



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2018-6403

**Type:** Ordinance **Status:** Failed to Pass

**File created:** 7/25/2018 **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Chapter 2-84 by adding new Sections 2-84-501 through 2-84-504 to regulate Chicago Police Department gang database

**Sponsors:** Munoz, Ricardo, Sawyer, Roderick T., Scott, Jr. Michael, Waguespack, Scott, Burnett, Jr., Walter, Tunney, Thomas, Arena, John, Ramirez-Rosa, Carlos, Laurino, Margaret, Solis, Daniel, Mitchell, Gregory I., Sadlowski Garza, Susan, Hairston, Leslie A., Cardenas, George A., Foulkes, Toni, Moore, David H., O'Shea, Matthew J., Taliaferro, Chris, O'Connor, Patrick, Maldonado, Roberto, Pawar, Ameya, Ervin, Jason C., Harris, Michelle A., Moreno, Proco Joe, Santiago, Milagros, Mell, Deborah, Mitts, Emma, Reilly, Brendan, Moore, Joseph, Villegas, Gilbert, Lopez, Raymond A., Hopkins, Brian, Beale, Anthony, Reboyras, Ariel, Smith, Michele, Austin, Carrie M., Sposato, Nicholas, Napolitano, Anthony V., Cappleman, James, Silverstein, Debra L., Curtis, Derrick G., King, Sophia D., Willie B. Cochran, Burke, Edward M.

**Indexes:** Ch. 84 Dept. of Police

**Attachments:** 1. O2018-6403.pdf

| Date      | Ver. | Action By    | Action         | Result |
|-----------|------|--------------|----------------|--------|
| 5/29/2019 | 1    | City Council | Failed to Pass |        |
| 7/25/2018 | 1    | City Council | Referred       |        |

**Type: Title:**

### Committee(s) Assignment:

Cochran (20) Burke (14) Ordinance

Amendment of Municipal Code Chapter 2-84 by adding new Sections 2-84-501 through 2-84-504 to regulate Chicago Police Department gang database Committee on Public Safety

**Committee on Public Safety City Council Meeting  
July 25, 2018**

### ORDINANCE

Whereas, the Office of Inspector General for the City of Chicago has announced an evaluation of the Chicago Police Department's Gang-related designations and tracking and has noted "the gang database has prompted public concern regarding the potential for significantly adverse impacts on those designated as 'gang affiliated.'", and;

Whereas, there are an estimated 195,000 individuals in CPD's gang database, and 95% of those individuals are Black or

Latino. The numbers suggest that approximately 11% of Chicago's total Black population, 4% of the Hispanic population, and just 0.6% of the white population is in the gang database, and;

Whereas, CPD shares information in its gang database with other law enforcement agencies, including the Department of Homeland Security and the Federal Bureau of Investigations, and;

Whereas, multiple local and national media outlets have reported on CPD's practice of disproportionately including Black and Latinx individuals in its gang database and the consequences that result to the individual and community at large, and;

Whereas, these sources indicate that inclusion in the gang database can adversely affect employment, housing, bail/bond and parole decisions, and lead to false arrest, deportation, and other life devastating consequences, and;

Whereas, it is necessary that an ordinance be passed that incorporates the findings of the Office of Inspector General and ensures the following:

- 1) CPD is prohibited from designating individuals gang members and maintaining a gang database, unless the OIG concludes that CPD's gang designations have a legitimate law enforcement related purpose that outweighs the harm caused to individuals who are designated as gang members;
- 2) that CPD's gang designations are verified in accordance with professionally accepted standards and regularly audited;
- 3) individuals included in the database receive notice and an opportunity to challenge their designation;
- 4) CPD is prohibited from sharing gang designations and/or information contained in the gang database with any third party; and 5) CPD's gang designations are free from racial discrimination.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
CHICAGO:**

SECTION 1. The Municipal Code of the City of Chicago is hereby amended adding a new Chapter 2-84-501, Regulation of Gang Database:

Purpose. It is the purpose and intent of this ordinance to protect the rights of people who encounter the Chicago Police Department during the OIG's evaluation of the gang database.

**Chapter 2-84-501 Regulation of Gang Database-Definitions**

The following terms wherever used in this chapter shall have the following meanings:

- a) "Gang Database" means any collection of information that includes inter alia any designation or reference to

individuals who have been designed criminal street gang members, affiliates, or associates;

- b) "Criminal street gang" means any ongoing organization, association in fact or group of three or more persons, whether formal or informal, having as one of its substantial activities the commission of one or more of a criminal act and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;
- c) "Third party" means any entity outside of the Chicago Police Department including but not limited to other state and federal law enforcement entities.

### **Chapter 2-84-502 Temporary Cessation of Designations and Information Sharing**

Until such time that the City Council enacts the protections described in paragraph 6 regarding CPD's gang database, the CPD shall be prohibited from designating any individual a gang member and/or inputting any individuals' information into any gang database. The CPD shall further be prohibited from sharing gang designations and/or information contained in the gang database with any third party, except that the Office of the Inspector General may access the Gang Database for the sole purposes of auditing CPD's gang database related policies and practices.

### **Chapter 2-84-503 Notice of Gang Designation**

CPD will provide written notice to every individual who is currently or who has within the last 20 years been designated a gang member in one or more of CPD's Databases. The notice will state the following:

- a) the date the individual was designated a gang member, associate, and/or affiliate;
- b) the gang(s) with which the individual is alleged to be have been affiliated;
- c) the basis for the designation and the location where the designation took place;
- d) the name of the officer(s) who made the initial designation;
- e) any external agencies that have access to that designation, and the dates on which any external agency accessed that designation;
- f) and the most recent date of any audit or assessment of the accuracy of that designation..

### **Chapter 2-84-504 Data sharing and transparency**

On a bi-annual basis CPD will publish both a statement detailing the actions it has taken to comply with the requirements of this ordinance and data about the individuals designated as gang affiliated, disaggregated by:

- a) Race/ethnicity;
- b) Gender;
- c) Age;
- d) Alleged gang affiliation(s);
- e) Basis for identifying alleged affiliation(s);
- f) Location of police interaction that lead to designation(s);

- g) Date of first designation and
- h) Number of arrests for serious or violent crime.

SECTION 2. This Ordinance shall be in full force and effect upon its passage and approval.

Ricardo Munoz Alderman, 22nd Ward

Roderick Sawyer Alderman, 6th Ward  
Michael Scott, Jr Alderman, 24th Ward  
jcpxt Waguespack Alderman, 32nd Ward