



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-091
DATE OF PASSAGE November 24, 2020

An Ordinance creating 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, on October 13, 2020, the City Council adopted Resolution R20-232, which declared it to be the policy of the City that a review board consisting of civilians be established by ordinance and tasked with the review of specific policies and practices of the police department and of the discipline of its members in certain situations;

WHEREAS, R20-232 directed the corporation counsel to commence the preparation of an ordinance consistent with the purpose and provisions of R20-000 and to present the same to the City Council for deliberation thereupon without delay; and

WHEREAS, Exhibit A of this Ordinance fully conforms to the purpose and provisions of R20-232 in all material respects;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that the provisions set forth in Exhibit A of this Ordinance shall be and hereby are adopted; and further

BE IT ORDAINED, that the powers and duties vested in the Civilian Review Board by this Ordinance shall become effective upon the appointment and qualification of at least five (5) board members; and further

BE IT ORDAINED, that the Mayor shall make all reasonable efforts to appoint such persons as he deems qualified to serve on the Civilian Review Board for the advice and consent of the City Council as soon as practicable.

ORDINANCE NO. 020-091

PASSED AND APPROVED ON November 24, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Chapter 2 - ADMINISTRATION

2 ARTICLE V. - BOARDS AND COMMISSIONS

3 DIVISION 12. - CIVILIAN REVIEW BOARD

4 Sec. 2-820. - General provisions.

5 (a) Creation and Purpose. A civilian review board is hereby
6 created to:

7 (1) Review, evaluate, and make recommendations concerning
8 the police department's activities and efforts in promoting
9 and achieving equity with respect to racial, gender, and
10 cultural diversity in officer recruitment and training;

11 (2) Review, evaluate and make recommendations concerning
12 the department's overall relationship with the public;

13 (3) Add an outside perspective to the evaluation of
14 civilian complaints;

15 (4) Review and evaluate the administration and
16 consistency in the imposition of discipline within the
17 department with respect to civilian complaints;

18 (5) Provide a timely, fair, and objective review of
19 civilian complaints, the manner which they are investigated
20 and a recommendation to the chief as to proposed discipline
21 prior to imposition; and

22 (6) Provide a systematic means to achieve continuous
23 improvement in the interactions between the public and police.

1 (b) Definitions. As used in this division, the following terms
2 are defined as follows:

3 (1) "Board" means the civilian review board created under
4 this section;

5 (2) "Chief" means the chief of police;

6 (3) "Civilian complaint" shall mean a formal complaint
7 submitted to any officer or employee of the city by a member
8 of the public regarding any member of the department or any
9 complaint received by the board in accordance with sec. 2-
10 822(a);

11 (4) "Crime of dishonesty" means any offense defined as a
12 felony by federal or state law or an offense that involves
13 dishonesty or false statements. As used in this article, a
14 crime of dishonesty does not include the mere possession of
15 cannabis or a controlled substance or related paraphernalia,
16 or the unlawful purchase or possession of alcohol or tobacco
17 by a person under the age of 21.

18 (5) "Department" means the police department;

19 (6) "Disciplinary Act" means the Uniform Peace Officers'
20 Disciplinary Act, 50 ILCS 725/1 *et. seq.*

21 (7) "Ethics ordinance" means chapter 15 of this code;

22 (8) "Forcible felony" means an offense defined by section
23 2-8 of the Criminal Code of 2012, 720 ILCS 5/2-8, and includes

1 any felony offense which involves the use or threat of physical
2 force or violence against any individual;

3 (9) "Formal complaint" means a verified complaint that
4 complies with the requirements of section 3.9(b) of the
5 Disciplinary Act;

6 (10) "Formal investigation" shall have the same meaning
7 as defined by the Disciplinary Act;

8 (11) "Informal inquiry" shall have the same meaning as
9 defined by the Disciplinary Act;"

10 (12) Open Meetings Act" means the Open Meetings Act, 5
11 ILCS 120/ *et. seq.*

12 Sec. 2-821. - General duties.

13 (a) In conjunction with city staff, to compile statistics
14 concerning department interactions with the public;

15 (b) To provide periodic written reports and recommendations
16 to the city council, the department, and the public regarding
17 matters within the board's scope of authority;

18 (c) To provide written recommendations to the department as
19 to changes in policies, practices, and procedures aimed at
20 developing a stronger relationship between the department and the
21 public;

22 (d) To provide written recommendations as to methods of
23 recruiting underrepresented persons to become members of the
24 department;

1 (e) To conduct its duties in accordance with all provisions
2 of applicable law and ordinance, including but not limited to the
3 Open Meetings Act, and the ethics ordinance; and

4 (f) To develop rules and procedures necessary to carry the
5 forgoing duties into execution. Upon approval, the board secretary
6 shall forward a copy of the board's rules and procedures to the
7 mayor who shall then refer them to the city council, or any
8 committee thereof, for presentation as an informational item.

9 Sec. 2-822. - Duties with respect to complaints.

10 The board shall:

11 (a) Receive complaints from members of the public as to
12 allegations of misconduct by members of the department and shall
13 refer the same to the department for review;

14 (b) Receive information as to disposition of civilian
15 complaints that did not result in the commencement of a formal
16 investigation received by the board;

17 (c) Review the written findings and recommendations of formal
18 investigations arising from civilian complaints for the purpose of
19 determining whether the investigation was complete, thorough,
20 objective, and fair, based on the following factors:

21 (1) The thoroughness with which each allegation has been
22 investigated;

1 (2) The extent to which witnesses or persons known to
2 have information, knowledge, or evidence pertaining to the
3 allegation(s) were contacted or interviewed;

4 (3) The extent to which appropriate interviews were
5 conducted with the complainant, witnesses, involved officers
6 or employees, and any other persons having knowledge relating
7 to the allegations;

8 (4) The process of seeking, collecting, and maintaining
9 evidence pertaining to the investigation; and

10 (5) The appropriateness of any recommended sanctions;

11 (d) Prior the imposition of any discipline resulting from a
12 formal investigation of a civilian complaint, prepare a written
13 report to the chief as to the board's findings and recommendations
14 as to discipline;

15 (e) Receive a timely report from the chief as to the ultimate
16 disposition of the formal investigation, including the discipline
17 imposed and whether the disciplined member of the department has
18 sought review of the decision as may be provided in a collective
19 bargaining agreement.

20 (f) Conduct its deliberations in closed session as allowed by
21 the Open Meetings Act.

22 (g) In the exercise of its duties under this section:

23 (1) Review the written report of the department's
24 informal inquiry or formal investigation of the civilian

1 complaint;

2 (2) Review any documentary evidence in the possession of
3 the department of the incident that is the subject matter of
4 the civilian complaint, including but not limited to incident
5 reports, interview transcripts, and audio and video evidence;
6 and

7 (3) Review all formal recommendations made to the chief
8 by department personnel or bodies with respect to discipline
9 to be imposed as a result of a civilian complaint prior to the
10 making of its recommendation.

11 Sec. 2-823. - Composition.

12 (a) The board shall consist of nine (9) members appointed by
13 the mayor with the advice and consent of the city council.

14 (b) At its first meeting following the commencement of the
15 terms of board members in July, the board shall elect from its
16 membership a chairperson and such other officers as it deems
17 necessary who shall serve a term of one (1) year. The chairperson
18 shall preside at all meetings of the boards.

19 (c) In making appointments under this section, the mayor shall
20 give due consideration to candidates who reflect the diversity of
21 the community, whether through their race, ethnicity, age, gender,
22 sex, education, socio-economic status, professional experience, or
23 other relevant traits.

24 (d) In making appointments under this section, the mayor shall

1 make reasonable efforts to ensure an appropriate geographic
2 representation of the entire city. At least two (2), but no more
3 than four (4) members of the board shall be appointed from each of
4 the following areas:

5 (1) That portion of the city located in Kane County west
6 of the Fox River;

7 (2) That portion of the city located in Kane County east
8 of the Fox River or in Kendall County; and

9 (3) That portion of the city located in DuPage County or
10 in Will County.

11 (e) Term of office.

12 (1) The mayor shall appoint each member of the board to
13 a term of three (3) years to commence on July 1 and until a
14 successor has been appointed and qualified as provided under
15 this article.

16 (2) In the event of the death, resignation, removal, or
17 incapacity of any member of the board, or if a vacancy occurs
18 for any reason, the mayor shall with the advice and consent
19 of the city council appoint a successor to complete the
20 unexpired term.

21 (3) Members shall attend all regularly scheduled board
22 meetings. If a member is absent for three (3) successive
23 meetings or a cumulative of three (3) meetings during any
24 twelve (12) month period without notification or good cause,

1 the mayor may determine that the members has constructively
2 resigned from office and proceed to appoint some other person
3 to complete the unexpired term as provided in paragraph (b)
4 of this section.

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

16 (g) Notwithstanding the provisions of paragraph (a) of this
17 section, in 2021 the mayor shall appoint three (3) members for a
18 term expiring on June 30, 2022, three (3) members for a term
19 expiring on June 30, 2023, and three (3) members for a term
20 expiring on June 30, 2024. The successors of each member appointed
21 under this paragraph shall serve terms in accordance with paragraph
22 (a) of this section.

23 Sec. 2-824. - Qualifications and Training.

24 (a) Prior to taking office, every person appointed to the

1 board shall meet the qualifications and complete the training
2 herein required. All applicants and members shall attest, and will
3 be subject to a background check to verify, that they satisfy the
4 qualifications for office.

5 (b) Qualifications for office.

6 (1) All members of the board, at the time of their
7 appointment and during their service, shall be qualified
8 electors of the city;

9 (2) No person shall serve more than two full terms as a
10 member of the board;

11 (3) No person presently serving as an elected officer or
12 employee of the city shall serve on the board;

13 (4) No person presently employed as a peace officer shall
14 serve on the board;

15 (5) No attorney actively engaged in the practice of
16 criminal law or in the prosecution or defense of litigation
17 brought pursuant to 42 USC 1983 and involving governmental
18 entities shall serve on the board;

19 (6) No person convicted of a forcible felony shall serve
20 on the board;

21 (7) No person convicted of a crime of dishonesty shall
22 serve on the board within the last ten (10) years shall serve
23 on the board;

24 (8) No person who has failed to complete the training

1 required by paragraph (c) of this section shall serve on the
2 board;

3 (9) No person who is ineligible by federal or state law
4 or rule to have access to law enforcement data required for
5 use by the board shall serve on the board.

6 (c) Required training.

7 (1) All persons appointed to the board shall, prior to
8 taking office, complete a training curriculum consisting of
9 the following:

10 (A) An overview of the organization and operation of
11 the department;

12 (B) A "ride-along" with a police officer to acquaint
13 the member with the geography of the city and the
14 real-world application of departmental policies;

15 (C) An overview of departmental policies regarding the
16 use of force by police officers, including
17 authorized compliance and de-escalation techniques
18 and the circumstances where their use is
19 appropriate;

20 (D) An overview of the equipment and weapons carried
21 police officers and their purpose and methods of
22 use, which may include practical training in the
23 operation and use of firearms;

24 (E) An overview of laws governing the interaction

1 between peace officers and members of the public;

2 (F) An overview of this ordinance and the ethics
3 ordinance; and

4 (G) Completion of the Open Meetings Act training
5 required by law.

6 (2) The board shall adopt rules requiring continuing
7 training for its members at such intervals it deems
8 appropriate.

9 (d) Upon appointment and qualification, which shall include
10 the completion of the training set forth in paragraph (c) (1) above,
11 the appointee shall take the oath of office required by the
12 constitution of the state and commence his or her membership on
13 the board.

14 Sec. 2-825. - Board secretary; records.

15 (a) The mayor shall assign an employee of the city who is not
16 a member of the department to serve as secretary to the board.

17 (b) The secretary shall make a permanent record of all the
18 acts and doings of the board and keep the same in the secretary's
19 custody and control.

20 (c) The secretary shall keep the minutes of all proceedings
21 of the board which shall reflect the vote of each member upon each
22 question, or if absent or failing to vote, indicating such fact.
23 The secretary shall in a similar fashion maintain records of board
24 meetings and other official actions. A copy of every recommendation

1 or determination of the board shall be maintained by the secretary
2 and shall constitute a public record on the same terms of any other
3 record created pursuant to a formal investigation.

4 Sec. 2-826. - Additional administrative support.

5 (a) The chief and the corporation counsel shall provide such
6 support to the board as it may require, including the designation
7 of an official liaison to the board who shall attend its meetings
8 whenever the board is conducting a review of a civilian complaint
9 and at other times when the circumstances so require. The liaison
10 designated by the corporation counsel shall draft the board's
11 written findings and recommendations at the conclusion of its
12 review of the disposition of a civilian complaint.

13 (b) The department shall make available to the board all
14 materials and records as it may reasonably require in the
15 performance of its duties. The department shall redact information
16 regarding the identity of complainants, witnesses, and involved
17 officers as well as any other information that could compromise a
18 criminal investigation.

19 (c) The public information officers in the mayor's office and
20 the department shall provide such support as the board may require
21 in performing its duties under this article.

22 (d) The information technology division shall provide such
23 support as the board may require in performing its duties under
24 this article.

1 (e) The city council shall appropriate funds sufficient to
2 provide the administrative support contemplated by this section
3 and sec. 2-825 as well as for the board to perform the duties set
4 forth in this article.

5 Sec. 2-827. - Meetings.

6 (a) Regular meetings. The board shall conduct its regular
7 meetings in accordance with the Open Meetings Act.

8 (b) Special meetings. The chairperson, or such other person
9 or persons authorized by the rules of the board, may call a special
10 meeting of the board to be held at the date, time, and location
11 specified in the call in the manner required by the Open Meetings
12 Act.

13 (c) Applicability of the Open Meetings Act. The provisions of
14 the Open Meetings Act shall apply to every meeting conducted and
15 notice of every meeting issued by the board.

16 (1) For the purposes of Sec. 2.06(g) of the Open Meetings
17 Act, members of the public shall have the opportunity to
18 address the board under the rules established and recorded by
19 the city council applicable to its own meetings, as if said
20 rules were established by the board itself. The board may, but
21 is not required to, adopt and record rules requiring members
22 of the public to limit their remarks to subjects within the
23 scope of the board's jurisdiction, which shall broadly include
24 matters involving the department. The board shall not consider

1 public comment to constitute any part of the record as to a
2 civilian complaint upon which they may be called to review.

3 (2) For the purposes of Sec. 7(c) of the Open Meeting Act,
4 the remote attendance rules applicable to the city council and
5 its committees as set forth in section 2-80 of this code shall
6 be construed as to apply to the board as if adopted by the
7 board itself.

8 (d) Quorum. A majority of the members appointed to the board
9 shall constitute quorum for any of its meetings. No meeting may
10 occur, nor business conducted without the establishment and
11 maintenance of quorum.

12 Sec. 2-828. - Dissemination of information.

13 (a) Public Information.

14 (1) General information. The board, in consultation with
15 the public information officers of the mayor's office and the
16 department and the information technology division, shall
17 cause the creation of a page on the city's official website
18 describing the board, its duties, membership, and the
19 complaint review process. The page shall also provide the
20 following information:

21 (A) Who may file a complaint;

22 (B) When a complaint should be filed;

23 (C) How a complaint is to be filed;

1 (D) What the complainant can expect in connection with
2 the processing of a complaint; and

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

6 (2) Requests for information by the media or the public
7 regarding complaints or investigations. The board shall
8 direct any media requests regarding complainants or on-going
9 investigations to the department's public information officer.
10 The department's public information officer, in consultation
11 with the corporation counsel, will respond to public
12 information requests as permitted by city and department
13 policy and any applicable laws or regulations on behalf of the
14 board.

15 (3) Public education. The board will be responsible for
16 addressing and educating members of the public about the
17 board's mission, responsibilities, and operations, including
18 how a person can file a complaint against a member of the
19 department. In addition, the board shall have the
20 responsibility to work with the public information officer
21 from the department and the public information officers from
22 the mayor's office to engage in programs and opportunities to
23 engage the public about the police department and the board.

24 (b) Non-public information.

1 (1) Members shall refrain from making any comments
2 outside of the board meetings regarding any complaint or
3 investigation.

4 (2) No member shall communicate nor otherwise divulge any
5 non-public information obtained by virtue of membership on the
6 board, including, but not limited to information disclosed in
7 properly closed sessions of the board or in the materials
8 reviewed by the board related to civilian complaints. A person
9 who knowingly violates the provisions of this paragraph is,
10 in addition to any other penalties provided by law, guilty of
11 a misdemeanor I offense and, shall, in addition to the
12 imposition of any fine, shall forfeit membership on the board.

13 Sec. 2-829. - Active investigations by law enforcement or
14 prosecutorial entities; litigation.

15 (a) Upon the written request of the chief, the corporation
16 counsel, or of any law enforcement or prosecuting authority, the
17 board shall suspend any action with respect to a civilian complaint
18 whenever the action could compromise an ongoing criminal
19 investigation or an investigation into an officer-involved
20 shooting.

21 (b) Upon the written request of the corporation counsel, the
22 board shall suspend any action with respect to a civilian complaint,
23 when in the opinion of the corporation counsel, the incident which
24 gave rise to the complaint has resulted in, or is reasonably likely

1 to result in, litigation against the city, its officers, or
2 employees.