



# Office of the City Clerk

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## Legislation Text

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**Committee on Public Safety**  
c==:~OctoberH:472015=3 City Council  
**Meeting**

### RESOLUTION

WHEREAS, the Chicago Police Department is granted authority by federal law, the State of Illinois and the Chicago Municipal Code and is under jurisdiction of the same;

WHEREAS, the rights to free speech and assembly are granted to the people by the First Amendment of the United States Constitution;

WHEREAS, use of Chicago Police Department resources to survey law-abiding citizens based on their exercise of free speech and assembly is in violation of their rights under the United States Constitution;

WHEREAS, the Chicago Police Department has come under legal scrutiny and action for such surveillance activities in the past;

WHEREAS, 42 U.S.C. §1983 requires that, "every person who under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be be subjected, any citizen...or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and law, shall be liable to the party injured..."

WHEREAS, it is the stated Mission of the Chicago Police Department "to protect the lives, property and rights of all people";

WHEREAS, Chicago Police Department resources are limited and stressed by the current financial health of the City of Chicago;

WHEREAS, the requirements of Chicago Municipal Code 10-8-330 afford the City and its Departments, including the Chicago Police Department, ample authority and information regarding group assembly within the City;

WHEREAS, per the Rules and Regulations of the Chicago Police Department I. B. 12, "Law enforcement

operations...must not be shrouded in secrecy. It is necessary that there be public disclosure of policies and programs and an openness in matter of public interest. Consistent with the protection of legal rights of the individuals under investigation...the Department must communicate accurate and factual accounts of events of public interest and make known its objective to serve."

WHEREAS, the Chicago Police Department has failed to provide evidence that its surveillance of its citizens requires any proper legal evidentiary standard of proof or objective process of authorization;

NOW THEREFORE, BE IT RESOLVED that the Mayor and the members of City Council call for hearings before the Committee on Public Safety to determine the legality of the purpose, process and execution of the internally authorized surveillance programs engaged in by the Chicago Police Department.

Scott WaguespacV Alderman, 32<sup>nd</sup>  
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