



City of Chicago



O2015-5856

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/29/2015
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Sections 2-84-050 and 2-84-065 by authorizing superintendent of police to issue subpoenas
Committee(s) Assignment:	Committee on Public Safety



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

July 29, 2015

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Superintendent of Police, I transmit herewith an ordinance amending Title 2 of the Municipal Code regarding use of subpoenae.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

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

SECTION 1. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, by inserting the language underscored and by adding a new Section 2-84-065, as follows,

2-84-050 Superintendent of police – Powers and duties.

Subject to the rules of the department and the instruction of the board, said superintendent shall have the power and duty:

(Omitted text is unaffected by this ordinance)

(7) To certify all expenditures of the department to the city comptroller; and

(8) To issue subpoenas pursuant to and within the limits provided in Section 2-84-065, and not inconsistent with the provisions of any applicable collective bargaining agreement, to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection or duplication; and

(9) To exercise such further powers in the administration of the department as may be conferred upon him by the board.

2-84-065 Superintendent of police – Subpoena issuance.

The superintendent of police, or designated member(s) of his command staff, may issue subpoenas to compel the attendance and testimony of witnesses and the production of information relevant to investigations conducted by the department's bureau of internal affairs in relation to matters under the bureau's jurisdiction.

A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this subsection shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

No later than the time for appearance or production required by the subpoena, the person to whom the subpoena is directed may object to the subpoena, in whole or in part. The objection shall be in writing, delivered to the superintendent of police, and shall specify the grounds for the objection. For seven days after receipt of a timely objection to a subpoena, no action shall be taken to enforce the subpoena or to initiate prosecution of the person to whom the subpoena is directed. During this seven-day period, the superintendent of police shall consider the grounds for the objection and may attempt to resolve the objection through

negotiation with the person to whom the subpoena is directed. The seven-day period may be extended by the superintendent of police in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end. Negotiations may include such matters as the scope of the subpoena and the time, place and manner of response thereto. The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with or obstruction of an investigation.

No person shall wilfully refuse to comply with a subpoena issued by the superintendent of police, or otherwise knowingly interfere with or obstruct an investigation conducted by the department's bureau of internal affairs. Any person who wilfully violates this subsection shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Actions seeking the imposition of a fine only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code. Only the corporation counsel is authorized to initiate actions to enforce subpoenas issued pursuant to this section.

SECTION 2. This ordinance shall take effect 10 days after passage and publication.