



City of Chicago



O2015-5410

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 7/29/2015

Sponsor(s): Waguespack (32)
Sawyer (6)
Mell (33)
Moreno (1)
Ramirez-Rosa (35)
Pawar (47)
Santiago (31)
Maldonado (26)
Sposato (38)
Reboyas (30)
Foulkes (16)
Arena (45)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 2-57 and 2-173
concerning verbal abuse because of citizenship or
immigration status of a person

Committee(s) Assignment: Committee on Human Relations

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-57-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored as follows:

2-57-010 Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

- (a) Chief administrator means the chief administrator of independent police review.
- (b) Coercion means the use of express or implied threats of violence that puts a person in immediate fear of the consequences in order to compel that person to act against his or her will. Coercion shall also mean "coercion" as defined under the Section 2-173-025 of the Municipal Code.
- (c) Department means the Chicago department of police.
- (d) Police Board means the police board established by Chapter 2-84 of this code, as amended.
- (e) Superintendent means the superintendent of police or his designated representative.
- (f) Verbal abuse means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived: (1) race, color, sex, religion, national origin, English proficiency, sexual orientation, or gender identity of that person, or (2) citizenship or immigration status of that person or that person's family member.

For purposes of this definition, "citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States.

For purposes of this definition, "family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

(Added Coun. J. 7-19-07, p. 3588, § 1; Amend Coun. J. 11-13-07, p. 16031, § 1)

SECTION 2. Section 2-173-005 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-173-005 Purpose and intent.

The vitality of the City of Chicago (the "City"), one of the most ethnically, racially and religiously diverse cities in the world, where one-out-of-five of the City's residents is an immigrant, has been built on the strength of its immigrant communities. The City Council finds that the cooperation of all persons, both documented citizens and those without documentation status, is essential to achieve the City's goals of protecting life and property, preventing crime and resolving problems. The City Council further finds that assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents. The cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City. Furthermore, immigrant community members, whether documented citizens or not, should be treated with respect and dignity by all City employees and should not be subjected to physical abuse, threats or intimidation. One of the City's most important goals is to enhance the City's relationship with the immigrant communities.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, the City Council finds that there is a need to clarify the communications and enforcement relationship between the City and the federal government and to clarify what specific conduct by City employees is prohibited because such conduct significantly harms the City's relationship with immigrant communities. The purpose of this chapter is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws and to clearly state what conduct City employees are prohibited from engaging in when interacting with community members.

SECTION 3. the Municipal Code of Chicago is amended by adding new Section 2-173-025 as follows:



2-173-025 Threats based on citizenship or immigration status prohibited.

No agent or agency shall (a) coerce any person based upon the person's actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of the person's family member or (b) communicate a threat to deport that person or any family member of that person under circumstances that reasonably tend to produce a fear that the threat will be carried out.

If a City employee other than a member of Chicago Police Department violates this Section, then the violation shall be handled in accordance with Section 2-173-050. If a member of the Chicago Police Department violates this Section, then the violation shall constitute either coercion or verbal abuse, as defined under Section 2-57-010.

For purposes of this Section, "coercion" means the use of express or implied threats of deportation towards a person or any family member of a person that attempts to put the person in immediate fear of the consequences in order to compel that person to act against his or her will.

For purposes of this Section, "family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including

blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

SECTION 4. Section 2-173-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and by deleting the language struck through, as follows:

2-173-050 No private cause of action.

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. The exclusive remedy for violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter by a member of the Chicago Police Department shall forward a complaint to the Independent Police Review Authority; all other complaints shall be forwarded to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the chairman of the City Council Committee on Committees, Rules and Ethics for processing or such successor committee having jurisdiction over said matters and ~~if the complaint is against any member of the Chicago Police Department, the Inspector General shall transmit it to the Chicago Police Department for processing.~~

Section 5. Section 2-173-065 of the Municipal Code of Chicago is hereby created by inserting the language underscored, as follows:

* **2-173-065 Public Reporting.** All alleged violations of this chapter that are reported to either the Office of the Inspector General or the Independent Police Review Authority and the subsequent result of any investigation, including any disciplinary measures taken, shall be summarized in one annual report and made publicly available on-line. This report shall include, at a minimum, the following information about each investigation: the ward in which the complaint's allegations occurred, description of the complaint allegations, findings of the investigation, and disciplinary measures taken.

SECTION 6. This ordinance shall take full force and effect upon its passage and approval.

Scott Waguspach 32
Eileen Fanning-John, 35
Dull Mell 33

Robb A J (6)
Joe M. Allen⁵²
Aurora 47

Willy Weg (31st)

Rudolf Math 26

Nicholas Goret 38th

Quinn 30

John R. Miller 16

J.S. 45

Subject: Welcoming City Ordinance Amendment

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