



VILLAGE OF OAK PARK  
LAW DEPARTMENT

MEMORANDUM

To: Honorable Mayor Anan Abu-Taleb and Board of Trustees  
cc: Cara Pavlicek, Village Manager  
From: Rasheda Jackson, Assistant Village Attorney   
Kira Tchang, Assistant Village Manager/Human Resources Director  
Date: August 20, 2020  
Re: Citizens Police Oversight Committee Legal Review

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INTRODUCTION

This memorandum addresses whether the Citizen Police Oversight Committee ("CPOC") is performing within the parameters of its procedural rules and the applicable provisions of the Village Code per the request of the Village Board ("Board") at the Regular Meeting of June 22, 2020.

DISCUSSION

A. CPOC's Procedural Rules

The CPOC's Procedural Rules are contained in a 14-page document which provides the operating procedures for the intake, referral and processing of citizen and Department member complaints within the Oak Park Police Department ("Police Department"). More specifically, the topics covered by the Procedural Rules are:

- (I) Scope;
- (II) The Complaint Procedure;
- (III) Reporting of Information to the Citizens Police Oversight Committee;
- (IV) Additional Powers and Responsibilities of the Citizens Police Oversight Committee;
- (V) Processing Complaints of Systemic Problems;
- (VI) Information Reporting by the Citizens Police Oversight Committee to the Village Board;

- (VII) Disclosure of the Identity of Individual Citizen or Department Member Complainants or Village Staff;
- (VIII) Committee Members Required to Abide by Ordinance Creating Committee; and
- (IX) Collective Bargaining Agreement Takes Precedence Over Operation Procedures.

Of the nine topics set forth above, the CPOC has adhered to each of them except for the provision of a semi-annual information report to the Village Board. The CPOC's reporting to the Board was scheduled to begin in early 2020 but was halted due to COVID-19. It is anticipated based upon the most recent CPOC meeting held August 18, 2020 that its report will be submitted to the Board in September. Going forward, the Village Manager will work with the CPOC's staff liaison and the CPOC chair to schedule reporting to the Village Board in accordance with the Village Code.

The CPOC's Procedural Rules also provide for certain duties assigned to the Police Department, the Manager's Office and the Human Resources Department. The Police Department collects complaints, investigates those complaints, and provides discipline recommendations to the CPOC. The Police Department, the Village Manager's Office and the Human Resources Department have each complied with these duties under the CPOC's Procedural Rules.

#### **B. Oak Park Village Code — Citizens Police Oversight Committee**

The duties and responsibilities of the Citizens Police Oversight Committee are found in Chapter 2 ("Administration"), Article 30 ("Citizens Police Oversight Committee") of the Village Code. Section 2-30-2 of the Village Code provides as follows:

##### **2-30-2: DUTIES:**

The Citizens Police Oversight Committee shall be an advisory committee to the President and Board of Trustees and is hereby authorized as follows:

A. To receive and to then refer complaints from citizens in accordance with the procedures to be promulgated pursuant to section 2-30-3 of this article, and thereafter to monitor and evaluate the processing of all citizen complaints in regard to police misconduct, including, but not limited to, allegations of discriminatory conduct and/or treatment and the use of excessive force.

B. To monitor and evaluate Village efforts in the Police Department in regard to racial and cultural diversity in such areas as training, recruitment, promotions and interpersonal relations.

C. To meet with and provide written reports to the Village Board or such standing or ad hoc committee of the Village Board as the Village Board may designate, on a semiannual basis, concerning the Committee's activities and any information and analysis of such information which the Committee may have compiled as a result of its activities during the preceding six (6) months. In addition to the required semiannual meetings and reports, the Committee may report to the Village Board on special items of concern within its purview at any time or with any degree of frequency which the Committee deems appropriate or necessary.

The CPOC has adhered to the above except for its reporting requirement to the Board.

#### C. Improvements to the CPOC's Oversight Authority

Staff has developed certain recommendations based on staff's observation of the CPOC's current operation. First, the CPOC's complaint deliberations are currently held in closed session. These deliberations could be held in open session while maintaining the confidentiality of the parties, which would include complainants and officers, to increase transparency. An exception would be in those instances where a citizen complaint is before the CPOC and there is threatened or actual litigation against the Village. In such instances, it is recommended the Village Board act in place of the CPOC and the matter be considered in executive session of the Village Board. The Village Manager has advised that she will begin working with the staff liaison, Village Attorney and the CPOC chair to implement this transition to the CPOC's review in public session as soon as possible, but no later than January 1, 2021.

Second, when the Village Board receives the semi-annual report from the CPOC, that report should be part of the Village Board meeting materials and maintained as a public record on the Village's website. It is recommended the semi-annual report be comprehensive and include the CPOC's statistics regarding citizen complaints.

Finally, the Village Code provides that the CPOC monitors and evaluates "the processing of all citizen complaints." As a part of this evaluation, the CPOC is advised of the Police Chief's (or his designee's) final determinations in response to complaints (i.e., the internal investigations and findings and the resulting disciplinary action taken against an employee, if any). This timetable will change with the proposed shift to the CPOC's deliberations being conducted in open session. Specifically, the review of the internal investigations, findings, and discipline in open session are recommended to occur after disciplinary action is taken with an employee and procedural due process requirements have been met.

## **CONCLUSION**

The CPOC has complied with its internal Procedural Rules and the Village Code except for its reporting requirement to the Board which was deferred due to COVID-19. There are certain procedures that could be improved to ensure that the CPOC is fully utilized in the complaint oversight process.