

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 not affected by this ordinance)

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

"Residential search warrant" has the meaning ascribed to the term in Section 2-84-520 of this Code.

"Serious bodily injury" means an injury of a graver and more serious character than an ordinary battery. This may include, but is not limited to, injuries resulting in: extreme pain; unconsciousness; disfigurement; hospital confinement; permanent or protracted loss or impairment of the function of a body part, organ, or mental faculty; or a substantial risk of death.

(Omitted text is not affected 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 not affected by this ordinance)

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

(Omitted text is not affected by this ordinance)

SECTION 3. Section 2-78-150 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-78-150 Quarterly and annual reports to legislative and executive branches.

(a) Quarterly reports. No later than the fifteenth day of, April, July, and October of each year, or the next business day after the fifteenth day of the relevant month, if the fifteenth day falls on a Saturday, a Sunday, or a holiday, the Chief Administrator shall post on the Office website for

public review and file with the Mayor or their designee, the Superintendent, the Chair of the City Council Committee on Police and Fire, or its successor committee, and the City Clerk, a quarterly report providing information based on data through the end of the preceding month on: (1) the number of investigations initiated during that quarterly reporting period; (2) the number of investigations concluded during that quarterly reporting period, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the end of that quarterly reporting period; (4) the number of complaints not sustained during that quarterly reporting period; (5) the number of complaints sustained during that quarterly reporting period, and of those complaints, the number that involved the service or execution of a residential search warrant; (6) the number of complaints filed as to each Police Department district during the quarterly reporting period; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the quarterly reporting period; and (8) the number of complaints filed involving the service or execution of a residential search warrant during the quarterly reporting period; and (9) the number of complaints referred to other agencies during the quarterly reporting period and the identity of such other agencies. Such quarterly reports shall also summarize any reports or recommendations issued to the Superintendent concerning the policies, programs, and practices of the Police Department, and the Superintendent's response to such reports or recommendations.

(b) *Annual reports.* No later than the fifteenth day of February of each year, or the next business day after the fifteenth day of the relevant month, if the fifteenth day falls on a Saturday, a Sunday, or a holiday, the Chief Administrator shall post on the Office's website for public review and file with the Mayor or their designee, the Superintendent, the Chair of the City Council Committee on Police and Fire, or its successor committee, the City Clerk, and the Deputy Inspector General for Public Safety, an annual report providing information based on data during the prior calendar year on: (1) the number of investigations initiated during the prior calendar year; (2) the number of investigations concluded during the prior calendar year, and of those investigations, the number that took more than six months to conclude; (3) the number of investigations pending as of the last day of the prior calendar year; (4) the number of complaints not sustained during the prior calendar year; (5) the number of complaints sustained during the prior calendar year, and of those complaints, the number that involved the service or execution of a residential search warrant; (6) the number of complaints filed as to each Police Department district during the prior calendar year; (7) without identifying any individual police officer, the number of complaints filed against each police officer in each Police Department district during the prior calendar year; and (8) the number of complaints filed involving the service or execution of a residential search warrant during the prior calendar year; and (9) the number of complaints referred to other agencies during the prior calendar year and the identity of such other agencies.

(Omitted text is not affected by this ordinance)

SECTION 4. Chapter 2-78 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-78-152, as follows:

2-78-152 Public release of certain incident-related materials.

(a) *Definitions.* For purposes of this section:

"Incident" means an alleged incident in which: (1) a member of the Police Department discharges a firearm in a manner that strikes, or that potentially could strike, another

individual, even if no allegation of misconduct is made; (2) a member of the Police Department discharges a stun gun or taser in a manner that strikes another individual and results in death or serious bodily injury; and (3) as a result of the use of force by a member of the Police Department, the death of, or serious bodily injury to, a person occurs while that person is in police custody.

"Incident-related material" means material that: (1) depicts or captures any portion of an incident or reflects a narrative memorialization of the incident; and (2) is within the scope of subsection (b) of this section.

(b) *Scope.* This section applies to the following types of incident-related materials:

(1) Video and audio recordings, including: (A) tapes of 911 calls; (B) dispatch recordings by the Office of Emergency Management and Communications; (C) Police Department radio calls; (D) video and audio recordings from Police Department dash and body-worn cameras; (E) video from Police Department or Office of Emergency Management and Communications police observation devices; and (F) recordings made using cameras or equipment not owned or controlled by the City that come into the possession of the Police Department or the Office.

(2) Initial police reports, including: (A) arrest reports; (B) original case incident reports; and (C) tactical response reports.

(c) *Timing and manner of release.* Subject to the other provisions of this section, all incident-related materials shall be released to the public via a publicly accessible web portal or website no more than 60 calendar days from the date of the incident unless a request is made to delay the release of any or all incident-related materials pursuant to subsection (d) of this section. Where any video or audio recording of an incident made using cameras or equipment not owned or controlled by the City comes into the possession of the Office after the date of that incident, it shall be released to the public no more than 60 days after it comes into the possession of the Office. The Office shall make every effort to provide for the release of such recordings simultaneously with the release of other incident-related materials. Where doing so will not compromise an ongoing investigation, any incident-related materials may be released to the public before the expiration of 60 calendar days and may occur as soon as possible after the incident.

(d) *Requests to delay release.* Upon written request from a government entity specified herein, the Office shall delay release of incident-related materials for a period not to exceed 30 calendar days. Any such request shall be made in writing and shall be directed to the Corporation Counsel. Such a request may be made by the United States Attorney for the Northern District of Illinois, the Cook County State's Attorney, the Attorney General of Illinois, or any other federal, State, county, or local law enforcement agency. Any request must set forth with specificity the length of the delay requested, not to exceed 30 calendar days, and shall set forth as reasons supporting the requested delay one or more of the factors listed in Section 7 of the Freedom of Information Act, codified at 5 ILCS 140/7. In addition, any such request must identify the specific material or materials sought to be temporarily withheld from release. The written request to delay release shall itself be released to the public immediately upon receipt using the web portal or website used for the distribution of incident-related materials. The Office shall not honor any further requests to delay release beyond the initial request and shall not honor a request for a delay of release that exceeds 30 calendar days.

(e) *Notice to affected parties.* Prior to the public release of any incident-related materials, the Office shall attempt to notify any individual who was the subject of the police action

and is depicted in any video recording, or that individual's legal representative or next of kin if that individual is deceased or otherwise unavailable, that the incident-related materials will be released to the public and the date of release. The Office shall also offer to promptly show such individuals, or, if applicable, their legal representative or next of kin, the video recordings in which that individual was depicted, and to play any related audio, in advance of their public release, and to answer questions and provide other information concerning the incident and the status of any investigation of the incident, to the extent that information can be provided without compromising any investigation.

(f) *Limitations on release.* The public release of incident-related materials may be limited, delayed, or prohibited entirely by the City's legal rights and obligations. Legal rights and obligations that may limit, delay, or prohibit such release include but are not limited to: (1) an order of a court of competent jurisdiction; (2) the City's obligations to redact or withhold information under the Health Insurance Portability and Accountability Act of 1996, the Illinois Juvenile Court Act, the Illinois Law Enforcement Officer-Worn Camera Act, or the Illinois Identity Protection Act; and (3) the City's obligations or rights to redact information under the Illinois Freedom of Information Act.

(g) *Partial release of incident-related materials.* Where an incident is of significant public interest, and where the Office has determined it is in the best interest of transparency, the Office may release incident-related materials before all such material is collected, subject to applicable law. After a partial release, the Office shall release subsequently acquired material as soon as practicable in accordance with applicable law.

SECTION 5. Chapter 2-78 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-78-153, as follows:

2-78-153 Release of certain complaint-related materials to individuals.

(a) *Definitions.* For purposes of this section:

"Subject" means an individual who is the subject of an event for which a complaint has been filed. The term "subject" shall include a parent or legal guardian of a subject who is a minor, or the legal representative of a subject.

"Complaint" means a complaint of alleged police misconduct by a member of the Police Department filed with the Office.

"Complaint-related material" means material that depicts or captures any portion of an event, or reflects a narrative memorialization of the event, for which a complaint has been filed.

(b) *Scope.* This section shall not apply to any incident covered by Section 2-78-152 of this Code.

(c) *Requests for release by a subject.*

(1) Within three business days of receiving a subject's written request for release of complaint-related materials, the Office shall:

(A) verify that a complaint has been filed with the Office regarding the relevant event;

(B) determine whether the Office or the Police Department's Bureau of Internal Affairs has jurisdiction for investigating the event;

(C) notify the Superintendent of Police and the Corporation Counsel, providing a copy of the request and of any determinations made pursuant to this subsection (c); and

(D) confirm receipt of the request with the subject. If the Office determines that a complaint has not been filed regarding the relevant incident, it shall notify the subject accordingly.

(2) Upon receiving notice of the request, the City agency that has jurisdiction over the event shall conduct a reasonable search to identify complaint-related materials.

(3) The City agency with jurisdiction over the event shall provide to the Office, Police Department, and Department of Law a list of identified complaint-related materials.

(4) The Office and the Police Department shall post to their respective websites instructions on how to request complaint-related materials, including what information must be provided by a subject.

(d) *Timing and manner of release.* Subject to the limits on release set forth in subsection (e) of this section, any complaint-related materials for which a subject has made a verified request for release shall be released by the City agency that has jurisdiction over investigating the event to the subject via a secure web portal no more than 30 calendar days after the Office receives the request for release. The complaint-related materials must be maintained on the secure web portal for no fewer than 30 days after release.

(e) *Limitations on release.* The public release of complaint-related materials may be limited, delayed, or prohibited entirely by the City's legal rights and obligations. Legal rights and obligations that may limit, delay, or prohibit such release include but are not limited to: (1) an order of a court of competent jurisdiction; (2) the City's obligations to redact or withhold information under the Health Insurance Portability and Accountability Act of 1996, the Illinois Juvenile Court Act, the Illinois Law Enforcement Officer-Worn Camera Act, or the Illinois Identity Protection Act; and (3) the City's obligations or rights to redact information under the Illinois Freedom of Information Act. To the extent that the City agency with jurisdiction over the investigation invokes an applicable State or federal law as a basis for delay or prohibition, the bases for such action shall be provided in writing to the subject by that agency as soon as practicable, but no later than 30 calendar days from the receipt of the request. All requests for delay shall expire 90 days after the request is received from the law enforcement agency, at which time the subject shall be provided all complaint-related materials, unless production is prohibited by law or court order.

SECTION 6. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-84-110, as follows:

2-84-110 Community policing training.

Consistent with the Consent Decree entered into between the State of Illinois and the City of Chicago on January 31, 2019 (17-cv-6260), as amended or supplemented from time to time by order of the U.S. District Court, the Department shall incorporate the philosophy of community policing and the concept of impartial policing into its annual in-service training for all officers, including supervisors and command staff.

SECTION 7. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-84-120, as follows:

2-84-120 Community review and feedback.

The Department shall ensure that members of the public and the Department have a meaningful opportunity to review and comment on material changes to Department policies and procedures required by the Consent Decree entered into between the State of Illinois and the City of Chicago on January 31, 2019 (17-cv-6260), as amended or supplemented from time to time by order of the U.S. District Court. The Department shall maintain an online public comment forum accessible through the Department's website where members of the public can review and provide feedback on selected Department policies. The Department shall make publicly available the proposed text of any policy that is subject to community review and feedback. The public shall be provided no fewer than 15 days to review and submit comments on posted policies. The Department shall review and consider all public comments received to guide revisions to draft policies. If extraordinary circumstances demand an immediate revision or clarification, such as a change in law or other urgent circumstance, the Department may issue a temporary policy or procedure.

SECTION 8. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-84-199, as follows:

2-84-199 Reports on residential search warrants.

(a) *Definition.* For purposes of this section, "residential search warrant" means a court order, approved and signed by a judge, authorizing and directing a law enforcement officer to search a specified dwelling for evidence or items related to the commission of a crime, based on a sworn statement of probable cause from the affiant Department member, and describing the person, place, or items to be searched or seized.

(b) *Statistical summaries.* The Department shall, on at least a monthly basis, prepare a statistical summary that includes, but is not limited to: (1) the number of residential search warrants that the Department has requested of a judge in the preceding month; (2) the number of residential search warrants approved by a judge in the preceding month; (3) the number of residential search warrants served and executed in the preceding month; and (4) residential search warrant service and outcome data, including anonymized location information, types of entry, number of arrests associated with the service and execution of a residential search warrant, evidence recovery information, and information regarding persons present, including vulnerable persons, during the service and execution of a residential search warrant. The Department shall make such information available to the public on an online dashboard that is updated on at least a monthly basis.

(c) *Trend analysis.* The Department shall, on at least an annual basis, prepare an

analysis of identifiable patterns or emerging trends related to residential search warrants developed and served by Department members. The Department shall make such analysis available to the public on an online dashboard.

(d) *Quarterly reports.* On a quarterly basis, or sooner at the request of the Chair of the Committee on Police and Fire, or its successor committee, the Superintendent or their designee shall appear before such Committee to report on, and answer questions concerning, any information made available to the public in accordance with this section.

SECTION 9. Section 2-84-230 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-84-230 Power of arrest – Service of warrants.

(Omitted text is not affected by this ordinance)

All warrants for the violation of municipal ordinances or ~~the state criminal~~ State law to whomsoever directed, may be served and executed within the limits of the ~~city~~ City by any ~~policeman~~ police officer in accordance with Article VI of this Chapter.

SECTION 10. Section 2-84-240 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-84-240 Process serving.

The members of the police force shall have power and authority and it shall be their duty to serve and execute warrants and other process in the ~~city~~ City for the summoning, apprehension, and commitment of any person charged with violation of any provision of this Code, or with any crime or misdemeanor, or offense against the laws of the ~~city~~ City or ~~state~~ State, subject to and in conformity with Article VI of this Chapter.

The Department shall establish a policy that requires all members of the police force participating in serving and executing a search warrant to exercise caution and use tactics reasonable and necessary under the circumstances and available at the time to protect and respect the rights of all individuals who are involved. Such policy shall address the potential presence of individuals aged 16 or younger, the elderly, individuals with disabilities, and other vulnerable persons. Such policy shall also address pointing firearms at individuals, including individuals aged 16 or younger, during the service and execution of a search warrant. All members of the police force shall act in accordance with the Constitution of the United States of America and shall comply with all applicable laws.

SECTION 11. Section 2-84-280 of the Municipal Code of Chicago is hereby repealed and replaced in its entirety, as follows:

2-84-280 Violation of duties.

Any member of the police force may be disciplined, up to and including separation from the Department of Police, for violating this Code or any policy or rule issued by the

Superintendent, pursuant to applicable law and collective bargaining agreement.

SECTION 12. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by adding a new Article VI, as follows:

ARTICLE VI. RESIDENTIAL SEARCH WARRANTS

2-84-520 Definition.

For purposes of this article, "residential search warrant" means a court order, approved and signed by a judge, authorizing and directing a law enforcement officer to search a specified dwelling for evidence or items related to the commission of a crime, based on a sworn statement of probable cause from the affiant Department of Police member, and describing the person, place, or items to be searched or seized.

2-84-530 Use of force in execution of a residential search warrant.

(a) All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a residential search warrant.

(b) An officer may execute a residential search warrant to make entry without first knocking and announcing their office only if a court of competent jurisdiction has found, based upon a showing of specific facts, the existence of the following exigent circumstances:

(1) that the officer reasonably believes that if notice were given a weapon would be used against the officer serving and executing the residential search warrant or against another person; or

(2) that if notice were given there is an imminent danger that evidence will be destroyed.

(c) Prior to requesting the issuance of a residential search warrant to make entry without first knocking and announcing their office, the officer must attest:

(1) that prior to entering the location described in the residential search warrant, a supervising officer will ensure that each participating member is assigned an officer-worn body camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act, codified at 50 ILCS 706/10-20; provided that the Department of Police has implemented officer-worn body cameras in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, codified at 50 ILCS 706/10-15. If the Department of Police or each participating member of a multi-jurisdictional team has not implemented an officer-worn body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the residential search warrant is otherwise recorded;

(2) that the supervising officer verified the subject address listed on the residential search warrant for accuracy and planned for vulnerable people on-site;

(3) whether the residential search warrant can be effectively served and executed between 6 a.m. and 9 p.m.;

(4) that the request for the residential search warrant is not based upon information from informants who have previously provided false information leading to the execution of a residential search warrant that failed to yield the evidence sought, an illicit substance, or the apprehension of suspects; and

(5) that if an officer becomes aware the residential search warrant was executed at an address, unit, or apartment different from the location listed on the residential search warrant, that member will immediately notify a supervisor who will ensure an internal investigation or formal inquiry ensues.

(d) A residential search warrant to make entry without first knocking and announcing an officer's office shall not be requested or executed when the only offense alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

(e) When an officer serves and executes a residential search warrant, the officer shall:

(1) serve and execute the residential search warrant between the hours of 6 a.m. and 9 p.m. unless the judge, for good cause, expressly authorizes service and execution at another time;

(2) be readily identifiable as a law enforcement officer;

(3) wear and activate an officer-worn body camera or otherwise record the interaction authorized by the residential search warrant in accordance with subsection (c)(1) of this section;

(4) notify the Special Weapons and Tactics team leader and the Office of Emergency Management and Communication;

(5) point a firearm at a person only when it is objectively reasonable to do so under the totality of the circumstances, and shall avoid intentionally pointing firearms at children unless reasonable under the totality of the circumstances, and shall comply with all Department training, policies, and directives related to the pointing firearms at children; and

(6) knock and announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear, allow at least 30 seconds before entry, and delay entry if the officer has reason to believe that someone is approaching the dwelling's entrance with the intent of voluntarily allowing the officer to enter the dwelling. Provided, however, that this paragraph (6) does not apply: (A) when serving and executing a residential search warrant approved by a judge in accordance with subsection (b) of this section; (B) if the circumstances known to the officer at the time provide an objectively reasonable basis to believe that a no-knock entry or not waiting 30 seconds is necessary because of the existence of an exigent circumstance set forth in subsection (b) of this section; or (C) if the circumstances known to the officer at the time provide an objectively reasonable basis to believe that a no-knock entry or not waiting 30 seconds is necessary because of an imminent danger threatening the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement officers serving and executing the residential search warrant.

2-84-540 Damage to property.

(a) Before departing from a location where a residential search warrant has been served and executed, the search team supervisor shall ensure that the premises, including any damaged point of entry, are secured to reasonably prevent unlawful entry into the premises.

(b) If a member of the Department of Police damages property during the service and execution of a residential search warrant and the search team supervisor determines that a claims notification is warranted, the supervisor shall receive all completed reports from involved Department members and ensure that affected parties are informed that a City claims adjuster will contact them by telephone.

SECTION 13. Nothing in this ordinance shall be construed to affect the validity or alter the terms of any collective bargaining agreement in force on the effective date of this ordinance. Nothing in this ordinance is intended to interfere with or impede the City's compliance with any applicable law, including statutes, ordinances, collective bargaining agreements, or the Consent Decree entered into between the State of Illinois and the City of Chicago on January 31, 2019 (17-cv-6260), as amended or supplemented from time to time by order of the U.S. District Court.

SECTION 14. This ordinance shall take effect ten days after passage and publication.