
No. 132241

In the
Supreme Court of Illinois

CHICAGO JOHN DINEEN LODGE # 7,

Appellant,

v.

CITY OF CHICAGO, DEPARTMENT OF POLICE, BRANDON JOHNSON, in
his Official Capacity as Mayor, LARRY SNELLING, in his Official Capacity
as Superintendent of the Chicago Police Department,
and THE CHICAGO CITY COUNCIL,

Appellees.

On Appeal from the Appellate Court of Illinois,
First Judicial District, No. 1-24-0875
There Heard on Appeal from the Circuit Court of Cook County, Illinois,
County Department, Chancery Division, No. 2024 CH 00093
The Honorable **Michael T. Mullen**, Judge Presiding.

**BRIEF AMICUS CURIAE OF THE COALITION OF FRONTLINE
POLICE OFFICERS IN SUPPORT OF APPELLANT**

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I. INTEREST OF AMICI

The Coalition of Frontline Police Officers (hereinafter “Coalition” or “*Amici*”) is made up of the Police Benevolent Labor Committee (hereinafter “PBLC”), Police Benevolent and Protective Association of Illinois (hereinafter “PBPA”), Metropolitan Alliance of Police (hereinafter “MAP”), and Association of Professional Police Officers (hereinafter “APPO”).

The Coalition represents more than 12,000 active and retired police officers, deputy sheriffs, correctional officers, telecommunicators, community service officers, and other public employees. *Amici* have represented Illinois’ police officers and deputies for more than 90 years.

The Coalition, its member organizations, and the members they represent, all support effective accountability for members of their profession. said accountability must be met out with procedural justice and due process. Our organizations represent working police officers, not political appointees. We represent the lowest paid and least powerful members of the policing profession. Like all Illinois workers, our State Constitution guarantees police officers the “fundamental right” to collectively bargain. *Amici* have a vested interest in preserving our members’ collective bargaining rights. *Amici* also have a unique voice and perspective regarding this historic and pivotal labor relations case.

This case will most directly impact the PBPA/PBLC members employed by the Chicago Police Department. The arbitration award in question before

this Court involves the manner by which discipline imposed upon Chicago's patrol officers will be reviewed. PBPA/PBLC represents the sergeants, lieutenants, and captains employed by the Chicago Police Department in all collective bargaining matters, including discipline. On behalf of those collective bargaining units, PBLC is currently engaged in interest arbitration with the City of Chicago over a successor collective bargaining agreement. One of the issues pending in said interest arbitration involves whether disciplinary suspensions of more than 365 days and termination should be resolved via private grievance arbitration. This is the exact same issue presented to the dispute resolution board in the interest arbitration underlying the case pending before this Court. Thus, beyond the across-the-board effect this Court's opinion will have on Illinois' unionized public employees, the resolution of this case will directly control the outcome of part of the ongoing interest arbitration between PBPA/PBLC and the City of Chicago.

Across Illinois, the majority of unionized police agencies have disciplinary matters resolved via traditional non-public labor arbitration. *Amici* also represent a majority of unionized full-time municipal and county law enforcement officers outside of the City of Chicago. All of *Amici's* members have a direct interest in ensuring that law enforcement employees are treated in the same manner as other unionized public employees across Illinois.

Amici are uniquely able to share their knowledge, experience, and training regarding the real-world complexities and challenges associated with

representing Illinois' professional police officers in disciplinary proceedings. *Amici* provide probative and authoritative insight to assist this Court in making its decision. This brief is intended to focus on the significant impact this case will have on Illinois' professional police officers, their families, their unions, and organized labor as a whole.

II. STATEMENT OF FACTS

Amici file this brief in support of Plaintiff-Appellant, Chicago John Dineen Lodge #7 ("Plaintiff"). *Amici* adopt Plaintiff's statement of facts and incorporates them by reference as if fully stated herein.

III. ARGUMENT

This Court should reverse the appellate and circuit courts' decisions and confirm the interest arbitration award issued by the dispute resolution board because those decisions ignored the plain language of the Illinois Public Labor Relations Act and the Open Meetings Act. Even more telling, the appellate court held, "there is no specific public policy that requires all police misconduct hearings to be open to the public..." *Chicago John Dineen Lodge #7 v. City of Chicago*, 2025 IL App (1st) 240875, ¶82. This holding alone should have resolved this case in favor of Plaintiff.

"At the outset, it should be noted that a court's review of an arbitrator's award is extremely limited." *AFSCME v. St. of Ill. Dept. of Mental Health*, 124 Ill.2d 246, 254 (1988). "Moreover, a court must construe an award, if possible, as valid." *Id.* "The exception is a narrow one and is invoked only when a

contravention of public policy is clearly shown.” *AFSCME v. Ill. Dept. of Cent. Mgt. Svcs*, 173 Ill.2d 299, 307 (1996). The award of an interest arbitrator should only be overturned on grounds of public policy if the policy is “well-defined and dominant’ and ascertainable ‘by reference to the law and legal precedents and not from generalized considerations of supposed public interests.” *Id.* (citing *W.R. Grace & Co. v. Local Union No. 759*, 461 U.S. 757, 766 (1983)). “The public policy of a State or nation must be determined by its constitution, laws and judicial decisions,— not by the varying opinions of laymen, lawyers or judges as to the demands of the interests of the public.” *AFSCME v. St. of Ill. Dept. of Mental Health*, 124 Ill.2d at 269. “Illinois public policy is shaped by our statutes, through which the General Assembly speaks.” *St. of Ill. v. AFSCME*, 2016 IL 118422, ¶43 (2016). As the appellate court below noted, there is no “well-defined and dominant” public policy requiring all discipline disputes to be resolved in public. *Chicago John Dineen Lodge #7*, 2025 IL App (1st) 240875, ¶82.

This Court should reverse the appellate and trial court decisions and reinstate the interest arbitration award issued by the dispute resolution board because: 1) Illinois law expressly permits all police officer discipline disputes to be held in a non-public hearing; 2) absent an express agreement to the contrary, Illinois public policy demands discipline disputes to be resolved in private grievance arbitration; 3) Illinois has a long history of resolving police disciplinary disputes via binding grievance arbitration ; 4) Illinois has a policy

of uniformly applying arbitration standards; and 5) “public policy” must be a “well-defined and dominant” policy of the State, not a local preference, policy, or tradition.

A. ILLINOIS LAW EXPRESSLY PERMITS ALL POLICE OFFICER DISCIPLINE DISPUTES TO BE HELD IN PRIVATE.

This Court should confirm the dispute resolution board’s interest arbitration award because there is no “well-defined and dominant” statewide public policy mandating questions of whether police employees accused of violating work rules be resolved in a public forum. In Illinois, by tradition and black-letter law, police disciplinary matters are permitted to be resolved in non-public hearings.

Plaintiff provides substantial reasons why there is no “well established and dominant public policy.” *Amici* wholly support Plaintiff’s arguments regarding the lack of a “well-defined and dominant” public policy requiring public hearings of police disciplinary matters. In addition to the convincing analysis provided by Plaintiff, the Illinois Open Meetings Act and the Rules of the Chicago Police Board expressly permit disciplinary matters to be considered in closed session.

1. The Illinois Open Meetings Act expressly permits police discipline to be held in closed session.

Illinois has sibling statutory schemes governing the transparency of local governmental entities, including the City of Chicago and its appointed Police Board. The Freedom of Information Act (“FOIA”) and Open Meetings

Act (“OMA”) both aim to define local governmental entities’ obligations to the public to transact business with transparency. FOIA defines what governmental documents must be shared with the public, and which documents are exempt from disclosure. 5 ILCS 140/1 *et. seq.* The OMA defines what governmental actions must occur in public and the manner by which public business shall be conducted; conversely, OMA defines government activity permitted to be conducted outside of public and media view. 5 ILCS 120/1 *et. seq.* All public employee (including police officers) disciplinary matters are exempt from the OMA.

The City relied heavily on FOIA to divine a “public policy” to justify setting aside the final and binding interest arbitration award issued by the parties’ agreed upon dispute resolution board. However, FOIA, which is concerned with records, is inapplicable to this case. Instead, the OMA, which governs public meetings and hearings, is the applicable transparency law to be considered by this Court. This case concerns whether the police disciplinary hearings must be conducted in public.

The OMA expressly permits all public employee disciplinary matters, including those involving police officers, to be heard in closed session. See 5 ILCS 2(c)(1); *Ealey v. Bd. of Fire & Police Comm’rs*, 188 Ill.App.3d 111 (5th Dist 1989)(municipal police discipline may be heard in closed session); *Scott v. Ill. St. Police Merit Bd.*, 222 Ill.App.3d 496 (1st Dist. 1991)(State Police discipline may be held in closed session); *Scatchell v. Bd. of Fire & Police*

Comm'rs, 2022 IL App (1st) 201361; See also *Patterson v. Peoria County Sheriff's Office Merit Comm'n*, 2021 IL App (3d) 210036-U, ¶¶29-31 (holding sheriff deputy discipline hearings may be held in closed session); *Kosoglad v Porcelli*, 132 Ill.App.3d 1081, 1091-1092 (1st Dist. 1985)(holding evidence in police termination case may be heard in closed session). In sum, per the OMA, so long as the public body publicly votes to approve the final decision and order, the entire police disciplinary hearing and deliberation can be held in private. *Id.*

In the context of examining whether there is a “well-defined and dominant” statewide public policy, this Court declared, said policy must be “ascertainable ‘by reference to the law and legal precedents and not from generalized considerations of supposed public interests.” *AFSCME*, 173 Ill.2d at 307. Both the “law and legal precedents” unambiguously declare police discipline may be resolved in closed session.

Section 2(c)(1) of the OMA expressly states:

A public body may hold closed meetings to consider the following subjects:

The appointment, employment, compensation, **discipline, performance, or dismissal of specific employees**, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, **including hearing testimony on a complaint lodged against an employee**, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public

body to determine its validity. 5 ILCS 120/2 (c)(1) (emphasis added).

The OMA, by its plain language, specifically provides that a public body may hold closed meetings to consider “*discipline, ... including hearing testimony on a complaint lodged against an employee...*”(emphasis added) 5 ILCS 120/2(c)(1). The unambiguous language of the statute exempts disciplinary hearings from being held in public. Meaning, Section 2(c)(1) of the OMA verifies there is no “well-defined and dominant” statewide public policy mandating police discipline be held in public.

After considering the Illinois Constitution and statutes, the Court should review applicable case law to determine whether there is a “well-defined and dominant” statewide public policy. *St. of Ill. v. AFSCME*, 2016 IL 118422, ¶43 (2016). “Indeed, as between the judicial branch and the General Assembly, the latter ‘occupies a superior position in determining public policy.’” *Id.* (favorably quoting *Reed v. Farmers Ins. Group*, 188 Ill.2d 168, 174-175 (1999)).

In addition to the plain language of the OMA, Illinois’ courts have long-recognized police discipline may be held in private. For instance, in 1991, the First District held, police disciplinary hearings are expressly exempt from being held in public under the OMA. *Scott*, 222 Ill.App. at 503. In *Scott*, the plaintiff, an Illinois State Police Master Sergeant, argued his discipline “contravened public policy” because the State Police Merit Board held his disciplinary hearing in closed session. *Id.* Relying on what is now Section 2 of

the OMA, the court held there was no violation of public policy and upheld the discipline issued by the merit board. *Id.* The court reasoned, “the Board met to discuss the evidence relating to [Master Sgt.] Scott’s suspension for conduct alleged by Scott’s superiors and found by the Deputy Director [of the Illinois State Police] to have constituted violations of Department Rules warranting discipline. The meeting therefore fell within the above exception to the Open Meetings Act.” *Id.* (relying upon *Ealey v. Bd. of Fire & Police Comm’rs*, 188 Ill.App.3d 111 (5th Dist. 1989)). The 1991 analysis applied by the First District relied upon the plain language of the OMA to find there is no public policy mandating public disciplinary hearings for police officers. *Id.*

The *Scott* case is not isolated. Like the Illinois State Police Merit Board, boards of fire and police commissioners across Illinois are, and have always been, permitted to hold disciplinary hearings in closed session. In *Ealey v. Bd. of Fire & Police Comm’rs*, the Fifth District considered whether it was lawful for a board of fire and police commissioners to hold a police officer termination hearing in closed session. 188 Ill.App.3d 111 (5th Dist. 1989). In *Ealey*, the officer argued his termination was unlawful because his hearing was not held in public. *Id.* at 115. Even though “the Board’s own rules state that all hearings must be public”, the court held the OMA permitted the termination to be held in private. *Id.* Based on the OMA, the *Ealey* court upheld the termination of the officer. *Id.*

In 2022, the First District Appellate Court again confirmed the OMA permitted police disciplinary matters to be held in closed session. *Scatchell v. Bd. of Fire & Police Comm'rs*, 2022 IL App (1st) 201361, ¶111-113. In *Scatchell*, the court upheld the termination of a police officer who was terminated following a hearing that was at least in part held in closed session. *Id.* at ¶144. The court reasoned, “The agenda included notice the Board would adjourn to a closed session to discuss a matter of employee discipline, which the Open Meetings Act allows it to do.” *Id.* at ¶112.

The legislature identified the extent of the policy of open proceedings directly, and most strongly, in the OMA, which specifically excludes disciplinary proceedings in which testimony on a complaint is lodged against an employee. 5 ILCS 120/2(c)(2). Similarly, for at least 36 years, Illinois courts have uniformly held police disciplinary hearings may be held in private. This Court mandates a “public policy”, must be “‘well-defined and dominant’ and ascertainable ‘by reference to the law and legal precedents and not from generalized considerations of supposed public interests.’” *AFSCME*, 173 Ill.2d at 307. The plain language of the OMA and our courts’ uniform interpretation of the OMA mandate confirmation of the interest arbitration award, and reversal of the appellate and circuit courts’ decisions.

2. The Chicago Police Board is empowered to hold disciplinary matters in private.

The Chicago Police Board (“Police Board”) allows disciplinary hearings to be held in private. Expressly, the Police Board has adopted the OMA

standard for holding police discipline hearings in private. Below, the appellate court declared, “it bears mentioning that the City and CPD have maintained a decades-old policy of having hearings for serious misconduct open to the public.” *Chicago John Dineen Lodge #7*, 2025 IL App (1st) 240875, ¶82. This statement is not true. The policy of the Police Board is to permit private police disciplinary hearings. See *Amici* Appx 1 and *Amici* Appx 2.

The Police Board’s Rules expressly permit it to hold police discipline hearings in private. In its “Rules of Procedure”, adopted February 18, 2021, the Police Board expressly empowers itself to hear police discipline cases in private. *Amici* Appx 1, Chicago Police Board “Rules of Procedure”, (A-8). In Art. III, ¶C, the Police Board Rules state, “The evidentiary hearing shall be open to the public, except for good cause shown upon the filing of a written motion. Such motion shall be filed not fewer than thirty (30) days prior to the evidentiary hearing. The Hearing Officer shall refer the motion to the Board for determination.” (A-8). Similarly, Art. I, ¶L, permits the Police Board to hold its status hearings in private. (A-3).

More pointedly, the, November 21, 2025, edition of the Chicago Police Board’s “Standard Operating Procedures and Policies” expressly adopts the OMA standard for holding disciplinary hearings in private. (A-29). Section 3.2 of the Police Board’s “Standard Operating Procedures and Policies” reads, “The Board meets in executive session (closed meeting) to consider police

disciplinary cases and other matters, as authorized by the Open Meetings Act.”
(A-29).

Plainly, the notion that Chicago has some long and uninterrupted mandate requiring all police disciplinary hearing to be held in public is untrue. The Police Board expressly said so, in writing, on November 21, 2025, when it reaffirmed its dedication to operating pursuant to the OMA standard. As noted above, per the OMA, private consideration of police disciplinary matters is permitted when applied to the State Police Merit Board, county sheriff merit boards, and local boards of fire and police commissioners. The Police Board is no different.

Bluntly, the City of Chicago and its hand-selected Police Board does not even have a “well-defined and dominant” policy of requiring all police discipline to be resolved in a public forum. Any conclusion based upon such a premise is mistaken and should be ignored by this Court. There might be a tendency, even whim, of the Chicago Police Board to exercise its discretion in a manner the current City administration enjoys. However, under no circumstance does a small group of political appointees empowered to manufacture a “well-defined and dominant” public policy. Any such conclusion ignores all Illinois law regarding the role the public policy exception plays in a court’s “extremely limited” review of arbitration awards. See *AFSCME v. St. of Ill. Dept. of Mental Health*, 124 Ill.2d 246, 254 (1988). In light of the foregoing, this Court should confirm the arbitration award of the dispute resolution board.

B. ILLINOIS PUBLIC POLICY MANDATES POLICE DISCIPLINE BE RESOLVED IN PRIVATE GRIEVANCE ARBITRATION.

Per Illinois labor law, binding grievance arbitration is the default for resolution of discipline disputes in unionized police departments. Absent an agreement to the contrary by a union and employer, discipline disputes must be resolved via private binding grievance arbitration because: 1) arbitration of police discipline disputes is a mandatory subject of bargaining; 2) all disputes over mandatory subjects of bargaining must be subject to binding grievance arbitration; and 3) grievance arbitration is private. What's more, private arbitration preserves the current mandated elements of public transparency.

1. Arbitration of discipline disputes is a mandatory subject of bargaining for all unionized police officers in Illinois.

Arbitration of disciplinary disputes is a mandatory subject of bargaining for all unionized police officers in Illinois. Article 1, Section 25 of the Illinois Constitution ("Workers Rights Amendment" or "WRA"), mandates, in pertinent part, "No law shall be passed that interferes with, negates, or diminishes the right of employees to organize and bargain collectively over their wages, hours, and other terms and conditions of employment..." The WRA powerfully undergirds the analysis of this case. The WRA emphasizes Illinois' dominant public policy of empowering workers and their Unions to bargain over all "terms and conditions of employment," which inherently includes the means and manner by which disciplinary disputes are resolved.

Even before Illinois adopted the WRA, Illinois' legislature had empowered all police and fire unions to resolve disciplinary disputes before a neutral arbitrator. In 1999, the General Assembly amended the Illinois Municipal Code to permit all disputes over the discipline of unionized police officers and firefighters be resolved in impartial grievance arbitration. 65 ILCS 5/10-2.1-17. Effective November 30, 1999, P.A. 91-650 amended Section 2.1-17 of the Illinois Municipal Code to read, in pertinent part, the board of fire and police commissioners will have jurisdiction over disciplinary matters "unless the employer and the labor organization representing the person have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement." *Id.* As explained in *City of Markham v. Teamsters Local 726*, prior to November 30, 1999, only home rule communities could bargain over arbitration of disciplinary disputes. 299 Ill.App.3d 615, 618-619 (1st Dist. 1998). Following the *City of Markham* case, the legislature enacted P.A. 91-650. Following passage of P.A. 91-650, arbitration of disciplinary disputes was a mandatory subject of bargaining for all of Illinois' unionized police officers and firefighters.

When read in conjunction, the Illinois Municipal Code and the Illinois Public Labor Relations Act mandate all disciplinary disputes for all unionized police officers in Illinois are resolved in private grievance arbitration.

2. All disputes over mandatory subjects of bargaining must be resolved in binding grievance arbitration.

Per the Illinois Municipal Code, when read in harmony with the Illinois Public Labor Relations Act (“IPLRA” or “Labor Act”), grievance arbitration will be the mechanism to resolve all disciplinary disputes for unionized police officers in Illinois. Pursuant to Section 8 of the IPLRA, all disputes over mandatory subjects of bargaining, including discipline, must terminate in binding grievance arbitration. Section 8 of the IPLRA states in relevant part:

Sec. 8. Grievance Procedure. The collective bargaining agreement negotiated between the employer and the exclusive representative shall contain a grievance resolution procedure which shall apply to all employees in the bargaining unit and shall provide for final and binding arbitration of disputes concerning the administration or interpretation of the agreement unless mutually agreed otherwise. 5 ILCS 315/8 (emphasis added).

As this Court declared, “Section 8 of the [Labor] Act provides that all grievance disputes must be resolved by final and binding arbitration...” *AFSCME*, 124 Ill.2d at 254. Unless the parties mutually agree otherwise, Section 8 of the IPLRA mandates all disputes over mandatory subjects of bargaining be resolved via a grievance process terminating in binding arbitration. See 5/ILCS 315/8. To be clear, once the parties have not “mutually agreed otherwise,” then a collective bargaining agreement “shall contain a grievance resolution procedure which shall apply to all employees in the bargaining unit and shall provide for final and binding arbitration of disputes concerning the administration or interpretation of the agreement...” *Id.*

Since resolution of discipline disputes is a mandatory subject pursuant to Section 2.1-17 of the Municipal Code, it is subject to mandatory grievance arbitration. As such, unless both parties agree to the contrary, Section 8 of IPLRA mandates all disciplinary disputes will be resolved via a contractual grievance procedure culminating in binding grievance arbitration. The dispute resolution board articulated this point with great clarity.

3. All grievance arbitration is private.

Even if the plain language of the OMA was unavailing to Plaintiff, Section 24 of the Illinois Public Labor Relations Act (5 ILCS 315/24) explicitly and unequivocally exempts grievance arbitration from the requirements of the Open Meetings Act. The IPLRA ensures these sensitive proceedings remain confidential to foster candid resolution of labor disputes. Section 24 leaves no room for interpretation or debate:

Sec. 24. Meetings. The provisions of the **Open Meetings Act shall not apply to collective bargaining negotiations and grievance arbitration** conducted pursuant to this Act. 5 ILCS 315/24. (Emphasis added)

This statutory carve-out aligns with the legislature's intent to promote efficient and private dispute resolution in public sector labor relations. Such a dispute resolution process protects the interests of all parties involved and upholds the Act's overarching goal of fairness and stability in labor-management relations.

Furthermore, Section 2 of the IPLRA states in relevant part:

Sec. 2. Policy. To prevent labor strife and to protect the public health and safety of the citizens of Illinois,

all collective bargaining disputes involving persons designated by the Board as performing essential services and those persons defined herein as security employees **shall be submitted to impartial arbitrators**, who shall be authorized to issue awards in order to resolve such disputes. It is the public policy of the State of Illinois that where the right of employees to strike is prohibited by law, it is necessary to afford an alternate, expeditious, equitable and effective procedure or the resolution of labor disputes subject to approval procedures mandated by this Act. To that end, the provisions for such awards shall be liberally construed. 5 ILCS 315/2 (emphasis added).

Accordingly, IPLRA's requirement for arbitration of disputes, including review of discipline for security employees (police officers and firefighters), is explicit under Section 8. Moreover, Section 2 of IPLRA is equally unambiguous, stating in relevant part, "... all collective bargaining disputes involving persons designated by the Board as performing essential services and those persons defined herein as security employees shall be submitted to impartial arbitrators, who shall be authorized to issue awards in order to resolve such disputes." 5 ILCS 315/2. Under Section 2 of IPLRA, that imperative "... is the public policy of the State of Illinois ... necessary to afford an alternate, expeditious, equitable and effective procedure for the resolution of labor disputes subject to approval procedures mandated by this Act." *Id.* All public sector labor unions (including police unions) have a statutory right to have arbitrators resolve discipline disputes, which are expressly not subject to the OMA. Section 2 demands the provision "shall be liberally construed."

4. FOIA permits the public to review allegations and conclusions of police misconduct.

Private arbitration does not disregard the public's interest in transparency and accountability of police officer's accused of misconduct. As noted above, no police discipline hearing is required to be held in public, but concerned members of the public *do* have access to investigatory files. *See* Illinois IL PAC Opinion 13-011, *City of Bloomington*. Similar to a privately held merit board or board of police commissioners hearing, the "final decision" of the arbitrator is publicly available. Said arbitration award would similarly include a summary of the facts and parties' arguments, and the arbitrator's rationale and conclusion. Meaning, the public's access to information regarding police accountability would not be diminished from the disclosures currently *mandated* by law.

Privacy and candor is the cornerstone of the manner by which progressive discipline is handled in the public and private sectors. It preserves employee dignity, enhances the ability for employees to improve performance, avoids stigmatizing and shaming employees, and permits the employer to ensure the employer is best able to ascertain whether the employee is amenable to rehabilitation.

This is the standard for handling employee discipline across America. Police accountability must mirror the standards we apply elsewhere in public service and regulated professions: fair hearings, clear evidence, impartial adjudicators, safeguards against the publication of unproven allegations, and

protection against political agendas and rushed judgments. Illinois has such a system for physicians, nurses, paramedics, firefighters, and other critical safety sensitive professionals. In short, the rule of law thrives when it is applied evenhandedly, without passion or prejudice.

C. ILLINOIS HAS A LONG HISTORY OF NON-PUBLIC LABOR ARBITRATION HEARINGS FOR POLICE DISCIPLINE MATTERS.

Since the passage of IPLRA, home rule communities and their unionized police officers have had the ability to bargain over whether disciplinary disputes could be resolved via binding grievance arbitration. See *City of Decatur v. AFSCME Local 268*, 122 Ill.2d 353, 366-367 (1988). As noted above, following P.A. 91-650 becoming effective in 1999, all of Illinois' unionized police officers have had the right to have disciplinary disputes resolved via binding grievance arbitration. Since then, private and binding grievance arbitration has been the most common means by which discipline disputes have been resolved. There is good reason for this statewide "well-established and dominant" practice.

In conformity with Sections 8 and 24 of the IPLRA, the historical record of private police arbitration in Illinois is clear and deeply entrenched. For over 25 years, numerous interest arbitration awards have mandated arbitration of police discipline in strict adherence to Sections 8 and 24 of IPLRA.¹ See *City of Springfield and PBPA*, Unit 5, S-MA-89-74 (Benn, 1990) at 1-5; *City of*

¹ The listed interest arbitration awards are accessible on the Illinois Labor Relations Board website at: <https://ilrb.illinois.gov/arbitration.html>

Highland Park and Teamsters Local 714, S-MA-219 (Benn, 1999) at 9-12; *Vill. of Lansing and FOP*, S-MA-04-240 (Benn, 2007) at 16-21; *Vill. of Maywood and Ill. Council of Police*, S-MA-16-119 (Benn, 2017) at 2; *Will County Bd. and AFSCME*, S-MA-009 (Nathan, 1988) at 56, 64-65; *City of Markham and Teamsters Local 726*, S-MA-89-39 (Larney, 1989); *Calumet City and FOP*, S-MA-99-128 (Briggs, 2000) at 13-16 (2000); *City of Elgin and PBPA*, S-MA-00-102 (Goldstein, 2001) at 66-72; *City of Markham and Teamsters Local 726*, S-MA-01-232 (Meyers, 2003) at 14-15; *Vill. of Shorewood and FOP*, S-MA-07-199 (Wolff, 2008); *Vill. of Western Springs and MAP*, S-MA-09-99 (Meyers, 2010) at 63-66; *Vill. of Montgomery and MAP*, S-MA-10-156 (Camden, 2011) at 26; *Vill. of Maryville and FOP*, S-MA-10-228 (Hill, 2011) at 10-12; *Vill. of Oak Brook and FOP*, S-MA-09-017 (McAlpin, 2011) at 13-19; *Vill. of Bolingbrook and MAP*, FMCS No. 101222-01003-A (Newman, 2011) at 9-10. These arbitral awards express the well-established conclusion that Illinois law compels arbitration of discipline disputes. Unless the union expressly agrees to a different form of dispute resolution, the default is non-public arbitration.

Of particular note, a review of arbitration awards crafted by Arbitrator Benn, the neutral member of the dispute resolution board, made his position regarding arbitration of police discipline disputes clear. His award in this case was no surprise. The City cannot claim Arbitrator Benn's outlook on arbitration of police discipline was unknown. In his 2021 *River Forest &*

*FOP*² case, Arbitrator Benn again explained, “I have previously faced this issue [arbitration of police discipline] (going back over 30 years) and I have required arbitration of discipline pursuant to the mandate in Section 8 of the IPLRA.” S-MA-19-132 (Benn, 2021).

When the City of Chicago agreed to have Arbitrator Benn serve as the neutral member of the dispute resolution panel, it knew how he would rule – the same as he has in every other interest arbitration over the use of arbitration to resolve discipline disputes over the past three decades. Arbitrator Benn’s award on the issue of discipline was predictable and well-reasoned. Arbitrator Benn and other expert arbitrators have uniformly ruled that Section 8 of the IPLRA requires the parties to resolve discipline disputes via binding and non-public grievance arbitration. In addition to Illinois having a 30+ year history of resolving police discipline disputes in private arbitration, there are practical reasons why almost all employee disciplinary matters are resolved without public scrutiny.

There are compelling policy reasons why employee disciplinary matters are dealt with privately. Often, disciplinary hearings involve private, sensitive details about an employee’s personal life, performance, financial affairs, and medical history. Moreover, the hearing is held to determine whether there is “just cause” to impose discipline. These are unproven allegations. Public

² <https://ilrb.illinois.gov/content/dam/soi/en/web/ilrb/arbitration/documents/s-ma-19-132-arb-award.pdf>

displays of unproven allegations and treating police officers disparately from all other unionized workers stigmatize innocent employees.

Only police officers would be subject to this newly created “public policy” of requiring all unproven discipline allegations being heard in public. Why does this same “public policy” not apply to medical professionals, airline pilots, bus drivers, teachers, judges, or lawyers? All of those professions are made up of public employees who work in safety sensitive areas of public concern. Should these other professions be required to defend themselves publicly against yet-to-be proven allegations of misconduct? Does the public not have the same interest in ensuring their medical care, transportation, children’s education and caretaking, and systems of justice are administered in a competent, ethical and competent manner? Parsing Chicago’s police officers apart from these other professionals lacks any rational basis. What’s more, such disparate treatment is certainly not mandated based upon a “well-defined and dominant” public policy.

In fact, requiring public hearings invites the consequence of making witnesses or, in some cases victims, less likely to cooperate. Furthermore, public hearings over unproven allegations invites the real specter of unfairly influencing the appointed neutral and/or deterring neutrals from accepting such appointments. As noted above, the OMA has contemplated such matters and specifically excludes disciplinary matters from mandatory publicizing unproven and stigmatizing allegations.

The benefits of confidentiality are also articulated in regulations concerning similar employment arbitral hearings. For instance, the administrative rules guiding the Illinois Industrial Commission explicitly charge hearing officers to maintain confidentiality of proceedings absent explicit agreement for disclosure by the parties:

Each arbitrator and commissioner is in a relationship of trust to the parties who appear before him or her. An arbitrator or commissioner should not, prior to rendering of a decision, order or ruling, disclose confidential information acquired during the proceedings before them unless otherwise agreed by the parties. Each arbitrator and commissioner should keep confidential all matters pertaining to proceedings and decision-making prior to the issuance of the decision, order or ruling, and to require their staff and others under their direct supervision to observe the same standards of confidentiality. IAC tit. 2, § 2027.120(a)(2)(H)

The Illinois General Assembly is unquestionably aware of these longstanding laws and the dominant practice of private arbitration in police discipline cases across Illinois. As such, the history of private arbitration in police discipline cases, IPLRA, and the OMA must be read in harmony. This Court held, “We presume that statutes which relate to one subject are governed by one spirit and a single policy, and that the legislature intended the enactments to be consistent and harmonious. Even when apparent conflicts exist, we are to construe such statutes in harmony with each other, if reasonably possible.” *Williams v. Ill. St. Scholarship Comm’n.*, 139 Ill.2d 24, 52 (1990). Like the Workers’ Compensation Act, the preference for employment

related disputes to be handled in private is supported by the IPLRA, OMA, and Illinois Municipal Code.

In Illinois, private arbitration has been the well-established norm for over 25 years. In light of this history, a compelling question is raised: how can public arbitration be deemed a dominant public policy when private arbitration has been the prevailing historical practice for decades? Here, read together, Sections 2, 8, and 24 of IPLRA and Section 2.1-17 of the Municipal Code, mandate non-public arbitration of disputes for all public employees, even police officers. This “well-defined and dominant” public policy coupled with the OMA permitting closed meetings for discipline, and dismissal of employees, reflect the General Assembly’s clear directive.

This “well-defined and dominant” public policy is reinforced by over 30 years of uninterrupted practice without judicial interference or legislative change. For the first time, the First District, in this case, reversed its 1999 and 2022 positions regarding private police discipline, as articulated in *Ealey* and *Scatchell*, creating a novel public policy requiring public arbitration of police discipline. This brand new “public policy” is utterly unsupported by the historical record, statutory text, and legislative intent. As such, no clear or dominant policy against private arbitration exists. To the contrary, the legislative scheme, coupled with decades of consistent application, powerfully supports private arbitration for all public employees, even police officers.

D. ILLINOIS' ADOPTION OF THE UNIFORM ARBITRATION ACT SUPPORTS PRIVATE ARBITRATION.

The legislature, through the Illinois Uniform Arbitration Act, declared arbitration is private because: 1) there is a express public policy favoring resolution of disputes in arbitration; and 2) arbitrators are empowered by the act to determine the manner by which hearings will be conducted.

1. Illinois has a “well-defined and dominant” public policy favoring resolution of matters via non-public binding arbitration.

In 1955, the National Conference of Commissioners on Uniform State Laws proposed a Uniform Arbitration Act. UNIF. ARBITRATION ACT §§ 1-25, 7 U.L.A. 4 (1978). A large majority of U.S. states have adopted arbitration laws based on the Uniform Arbitration Act (“UAA”). At least 35 states, including Illinois, adopted the original UAA. *See* Angela C. Cole, Nicole J. Cress, Kevin L. Fritz, and Lori L. Green, Recent Developments: The Uniform Arbitration Act, 1992 J. Disp. Resol. (1992). Moreover, this Court has described arbitration as “an effective, expeditious, and cost-efficient method of dispute resolution.” *Salsitz v. Kreiss*, 198 Ill.2d 1, 13 (2001). Illinois public policy favors arbitration because it “promotes the economical and efficient resolution of disputes.” *Phoenix Ins. Co. v. Rosen*, 242 Ill.2d 48, 59 (2011) (legislative policy favors agreements to arbitrate future disputes)(citing *Donaldson, Lufkin & Jenrette Futures, Inc. v. Barr*, 124 Ill.2d 435 (1988)). Accordingly, it is well-established, Illinois has embraced the dominant public policy favoring resolution of matters by way of non-public arbitration.

In Illinois, it was the express intent of the legislature to conduct arbitrations in accordance with the UAA. *Amici* have not been able to find a single case in a UAA state where public arbitration has been mandated. As such, the appellate court's decision upends our dedication to uniformity with other states.

2. The Illinois Uniform Arbitration Act empowers arbitrator(s) to determine whether hearings are public.

The Illinois Uniform Arbitration Act ("IUAA"), 710 ILCS 5/1 *et seq.*, governs agreements to arbitrate existing or future disputes and reflects a strong legislative policy favoring arbitration as an efficient, private alternative to litigation. See *Salsitz v. Kreiss*, 198 Ill. 2d 1, 13 (Ill. Sup. Ct. 2001) (noting that the IUAA embodies a policy of enforcing arbitration agreements according to their terms). Critically, the IUAA is silent on the question of public access to arbitration hearings. Section 5 of the Act, which governs the conduct of hearings, provides in relevant part:

The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served...The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing. The hearing shall be conducted by all the arbitrators....*See* 710 ILCS 5/5 (emphasis added).

This provision grants arbitrators the authority to set the time and place of the hearing and to conduct the proceedings. At the same time the IUAA guarantees the parties' rights to participate and present their case. It contains

no requirement that hearings be open to the public, nor any prohibition on closing them to non-parties.

The legislature's silence is meaningfully deliberate. Arbitration under the IUAA is a creature of the contract between the parties (in this case a collective bargaining agreement), distinct from public judicial proceedings, which carry a presumed mandate of openness. Because the IUAA imposes no mandate of public access, the parties to the contract and/or the arbitrator, as the neutral presiding over the proceeding, possesses the inherent authority to determine whether non-parties, including members of the public, may attend.

The IUAA affords arbitrators broad discretion. Extending this principle, the arbitrator's control over the "conduct" of the hearing necessarily includes the authority to decide questions of attendance and access, absent express agreement by the parties or applicable law to the contrary. Illinois law makes no express mandate or right.

Moreover, this interpretation aligns with the fundamental private nature of arbitration under the original Uniform Arbitration Act (1955), upon which the IUAA is based. Commentators and courts widely recognize the UAA contains no express provisions requiring or prohibiting public access to hearings, leaving such matters to the arbitrator's management of the private proceeding. See, e.g., E. Gary Spitko, *Arbitration Secrecy*, 109 *Cornell L. Rev.* 1729 (January 8, 2024) ("In fact, while arbitration in the United States almost always is private... Arbitration privacy refers to the closed nature of the

arbitration proceedings themselves.”); Christopher R. Drahozal, Confidentiality in Consumer and Employment Arbitration, 7 Y.B. Arb. & Mediation 28 (2015) (“the public can attend hearings and trials in court, but arbitration hearings typically are private—i.e., non-parties to the arbitration are not permitted to attend.”).

Conversely, where the legislature has intended public access, Illinois law contains express provisions to that effect. *See* 5 ILCS 120/1, *et. seq.* For example, in the Circuit Court of Cook County, court-annexed mandatory arbitration proceedings under Illinois Supreme Court Rule are explicitly “open to the public³.” The absence of any comparable requirement in the IUAA confirms the legislature did not intend to impose public access on contractual arbitrations, leaving that determination to the arbitrator and/or parties. Both the General Assembly and Illinois Courts (in drafting local rules) know exactly how to author language requiring public access.

Here, the General Assembly did not draft such a requirement (much less establish a “well-defined and dominant” public policy expressed in legislative language). As demonstrated above, private arbitration is the national standard for resolving employment and labor disputes. It is almost exclusively accomplished in non-public hearings. Conforming to the national trend, as

³ <https://www.cookcountycourt.il.gov/department/mandatory-arbitration-program>

noted above, the General Assembly specifically exempted grievance arbitration pursuant to collective bargaining agreements from public hearings.

Thus, under the plain text and structure of the IUAA, the arbitrator is empowered to determine whether hearings are open to the public. This procedural authority flows directly from the IUAA's grant of control over the conduct of the hearing and its silence on public access, consistent with arbitration's essential character as a private dispute resolution mechanism. In sum, the determination with respect to private arbitration must be left to the parties and the arbitrator.

E. IN ILLINOIS, LOCAL ORDINANCES, POLICIES, AGREEMENTS, TRADITIONS, AND PREFERENCES ARE NOT A PERMISSIBLE BASIS FOR A “PUBLIC POLICY.”

To overcome an arbitration award based upon the “extremely narrow” “public policy” exception, the policy asserted must be state-wide. “The public policy of a State or nation must be determined by its constitution, laws and judicial decisions,— not by the varying opinions of laymen, lawyers or judges as to the demands of the interests of the public.” *AFSCME v. St. of Ill. Dept. of Mental Health*, 124 Ill.2d at 269. “Illinois public policy is shaped by our statutes, through which the General Assembly speaks.” *St. of Ill. v. AFSCME*, 2016 IL 118422, ¶43 (2016). Below, the appellate court held, “there is no specific public policy that requires all police misconduct hearings to be open to the public...” *Chicago John Dineen Lodge #7*, 2025 IL App (1st) 240875, ¶82. The binding nature of arbitration would be rendered meaningless if this Court

were to abandon its long-held position that State law creates “public policy.” The “public policy” exception is meant to be “extremely narrow.” Yet, allowing the shifting winds of local whims, political preferences, settlement agreements, employer policies, and/or municipal ordinances to supplant a duly rendered arbitration award would empower any employer make its own “public policy.” This new judicially created standard would undermine the finality and value of arbitration, and undermine Illinois labor law, the policies underlying the OMA, and this State’s actual “well-defined and dominant” public policy favoring the resolution of labor disputes via binding arbitration.

Despite much research, *Amici* have been unable to find a single case where a consent decree, policy of an appointed administrative body, local ordinance, and/or local tradition has been held to create a “well-defined and dominant” public policy of the State of Illinois. Further, the record is devoid of any evidence demonstrating public arbitration hearings are the norm in Illinois. Instead, the Illinois Constitution, Illinois statutes, and Illinois case law all support resolution of labor disputes, including police employee discipline grievances, via private and binding grievance arbitration.

The lower courts eschewed State law and well-established collective bargaining practices across our State in favor of Chicago’s local preferences. The consent decree is a voluntary settlement agreement. It does not arise from our State’s constitution, laws, or judicial rulings. To the extent a settlement

agreement is even relevant, it is far subordinate to our State's constitution, statutes, case law, and dominant historical labor law practice.

In the area of sound governance and equitable jurisprudence, it is imperative public policy be demonstrated through a cohesive, statewide practice. Public policy commands uniformity across Illinois, rather than a patchwork of mosaics, imposed by local government. To hold otherwise undermines the IPLRA and empowers government employers to manufacture anti-union "public policies."

To be clear, this Court has repeatedly emphasized the strongest and most reliable expression of Illinois public policy is found in the enactments of the General Assembly. *See, e.g., People v. Felella*, 131 Ill. 2d 525, 539 (1989) ("Declaring public policy is the domain of the legislature."); *Henderson v. Foster*, 59 Ill. 2d 343, 347-48 (1974) (state statute is the strongest indicator of public policy and, where the legislature speaks on a subject upon which it has constitutional power to legislate, the public policy is what the statute passed indicates); *AFSCME*, 173 Ill. 2d at 316-17 (relying on various statutes to find a "well-defined and dominant" public policy).

In the instant matter, IPLRA's express carve-out of grievance arbitration from the OMA, coupled with the OMA's plain language excluding discipline and testimony from a public meeting leaves no room for doubt. The statewide public policy of Illinois affirmatively favors grievance arbitration,

employee discipline matters, and testimony related to employee misconduct, in a non-public setting.

Non-public arbitration of police officer discipline has been routinely and lawfully conducted across Illinois for years, consistent with the OMA. *Oak Brook and Ill. FOP Labor Council*, ILRB Case No. S-MA-09-017 (arbitration is private and avoids undue embarrassment). Here, the arbitrator's award draws its essence from the collective bargaining agreement and the IPLRA. The award creates no conflict with any statutory mandate. To the contrary, enforcement of the award aligns fully with the legislature's explicit policy choice as demonstrated by IPLRA and the OMA. In effect, the City asks the Court to legislate a policy the legislature has long seen fit not to enact.

In Illinois, a contract or other action may be voided on public policy grounds only where the asserted public policy is rooted in consistent, statewide standards, such as those expressed in statutes enacted by the General Assembly or in judicial decisions, rather than in local ordinances or regulations. In other words, the relevant "public policy" must apply uniformly throughout the state and cannot vary by locality. "Whether a particular problem is of statewide rather than local dimension must be decided not on the basis of a specific formula or listing set forth in the Constitution but with regard for the nature and extent of the problem, the units of government which have the most vital interest in its solution, and the role traditionally played by

local and statewide authorities in dealing with it." *Kalodimos v. Vill. of Morton Grove*, 103 Ill. 2d 483, 501 (1984).

The Illinois Supreme Court applied this principle in the labor context in *People ex rel. Bernardi v. City of Highland Park*. There, the Court considered whether a home rule municipality was required to comply with the Prevailing Wage Act (820 ILCS 130/1 *et seq.*), which governs wages for laborers, mechanics, and other workers on public works projects. *People ex rel. Bernardi v. City of Highland Park*, 121 Ill.2d 1, 4 (1988). In that case, the City of Highland Park attempted to suspend application of the Prevailing Wage Act within its boundaries in order to foster a more favorable labor climate. *Id.* at 16. The Court struck down this anti-labor ordinance, holding the City's action constituted an impermissible intrusion into a field of traditional and vital state regulation. This Court expressly stated, "Attempting a geographically selective repeal of the Act affected persons and entities outside Highland Park and intruded into a field traditionally regulated by the State owing to the State's vital interests. Compliance with the Prevailing Wage Act is a matter pertaining to statewide, and decidedly not local, government or affairs." *Id.*

This Court has held attempts to create localized exceptions to broadly applicable state labor standards, such as those governing wages paid to those performing public works, are inappropriate. Here, like *Bernardi*, the relevants underlying statutory scheme reflects a statewide "public policy" that overrides municipal prerogative. Here, like in *Bernardi*, Defendants' attempt to elevate

a purported local preference for transparency into a "well-defined and dominant" statewide public policy. This tactic finds no support in Illinois law. Moreover, as noted in *Bernardi*, public policy must stem from sources of universal application across the entire state, not from varying local ordinances or municipal preferences.

A locality cannot dictate statewide public policy inconsistent with uniform standards rooted in state statutes or judicial decisions. Attempts to elevate differing local rules to the level of creating statewide public policy have been rejected by this Court. Put differently, applying local preferences in an effort to create a statewide policy (where none exists) undermines the General Assembly's prerogative to set uniform labor and economic standards for all Illinoisans. This Court should decline the City of Chicago's attempt to have the tail wag the dog. The General Assembly has spoken clearly and uniformly on this issue, and its voice is decisive. There simply is no statewide public policy mandating public discipline hearings or public testimony in such matters.

Instead, the converse holds true. A thorough examination of the pertinent statutes reveals the State of Illinois has established a "well-defined and dominant" public policy affirmatively favoring the confidentiality of arbitration proceedings and collective bargaining negotiations in the public sector. In doing so, Illinois prioritizes the effective and unimpeded resolution of labor disputes over unfettered access to unproven allegations of misconduct.

This legislative directive, enshrined in the Labor Act, OMA, and IUAA, deserves deference from this Honorable Court in interpreting the bounds of transparency. This is the balance the General Assembly has struck, and the Courts should refrain from legislating on their behalf. For these reasons, the “extremely narrow” public policy exception has no application in this case. The arbitration award must be upheld, and the judgment below should be reversed.

CONCLUSION

Amici, Coalition, PBPA, PBLC, MAP, and APPO, without reservation, support the arguments made in Plaintiff’s Brief. It simply offers this brief as additional support for Plaintiff’s positions. There is no state-wide “well-defined and dominant” public policy mandating all unproven disciplinary allegations be heard in public. In addition, the Open Meetings Act, Illinois Public Labor Relations Act, and Illinois Uniform Arbitration Act demonstrate there is a “well-defined and dominant” public policy favoring resolution of labor disputes via private arbitration. Illinois’ labor history similarly supports this principle.

WHEREFORE, for the forgoing reasons, and the reasons asserted by Plaintiff in its brief, *Amici*, Coalition of Frontline Police Officers, Police Benevolent and Protective Association of Illinois, Police Benevolent Labor Committee, Metropolitan Alliance of Police, and Association of Professional Police Officers, respectfully pray the Supreme Court of Illinois will find in favor of the Plaintiff by reversing the decisions of the First District Appellate Court

and the Circuit Court of Cook County, and affirm the final and binding interest arbitration award issued by the dispute resolution board.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341 (a), (b), Rule 315(h) and 345. The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 36 pages.

Respectfully submitted,

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APPENDIX

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CITY OF CHICAGO



POLICE BOARD

RULES OF PROCEDURE

Established pursuant to
§2-84-030 of the Municipal Code of Chicago
and
§10-1-18.1 of the Illinois Municipal Code (65 ILCS 5/10-1-18.1)

18 February 2021

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**POLICE BOARD
CITY OF CHICAGO**

RULES OF PROCEDURE

18 February 2021

I. PRE-HEARING PROCEDURE

- A. Proceedings against an officer or employee (hereinafter referred to as “Respondent”) shall be commenced by the filing of written charges with the Police Board by the Superintendent of Police.
- B. The charges shall set forth the Rule or Rules of Conduct which the Respondent is alleged to have violated and shall include specifications for each such alleged violation.
- C. The charges and specifications shall be set forth in simple, non-technical language.
- D. The Superintendent shall be represented at all proceedings before the Board by the Corporation Counsel of the City of Chicago.
- E. Prior to the time of the initial status hearing each case shall be assigned for hearing to a hearing officer designated by the Board for that purpose (hereinafter referred to as “Hearing Officer”).
- F. At the time the case is assigned for hearing to a Hearing Officer, the date, time and place of the initial status hearing shall also be set.
- G. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing will be held, shall be personally served on the Respondent not fewer than five (5) days before the date of the initial status hearing. Return of service will be made by a receipt from the Respondent on the retained copy of the charges, or by an affidavit of the officer serving same. It is the duty of the officer serving the charges to secure service and make a return thereof without delay.

If personal service of the charges has not been made on the Respondent after good faith and diligent attempts at such service, the Superintendent may file a motion for alternative service of the charges (such as abode service or service by certified U.S. mail). It shall be within the discretion of the Hearing Officer to grant or deny such motion.

- H. The initial status hearing for each case shall occur no fewer than five (5) days nor more than thirty (30) days after the Respondent is served with the charges.
- I. At the initial status hearing of each case, the Respondent shall appear in person or through an attorney of the Respondent’s own choosing. Every Respondent shall be entitled to one continuance, which continuance shall be granted at the time of the initial status hearing of each case.

- J. If the Respondent chooses to be represented by an attorney of the Respondent's own choosing, the attorney shall file a written appearance with the Police Board on an appearance form to be provided by the Board. To facilitate the prompt production of discovery, the written appearance shall be filed at least two (2) days prior to the initial status hearing, if practicable. Once an appearance is on file with the Board all future notices sent by the Board to the attorney of record shall be deemed to be notice to the Respondent. No attorney may appear before the Board on behalf of any Respondent until a written appearance is on file.
- K. After an initial continuance is granted, no further continuance shall be granted, except upon the agreement of all parties to the case or upon written request filed with the Secretary¹ of the Board setting forth the reason for such request at least five (5) days prior to the date set for hearing. However, the filing of a written request for continuance shall not excuse the Respondent and the Respondent's attorney, if one has been retained, from appearing in person at the designated time and place for the hearing of the charges and the request for such continuance shall be within the discretion of the Hearing Officer to grant or deny.
- L. All status hearings for each case shall be open to the public, except for good cause shown upon the filing of a written motion. It shall be within the discretion of the Hearing Officer to grant or deny such motion.

II. DISCOVERY AND OTHER PRE-HEARING MATTERS

- A. On or before the date of the initial status hearing of each case, the Corporation Counsel shall have available for the Respondent's attorney of record a copy of the Complaint Register investigation file pertaining to the charges filed against the Respondent. (If no written appearance by an attorney representing the Respondent is on file before the date of the initial status hearing, this requirement shall not apply.) If the Corporation Counsel's position is that a protective order is required for production and use of the file, the Corporation Counsel shall file prior to the initial status hearing a motion for entry of a protective order. If the Corporation Counsel's position is that there is good cause for not having the file available on or before the date of the initial status hearing, the Corporation Counsel shall file prior to the initial status hearing a motion for additional time to make the file available. It shall be within the discretion of the Hearing Officer to grant or deny the above motions.
- B. At the time the Corporation Counsel makes available to the Respondent a copy of the Complaint Register investigation file, the Corporation Counsel shall file with the Secretary of the Board a timeline pertaining to the investigation and the charges filed against the Respondent that lists the date on which:
 - 1. The alleged misconduct occurred;

¹ The Executive Director of the Police Board serves as the Board's Secretary.

2. The investigating agency received the complaint or notification for investigation;
 3. The accused officer was relieved of police powers, if ordered;
 4. The Summary Report was completed at the conclusion of the investigation;
 5. A supplemental Summary Report was completed following additional investigation, if any;
 6. The investigating agency submitted its disciplinary recommendation to the Superintendent;
 7. The Superintendent sent a response to the investigating agency's disciplinary recommendation; and
 8. The Superintendent made his/her final disciplinary decision.
- C. Prior to the hearing on charges filed with the Board, the Respondent upon written request made prior to the hearing and filed with the Secretary of the Board and the Office of the Corporation Counsel, shall be entitled to:
1. Any and all written statements made by the Respondent concerning the charges filed, which are within the custody and control of the Department of Police or any independent investigating agency that conducted the Complaint Register investigation pertaining to the charges filed against the Respondent (such as the Civilian Office of Police Accountability or the Office of the Inspector General);
 2. Any and all oral statements made by the Respondent concerning the charges filed which have been reduced to writing or summaries of which have been reduced to writing which are within the custody and control of the Department of Police or any independent investigating agency;
 3. Any and all oral statements of the Respondent concerning the charges filed which have been in any way mechanically recorded and which are within the custody and control of the Department of Police or any independent investigating agency;
 4. Any and all written statements or written summaries of oral statements of any witness to be produced by the Superintendent in the Department's case-in-chief at the hearing of said charges;
 5. Results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case which are within the custody and control of the Department of Police or any independent investigating agency; and
 6. Any evidence within the custody or control of the Department of Police or any

independent investigating agency which is favorable to the Respondent in terms of guilt or innocence to the charges filed against the Respondent.

- D. The Corporation Counsel and the Respondent shall be given access to the Respondent's complete disciplinary file² and will have the opportunity to move for entry into the record of proceedings any relevant aspect of the Respondent's disciplinary file, as permitted by law and any applicable collective bargaining agreements. It shall be within the discretion of the Hearing Officer to rule on any such motion; such rulings shall be subject to review by the Board.
- E. Prior to a hearing on the charges, the Superintendent and the Respondent may enter into a stipulation in which the Respondent and the Superintendent agree to recommend a specific disciplinary action, including a specific term of suspension ("Stipulation"). The following procedures shall govern such Stipulations.
1. The parties shall file with the Board a written Stipulation that discloses all terms of the Stipulation.
 2. Before the Board accepts a Stipulation, the Board must determine that there is a factual basis for the Stipulation. In doing so, the Board may require the parties to provide the factual basis for the charges and a summary of what evidence would be tendered at a hearing on the charges. The Board may also require the parties to provide a summary of exculpatory and inculpatory evidence, as well as facts in aggravation or mitigation. The Board requires that, as officers of the court, counsel for the Superintendent and the Respondent present a complete and fulsome summary of the information known to them.
 3. If the Civilian Office of Police Accountability conducted the Complaint Register investigation pertaining to the charges filed against the Respondent, the Stipulation shall include as an exhibit documentation showing that the Chief Administrator of the Civilian Office of Police Accountability does not object to the Stipulation.
 4. At any time prior to Board rendering its findings and decision, the Board may in its discretion reject the Stipulation and order the parties to proceed to a hearing on the charges.
 5. Either the Superintendent or the Respondent may withdraw the Stipulation before the Board renders its findings and decision. After the Board renders its findings and decision, neither party may withdraw the Stipulation.
- F. Any and all other motions which the parties desire to make shall be filed in writing with the Secretary of the Board prior to the hearing on said charges. The Hearing Officer shall rule on all motions filed prior to the hearing, which ruling shall be subject to review by the Board. However, it is within the discretion of the Hearing Officer to defer ruling on

²See Appendix A below regarding access to the Respondent's complete disciplinary file.

any motion filed prior to the hearing, and to refer said motion to the Board for determination.

- G. Any motion filed fewer than five (5) days prior to the date set for hearing on the charges or the receipt of any documents or information in response to any motion filed fewer than five (5) days prior to the date set for hearing shall not constitute grounds for a requested continuance of the hearing on said charges, unless specific justification for such late filing is presented. The Hearing Officer shall then consider such justification in ruling on such requested continuance. It shall otherwise be the duty of the parties to file any and all motions within the time prescribed by these Rules of Procedure, by order of the Hearing Officer prior to the hearing or, in the absence of such a rule or order, not fewer than five (5) days prior to the date set for hearing.
- H. All filings specified in Articles I – III of these rules of procedure must be filed either (1) in person at the Office of the Police Board during business hours, (2) by certified mail (the date of the postmark of the certified mailing will be considered the date of filing), or (3) by electronic mail.³
- I. Within the time prescribed by order of the Hearing Officer prior to the hearing or, in the absence of such an order, not fewer than five (5) days prior to the date set for hearing, any party intending to call a witness giving expert testimony at the hearing shall provide to the other party the following information in writing as to each such witness:
 - 1. The subject matter on which the witness will testify;
 - 2. The conclusions and opinions of the witness; and
 - 3. The qualifications of the witness.

The Hearing Officer may require such additional disclosures as to expert witnesses as he or she deems appropriate.

For purposes of this rule, a witness giving expert testimony shall be the same as a “Controlled Expert Witness” as that term is used in Illinois Supreme Court Rule 213(f)(3).

- J. A pre-hearing conference may be held at any time by the Hearing Officer whenever he/she deems that such a conference may aid in the disposition of the case or preparation for the evidentiary hearing. The parties will be notified of the date and time of a pre-hearing conference at a regularly scheduled status hearing or by written notice. All pre-hearing conferences shall be held at the office of the Police Board and shall be closed to the public. Counsel (or any other representative of the parties) who will actually try the case and parties who are unrepresented must be present, but parties represented by counsel need not appear (unless ordered to do so by the Hearing Officer). At the pre-hearing conference, counsel must be prepared to discuss the issues that will be tried, the

³ See Appendix B below for the procedures for filing documents via electronic mail.

witnesses who will be called and the testimony of each witness at the hearing, and the exhibits that will be offered into evidence.

At the pre-hearing conference, the Hearing Officer shall have the discretion to require counsel to consider and discuss the following:

1. Formulation and simplification of the issues for the hearing;
2. Stipulations as to issues, evidence, or exhibits that will avoid unnecessary proof;
3. Evidentiary issues that may arise at the hearing;
4. The identity of the witnesses to be called, and the subject matter and the facts relating to the subject matter on which they will testify (counsel shall bring to the pre-hearing conference a written list of the witnesses to be called in the case in chief);
5. Limitations on the number or type of witnesses to be called in order to avoid unnecessary proof or cumulative evidence;
6. The identity of any expert witnesses to be called and the subject matter on which they will testify, as well as any other information disclosed pursuant to Section II-G above;
7. The availability of the witnesses to be called (counsel shall bring to the pre-hearing conference information as to the dates on which each witness is available to testify);
8. The exhibits each party intends to offer or use at the hearing and possible objections to such exhibits (counsel shall exchange copies of such exhibits prior to or at the pre-hearing conference, and shall bring to the pre-hearing conference a written list of the exhibits to be offered into evidence in the case in chief);
9. Any demonstrative aids to be used at the hearing;
10. The Respondent's complimentary and disciplinary record to be considered by the Police Board, and any issues pertaining to such record (the Hearing Officer shall inquire as to whether either party requested, received, and reviewed the Respondent's complete disciplinary file and, if so, whether either party plans to move for entry into the record any relevant aspect of the disciplinary file pursuant to Section II.D. above; if either party states that they have not requested the complete disciplinary file, the Hearing Officer will inquire as to whether the party is intentionally waiving the right to do so);
11. The timeline filed pursuant to Section II-B above; and

12. Such other matters that the Hearing Officer determines may facilitate the just, speedy, and efficient disposition of the case.

The results of the pre-hearing conference shall be set forth in a written Order to be entered by the Hearing Officer.

All counsel are required to fully participate in the pre-hearing conference, provide all information requested by the Hearing Officer in connection with sub-paragraphs 1-12 set forth above, and comply with the Hearing Officer's written pre-hearing conference Order. If any counsel fails to fully participate in such a pre-hearing conference or provide the information requested by the Hearing Officer, the Hearing Officer or the Police Board may issue sanctions against such party and/or its counsel, including but not limited to dismissal of the case, entry of an adverse judgment in the case, limitation of the scope of a witness's testimony at the hearing, or exclusion of the testimony of a witness or evidence.

III. HEARING PROCEDURE

- A. Any party shall obtain the presence of witnesses and the production of books and records for any hearing by the service of a subpoena for same issued by the Board. Subpoenas may be obtained by request made to the Secretary of the Board. No continuance shall be granted to any party for the failure to a witness to appear at any hearing unless such witness shall have been previously served with a subpoena, or unless such party demonstrates a good faith attempt to have served a subpoena on any such witness.
- B. The Hearing Officer (or authorized designee) shall administer oaths for the purpose of receiving sworn testimony at any hearing or proceeding conducted by the Board. Any officer authorized by law to administer oaths shall be authorized to administer oaths for the purpose of receiving sworn testimony at any hearing of charges before the Board.
- C. The Superintendent shall present evidence in support of the charges filed, and the Respondent may then offer evidence in defense or mitigation. If the Respondent offers evidence in defense or mitigation, the Superintendent may then follow with evidence in rebuttal, including evidence in aggravation that rebuts evidence the Respondent offered in mitigation. The evidentiary hearing shall be transcribed and video-recorded in its entirety.

The evidentiary hearing shall be open to the public, except for good cause shown upon the filing of a written motion. Such motion shall be filed not fewer than thirty (30) days prior to the evidentiary hearing. The Hearing Officer shall refer the motion to the Board for determination.

It shall be within the discretion of the Hearing Officer to rule on the relevance and extent of any evidence offered; such rulings shall be subject to review by the Board.

Unless the Board, in its discretion, sets the matter for additional proceedings pursuant to

Section H below, all evidence and arguments shall be presented prior to the case being taken under advisement by the Board, which shall then read and review the complete record of proceedings and view the video recording of the entire evidentiary hearing without limitation; while the Board shall review at one time all evidence and arguments presented, the Board shall consider any evidence in mitigation and aggravation solely for the purpose of determining the disciplinary action to be imposed, if any.

- D. The testimony of all witnesses, whether offered by the Superintendent or Respondent, shall be subject to cross-examination. The Hearing Officer shall not be bound by the formal or technical rules of evidence; however, hearsay evidence shall not be admissible during the hearing, unless an Illinois statute or rule of evidence provides otherwise.
- E. The Hearing Officer shall allow time at the close of the evidence for closing arguments. Counsel for the Superintendent will give the opening argument, which will be followed by the Respondent. Following the Respondent's closing argument, the Counsel for the Superintendent shall be given time for rebuttal argument. If Counsel for the Superintendent waives argument but the Respondent does not, Counsel for the Superintendent will be given opportunity for a rebuttal argument. If, however, the Respondent waives closing argument, the Counsel for the Superintendent shall not be given opportunity to make a rebuttal argument.
- F. If the Respondent does not appear or absents her/himself from any proceedings conducted by the Board, the Hearing Officer may proceed with the hearing in the absence of the Respondent.
- G. Following the close of all evidence and arguments, the Hearing Officer shall prepare a written report that sets forth evidence presented at the hearing: (1) in support of the charges filed; (2) in defense or mitigation; and (3) in rebuttal, including evidence and aggravation, if any. The Hearing Officer's report shall also include information relating to witness credibility.

The Police Board may, at its discretion, direct the Hearing Officer to additionally prepare a written report and recommendation that set forth findings of fact and conclusions of law, including any findings related to witness credibility.

Counsel for the Superintendent and the Respondent shall have fourteen (14) days to review the Hearing Officer's report and any recommendation, and file a written response, which shall be limited to addressing any material omissions or inaccuracies in the Hearing Officer's report or recommendation.

The Hearing Officer's report and any recommendation and the parties' written responses to the same shall be made part of the record of proceedings, and shall be reviewed by the Police Board.

- H. Following the fourteen-day deadline for filing a response to the Hearing Officer's report, the case will be taken under advisement by the Police Board. Prior to any vote by a

Board member following any disciplinary hearing, the Board member is required to read and review the complete record of proceedings⁴ and view the video recording of the entire evidentiary hearing (and certify that he/she has done so).

All rulings by the Hearing Officer shall be subject to review by the Board. In due course, the Board will render its findings and decision as provided by law.

The Board may, in its discretion, after finding a Respondent guilty of one or more rule violations, set the matter for additional proceedings for the purpose of determining administrative action. The Superintendent and the Respondent, or through counsel, may submit any information concerning the Respondent's past work performance or other relevant information in mitigation or aggravation which would assist the Police Board in determining administrative action required. Witnesses may appear on behalf of the Superintendent or the Respondent to give sworn testimony.

Pursuant thereto, the Police Board shall issue its written findings and decision including penalty, if any.

- I. The findings and decision of the Police Board shall be preserved by the Secretary of the Board, who shall notify the Superintendent and the Respondent of the Board's action.
- J. The Secretary of the Board shall forward the findings and decision of the Board to the Superintendent for enforcement of the Board's action. If the findings and decision is such that the Respondent is guilty of the charges filed and removal, discharge or suspension is ordered, such order shall become effective forthwith.
- K. Following the issuance of the Board's findings and decision, the record of proceedings shall be available to the public upon request, except that information that is legally exempt from disclosure may be redacted or not made available.
- L. At all times during the Police Board's pre-hearing, discovery, and hearing process, all counsel shall conduct themselves in a civil, courteous, and respectful manner; shall abstain from abusive, hostile, or obstructive conduct; and shall not engage in conduct that brings disorder or disruption to Police Board proceedings.

The Hearing Officer or the Police Board may impose sanctions against any counsel who violates this Rule, and against counsel's client, including but not limited to dismissal of the case, entry of an adverse judgment, limitation or exclusion of testimony or other evidence, or such other sanction as the Hearing Officer or the Police Board may deem appropriate.

⁴ See Appendix C below for a listing of the contents of the record of proceedings that shall be provided to the Board members.

IV. SUSPENSION REVIEW PROCEDURES

A. NOTICE

In all cases in which the Superintendent of Police has ordered a member to be suspended for a period of time, no fewer than six (6) days nor more than thirty (30) days, the member of the Department to be suspended will be served with a notice stating the length of suspension and the reason therefor. The notice will also set forth the various options available to the Department member to have the suspension reviewed.

B. PROCEDURES

1. To have the proposed suspension reviewed by the Police Board, the member must file a request within three business days of being properly notified of the suspension and the right to request Police Board review. Failure to file within the period allotted constitutes a waiver of the member's right to review. Requests for review must be filed in person at the Office of the Police Board during business hours, or by certified mail (the date of the postmark of the certified mailing will be considered the date of filing).
2. Upon the filing of the request for review the member will receive a time-stamped copy of the request indicating that the request was filed within the period allotted. A time-stamped copy will be forwarded to the Superintendent of Police; a copy will also be sent to any independent investigating agency that conducted the Complaint Register investigation (such as the Civilian Office of Police Accountability or the Office of the Inspector General).
3. At the time of the filing or within five business days thereafter the member may also submit a written memorandum delineating specific reasons for which the review was requested and documentary evidence, if any. If the member submits a written memorandum and/or documentary evidence, the Superintendent and the investigating agency shall each have an opportunity to provide a written response and/or documentary evidence. Upon receiving the copy of the request for review, the Superintendent and/or the investigating agency may also file a written memorandum concerning the matter.
4. Upon receipt of the investigation file and the material noted in item 3 above, the Secretary of the Police Board will assign the review of the file and above material to a Hearing Officer of the Police Board within one calendar week.
5. The Hearing Officer must complete the review within one calendar week of being assigned the review, and upon completion of the review will submit a written report to each member of the Police Board indicating the specific allegations against the member, the evidence contained in the file and above material supporting the allegations as well as information in the file and above material indicating evidence not supporting the allegations.

6. The Police Board in executive session will consider the report of the Hearing Officer who has reviewed the file and will vote either to sustain, reduce the length of, or reverse the suspension ordered by the Superintendent. A majority vote by the Police Board will be required to render its findings and decision. However, the Police Board may in its discretion order a hearing before the Hearing Officer prior to making a determination to sustain, reduce the length of, or reverse the suspension ordered by the Superintendent.
7. Any member of the Police Board may personally examine the investigative file and the material noted in item 3 above on her/his own initiative before the findings and decision are rendered by the Police Board.
8. Upon completion of deliberation, the Police Board will cause the Secretary of the Police Board to prepare the written findings and decision and forward copies to the Superintendent of Police and to the member who has requested the review.
9. Upon receipt of the findings and decision of the Police Board affirming the Superintendent's order, the Superintendent of Police may then immediately implement the suspension.

C. EMERGENCY PROCEDURES

1. The member shall be served with a notice of suspension including an express finding by the Superintendent of Police that the public safety, or the good of the Department or both require the immediate suspension of the member.
2. No later than seven (7) days after service of the notice of emergency suspension a Police Board Hearing Officer shall review the order of the Superintendent together with the reasons therefor and shall at that time preliminarily affirm or reverse such order. If the order is reversed, the member shall be reinstated and paid for any period under suspension as a result of the order. If the order is preliminarily affirmed, the Police Board shall within thirty (30) days of such affirmance review such order and may in its discretion, afford the member an opportunity to receive a hearing pursuant to the Rules of Procedure of the Police Board.
3. If the Police Board, upon hearing, determines that the emergency suspension was unwarranted, the Police Board shall order the member reinstated and paid for any period under suspension as a result of the order.

D. SUSPENSION ACCOMPANIED BY FILING OF CHARGES

The procedures contained in Article IV do not apply to any suspension implemented by the Superintendent of Police which is accompanied by the filing of charges with the Police Board seeking a member's discharge or suspension in excess of thirty (30) days,

except that no later than seven (7) days after service of the notice of suspension a Police Board hearing officer other than the one to whom the case is assigned shall review the order of the Superintendent together with the reasons therefor (that is, the charges and the Summary Report of the investigation that led to the charges) and shall at that time determine whether suspension pending the disposition of charges is warranted. Review of the suspension implemented by the Superintendent of Police in such instances will be considered in connection with the hearing before the Police Board.

V. APPLICATION OF RULES OF PROCEDURE

- A. At the time the Respondent is served with charges filed against her/him by the Superintendent as provided herein, the Respondent shall also be given a copy of these Rules of Procedure.
- B. All time limitation contained in these Rules regarding continuances and motions shall be subject to exception in cases of extreme hardship, unusual circumstances or other justification. Any deviation therefrom shall be within the discretion of the Hearing Officer designated to conduct the hearing, and whose ruling shall be subject to review by the Board at the time the case is taken under advisement.

VI. REVIEWS OF DISCIPLINARY-RELATED RECOMMENDATIONS UNDER THE CIVILIAN OFFICE OF POLICE ACCOUNTABILITY ORDINANCE

Chapter 2-78 of the Municipal Code of Chicago relating to the Civilian Office of Police Accountability (“COPA”) imposes on the Police Board certain duties when a disagreement arises between the COPA Chief Administrator (“Chief Administrator”) and the Superintendent of Police (“Superintendent”) over the recommended discipline for Police Department (“Department”) members under investigation for violating Department rules. In particular, §2-78-130(a)(iii) of the COPA Ordinance assigns a member of the Police Board a role in resolving any such disagreement. The following Rules of Procedure set forth the method by which the Police Board will perform such duties under §2-78-130(a)(iii) of the COPA Ordinance.

- A. To perform its duties under the COPA Ordinance, the Police Board shall designate from its membership one member to review disciplinary recommendations (“Reviewing Member”). The Reviewing Member shall be selected from a randomly-generated list of Board members. The Reviewing Member so selected shall consider one request for review; the next Board member on the list shall consider the next request for review, and so on. Substitution of the Reviewing Member may be made from time to time, as authorized by the Police Board, in the event that the Reviewing Member becomes unavailable to perform the functions required of a Reviewing Member.
- B. A request for review of a disciplinary recommendation (“Request for Review”) by the Chief Administrator shall be sent to the Office of the Police Board and to the attention of

the Executive Director of the Police Board. The Request for Review shall consist solely of: (1) the recommendation of discipline issued by the Chief Administrator (recommended findings for each allegation of misconduct and recommended disciplinary action), (2) the Superintendent's written response to the Chief Administrator's recommendation of discipline, addressing each allegation and the recommended disciplinary action, and (3) the Chief Administrator's written objections to the Superintendent's response. The Request for Review shall be accompanied by a certificate from the Chief Administrator stating: (1) the date on which the Chief Administrator issued the recommendation of discipline, (2) the date on which the Chief Administrator received the Superintendent's written response, (3) the date(s) on which the Chief Administrator and Superintendent met to discuss the Superintendent's response, as required under the COPA Ordinance, (4) the date and method by which the Chief Administrator sent the Request for Review to the Office of the Police Board, and (5) pursuant to §2-78-130, a certification from the Chief Administrator that the Superintendent was provided notice that the Chief Administrator had referred a particular matter for a Request for Review to the Office of the Police Board ("Certificate"). In addition, the Chief Administrator shall promptly send to the Superintendent a notice and a copy of the Certificate and all Request for Review material that was sent to the Office of the Police Board.

- C. Upon receipt, the Executive Director of the Police Board will prepare for and forward to the Reviewing Member a Request for Review file consisting solely of: (1) the recommendation of discipline issued by the Chief Administrator, (2) the Superintendent's written response to the Chief Administrator's recommendation of discipline, (3) the Chief Administrator's written objections to the Superintendent's response, and (4) the Certificate. The file shall indicate the date of receipt of the Request for Review.
- D. Within 10 business days of receipt, the Reviewing Member shall review the Request for Review file. Upon completion of this review, the Reviewing Member may, in her/his discretion, request that the Chief Administrator and the Superintendent present additional documentation or present oral or written arguments in support of their respective positions. Any such request by the Reviewing Member shall be in writing, shall be served upon the Chief Administrator and the Superintendent, and shall identify the additional information or actions requested. The additional information or documentation requested shall be provided, and any argument scheduled, within a reasonably prompt period of time, as determined by the Reviewing Member. The Reviewing Member may impose reasonable limitations on the presentation of additional documentation or argument. The Chief Administrator and Superintendent shall serve each other with copies of any additional documentation submitted to the Reviewing Member.
- E. The Reviewing Member shall consider the Request for Review file, and the requested additional documentation and argument, if any, for the purpose of determining whether the Superintendent has met the Superintendent's burden of overcoming the Chief Administrator's recommendation for discipline. In making that determination, the Reviewing Member shall consider and determine whether the Superintendent's proposed

disposition is more reasonable and appropriate than the Chief Administrator's recommendation based on the nature of the misconduct alleged and the information contained in the Request for Review file. If, in the opinion of the Reviewing Member, the Superintendent's response did not meet the Superintendent's burden to overcome the Chief Administrator's recommendation for discipline, the Chief Administrator's recommendation shall be deemed accepted by the Superintendent, as provided by the COPA Ordinance. If, in the opinion of the Reviewing Member, the Superintendent met the burden to overcome the Chief Administrator's recommendation for discipline, the Superintendent's response shall be implemented, as provided by the COPA Ordinance. The Reviewing Member shall notify in writing the Chief Administrator and Superintendent of the Reviewing Member's determination, which shall be announced at the next regular public meeting of the Police Board, and shall be promptly posted on the Police Board's website.

- F. The Reviewing Member shall recuse her/himself from any future involvement by the full Police Board with respect to the disciplinary matter before the Reviewing Member.

VII. APPLICANT APPEALS

Chapter 2-84 of the Municipal Code of Chicago grants the Police Board the power to consider appeals by applicants for a probationary police officer position who have been removed from the Department of Police's eligibility list due to the results of a background examination. Section 2-84-035 of the Code and the following rules set forth the procedure by which the Police Board will consider such appeals.

- A. The applicant shall be given written notice by the Department of Police ("Department") of the Department's decision to remove the applicant from the eligibility list, along with the reason(s) for the disqualification decision.
- B. The applicant may, no later than sixty (60) calendar days from the date on the notice, appeal the decision of the Department by filing with the Police Board ("Board") a written request specifying why the Department erred in the factual determinations underlying the disqualification decision, or bringing to the Board's attention additional facts directly related to the reason(s) for the disqualification decision ("Appeal"). The Appeal must contain all facts, evidence, or arguments in support of the applicant's contention that the Department erred; any omitted facts, evidence, or arguments are deemed waived.

If an applicant wishes to timely obtain a copy of their background-investigation file to aid in the preparation of an Appeal, the applicant must request the file, in writing, from the Department within twenty-one (21) calendar days from the date on the notice. If the applicant makes such a request within this twenty-one (21) day period, the Department shall have no more than fourteen (14) calendar days thereafter to make the applicant's file available for review and copying by the applicant. If the applicant does not make such a request within this twenty-one (21) day period, the Department will make the file available for review and copying by the applicant as soon as reasonably possible, but the

Department is not required to do so within fourteen (14) days of the applicant's request, and the Department may not be able to do so before the expiration of the sixty (60) day period.

If an applicant does not file a timely appeal as provided above, such applicant shall be deemed to have waived the right to appeal the Department's decision to remove the applicant from the eligibility list.

- C. Upon receipt of the Appeal, the Executive Director of the Board shall assign the Appeal to an appeals officer of the Board ("Appeals Officer").
- D. Within seven (7) calendar days of receipt of the Appeal, the Board shall forward to the Department a complete copy of the Appeal.
- E. Within forty-five (45) calendar days of receipt of a copy of the Appeal, the Department shall file with the Board: (1) a complete copy of the notice to the applicant along with the reason(s) for the disqualification decision (the material specified in Section A above), and (2) its written response to the Appeal ("Response"), if any. If the Department elects to not file a Response, it will be deemed to stand on the bases for disqualification and evidence in support thereof already of record. If the Department elects to file a Response, it shall serve a copy of the Response on the applicant. The material specified in Section A above and the Response must contain all facts, evidence, or arguments in support of the Department's position; any omitted facts, evidence, or arguments are deemed waived.
- F. The applicant may file with the Board a written reply to the Department's response ("Reply"). Such Reply must be filed no later than thirty (30) calendar days of the applicant's receipt of a copy of the Department's response. If the applicant elects to file a Reply, they shall serve a copy of the Reply on the Department. The Reply must be limited to addressing arguments in the Response and may not include new facts, evidence, or arguments.
- G. All filings specified above must be filed either: (1) in person at the Office of the Police Board during business hours, (2) by certified mail (the date of the postmark of the certified mailing will be considered the date of filing), or (3) by electronic mail.
- H. The applicant shall have the burden of showing, by a preponderance of the evidence, that the Department's decision to remove the applicant from the eligibility list was erroneous.
- I. Based on a review of the Appeal, the Response (if any), and the Reply (if any), the Appeals Officer shall make findings of fact, conclusions of law, and recommendations to the Board, all of which shall be communicated in writing to the Board. The Appeals Officer's findings, conclusions, and recommendations shall be subject to review by the Board, but the Board shall be the final decision-making authority regarding the Appeal.
- J. Any member of the Board may personally examine the filings specified above before final findings and a decision are rendered by the Board. Members of the Board, however,

are not required to examine such filings and instead may rely on the Appeals Officer's findings, conclusions, and recommendations as a representative summary of the filings themselves.

- K. In due course, the Board shall render final findings and a decision as provided by law. A vote by a majority of the members of the Board shall be required to render final findings and a decision. The Board shall issue its final findings and decision in writing, which shall be preserved by the Executive Director of the Board and a copy promptly forwarded to the applicant and to the Department. A copy of the written findings and decision shall be posted on the Board's website within five (5) business days of being issued.
- L. If the Board decides to reinstate an applicant to the Department's eligibility list, such order shall become effective forthwith.

APPENDIX A

RESPONDENT'S COMPLETE DISCIPLINARY FILE

The Respondent's "complete disciplinary file" consists of (a) a listing of all complaints of alleged misconduct made against the Respondent, and (b) records showing all disciplinary actions taken against the Respondent and the cause of each disciplinary action.

The Superintendent possesses and maintains the Respondent's complete disciplinary file. The following procedures are created to give access to this file.

1. The Corporation Counsel shall be given access to the Respondent's complete disciplinary file upon written request to the Superintendent.
2. The Respondent shall be given access to her/his complete disciplinary file upon written request pursuant to CPD Employee Resource E01-03—Personnel Records and the Illinois Personnel Record Review Act (820 ILCS 40).
3. The Executive Director of the Police Board shall retrieve the written decision of any prior Police Board disciplinary case against the Respondent and shall provide a copy of any such decision to the Corporation Counsel and the Respondent at the initial status hearing of the current disciplinary case against the Respondent. Also at the initial status hearing, the Executive Director and/or the Hearing Officer shall notify the parties of the procedures set forth in items 1 and 2 above for requesting access to the Respondent's complete disciplinary file from the Chicago Police Department.

APPENDIX B

PROCEDURES FOR FILING DOCUMENTS VIA ELECTRONIC MAIL

Parties to a matter before the Police Board may file documents pertaining to the matter via electronic mail. The procedures set forth below must be followed or the Board may not accept the filing.

1. Documents shall be submitted as e-mail attachments in Portable Document Format (pdf), and all print shall be clearly readable.
2. The e-mail that transmits the attachment(s) shall be addressed to both the Board's executive director and administrative assistant. All other parties shall be copied (using the "cc:" function) on the e-mail.
3. The Board's executive director or administrative assistant and all parties copied on the email shall confirm receipt of the filing by replying to the sender and all recipients within one business day⁵ of receiving the filing. It is the responsibility of the sender to promptly notify the Board's executive director or administrative assistant if the sender does not receive this confirmation within one business day.
4. A document is considered filed on the date it appears in the e-mail inbox of the Board's executive director or administrative assistant.

A document filed according to the above procedures need not be filed by any other means.

⁵ A "business day" is a regular day of the week (Monday through Friday) when City offices are open; Saturdays, Sundays, and City holidays are not business days.

APPENDIX C

RECORD OF PROCEEDINGS OF DISCIPLINARY CASES

The record of proceedings of disciplinary cases consists of the following items:

1. Charges and Specifications filed with the Board by the Superintendent of Police, and the Notice to the Respondent;
2. Filings by the parties;
3. Orders entered by the Hearing Officer and/or the Board;
4. Transcripts of proceedings (status hearings, pre-hearing conference, and evidentiary hearing);
5. Stipulations and exhibits (including demonstrative exhibits) made part of the record by the Hearing Officer and/or the Board;
6. Hearing Officer's report and any recommendation and the parties' written responses to the same; and
7. Board's Findings and Decision.

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CITY OF CHICAGO



CHICAGO POLICE BOARD

STANDARD OPERATING PROCEDURES AND POLICIES

21 November 2025

2 NORTH LASALLE STREET, SUITE M800, CHICAGO, ILLINOIS 60602
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**Police Board
City of Chicago**

STANDARD OPERATING PROCEDURES AND POLICIES

21 November 2025

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Section 1: Introduction

§1.1 Police Board's Powers and Responsibilities

The Police Board ("Board") derives its authority from city ordinance and state law, and its primary powers and responsibilities include:

- Deciding disciplinary cases when the Superintendent of Police files charges to discharge a sworn officer from the Chicago Police Department ("CPD");
- Ruling on disagreements between the Chief Administrator of the Civilian Office of Police Accountability ("COPA") and the Superintendent of Police regarding discipline of an officer;
- Holding monthly meetings that provide an opportunity for all members of the public to present questions and comments directly to the Board;
- Deciding appeals by applicants to become a Chicago police officer who have been disqualified due to the results of a background examination; and
- Adopting the rules and regulations governing the Chicago Police Department, and making recommendations for changes in CPD policy and operating procedures.

§1.2 Purpose of this Publication

The purpose of this publication is to document the procedures and policies regarding the operations of the Board and its staff.

Section 2: Police Disciplinary Matters

§2.1 Hearing Officers

Section 2-84-030 of the Municipal Code of Chicago grants the Board the power to designate hearing officers to conduct disciplinary hearings (“Hearing Officers”).

§2.1.1 Hearing Officer Selection Criteria

The Board will use the following criteria when selecting Hearing Officers:

1. Attorney licensed to practice in the State of Illinois, with a minimum of five years’ experience;
2. Extensive trial experience;
3. Hearing officer or quasi-judicial experience (preferred, but not required);
4. In-depth knowledge of the law and procedure;
5. Excellent oral- and written-communication skills;
6. Ability to be impartial when conducting disciplinary proceedings;
7. Ability to present complex legal and factual issues clearly and impartially to the Board members;
8. Professional and personal integrity and good character; and
9. Not be a current employee of the City of Chicago Law Department, Police Department, or Civilian Office of Police Accountability, or an employee of one of these agencies within the last three years.

To ensure that the Board has sufficient information to evaluate Hearing Officer candidates on the above criteria, the Board’s selection process will include completion of an extensive application form, submission of a writing sample, two rounds of interviews, conversations with references and others in the legal community, and a background check.

§2.1.2 Hearing Officer Selection Process

The Board will use the following process for selecting new Hearing Officers.

The Board's executive director ("Executive Director") will post a position announcement on the Board's website, notify local bar associations of the announcement, and place an advertisement in the Chicago Daily Law Bulletin.

The application deadline will be no sooner than three weeks after the posting of the position announcement. To be considered for the position, an applicant must submit: (1) an application form that includes detailed information on the applicant's education, legal practice, litigation experience, hearing officer experience, and references; (2) a résumé; and (3) one writing sample.

The Board will authorize a search committee to review applications and conduct a first round of interviews. The search committee will consist of two Board members, current Police Board Hearing Officers, the Board's legal counsel, and the Executive Director. The search committee will use the criteria in §2.1.1 above to select applicants for an interview with the committee and to recommend a short list of candidates to the Board. The Board will then review their applications and interview these candidates. The Board will use the criteria in §2.1.1 above to select one or more finalists for the position.

The Board's legal counsel and the Executive Director will: (1) contact each finalist's references and others in the legal community to discuss the finalist's qualifications; (2) have a background check of each finalist conducted; and (3) report to the Board the results of their discussions and the background checks.

The Board will take final action at a public meeting to designate one or more new Hearing Officers.

The Board's president, Executive Director, and new Hearing Officer will sign a letter of understanding regarding the terms of service.

§2.1.3 Hearing Officer Orientation

The Executive Director will provide each new Hearing Officer with relevant sections of the Illinois Compiled Statutes, the Municipal Code of Chicago, and the Board's Rules of Procedure. Each new Hearing Officer will meet with the Executive Director and current Hearing Officers to discuss this material and to ensure that each new Hearing Officer understands that the requirements set forth in this material apply to the Board's process for handling police disciplinary cases.

Each new Hearing Officer will review records of proceedings and observe status hearings, pre-hearing conferences, and evidentiary hearings of cases currently before the Board, and will observe executive sessions at which the Board considers cases.

The Board's Hearing Officers, Executive Director, and legal counsel will meet at least twice per year to discuss changes to procedures and issues pertaining to the handling of cases.

§2.1.4 Assignments of Disciplinary Matters to Hearing Officers

Pursuant to Section I-E of the Board's Rules of Procedure, after the filing of written charges and prior to the initial status hearing, each new case shall be assigned to a Hearing Officer. The Executive Director shall assign cases to Hearing Officers on a rotating basis (*e.g.*, if there are three Hearing Officers, case 1 is assigned to Hearing Officer 1, case 2 to Hearing Officer 2, case 3 to Hearing Officer 3, case 4 to Hearing Officer 1, and so on). Cases arising out of the same Complaint Register investigation shall be assigned to the same Hearing Officer.

Pursuant to Section IV-D of the Board's Rules of Procedure, each new review of suspension accompanied by the filing of charges shall be assigned to a Hearing Officer other than the one to whom the accompanying disciplinary case is assigned. The Executive Director shall assign reviews to Hearing Officers on a rotating basis. Reviews arising out of the same Complaint Register investigation shall be assigned to the same Hearing Officer.

§2.2 Policy Regarding Data About Police Board Decisions

The Executive Director shall track and publish case-specific and aggregate data about Police Board decisions, as follows.

§2.2.1 Case-Specific Data

The Executive Director shall publish on the Board website a spreadsheet of case-specific data about Board decisions and shall update the spreadsheet each month. The spreadsheet shall contain and include, at a minimum, the following data on each case decided since January 1, 2019:

1. the date of the alleged misconduct;
2. the date on which the investigating agency (COPA, CPD Bureau of Internal Affairs (BIA), district, or Office of the Inspector General (OIG)) received the complaint or notification for investigation;
3. the date(s) of the Board hearing over which the hearing officer presided;
4. the disciplinary recommendations and/or decisions (where applicable) made by COPA, BIA, OIG, the Superintendent, and the Board; and
5. whether any Board decision has been appealed to any state court and, if so, the court's final judgment.

§2.2.2 Aggregate Data

No later than March 31 of each year, the Executive Director shall publish on the Board website aggregate data about Board decisions made during the previous calendar year. The publication shall contain and include, at a minimum, the following data:

1. the average time between the filing of disciplinary charges with the Board and the first day of hearing;
2. the average time between the filing of disciplinary charges with the Board and the Board's decision;
3. the average time between the date on which the investigating agency (COPA, BIA, district, or OIG) received the complaint for investigation and the Board's decision; and
4. the average time between the date of the alleged misconduct giving rise to the complaint or notification and the Board's decision.

§2.3 Assignments of Reviews of COPA/CPD Disagreements

Pursuant to Section VI of the Board's Rules of Procedure, when a disagreement between the COPA Chief Administrator and the Superintendent of Police regarding the discipline of an officer is referred to the Board, one Board member shall be selected from a randomly-generated list of Board members to review the disagreement. The Executive Director shall use a random-list generator to create a list of Board members and shall assign reviews to Board members on a rotating basis (the first review shall be assigned to the first Board member on the list, the second review to the second Board member on the list, and so on). Once all Board members on the list have been assigned a review, the Executive Director shall generate a new random list for the assignment of reviews. Disagreements arising out of the same Complaint Register investigation shall be assigned to the same Board member.

§2.4 Conflicts of Interest

If at any time a Board member or Hearing Officer discovers that her/his participation in a Board disciplinary matter creates an actual or potential conflict of interest, she/he shall immediately notify the Executive Director or the Board's legal counsel.

Section 3: Police Board Meetings

§3.1 Regular Public Meetings

Section 2-84-020 of the Municipal Code of Chicago requires the Board to hold a regular public meeting at least once a month.

§3.1.1 Notice of Meetings

At each public meeting, the Board will provide notice of the next month's regular public meeting. In addition, the Board's staff will provide notice of the next regular public meeting on the Board's website.

The Board's staff will post the agenda for each regular public meeting at least 48 hours in advance of the meeting.

§3.1.2 Policy Regarding the Attendance of and Participation by the Public at Board Meetings

The Police Board values the attendance of the public at its meetings and the opportunity to receive comments and questions on matters concerning the Board or Police Department. The Board will treat members of the public with courtesy and respect, and expects that the public will treat Board members and Department members in a similar manner.

Toward that end, the Board has adopted the following rules governing conduct at Board meetings:

1. An individual wishing to address the Board must sign-up in advance by contacting the Board's office no later than 3:00 p.m. of the day of the meeting, or by signing up in person at the meeting location up to 15 minutes before the meeting begins.
2. When called upon to address the Board, each speaker is to identify him/herself and speak clearly so that all in attendance may hear and so that the court reporter may make an accurate record of the proceedings.
3. Due to time constraints, each speaker is limited to two minutes and must conclude when asked to do so by the Board member acting as parliamentarian.
4. Personal attacks, obscene language, fighting words, threats, conduct intended to disrupt or interfere with the meeting, and comments not related to matters within the Board's or the Department's jurisdiction, by a speaker or any person in attendance, are strictly prohibited.

Violation of any of the above rules may result in the removal of the violator from the meeting room, or in the immediate adjournment of the meeting; in addition, repeated

violations may result in the violator not being permitted to attend or participate in future Board meetings.

[Adopted at the Board's 23 July 2019 public meeting.]

§3.1.3 Policy Regarding Community Input Received at Police Board Public Meetings

The City values the attendance of the public at monthly Police Board meetings and the opportunity to receive comments and questions concerning police-related matters. The following policy is created to ensure responsiveness to community input received at the meetings.

1. Each Police Board public meeting shall be transcribed by a court reporter. The transcript of the meeting shall include a complete report of each speaker's remarks, and shall be posted on the Police Board website.
2. Within seven business days of the public meeting, the Executive Director of the Police Board shall review the transcript of the meeting, classify the community input received, and direct the community input to the appropriate responding agency (Police Department, Civilian Office of Police Accountability, Police Board, Deputy Inspector General for Public Safety, and/or any other appropriate agency).
3. Each responding agency shall make best efforts to respond fully to the community input. (As defined in Paragraph No. 729 of the Consent Decree entered in *Illinois v. Chicago*, "Best efforts" require a party, in good faith, to take all reasonable steps to achieve the stated objective.")
4. Within ten business days of receiving the community input from the Executive Director of the Police Board, each responding agency shall provide the Executive Director with a written report documenting its response to the community input to date. The Executive Director of the Police Board shall track all community input and responses.
5. The Executive Director of the Police Board shall post on the Police Board website prior to the next public meeting: (a) a report of the tracking of community input and responses (if no response is received, this will be noted on the report), and (b) each responding agency's written report of its response to the community input.

[Adopted at the Board's 20 June 2019 public meeting.]

§3.2 Executive Sessions

The Board meets in executive session (closed meeting) to consider police disciplinary cases and other matters, as authorized by the Illinois Open Meetings Act.

§3.2.1 Notice of Meetings

At each executive session, the Board's Executive Director will provide notice of the next executive session.

The Board's staff will post the agenda for each executive session at least 48 hours in advance of the meeting.

§3.2.2 Providing Police Disciplinary Case Material to Board Members

Approximately three weeks in advance of an executive session at which a police disciplinary case will be considered, or as soon as practical, the Board's staff will provide the Board members with the video recording of the entire evidentiary hearing and the record of proceedings of the disciplinary case (see Appendix C of the Board's Rules of Procedure a listing of the contents of the record of proceedings that shall be provided to the Board members).

§3.3 Attendance at Board Meetings by Audio or Video Conference

Pursuant to the requirements of the Illinois Open Meetings Act, the Board has adopted the following rules regarding Board members' attendance at Board meetings by audio or video conference.¹

1. If a Board member wishes to attend a closed or open Board meeting by audio or video conference, the member must notify the Executive Director before the meeting unless advance notice is impractical.
2. If a quorum of the members of the Board is physically present at the location of the meeting, a majority of the Board may allow a member to attend the meeting by audio or video conference if the member is prevented from physically attending because of: (a) personal illness or disability; (b) employment purposes or the business of the public body; (c) a family or other emergency, or (d) unexpected childcare obligations.

[Adopted at the Board's 14 December 2006 public meeting; amended at the Board's 17 April 2025 public meeting.]

¹ These rules do not apply when the Board president has determined, as authorized by the Illinois Open Meetings Act, that holding an in-person meeting is not practical or prudent.

Section 4: Meetings with Other Agencies

§4.1 Quarterly Meetings with COPA and PSIG

At least quarterly, the president of the Board, or his or her designee, will meet with the Civilian Office of Police Accountability and the Deputy Inspector General for Public Safety to confer and share information regarding trends and analyses of data relating to the Chicago Police Department. They will jointly or separately provide any resulting recommendations for changes in CPD policy or rules, in writing, to the Superintendent.

All policy recommendations from the president of the Police Board along with the Superintendent's responses will be published on the Board's website.

Section 5: Chicago Police Department Applicant Appeals

§5.1 Assignment of Appeals to Appeals Officers

Pursuant to Section VII-C of the Board's Rules of Procedure, upon receipt of an appeal by an applicant for a probationary police officer position who have been removed from the Chicago Police Department's eligibility list due to the results of a background examination, the Executive Director shall assign the appeal to an appeals officer of the Board ("Appeals Officer"). The Executive Director shall assign appeals to Appeals Officers on a rotating basis (*e.g.*, if there are three Appeals Officers, appeal 1 is assigned to Appeals Officer 1, appeal 2 to Appeals Officer 2, appeal 3 to Appeals Officer 3, appeal 4 to Appeals Officer 1, and so on).

Section 6: Chicago Police Department Rules and Regulations

§6.1 Policy on Adopting Chicago Police Department Rules and Regulations

Section 2-84-030 Municipal Code of Chicago grants the Police Board the power to "adopt rules and regulations for the governance of the Police Department of the City." The Police Board will use the following process when adopting new rules and regulations as well as revising existing rules and regulations.

1. **Draft Rules for Public Comment.** The Board will (a) post on its website a draft of all new rules and regulations and revisions to existing rules and regulations ("Draft"), and (b) consider all public comments on the Draft that are received by the deadline set by the Board. The deadline will be at least forty-five days after posting of the Draft.
2. **Public Notice.** The Board will provide immediate public notice of the posting of the Draft and deadline for public comments by (a) making an announcement at a Police Board public meeting, and (b) sending written notification to:

- The Mayor and all members of the City Council;
 - The heads of the Chicago Police Department, Civilian Office of Police Accountability, Public Safety Section of the Office of the Inspector General, the Community Commission for Public Safety and Accountability, and the Department of Law;
 - The heads of the unions representing members of the Chicago Police Department; and
 - Other stakeholders, such as community organizations.
3. **Community Engagement.** After public notice and prior to the deadline for public comments, the Board will provide the following opportunities for those listed above as well as members of the public to ask questions about and comment on the Draft:
- a. **Monthly Police Board Public Meeting.** At one of its monthly public meetings following the public meeting at which the Draft was announced, the Board will present key components of the Draft. There will be an opportunity during the public-comment portion of the meeting to address questions and comments to the full Board. The Board's monthly meetings are carried live by social and traditional media, and recordings of the meetings are available on the Board's website.
 - b. **Meetings with Individual Board Members.** Individual Board members will be available to meet to discuss the Draft. The Board will contact organizations and individuals who have expressed interest to the Board in this or similar topics to ascertain if they would like to meet with a Board member.
 - c. **Written Comments.** The Board will consider written comments on the Draft that are submitted to the Board's office by the deadline. These comments will be posted on the Board's website (commenters' personal information will be redacted).
4. **Vote on the Draft at a Monthly Public Meeting.** Following consideration of all public comments, the Board will post an updated Draft and vote on it at a subsequent Police Board public meeting that takes place no sooner than three weeks after the posting of the updated Draft.

[Adopted at the Board's 15 December 2022 public meeting.]

Section 7: Other Matters

§7.1 Policy Regarding Deputy Public Safety Inspector General Reviews and Audits

Consistent with the relevant provisions of the Municipal Code of Chicago, the Police Board will ensure that the City of Chicago's Deputy Public Safety Inspector General (Deputy PSIG), in order to conduct any review or audit within the Deputy PSIG's jurisdiction, has timely and full access to all information in the possession or control of the Police Board, subject to applicable law. No member of the Police Board and its staff shall knowingly interfere with the Deputy PSIG's exercise of the Deputy PSIG's discretionary or oversight responsibilities; any person who does so interfere will be subject to the relevant penalties set forth in the Municipal Code of Chicago.

[Adopted at the Board's 20 June 2024 public meeting.]

The office of the Police Board has the following system in place to detect and report any interference.

The executive director of the Police Board shall:

1. Maintain a log of all Deputy PSIG requests for information/records received by the Police Board that will note the date the request was received, a summary of the information/records requested, and the date the Police Board response was sent to the Deputy PSIG;
2. Maintain a file for each Deputy PSIG request for information/records that includes the Deputy PSIG request and the Police Board response; and
3. Send to the Deputy PSIG at least twice per year the above-referenced log and a memorandum stating whether the Police Board executive director is aware of any interference with the Deputy PSIG's discretionary and oversight responsibilities from any Police Board member or employee. The Police Board executive director will also ask the Deputy PSIG to respond if there are any questions or concerns regarding the log and memorandum.

§7.2 Policy Regarding Training of Police Board Members and Hearing Officers

The following policy is created to ensure that Police Board members and hearing officers receive training that will enhance their knowledge and skills needed to perform their duties effectively.

1. Each Police Board member and hearing officer will receive initial training within six (6) months taking her/his position, and shall receive annual training each calendar year thereafter.

2. Initial and annual training will cover, at a minimum, the following topics:
 - a. constitutional and other relevant law on police-community encounters, including law on the use of force and stops, searches, and arrests;
 - b. police tactics;
 - c. investigations of police conduct;
 - d. impartial policing;
 - e. policing individuals in crisis;
 - f. CPD policies, procedures, and disciplinary rules;
 - g. procedural justice; and
 - h. community outreach.
3. Training shall be provided by sources both inside and outside of the Chicago Police Department.
4. Failure to complete required training may subject the Board member or hearing officer to removal from her/his position for just cause.

[Adopted at the Board's 18 July 2024 public meeting.]

§7.3 Training Plan for Police Board Members and Hearing Officers

The following plan is created to ensure that Police Board members and hearing officers receive annual training that will enhance their knowledge and skills needed to perform their duties effectively.

1. Annual training shall be at least four (4) hours in length and cover the following topics:
 - a. constitutional and other governing law on police-community encounters, including law on the use of force, de-escalation strategies, investigatory, probable cause and traffic stops, searches, and arrests;
 - b. police tactics and operational practices;
 - c. investigations of police conduct and accountability processes;

- d. impartial and bias-free policing and practices;
 - e. policing individuals in crisis and de-escalation strategies;
 - f. CPD policies, procedures, and disciplinary rules;
 - g. principles of procedural justice; and
 - h. community engagement and outreach.
2. The executive director of the Police Board will be responsible for overseeing the development of training on the above topics. While the Police Board remains subject to the Consent Decree the executive director shall submit draft training materials to the Independent Monitoring Team and the Office of the Attorney General for review that will permit the IMT and OAG to evaluate the quality, quantity, and scope of the training.
 3. The executive director of the Police Board will be responsible for assessing and approving training on an annual basis to ensure that training will continue to be adequate in quality, quantity, and scope. The executive director will as appropriate request that the Civilian Office of Police Accountability, the Office of the Inspector General, the Chicago Police Department's Bureau of Internal Affairs and Research and Development Division, and/or outside experts review the training sessions at the beginning of each year to determine the need for updates due to changes in law, policy, and standard practice. Each year, the executive director of the Police Board will develop a short refresher training that touches on each of the topics listed above that can be completed virtually or via eLearning. In addition to completing this all-topic refresher training each year, Board members and hearing officers will complete full-length training on topics the executive director determines warrant more in-depth coverage in a particular year.
 4. Training sessions will be conducted in person or via video conference (*e.g.*, Zoom, Microsoft Teams) and will be recorded. Those unable to attend the live session will be required to view the recording.
 5. Board members and hearing officers will attend or view the training sessions on selected topics at least once per calendar year.
 6. The Police Board's executive director will be responsible for maintaining all training records, including the recordings of the training sessions and records of attendance. A description of each year's the annual training and records of participation shall be reported annually to the Police Board and posted on its website.

[Adopted at the Board's 20 November 2025 public meeting.]

+ + +

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NOTICE OF FILING and PROOF OF SERVICE

In the Supreme Court of Illinois

CHICAGO JOHN DINEEN LODGE # 7,	)	
	)	
<i>Appellant,</i>	)	
	)	
v.	)	
	)	
CITY OF CHICAGO, DEPARTMENT OF	)	
POLICE, BRANDON JOHNSON, in his	)	No. 132241
Official Capacity as Mayor, LARRY	)	
SNELLING, in his Official Capacity	)	
as Superintendent of the Chicago Police	)	
Department, and THE CHICAGO CITY	)	
COUNCIL,	)	
	)	
<i>Appellees</i>	)	

The undersigned, being first duly sworn, deposes and states that on February 4, 2026, there was electronically filed and served upon the Clerk of the above court the Amicus Brief. On February 4, 2026, service of the Brief will be accomplished electronically through the filing manager, Odyssey EfileIL, to the following counsel of record:

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Within five days of acceptance by the Court, the undersigned states that 13 paper copies of the Petition for Leave to Appeal bearing the court's file-stamp will be sent to the above court.

/s/ Keith A. Karlson
 Keith A. Karlson

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Keith A. Karlson
 Keith A. Karlson