



# City of Chicago



O2014-9752

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 12/10/2014

**Sponsor(s):** Burns (4)  
Burke (14)  
Austin (34)  
Cappleman (46)  
Harris (8)  
Maldonado (26)  
Tunney (44)  
Pawar (47)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Section 8-4-086 concerning prohibition against racial profiling

**Committee(s) Assignment:** Joint Committee: Finance; Human Relations

*Join  
Francis +  
Human Relations*

**ORDINANCE**

**WHEREAS**, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

**WHEREAS**, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, in 2001, the City Council adopted an ordinance prohibiting the Chicago Police Department and other law enforcement personnel from profiling based on race, ethnicity, gender, religion, disability, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income; and

**WHEREAS**, the Chicago Police Department is committed to observing, upholding, and enforcing all laws relating to the individual rights of all persons; and

**WHEREAS**, the Chicago Police Department expressly prohibits racial profiling and other bias-based policing; and

**WHEREAS**, since 2003, the federal government has banned profiling on the basis of race or ethnicity; and

**WHEREAS**, the U.S. Department of Justice recently expanded its definition of racial profiling to include religion, national origin, gender, sexual orientation, and gender identity; and

**WHEREAS**, the City Council of the City of Chicago intends to update its prohibition of racial profiling consistent with that of the U.S. Department of Justice so as to treat all persons with the courtesy and dignity which is inherently due every person as a human being; NOW THEREFORE

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

**SECTION 1.** The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**SECTION 2.** Section 8-4-086 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**8-4-086      Prohibition against racial profiling.**

(a) No member of the Chicago Police Department, ~~or peace officer,~~ or security personnel ~~(as those terms are defined in the Municipal Code of Chicago, Section 8-20-030)~~ employed or engaged in ~~their~~ his or her duties within the corporate

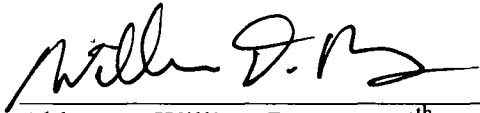
boundaries of the City of Chicago shall use actual or perceived race, ethnicity, gender, religion, national origin, disability, sexual orientation, gender identity, marital status, parental status, military discharge status, financial status or lawful source of income as the sole factor in determining the existence of probable cause to stop, question, place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

(b) For purposes of this section, the following terms shall have the following meanings:

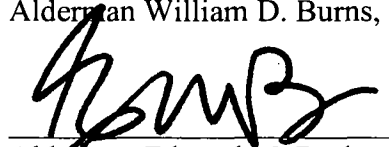
"Peace officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

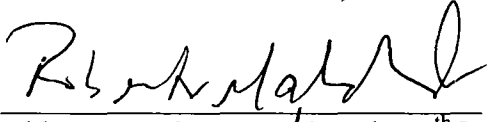
"Security personnel" means special agents employed by a railroad or public utility to perform police functions, guards of armored car companies, watchmen, security guards or persons regularly employed in a commercial or industrial operation for the protection of persons employed by, or property related to, such commercial or industrial operation, and watchmen while in the performance of the duties of their employment.

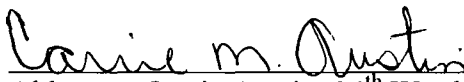
**SECTION 3.** This ordinance shall be in full force and effect upon its passage and publication.

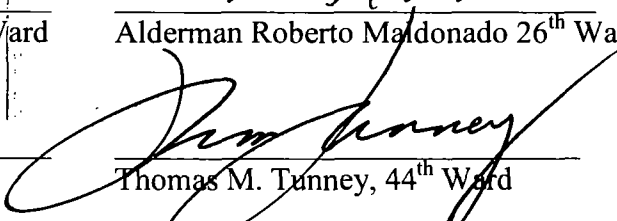
  
Alderman William D. Burns, 4<sup>th</sup> Ward

  
Alderman Michelle Harris, 8<sup>th</sup> Ward


  
Alderman Edward M. Burke, 14<sup>th</sup> Ward

  
Alderman Roberto Maldonado 26<sup>th</sup> Ward

  
Alderman Carrie Austin, 34<sup>th</sup> Ward

  
Thomas M. Tunney, 44<sup>th</sup> Ward

  
James Cappleman, 46<sup>th</sup> Ward

  
Alderman Ameya Pawar, 47<sup>th</sup> Ward