

DRAFT OF POSSIBLE AMENDMENTS TO OIM ORDINANCE

November 20, 2014

To address issues of concern to the OIM and COB, the Monitor ordinance could be modified to read as follows:

Section 2-388, Internal Investigations:

- (a) The police, sheriff, and fire departments shall ~~establish by departmental policies that they will~~ cooperate with the monitor's office in actively monitoring and participating in internal investigations, including being present to actively monitor interviews of witnesses and persons under investigation. ~~Those policies shall provide for, among other things, completed access to interviews of witnesses including uniformed personnel, IAB files, personnel files, and other evidentiary items but not including documents protected by the attorney-client privilege and the attorney work product privilege. The departments shall establish departmental policies regarding that cooperation.~~ Those policies shall ~~also~~ provide for the ability of the monitor to make recommendations regarding ~~these~~ investigations and for reasonable time frames to complete the steps in the internal investigatory process.
- (b) – (e) [same as currently written].

Section 2-389, Role of the monitor's office in the disciplinary process:

The police, sheriff, and fire departments shall ~~establish by departmental policies that they will~~ cooperate with the monitor's office in actively monitoring and participating in disciplinary proceedings. The departments shall establish departmental policies regarding that cooperation. ~~Those policies shall provide for, among other things, complete access to the proceedings of departmental boards involved in the disciplinary process and all materials to which those boards have access. In addition, those policies shall guarantee the participation of citizens on those boards.~~ Those policies shall ~~also~~ provide for, among other things, the ability of the monitor's office to attend disciplinary proceedings, ~~to review disciplinary documents,~~ and, throughout the disciplinary process, to make recommendations regarding determinations as to whether department rules or policies have been violated and the appropriateness of the disciplinary sanctions, if any. In addition,

those policies shall guarantee the participation of citizens on disciplinary boards. Furthermore, the policies shall provide for reasonable time frames to complete the steps in the disciplinary process.

New section 2-390, Monitor access to records and other items:

The Department of Safety, police department, sheriff department, and fire department and all employees of those departments shall fully cooperate with the monitor's office by providing the monitor's office, within a reasonable amount of time, complete access to police department, sheriff department, and fire department records, information, documents, files, reports, evidence, databases, and all other items, whether in paper, electronic, or other form, that the monitor's office requests in order to perform its duties set forth in the provisions of this Article XVIII but not including documents protected by the attorney-client privilege or the attorney work product privilege or any document that must not be disclosed to the monitor's office pursuant to federal, state, or local law or federal or state regulation.

If, in response to a request from the monitor's office, records and/or information cannot be produced at all or produced within a reasonable amount of time, a written explanation, sufficiently detailed for an understanding of why the records and/or documents cannot be produced, shall be promptly provided. The monitor's office shall not be required to pay the department of safety, police department, sheriff department, or fire department for copies of the materials set forth in this section 2-390 including copies of documents previously supplied by the departments, provided that OIM may not use those departments as a printing service to make multiple copies of individual documents.