



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2021-3993  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 9/14/2021  
**In control:** City Council  
**Final action:** 2/23/2022  
**Title:** Amendment of Municipal Code Sections 2-78-100 and 2-78-120 by defining sexual misconduct and modifying powers and duties of Chief Administrator of Civilian Office of Police Accountability  
**Sponsors:** Martin, Matthew J., Vasquez, Jr., Andre  
**Indexes:** Ch. 78 Civilian Office of Police Accountability  
**Attachments:** 1. SO2021-3993.pdf

Date	Ver.	Action By	Action	Result
2/23/2022	1	City Council	Passed	Pass
2/17/2022	1	Committee on Public Safety	Substituted in Committee	
2/17/2022	1	Committee on Public Safety	Recommended to Pass	
2/17/2022	1	Committee on Public Safety	Add Co-Sponsor(s)	
9/14/2021	1	City Council	Referred	

### SUB ST I T U T E ORDINANCE

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

SECTION 1. Section 2-78-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

#### 2-78-100 Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

*(Omitted text is unaffected by this ordinance)*

"Police Department" means the Department of Police established in Chapter 2-84 of this Code.

"Sexual misconduct" means:

1) any behavior, occurring on or off duty, by a member of the Police Department that takes advantage of the Police Department member's position in law enforcement to misuse authority and power, including force, in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person:

2) any sexual communication or behavior, occurring on or off duty, by a member of the Police Department that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of a member of the Police Department: or

3) any attempted or completed act, occurring on or off duty, by a member of the Police

Department of nonconsensual sexual conduct or nonconsensual sexual penetration, as defined in Section 11-0.1 of the Illinois Criminal Code of 2012, criminal sexual assault, as defined in Sections 11-1.20 through 11-1.40 of the Illinois Criminal Code of 2012, or criminal sexual abuse, as defined in Sections 11-1.50 and 11-1.60 of the Illinois Criminal Code of 2012.

"Superintendent" means the Superintendent of Police or the Superintendent's designee.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 2-78-120 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and by inserting the language underscored, as follows:

**2-78-120 Office and Chief Administrator - Powers and duties.**

*The Office and Chief Administrator shall have the following powers and duties: (Omitted text is unaffected by this ordinance)*

**1**

(b) To conduct investigations into complaints against members of the Police Department alleging domestic violence, excessive<sup>7</sup> force, coercion, or verbal abuse;

(b-5) To conduct investigations into complaints against members of the Police Department alleging sexual misconduct or, after conferring about the details of a particular sexual misconduct investigation with the Police Department's Bureau of Internal Affairs, to refer complaints to the Bureau of Internal Affairs if the Chief Administrator and the Bureau of Internal Affairs jointly determine that the Bureau of Internal Affairs may conduct the administrative investigation into the complaint and that doing so avoids unnecessary disruption to the complainant;

*(Omitted text is unaffected by this ordinance)*

(i) To refer a complaint against a member of the Police Department within the Office's jurisdiction to mediation or such other methods of alternative dispute resolution that may be adopted in the Chief Administrator's discretion, except for complaints alleging: (i) the use of excessive force that results in death or serious bodily injury; (ii) sexual misconduct; ~~and~~ ~~each~~ ~~of~~ or (iii) domestic violence involving physical abuse or threats of physical abuse. The Office shall promulgate rules governing such mediations and other dispute resolution methods, which shall provide that participation shall be voluntary for all parties, and that the complainant, if any, shall be provided an opportunity to participate in the mediation process or other alternative dispute resolution process;

*(Omitted text is unaffected by this ordinance)*

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

Matthew J. Martin Alderman, 47th Ward

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## Chicago City Council Co-Sponsor Form

Document Number: SO2021-3993

modifying powers and duties of Chief Administrator of Civilian Police Department  
Accbiiitaf.

*Adding Co-Sponsor(s) Please Add Co-Sponsor(s) Shown Below -(Principal  
Sponsor's Consent Required)*

**Andre V. Saez**

(Signature)

Principal Sponsor:

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsors Below - (Principal  
Sponsor's Consent NOT Required)*

Alderman:

(Signature)

Alderman:

(Signature)

Date Filed:

Find a Copy

• Chairman of Committee to investigate was referred

- City Clerk

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