



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2014-9752

**Type:** Ordinance **Status:** Passed

**File created:** 12/10/2014 **In control:** City Council

**Final action:** 1/21/2015

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

**Sponsors:** Burns, William D., Burke, Edward M., Austin, Carrie M., Capplemann, James, Harris, Michelle A., Maldonado, Roberto, Tunney, Thomas, Pawar, Ameya, Lane, Lona, Osterman, Harry, Arena, John, Suarez, Regner Ray, Hairston, Leslie A.

**Indexes:** Ch. 4 Public Peace & Welfare

**Attachments:** 1. O2014-9752.pdf, 2. SO2014-9752.pdf

Date	Ver.	Action By	Action	Result
1/21/2015	1	City Council	Passed as Substitute	Pass
1/15/2015	1	Joint Committee: Finance; Human Relations	Recommended to Pass	Pass
12/10/2014	1	City Council	Referred	

### SUBSTITUTE 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) For purposes of this section, the following definitions shall apply:

"Peace officer" shall have the meaning ascribed to the term in Section 8-20-010 of this Code.

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"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.

(b) No member of the Chicago Police Department, of peace officer<sup>^</sup> or security

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.

Alderman James Cappleman, 46 Ward

Alderman Ameya Pawar, 47 Ward

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SECTION 3. This ordinance shall take effect upon its passage and publication.

CHICAGO January 21, 2015

**To the President and Members of the City Council:**

**Your Joint Committee of the Committee on Finance and the Committee on Human Relations having had under consideration**

A substitute ordinance amending Section 8-4-086 of the Municipal Code of Chicago concerning the prohibition against racial profiling.

02014-9752

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by  
of members of the committee with**

**(signed'**

**Respectfully submitted**

**Chairman**