



Indivisible IL9

Andersonville-Edgewater

Indivisible IL9 Organizing Statement

"We are Chicagoland residents and allies who are pursuing a more diverse, equitable and inclusive society by organizing in support for (or against) policies and candidates to achieve economic justice."

<http://bit.ly/AboutIL9>

CPAC VS GAPA 2020 INFORMATION DOC

Shortlink to this document: <https://bit.ly/CPACvsGAPA2020>

Follow on Facebook: [Chicago Alliance Against Racist and Political Repression](#)

CAARPR Social Media Toolkit: bit.ly/GoodMorningLori

Chicago Alliance Against Racist and Political Repression **CPAC** campaign info
(has list of endorsing organizations and background on campaign)

<https://www.caarpr.org/stop-police-crimes>

Civilian Police Accountability Council - Action

Updated list of Alderpersons and their positions on CPAC. Call to action: Contact Alderpersons to support CPAC <https://bit.ly/CallList-CPAC>

Civilian Police Accountability Council Ordinance

CPAC Ordinance with Highlights 3/20/20: <https://bit.ly/CPAC-Highlights>

CPAC Ordinance 10/16/19: <https://bit.ly/CPAC-2019>

CPAC Northside CPAC Summary 3/20/20: bit.ly/Northside-CPAC

Is CPAC Constitutional?

PDF Flyer here <https://bit.ly/CPAC-Legal>

IS CPAC CONSTITUTIONAL?

Can CPAC appoint the police superintendent under the Illinois Constitution?

YES.

There is no constitutional problem with the City Council giving CPAC or any other executive body the power to appoint or remove the head of another executive body created by the legislature.

Illinois law allows City Council to create city agencies with the power to appoint and remove the heads of other city agencies, so long as doing so would not fundamentally alter the balance of power between the executive and legislative branches of government. Nothing prevents the City Council from creating executive bodies—like CPAC—just like City Council created and empowered COPA¹ and the Police Board.²

The Illinois Constitution only prohibits City Council from delegating executive power to a legislative body.³ For example, City Council could not take a mayoral executive power and keep it for itself.

Historically, the power to select the Chicago police chief rested directly with the people, not the Mayor. Specifically, under the original City Charter adopted in 1837, the Chief of Police was elected by the people, not appointed by the Mayor.⁴ It was City Council that later passed an ordinance transferring this power to the Mayor.⁵ Similarly, City Council, not the Mayor, created COPA and the Police Board. Just as the City Council granted the Mayor the power to appoint the police superintendent, head of COPA and members of the Police Board, it also has the authority to give them to another executive body, as doing so would not fundamentally alter the balance of power between the legislative and executive branches of government.

There are many Illinois examples in which the leaders of local government agencies are not appointed by the chief executive:

- The Cook County Sheriff is elected by the people of Cook County, not appointed by the Cook County Board President.⁶
- The State Attorney General is elected by the people of Illinois, not appointed by the Governor of Illinois.⁷
- City and village Clerks are typically elected by the people of their municipality, not appointed by the Mayor. In addition, they retain the executive authority to appoint a Deputy Village Clerk.⁸
- Municipal board members that are not appointed directly by mayors can be appointed by other sources of executive authority, including Park Districts, School Districts, or other municipal bodies.⁹
- In many Illinois school districts, local school boards are elected by the people. The elected school board has the power to appoint the school superintendent or chief executive of the School District.¹⁰

Although various laws give mayors the power to appoint the heads of local executive agencies when the legislature does not otherwise give them to another body, the legislature retains the power to give those powers to other executives (or the people) as it sees fit. City Council can change the structure to allow for popular election or delegate this power to another executive so long as the form of government is not altered.

CONCLUSION

City Council retains full constitutional authority to pass an ordinance to create CPAC with the power to appoint the superintendent of police.

¹ Municipal Code of Chicago 2-78, Civilian Office of Police Accountability (COPA) <http://www.chicagocopa.org/wp-content/uploads/2016/07/COPA-Ordinance.pdf>

² Municipal Code of Chicago 2-84, Police Board, https://www.chicago.gov/content/dam/city/depts/cpb/supp_info/MCC.pdf

³ *Dunne v. Cook Cty.*, 483 N.E.2d 13, 15 (1985) (“[T]he transfer of the appointive power from the executive to the legislative branch effected without a referendum was unconstitutional.”)

⁴ Act of Incorporation for the City of Chicago, Sec. 13 (1837). <http://www.encyclopedia.chicagohistory.org/pages/11480.html>

⁵ Municipal Code of the City of Chicago, Sec. 2-84-040.

⁶ Ill. Const. art. VII, § 4

⁷ Ill. Const. art. V, § 1

⁸ Chicago Municipal Code Sec. 2-12; see, e.g., Gurnee Municipal Code 1977, Sec. 3.02(a); Gurnee Ord. No. 2006-13, Sec. 2-13-2006.

⁹ See, e.g., Schaumburg Am. Ord. 20-003, 1-14-2020, providing for various committees, including but not limited to a Road Improvement Impact Fee Advisory Committee and a Pilots Technical Advisory Committee. In some cases, members are elected from the bodies to which the board is related. See also Aurora Ord. Sec. 17-167, Ord. No. 092-77, 9-15-92, providing for a Foreign Fire Insurance Tax Administration Board; Champaign Ord. Division 13, Sec. 2-513, Code 1975, Sec. 2-230 providing for a Police Pension Board.

¹⁰ Two examples include the Monticello Central School District Code and the Homewood Flossmoor School District Code. https://boardpolicyonline.com/?b=monticello_central; <https://www.sd161.org/o/flossmoor-sd161/browse/62958>

City Council

Chicago City Council Public Comment Process: <https://bit.ly/PublicCommentChi>

Call (312) 744-6800 and leave a voice message with their name and telephone number. Requests to comment will be accepted from 12:01 AM the Monday before the scheduled meeting until 8:00 AM on the day before the scheduled meeting. Any individual wishing to participate must be available at 10:00 AM on the day of the meeting and have access to a touch-tone telephone.

City Council Calendar: <https://chicago.legistar.com/Calendar.aspx>

Indivisible IL9 CPAC Actions, Events, Meetings

Alderman Harry Osterman receives his first question from Megan Brand at the live 48th Ward Town Hall on Police Accountability on July 2, 2020. Residents are demanding for the Civilian Police Accountability Council Ordinance to be passed now.

<https://youtu.be/QZVD9jz7KLY>

Osterman Statement via newsletter email June 12: ***"I do not support the CPAC ordinance, and believe that the GAPA ordinance will provide the needed civilian oversight of CPD and the critical community voice to policing in Chicago."***

<https://mailchi.mp/48thward/blm-policeaccountability-june-12-2020?e=0eded461fb>

June 6 Facebook poll (CPAC vs. GAPA) shows strong support for [CPAC:https://bit.ly/poll-June6](https://bit.ly/poll-June6)

June 9: Alderman Matt Martin spoke at IL9 10am meeting. Afterwards, IL9 did a Phonebank and Rally at the 48th ward. Tweet June 9: <https://bit.ly/IL9-PhoneBank-CPAC>

Facebook Live June 9: <https://bit.ly/Live-IL9-June9>

Support CPAC on social media and add comments: <https://actionsprout.io/7B9AE3>

Questions for Alderman Martin (6/9/20 IL9 Meeting)

1. Does CPAC need to be passed by the Committee for Public Safety before going to the full City Council?
 - a. A: Short answer, yes.
2. Why is there such resistance to CPAC on the Committee for Public Safety?
3. If CPAC were to pass City Council, could the Police union challenge the law in court since CPAC would conflict with the 2017 police contract? How long would this take to resolve would CPAC prevail?
4. Is there any aspect of CPAC that conflicts with the Consent Decree?
5. The FOP police union has been operating without a contract since 2017. How can City Council and the general public apply pressure on FOP to drop stipulations that prevent investigation and disciplinary action against officers? Other police departments' contracts, e.g. LAPD, seem to have dispensed with FOP contract stipulations that hinder oversight and accountability.
6. As long as there is not a new contract in effect, can the City apply new conditions of accountability to new recruits entering the Police, or are the new recruits shielded by the same contract stipulations as veteran police?

Questions for Alderman Andre Vasquez (6/15/20 meeting)

1. Given that the ordinances are now sitting in the Public Safety Committee, what does Vasquez suggest our best course of action to be? What sort of timeline are we looking at?
2. Does he have a recommendation on any particular Alderpeople to concentrate on?
3. Do you know when the Public Safety Committee meets again; when the agenda will address CPAC and GAPA?
4. Is it useful for a number of us to sit in on the virtual City Council meeting Wednesday, 6/17 even if there is no set agenda that we know of? Can Alderpeople see how many are virtually attending? Even if we do not speak publicly in meeting, is it effective to submit written statements?
5. Talking points for taking the Mayor out of the equation vis a vis hiring/firing? Why the resistance to shifting control to the citizens directly?
6. Answer to Cappelman's office questions: a) council stacked by special interests groups; b) right level of engaged active citizen participation

Note: [Here are instructions](#) for participating in the City Council Meeting on June 17th, 2020

Questions for Alderman Harry Osterman (6/18/20 meeting)

1. What are your specific objections to CPAC? Why don't you trust a democratically elected, independent civilian oversight body to do a good job?
2. Under the GAPA framework, the Mayor would still have tremendous sway (perhaps final authority) over hiring/firing the Superintendent of Police, setting Police Policy. However, effective Civilian Police Oversight requires true Independence from the police **and** from existing political power structures. How would GAPA balance the fundamental conflict of interest a mayor has between overseeing the police and relying on the police to keep order?
3. What would you estimate support for CPAC is in your Ward? Who are the biggest supporters and who are the biggest opponents?

[Watch Indivisible IL9 Roundtable video here 6/18/2020](#)

Timeline

1972-1991 Jon Burge presides over decades of brutality and torture of mostly black suspects in order to obtain confessions

1973 Chicago Alliance Against Racist and Political Repression **CAARPR** formed

1974 Office of Professional Standards **OPS** - part of CPD, but handles complaints against police

2007 Richard Daley creates Independent Police Review **IPRA** to replace **OPS**

2012? **CAARPR** proposes **CPAC** Ordinance

2014 Laquan McDonald is killed while walking away from Jason van Dyke

2015 After 13 months, police dash cam is finally shared with the public, and Police Superintendent Garry McCarthy is fired by Rahm Emanuel

2015 Chicago Police Accountability Task Force **CPATF** created to review oversight and training of CPD officers

2016 State's Attorney Anita Alvarez loses election to Kim Foxx

2016 Civilian Office of Police Accountability **COPA** replaces **IPRA** as the civilian oversight agency of CPD

(2015-2018) Lori Lightfoot is President of Chicago Police Board and Chair of **CPATF**

2016 Aldermen Osterman and Sawyer propose **GAPA** Ordinance

2017 US DOJ releases results of civil rights investigation into McDonald's death and describes CPD as having a culture of "excessive violence," especially against minorities

2018 5 public hearings held to address **CPAC** and **GAPA**

1/31/19 Chicago Police Consent Decree signed

5/20/19 Mayor Lori Lightfoot and 12 new alderpersons assume office

GAPA

Grassroots Alliance for Police Accountability **GAPA**

GAPA Ordinance 6/12/19

https://mcusercontent.com/064a4eb35bd70aef6394f83eb/files/1ca0e29f-9313-4018-8e8d-c4b66e272a97/O2019_4132_2_.pdf

GAPA Summary

https://mcusercontent.com/064a4eb35bd70aef6394f83eb/files/b81f6350-6f62-4fe9-ac2d-7b5fa4c46f99/Fact_Sheet_2019_06_04_version_1.5_1_.pdf

GAPA website

<http://chicagogapa.org>

Consent Decree

Chicago Police Consent Decree

<http://chicagopoliceconsentdecree.org>

Articles

WBEZ: One consistent roadblock to overhauling the Chicago Police Department has been the city's police union — [the largest bargaining unit](#) of city employees on the City Hall payroll. The Fraternal Order of Police Lodge 7, known as the FOP, represents all rank-and-file Chicago police officers — about 12,000 members — and negotiating the union's contract with the city is one of the most expensive balancing acts an administration and the City Council can undertake. That [contract expired in 2017](#).

Public Safety Chairman Chris Taliaferro, the 29th Ward alderman and a former police sergeant decides what gets brought up for a vote on his committee. He doesn't have any immediate plans to hold a hearing on either CPAC or GAPA until aldermen can get a better understanding of how far the city is behind in meeting federal benchmarks outlined in the court agreement. Taliaferro said his first order of business is to hold a hearing on the city's lack of progress on the consent decree.

<https://www.wbez.org/stories/after-decades-of-police-corruption-can-chicago-finally-reform-its-force/c3cbe83f-3291-4be1-b977-8c70d431b921>

Southside Weekly 12/1/15

<https://southsideweekly.com/a-plan-for-reform/>

Better Government Association 4/16/18

<https://www.bettergov.org/news/how-to-get-to-compromise-from-chaos-in-police-accountability/>

Reader 6/6/18: "Debate Over Civilian Oversight"

<https://www.chicagoreader.com/Bleader/archives/2018/06/06/in-debate-over-civilian-oversight-of-chicago-police-grassroots-proposals-win-the-day>

WTTW 5/14/19: "Chicago Alderman Renews Push for Elected Police Oversight Council"

<https://news.wttw.com/2019/05/14/chicago-alderman-renews-push-elected-police-oversight-council>

The Intercept 5/29/19: “Chicago’s Police Accountability Office Fails a Major Test”

<https://theintercept.com/2019/05/29/chicago-police-civilian-oversight-police-shooting-ric-ky-hayes/>

The Progressive 7/22/19: “Chicago’s Battle Over Police Accountability”

<https://progressive.org/dispatches/chicagos-battle-over-police-accountability-albano-190722/>

Austin Weekly 1/30/20

<https://www.austinweeklynews.com/News/Articles/1-30-2020/Policing-experts-sound-off-on-civilian-oversight-/>

Block Club Chicago 6/18/20

<https://blockclubchicago.org/2020/06/18/whats-cpac-heres-what-you-need-to-know-about-a-local-push-for-civilian-oversight-of-police/>

Video

Virtual Committee on Public Safety 6/3/20

<https://vimeo.com/425548742>

Matt Martin on CPAC 6/4/20 (around 15:00)

https://www.facebook.com/watch/live/?v=778147045922727&ref=watch_permalink

Legal Experts that advocate and litigate for Police Reform:

Craig Futterman, Clinical Professor of Law, University of Chicago Law School, and founder of the Civil Rights and Police Accountability Project at the Mandel Legal Aid Clinic.

<https://www.law.uchicago.edu/faculty/futterman>

Sheila Bedi - Bedi litigates civil-rights claims on behalf of people who have endured police violence and abusive prison conditions. She also represents grassroots community groups seeking to end

mass imprisonment and to redress abusive policing.

<https://www.law.northwestern.edu/faculty/profiles/SheilaBedi/>

Bedi and Futterman wrote this article on Police Reform in Chicago and they support CPAC:

<https://chicago.suntimes.com/2020/3/9/21172211/communities-need-control-over-police-if-justice-is-to-prevail>

McArthur Justice Center attorney **Alexa Van Brunt**: She has served as lead counsel on class action suits addressing discrimination and excessive force by the police, the violation of prisoners' rights in correctional facilities, wrongful conviction damages actions, and the elimination of cash bond in the criminal courts.

<https://www.law.northwestern.edu/faculty/profiles/AlexaVanBrunt/>

Karen Sheley - ACLU of Illinois: Karen represents the ACLU and its clients in litigation and policy work addressing police accountability and national security, as well as the First Amendment, Fourth Amendment and discrimination claims. Karen is enforcing the ACLU's agreement with the City of Chicago and Chicago Police Department regarding the police practice of stop and frisk.

<https://www.aclu-il.org/en/karen-sheley>

Arewa Karen Winters of Justice for Families.

There's a great video of Karen Sheley, Lori Lightfoot and Arewa Karen Winters here:

<https://news.wttw.com/2018/03/26/city-drops-fight-against-activists-involvement-consent-decree-negotiations>

ELECTED COMMUNITY CONTROL POWERS:

CIVILIAN POLICE ACCOUNTABILITY COUNCIL (CPAC) BILL VERSUS THE MAYOR'S PROPOSED BILL



PROPOSED POWERS & CONDITIONS

	CPAC Elected Council	Mayor's Bill GAPA Community Commission
Directly elected by the people	✓	✗ Appointed by the Mayor
Hire and fire the police superintendent	✓	✗ Appointed by the Mayor
Hire and fire the head of the Civilian Office of Police Accountability (COPA) - the agency that undertakes investigations of civilian complaints and police shootings	✓	✗ Appointed by the Mayor
Hire and fire the members of the police board	✓	✗ Appointed by the Mayor
Oversee COPA investigations	✓	✗
Final authority over CPD policy	✓	✗
Final authority over COPA policy	✓	✗
Final authority over Police Board policy	✓	✗
Subpoena power	✓	✗
Guaranteed fixed percentage of the CPD budget	✓	✗
Empower COPA to investigate sexual abuse by members of the CPD	✓	✗ Left to CPD Bureau of Internal Affairs
Excludes former CPD members from serving on the Community Council	✓	✗

✓ = YES

✗ = NO