

SUBSTITUTE **ORDINANCE**

WHEREAS, extremism is on the rise across the United States, with the number of anti-government and hate groups almost doubling from 784 in 2014 to 1371 in 2024 according to the Southern Poverty Law Center; and

WHEREAS, extremist groups—including those that organized and participated in the January 6th U.S. Capitol riots, and that planned to kidnap Governor Gretchen Whitmer and overthrow the state government of Michigan—threaten the core American principles of democracy, freedom, and civil liberty; and

WHEREAS, particularly in the context of City employees who have a monopoly on the legal use of force, the City has a compelling interest in improving and maintaining public confidence in the police and other emergency personnel; promote employee discipline and morale; and strengthen the ability of employees to provide efficient services without disruption; and

WHEREAS, under the Biden administration, the U.S. Department of Defense reissued a policy prohibiting service members from actively participating in extremist activities; and

WHEREAS, other states and municipalities across the country, including the State of Minnesota and the City of Springfield, Illinois, have worked to combat extremism in law enforcement by updating policies, social media guidelines, and officer and supervisor trainings; and

WHEREAS, the mission of the Police Department of Chicago (CPD) is to “protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially”; and

WHEREAS, to carry out these missions, CPD members must build and maintain public trust with the communities they serve, as well as maintain strong CPD member discipline and morale; and

WHEREAS, prohibiting CPD members’ participation in extremist activities enhances the performance of critical law enforcement duties by building public trust and maintaining the integrity of the Department; now, therefore

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

SECTION 1. Section 2-78-120 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the text struck through, 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)

(e) To conduct investigations into all incidents of an "officer-involved death," as that term is defined in 50 ILCS 727/1-5;

(e-5) To conduct investigations into complaints against members of the Police Department alleging violations of Section 2-84-530 of this Code;

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 2-84 of the Municipal Code of Chicago is hereby amended by inserting a new Section 2-84-530, as follows:

2-84-530 Restrictions on actively participating in extremist activity.

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

(1) "Actively participate" means engaging in any of the following, unless within the scope of a particular member's duties, such as conducting confidential or undercover investigations:

(A) advocating or engaging in the use or threat of unlawful violence in support of extremist activities;

(B) advocating for, or providing material support or resources to, individuals or organizations that promote or threaten the unlawful use of violence in support of extremist activities, with the intent to support such promotion or threats;

(C) knowingly communicating any confidential or non-public information obtained by reason of their position or employment in support of extremist activities;

(D) recruiting or training others to engage in extremist activities;

(E) fundraising for, or making personal contributions through donations of any kind, including the solicitation, collection, or payment of fees or dues, to a group or organization that engages in extremist activities, with the intent to support those activities;

(F) creating, organizing, or taking a leadership role in a group, organization, or organized collective activity that engages in or advocates for extremist activities, with knowledge of those activities;

(G) distributing literature or other promotional materials, the primary purpose and content of which is to advocate for extremist activities with the intent to promote those activities;

(H) knowingly receiving material support or resources from a person or organization that advocates or actively participates in extremist activities with the intent to use the material support or resources in support of extremist activities;

(I) using any City property to support extremist activities, including by knowingly accessing internet web sites or other materials that promote or advocate extremist activities;

(J) knowingly displaying paraphernalia, words, or symbols in support of extremist activities or in support of groups or organizations that support extremist activities, such as flags, clothing, tattoos, and bumper stickers;

(K) engaging in electronic and cyber activities regarding extremist activities, or groups that support extremist activities, including posting, liking, sharing, "re-tweeting", or otherwise distributing or publishing content on any personal or public Internet domains, social media sites,

blogs, websites, and internet enabled applications, when such action is taken with the intent to promote or otherwise support extremist activities; or

(L) knowingly taking any other action in support of, or engaging in, extremist activities, when such conduct would constitute a breach of the public trust or conduct unbecoming of a member of the Police Department.

(2) "Active member" means an individual who knowingly is a member of any organization that supports, engages in, or advocates for extremist activities, with knowledge of those activities and a specific intent of furthering the aims of, adherence to, or overt participation in such activities.

(3) "Advocacy" means knowingly or intentionally furthering through recommendation, indoctrination, teaching, publication, promotion, or other overt act.

(4) "Executive Director" means the Executive Director of Public Safety Administration or the Executive Director's designee.

(5) "Chief Administrator" means the Chief Administrator of the Civilian Office of Police Accountability or the Chief Administrator's designee.

(6) "Covered employee" means any member of the Police Department of Chicago.

(7) "Extremist activities" means advocating, engaging in, or supporting: (i) the overthrow of any federal, state, or local government of the United States by violence, or seeking to alter the form of these governments by violence or unconstitutional means, including, but not limited to, by means of treason, sedition, insurrection, rebellion, or related offenses; or (ii) the planning, execution, or other material support of hate crimes and hate incidents, each as defined in Section 2-120-518.

(b) *Prohibition.* No covered employee shall actively participate in any extremist activity.

(c) *Administration and Enforcement.*

(1) Required rule making. The Chief Administrator, in consultation with the Commissioner of Human Resources, the Superintendent of Police, the President of the Police Board, the Mayor's Office's Chief Equity Officer or their designee, and the Deputy Mayor of Community Safety or their designee, shall issue new or updated rules as may be necessary to implement this section for members of the Police Department consistent with due process of law, equal protection under the law, and all other applicable local, State, and federal laws. The rules the Chief Administrator is authorized to issue under this subsection 2-84-530(c)(1) of the Code shall pertain only to the investigations, procedures, processes, and recommendations regarding covered employees subject to this section. Upon adoption of such rules, the Chief Administrator shall maintain a copy of the rules and procedures on file, which shall be made available for public inspection during regular business hours. The Chief Administrator shall also publicly post such rules and procedures on the Civilian Office of Police Accountability's website, subject to any limitations imposed by applicable law.

(2) Role of the Civilian Office of Police Accountability. Complaints of violation of this section against covered employees shall be referred to the Chief Administrator for investigation and, as appropriate, recommendation for discipline, discharge, or remedial action to the specific extent the Chief Administrator deems warranted. The Chief Administrator and the Civilian Office of Police

Accountability shall have no role in the investigation of applicants for employment as covered employees.

(3) Role of the Office of Public Safety Administration. The Executive Director or their designee shall inquire or investigate whether an applicant for employment as a covered employee actively participates in any extremist activity or has actively participated in any extremist activity since the effective date of this section. The Executive Director is authorized to issue any rules they deem necessary for investigatory process used for said applicants. Any rules the Executive Director promulgates under this subsection 2-84-530(c)(3) of this Code shall be issued in consultation with the Commissioner of Human Resources, the Superintendent of Police, the President of the Police Board, the Mayor's Office's Chief Equity Officer or their designee, and the Deputy Mayor of Community Safety or their designee. The Executive Director shall issue their hiring recommendation regarding the applicant to the Superintendent. All decisions on the Executive Director's hiring recommendations under this section shall be made solely by the Superintendent. The Executive Director and the Office of Public Safety Administration shall have no role in the investigation of current covered employees.

(4) Any decision to discipline, discharge, or recommend remedial action regarding a covered employee, or to reject an applicant for employment with the City as a covered employee, for a violation of this section or any rules promulgated hereunder shall be consistent with such applicant's or covered employee's constitutional rights, as contained in the First, Fifth, and Fourteenth Amendments of the United States Constitution, and Article I of the Illinois Constitution, any applicable rights under federal, state, or local law, or any rights under an applicable collective bargaining agreement as determined by the Superintendent in consultation with the Corporation Counsel. Any recommendation made based on an investigation conducted pursuant to this section shall be based on an assessment of all available information obtained through such investigation and the totality of circumstances, applying a preponderance of evidence standard. In accordance with the foregoing, this section shall not apply to the following conduct, each as interpreted by applicable case law: (A) the mere expression, teaching, publication, or other promotion of abstract doctrines or the moral propriety or necessity of using violence without the knowledge or intention to bring about, or that is unrelated to, the incitement of imminent lawless action or any action that would constitute a material and substantial disruption to City government; (B) nominal, inactive, purely technical, expression of agreement or sympathy, or other forms of passive membership in or support of any organization, without the knowledge of, or intent to further, any such organization's activities or other conduct that would be subject to this section; (C) any activity or conduct that is protected under federal or State law, including the National Labor Relations Act, State law, or the federal or Illinois Constitutions; (D) any activity or conduct that occurred prior to the effective date of this ordinance; or (E) any activity or conduct ceased more than five years prior to applying for employment with the City as a covered employee.

SECTION 3. Within 120 days of the effective date of this section, the Chief Administrator shall begin the process of issuing new or updated rules, in accordance with the new subsection 2-84-530(c)(1) of the Municipal Code of Chicago as added in Section 2 of this ordinance and as authorized in Section 2-78-170 of the Code, as may be necessary to implement this ordinance consistent with due process of law, equal protection under the law, and all other applicable local, State, and federal laws. Upon completing the issuance of such new or updated rules, including any additional process or timeframe required under any applicable collective bargaining agreement or labor laws, the Chief Administrator shall inform the Corporation Counsel and the Chair of the Committee on Workforce Development.

SECTION 4. Section 3 of this ordinance shall take effect upon passage and publication. After passage and publication, Sections 1 and 2 of this ordinance shall take effect on the effective date of the rules promulgated pursuant to Section 3 of this ordinance.