



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2016-6517
Type: Ordinance **Status:** Passed
File created: 9/14/2016 **In control:** City Council
Final action: 10/5/2016
Title: Amendment of Municipal Code Chapter 2-173 regarding Welcoming City Ordinance
Sponsors: Emanuel, Rahm, Burke, Edward M., Ramirez-Rosa, Carlos, Solis, Daniel, Pawar, Ameya, Reboyras, Ariel, Waguespack, Scott, Villegas, Gilbert
Indexes: Ch. 173 Actions Related to Citizenship or Residency Status
Attachments: 1. O2016-6517.pdf

Date	Ver.	Action By	Action	Result
10/5/2016	1	City Council	Passed	Pass
9/28/2016	1	Committee on Human Relations	Recommended to Pass	Pass
9/28/2016	1	Committee on Human Relations	Add Co-Sponsor(s)	
9/14/2016	1	City Council	Referred	

HVJM (It I .

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

September 14, 2016

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

Ladies and Gentlemen:

At the request of the Commission on Human Relations, I transmit herewith, together with Aldermen Burke, Rosa, Solis, Pawar, Reboyras and Waguespack, an ordinance amending Chapter 2-173 of the Municipal Code.

Your favorable consideration of this ordinance will be appreciated.

Mayor

Very truly yours,

An Ordinance in Relation to amending the Welcoming City
Ordinance

ORDINANCE

WHEREAS, The City of Chicago ("City") is a home rule municipality as described in Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Recognizing its ethnic, racial and religious diversity, the City established a Welcoming City Ordinance to clarify the communications and enforcement relationship between the City and the federal government, and to establish procedures concerning immigration status and enforcement of federal civil immigration laws; and

WHEREAS, City officials have met with representatives of civic organizations to review the Welcoming City Ordinance and its impact on the community, and have collaboratively determined that certain sections of the Welcoming City Ordinance could better promote its purpose and intent; and

WHEREAS, The City determined that the assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents; and

WHEREAS, The City found that the cooperation of its immigrant communities is essential to preventing and solving crimes, and maintaining public order, safety, and security in the entire City; and

WHEREAS, In order to protect and promote the health, safety and welfare of all of its residents, the City finds it appropriate to amend the Welcoming City Ordinance; now, therefore,

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

SECTION 1. The foregoing recitals are adopted and are incorporated into and made a part of this Ordinance.

SECTION 2. Section 2-173-005 of the Municipal Code of Chicago is hereby amended by inserting the underscored text, as follows:

2-173-005 Purpose and intent.

The vitality of the City of Chicago (the "City"), one of the most ethnically, racially and religiously diverse cities in the world, where one-out-of-five of the City's residents is an immigrant, has been built on the

strength of its immigrant communities. The City Council finds that the cooperation of all persons, both

1

0!)/i:V20w;

An Ordinance in Relation to amending the Welcoming City Ordinance

documented citizens and those without documentation status, is essential to achieve the City's goals of protecting life and property, preventing crime and resolving problems. The City Council further finds that assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents. The cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City. Furthermore, immigrant community members, whether documented citizens or not, should be treated with respect and dignity by all City employees and should not be subjected to physical abuse, threats or intimidation. One of the City's most important goals is to enhance the City's relationship with the immigrant communities.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, the City Council finds that there is a need to clarify the communications and enforcement relationship between the City and the federal government and to clarify what specific conduct by City employees is prohibited because such conduct significantly harms the City's relationship with immigrant communities. The purpose of this chapter is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws and to identify conduct that City employees may not engage in when interacting with community members.

SECTION 3. Section 2-173-010 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and inserting the underscored text, as follows:

2-173-010 Definitions.

As used in this ordinance, the following words and phrases shall mean and include:

"Administrative warrant" means ~~an immigration warrant~~ any document issued by ICE, ~~or a successor or similar federal agency charged with enforcement of civil immigration laws~~ that can form the basis for an individual's arrest or detention for a civil immigration enforcement purpose. This definition does not include any criminal warrant issued upon a judicial determination of probable cause, and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article I, Section 6 of the Illinois Constitution.

[Omitted text unaffected by this ordinance.]

2

09/1:1/201 c

"Coercion" means the use of improper or unlawful force or threats, express or implied, in order to compel a person to act against his or her will. As defined herein, "coercion" includes compelling a person to make statements.

"ICE" means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.

"Immigration detainer" means a ~~an official request issued by ICE, or other federal agency charged with the enforcement of civil immigration laws,~~ to a ~~another~~ federal, state or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged ~~to detain an individual based on~~ a violation of a civil immigration law.

"Verbal abuse" means the use of oral or written remarks that are overtly insulting, mocking or belittling, directed at a person based upon the actual or perceived race, immigration status, color, ancestry, or national origin.

SECTION 4. Section 2-173-025 of the Municipal Code of Chicago is hereby added, as follows:

2-173-025 Threats based on citizenship or immigration status prohibited.

No agent or agency shall coerce, including improper or unlawful threats of deportation, or engage in verbal abuse of any person based upon the person's or the person's family members' actual or perceived citizenship or immigration status.

For purposes of this Section, "family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

SECTION 5. Section 2-173-050 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and inserting the underscored text, as follows:

2-173-050 No private cause of action.

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. The exclusive remedy for violation of this chapter shall

be through the City's disciplinary procedures for officers and' employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter against a member of the Chicago Police Department shall forward a complaint to the Independent Police Review Authority, or anv successor independent police review agency; all other complaints shall be forwarded to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the chairman of the City Council Committee on Committees, Rules and Ethics for processing or such successor committee having jurisdiction over said matters ~~and if the complaint is against any member of the Chicago Police Department, the Inspector General shall transmit it to the Chicago Police Department for processing.~~

SECTION 6. This Ordinance shall take full force and effect upon its passage and publication.