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Legislation Details (With Text)

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File created: 9/18/2019
In control: City Council
Final action: 5/24/2023
Title: Amendment of Municipal Code Chapter 2-84 by adding new Sections 2-84-501 and 2-84-502 to regulate gang designations and sharing of related database information
Sponsors: Martin, Matthew J., Taylor, Jeanette B., Ramirez-Rosa, Carlos, La Spata, Daniel, Maldonado, Roberto, Rodriguez Sanchez, Rossana, Sigcho-Lopez, Byron, Curtis, Derrick G., Mitts, Emma, Scott, Jr. Michael, Rodriguez, Michael D., Dowell, Pat, Sawyer, Roderick T., King, Sophia D., Cardona, Jr., Felix, Burnett, Jr., Walter, Coleman, Stephanie D., Sadlowski Garza, Susan, Vasquez, Jr., Andre, Hadden, Maria E., Austin, Carrie M.
Indexes: Ch. 84 Dept. of Police
Attachments: 1. O2019-6943.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------|-------------------|--------|
| 5/24/2023 | 1 | City Council | Failed to Pass | |
| 11/26/2019 | 1 | Committee on Public Safety | Add Co-Sponsor(s) | |
| 9/18/2019 | 1 | City Council | Referred | |

Committee on Public Safety City Council
Meeting September 18,2019

ORDINANCE

Whereas, in April 2019, the Office of Inspector General for the City of Chicago ("OIG") released a comprehensive review of the gang-related data that the Chicago Police Department ("CPD") collects and stores through a multitude of internal databases, forms, visualization tools, and repositories ("gang database"); and

Whereas, OIG concluded that 1) CPD lacks sufficient controls for generating, maintaining, and sharing gang-related data; 2) CPD's gang designations raise significant data-quality concerns; and 3) CPD's practices and lack of transparency regarding its gang designations strain police-community relations; and

Whereas, OIG concluded that over 500 external agencies have access to this database. These outside agencies include federal immigration authorities, the Chicago Public Schools, and other law enforcement entities. According to OIG, CPD's lack of sufficient control and oversight of external agencies' access and use of this information leads to a variety of negative consequences for individuals and communities; and

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

Whereas, Chicago's communities of color bear the burden of the harm created by the gang designations. There are an estimated 134,242 individuals in CPD's gang arrest card database, and 95% of those individuals are Black or Latinx. The numbers suggest that approximately 11% of Chicago's total Black population, 4% of Chicago's Hispanic population, and 0.6% of Chicago's white population is in the gang arrest card database; and

Whereas, prior to the release of OIG's report, the University of Illinois at Chicago's Policing in Chicago Research Group released two reports documenting the racial disparities and inaccuracies that plague CPD's gang designations. Additionally, numerous community-based organizations have organized hundreds of families and community members and educated them

about the realities of CPD's gang designations. The City of Chicago is currently defending a class action lawsuit challenging the constitutionality of CPD's gang designations; and

Whereas, CPD has proposed to create a new gang database called the Criminal Enterprise Database ("CED")- This proposed new database does not address the deficiencies identified by the OIG, affected communities, and academic researchers.

Therefore, the Municipal Code of the City of Chicago shall be amended as follows:

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

Chapter 2-84-501 Regulation of Gang Designations-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 designated 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 the Chicago Public Schools and 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 takes actions to redress the harm caused by CPD's gang designations:

- (a) CPD shall be prohibited from designating any individual a gang member and/or inputting any individual's information into any existing or new gang database, including but not limited to Citizen and Law Enforcement Analysis and Reporting ("CLEAR") and the Criminal Enterprise Database ("CED");
- b) CPD shall be prohibited from using gang designations as the sole justification for surveillance or any other law enforcement purpose;
- c) CPD shall further be prohibited from sharing gang designations and/or information contained in any gang database with any third party, except that the Office of the Inspector General may access any gang database for the sole purposes of auditing CPD's gang designation related policies and practices.

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