

ORDINANCE

TITLE: STOP Act: Stops, Transparency, Oversight and Protection Act

WHEREAS, the Chicago Police Department expressly prohibits “racial profiling” and other “bias based policing”; and

WHEREAS, the Chicago Police Department is committed to observing, upholding and enforcing all laws relating to individual rights of all persons and protecting each person’s human rights and complying with all law relating to human rights; and

WHEREAS, Chicago Police Department members are responsible for ensuring public safety by deterring and responding to crime, and are responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution and the law, and that safeguarding the liberties of the public and preventing crime are not mutually exclusive; and

WHEREAS, it a fundamental principle held by the Chicago Police Department and the City of Chicago that the public’s trust and cooperation is essential to the Chicago Police Department’s effectiveness and the Department cannot prevent future crimes without commitment and cooperation from the community; and

WHEREAS, it is imperative that the actions of the Chicago Police Department be as public and transparent to the community as possible because such transparency, through information sharing, will provide a greater means of accountability; and

WHEREAS, Chicago Police Department members make a record of investigatory stops and gang and narcotic loitering ordinance stops in order to document the facts and circumstances leading to the stop, including facts that provide the legal justification of reasonable articulable suspicion to conduct the stop, and in order for the information and practices to be reviewed by Chicago Police Departmental supervisors to ensure the stops comply with Department policy, including compliance with the Fourth Amendment; and

WHEREAS, currently, Chicago Police Department members are not required to document whether the individual stopped was also frisked and/or searched during the course of the stop, the extent of the search, the facts and circumstances that justified the search and whether such a frisk or search led to the discovery of a weapon or contraband; and

WHEARAS, Chicago Police Department members are not required to document stops, frisks, or searches when the person stopped is arrested, given an Administrative Notice of Violation, or the event was otherwise recorded in a report; and

WHEREAS, Chicago Police Department members are not required to document whether a person was informed of their right to refuse or withdraw consent to a search for which there is no other legal basis, and provided objective proof of voluntary informed consent prior to being frisked or searched; and

WHEREAS, the individual stopped and/or frisked or searched is not provided with a copy of the record of their stop and/or frisk and search; and

WHEREAS, the City of Chicago and the Chicago Police Department maintain information about stops that do not lead to an arrest or other enforcement action, but do not collect any information about stops that result in an arrest or other enforcement action, or any information about frisks, making it impossible to conduct analysis of data to determine the total number of investigatory stops conducted each year, the number of people frisked and searched each year, the number and demographics of searches conducted pursuant to consent, or the number of stops and/or searches that resulted in arrests or other enforcement actions each year, or a comprehensive analysis of the reasons for the stops; and

WHEREAS, the people of the City of Chicago are unable to access information relating to the data set identified above and thus also unable to determine to the effectiveness of investigatory stops and searches;

**BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO AND
THE MAYOR OF CHICAGO:**

- ' 'Declare it is the policy of the City of Chicago and the Chicago Police Department to gain public trust and confidence through transparency of police work.
- ' 'Require Chicago Police Department members to document every investigatory stop, including all stops that lead to enforcement action such as an arrest, traffic ticket, or an Administrative Notice of Violation.
- ' 'Require Chicago Police Department members to document the following information for each investigatory stop:
 - o The date, time, location and beat of the stop; and
 - o The actual or perceived race, gender, and age of the person being stopped, provided that the identification of these characteristics shall be based on the observations and perceptions of the Chicago Police Department member making the stop and the information shall not be requested of the person stopped, unless otherwise required by law; and
 - o A narrative providing a statement of the facts that establish the reasonable suspicion for the stop; and
 - o Whether a frisk of the individual took place as a result of the stop, and a narrative statement of the facts that establish the reasonable suspicion that the stopped individual was armed and dangerous; and
 - o Whether a search (beyond a frisk) of the individual, or, if applicable, the individual's property or vehicle, took place as a result of the stop, and a narrative statement of the facts that provided the legal justification for the search; and
 - o Whether the search was conducted pursuant to consent. If so, the officer shall advise the individual, prior to conducting the search, of their right to refuse or withdraw

- consent for the search at any time, and obtain objective proof of the individual's informed and voluntary consent in writing; and
 - The full scope of any search conducted; and
 - Whether any contraband was discovered or seized in the course of a frisk or search, and if so, the nature of the contraband; and
 - The disposition of the stop, such as a warning, ticket, or an arrest; and
 - If a summons was issued or an arrest was made, the violations, offenses or crimes charged; and
 - Whether any force was used during the stop, frisk, or search, and the type of force used; and
 - The name and badge number of all Chicago Police Department members involved; and
 - The name and badge number and agency of any other law enforcement officials involved.
- ' 'Require the Department member to duplicate or print the record of the stop and provide the person who is stopped and/or searched with a copy.
 - ' 'Require that this information be stored in a computer database and be made publicly available on a quarterly basis on the City of Chicago's website.
 - ' Require the creation of reports, which are to be released to the public on a quarterly basis and track the following:
 - The total number of stops, frisks, and searches citywide; and
 - The number of stops, frisks, and searches for each police district; and
 - A breakdown of the number of stops, frisks, and searches by race, gender, age, for each police district; and
 - The number and breakdown by race, gender, age of individuals subject to consent searches; and
 - The number of individuals who received a ticket or summons or who were arrested as a result of a stop in each police district; and
 - A breakdown by race, gender, age of the individual issued a ticket or arrested as a result of a stop in each police district; and
 - An explanation of the reason for the stop, frisk, or search for the each police district; and
 - The number of frisks and searches, in each police district, which resulted in the discovery of contraband, and the specific contraband found, broken down by race, gender, age and legal justification for the search.
 - ' Mandate that the subject of the stop's personal identifying information, including name, date of birth, license plate and vehicle identification numbers, be purged from any and all databases, contact cards and records 180 days after the date of the contact, but permanently retain all non personally identifying information about the stop.
 - ' 'Require that any and all personal identifying information obtained from the point of contact documented on a contact card cannot be shared with any other law enforcement agency,

school or other government institution, whether it is a municipal, state or federal agency or institution, other than the Chicago Police Department's Independent Review Authority and Internal Affairs Department for purposes of investigating any misconduct alleged during the stop.

- ' Upon passage of this ordinance, the Chicago Police Department has six months to effectuate these changes.