportunities meant to educate the the public about the Police Department and the board.

Section 13-74. Active investigations by law enforcement or prosecutorial entities; litigation.

A. Upon written notice of the Chief or designee, Legal Director or designee, or of any law enforcement or prosecuting authority, the board shall suspend any action with respect to a civilian complaint whenever the action would compromise an ongoing criminal investigation, investigation into an officer-involved shooting, or pending criminal case.

B. Upon written notice of the Legal Director or designee, the board shall suspend any action with respect to a civilian complaint or review of a use of force incident when in the opinion of the legal director, the incident which gave rise to the complaint or use of force investigation has resulted in, or is reasonably likely to result in, litigation against the city, its officers, or employees.