



City of Chicago



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Meeting Date: 12/18/2019

Sponsor(s): Lightfoot (Mayor)
Ramirez-Rosa (35)
Rodriguez (22)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 2-173 regarding
Welcoming Cities Ordinance and related immigration issues

Committee(s) Assignment: Committee on Health and Human Relations

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

December 18, 2019

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

Ladies and Gentlemen:

At the request of the Commissioner of Human Relations, I transmit herewith, together with Aldermen Ramirez-Rosa and Rodriguez, an ordinance amending the Welcoming Cities Ordinance.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot".

Mayor

ORDINANCE

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

SECTION 1. Chapter 2-173 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and adding the language underscored, as follows:

2-173-010 Definitions.

As used in this ordinance, the following words and phrases shall mean and include For purposes of this Chapter, the following definitions shall apply:

~~“Administrative warrant” means any document issued by ICE that can form the basis for an individual’s arrest or detention for a civil immigration enforcement purpose~~ an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document that can form the basis for an individual’s arrest or detention for a civil immigration enforcement purpose, non-limiting examples of which include Form I-200 “Warrant for the Arrest of Alien,” Form I-205 “Warrant of Removal/Deportation,” any predecessor or successor form, and all wants, hits, or requests contained in the “Immigration Violator File” of the FBI’s National Crime Information Center database. This definition does not include ~~any a~~ 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.

~~Agency:~~ “Agency” means every City department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

~~Agent:~~ “Agent” means any person employed by or acting on behalf of an agency.

~~Citizenship or immigration status:~~ “Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States,

“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.

“CBP” means United States Customs and Border Protection.

“CPD” means the Chicago Department of Police.

(Omitted text is not affected by this ordinance.)

“HSI” means Homeland Security Investigations.

“Immigration detainer” means a request by ICE to a federal, state or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, non-limiting examples of which include detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or Sections 287.7

or 236.1 of Title 8 of the Code of Federal Regulations, Form I-247A "Immigration Detainer – Notice of Action" and any predecessor or successor form.

(Omitted text is not affected by this ordinance.)

2-173-043 Prohibited activities

(a) No agency or agent shall assist ICE, HSI, CBP, or another successor agency with a civil immigration enforcement operation, including by being present to support or assist such an operation, establishing a traffic perimeter, or providing other on-site support.

(1) If CPD receives a request from ICE, HSI, CBP, or another successor agency to provide such assistance, a CPD supervising officer shall determine whether such request is to assist in the enforcement of civil immigration law. If the supervisor determines that the request is to assist in the enforcement of civil immigration law, the supervisor shall decline the request. The supervisor shall also notify the Office of Emergency Management and Communications with an identifier that indicates that the event is a request for assistance with civil immigration enforcement.

(2) An agency or agent is authorized to communicate with ICE in order to determine whether any matter involves enforcement based upon a violation of a civil immigration law.

(b) No agency or agent shall enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other provision of federal law that permits state or local governmental entities to enforce federal civil immigration law.

(c) After January 1, 2020, no agency or agent shall enter into or renew any agreement providing direct access to any electronic database or other data-sharing platform maintained by any agency, or otherwise provide direct access to such database, to any federal agency, if the agency or agent determines that the purpose of such access is for the enforcement of civil immigration law.

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-A~~ remedy for the 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~~ Civilian Office of Police Accountability, or any successor independent police review agency; all other complaints shall be forward 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 and Rules for processing or such successor committee having jurisdiction over said matters. Nothing in this section shall preclude an individual from seeking injunctive or declaratory relief for a violation of this Chapter.

2-173-065 Policies for public facilities.

The Corporation Counsel, in consultation with appropriate stakeholders, shall develop model policies for public libraries, community mental health centers, administrative hearing facilities, and any other appropriate public facilities administered or operated by the City to ensure that all such facilities remain safe and accessible to all Chicago residents, regardless of immigration status. All such facilities shall establish public policies that limit immigration enforcement operations on their premises to the fullest extent possible consistent with federal and state law. The City shall also make such policies available to facilities operated by sister agencies, including public schools and park district facilities.

2-173-067 Calls related to immigration enforcement operations.

The City shall take reasonable steps to provide a service through 311 that provides callers with information on immigration resources, which may include directing calls to an organization that can provide assistance. If such a system is established, the City shall ensure that residents who have limited proficiency in the English language have meaningful access to such service in accordance with Chapter 2-40 of the Municipal Code of Chicago.

2-173-069 Reporting Requirements.

(a) In order to ensure compliance with this Chapter, starting July 1, 2020, CPD shall submit a quarterly report to the Office of the Mayor and the Office of the Inspector General describing its compliance with this Chapter in the preceding quarter, which shall include:

(1) A list of the notifications made by CPD to the Office of Emergency Management and Communications with events describing a request for assistance with the enforcement of federal civil immigration law, as required under Section 2-173-043(b)(1)(D).

(2) With regard to immigration detainers or administrative warrants received by CPD that are related to enforcement of civil immigration law:

(A) The date that CPD received the immigration detainer or administrative warrant; and

(B) Whether CPD transferred the individual subject to the immigration detainer or administrative warrant to a federal agency's custody and, if so, which agency.

(b) The Office of the Mayor and the Office of the Inspector General shall make such reports publicly available, including through the Internet.

2-173-070 Severability.

~~If any provision, clause, section, part, or application of this chapter to any person or circumstance is, declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.~~

SECTION 2. This ordinance shall take effect following due passage and publication.