



City of Chicago



O2021-5874

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	12/15/2021
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code 2-78-100 and 2-78-120 regarding authority of Civilian Office of Police Accountability to conduct investigations of certain misconducts
Committee(s) Assignment:	Committee on Public Safety

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 15, 2021

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

Ladies and Gentlemen:

At the request of the Interim Chief Administrator of the Civilian Office of Police Accountability, I transmit herewith an ordinance amending the Municipal Code regarding the authority of the Civilian Office of Police Accountability.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.
Mayor

ORDINANCE

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

SECTION 1. Section 2-78-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and by inserting the language underscored, as follows:

2-78-100 Definitions.

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

(Omitted text is unaffected by this ordinance)

"Police Department" means the Department of Police established in Chapter 2-84 of this Code.

"Sexual misconduct" means:

(1) any behavior, occurring on or off duty, by a member of the Police Department that takes advantage of the Police Department member's position in law enforcement to misuse authority and power, including force, in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person;

(2) any sexual communication or behavior, occurring on or off duty, by a member of the Police Department that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of a member of the Police Department; or

(3) any attempted or completed act, occurring on or off duty, by a member of the Police Department of nonconsensual sexual conduct or nonconsensual sexual penetration, as defined in Section 11-0.1 of the Illinois Criminal Code of 2012, criminal sexual assault, as defined in Sections 11-1.20 through 11-1.40 of the Illinois Criminal Code of 2012, or criminal sexual abuse, as defined in Sections 11-1.50 and 11-1.60 of the Illinois Criminal Code of 2012.

"Superintendent" means the Superintendent of Police or the Superintendent's designee.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-78-120 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and by inserting the language underscored, as follows:

2-78-120 Office and Chief Administrator – Powers and duties.

The Office and Chief Administrator shall have the following powers and duties:

(Omitted text is unaffected by this ordinance)

(b) To conduct investigations into complaints against members of the Police Department alleging domestic violence, excessive force, coercion, or verbal abuse;

(b-5) To conduct investigations into complaints against members of the Police Department alleging sexual misconduct or, after conferring about the details of a particular sexual misconduct investigation with the Police Department's Bureau of Internal Affairs, to refer complaints to the Bureau of Internal Affairs if the Chief Administrator and the Bureau of Internal Affairs jointly determine that the Bureau of Internal Affairs may conduct the administrative investigation into the complaint and that doing so avoids unnecessary disruption to the complainant;

(Omitted text is unaffected by this ordinance)

(i) To refer a complaint against a member of the Police Department within the Office's jurisdiction to mediation or such other methods of alternative dispute resolution that may be adopted in the Chief Administrator's discretion, except for complaints alleging: (i) the use of excessive force that results in death or serious bodily injury; (ii) sexual misconduct; and cases of or (iii) domestic violence involving physical abuse or threats of physical abuse. The Office shall promulgate rules governing such mediations and other dispute resolution methods, which shall provide that participation shall be voluntary for all parties, and that the complainant, if any, shall be provided an opportunity to participate in the mediation process or other alternative dispute resolution process;

(Omitted text is unaffected by this ordinance)

SECTION 3. This ordinance shall take full force and effect upon its passage and approval.