

Chicago Community Consent Decree

Recommendations for the Consent Decree in State of Illinois v. City of Chicago

May 15, 2018

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I. USE OF FORCE¹

A. Use of Force Principles

1. CPD will develop and implement an overarching agency-wide use of force² policy that directs officers to preserve and respect the sanctity of life and protect all people from harm resulting from CPD officer actions and inactions, especially those people who historically and disproportionately have been victims of police violence, including people of color, children and youth, women, immigrants, members of the Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) community and people living with mental illness and/or with disabilities. CPD's use of force policy must comport with best practices, current professional standards and applicable law. The general use of force policy will incorporate the use of force principles articulated herein, and shall specify that the unnecessary use of force will subject officers to discipline and/or possible criminal prosecution. CPD will review, and if required, update its use of force policy as often as necessary to protect the sanctity of life, but at least every six months.

2. Officers must apply non-violent means to resolve incidents without the use of force whenever feasible, and shall be evaluated in part by their success in resolving incidents without force or by the use of the minimal amount of force necessary under the circumstances. CPD, each oversight entity, and the independent monitor will track and rely on data regarding the frequency with which officers resolve incidents without force for supervisory purposes and shall include this data in CPD annual public reports.

3. Officers are prohibited from using force when the subject does not present an imminent threat of bodily harm to another person *and* there is no basis for a lawful arrest.

4. CPD will require officers to develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force. CPD will increase officer training and practices that utilize non-force techniques and decision-making, including trauma- and disability-informed practices.

5. CPD will allow officers, including back up officers, sufficient time and resources to respond to and resolve incidents consistent with the above principles. No officer shall be penalized for taking sufficient time to resolve an incident without use of force.

B. Use of Force Policies

6. CPD has recently revised its use of force policies. CPD shall build on its policies, making further revisions where necessary under the provisions of this Agreement and, as

¹ Sources: Newark, Baltimore, and Ferguson Consent Decrees.

² The use of force principles described in this section apply to all uses of force except de minimus force. Force is defined as "physical interactions, for a lawful purpose, between an officer and a member of the public meant to separate, guide, and/or control without resort to control techniques that are intended to or are reasonably likely to cause pain." Examples include using hands or equipment to stop, push back, separate, or escort and the use of compliance holds without the use of sufficient force to cause pain.

enumerated below, improve its training, investigations, and reviews regarding use of force to ensure that officers preserve and respect the sanctity of life and protect all people from harm. The revised policy shall contain the following provisions:

- a. Officers are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force as the threat diminishes.
- b. Officers are prohibited from using force unless all other reasonable alternatives have been exhausted and they can do so in a manner that minimizes injury to the individual and to any bystanders.
- c. Officers shall use trauma-informed de-escalation techniques and tactics and other alternatives, to minimize the need to use force and to increase the likelihood of voluntary compliance with legitimate and lawful orders.
- d. Officers shall be required to de-escalate potential and ongoing use of force incidents wherever and whenever possible, including through the use of time as a tactic, continual communication, tactical positioning, and requesting assistance from other officers, mental health personnel, or specialized units, as necessary and appropriate. Specific trauma-informed de-escalation techniques will include: verbal persuasion; acknowledging fear, confusion and mistrust; using an even/respectful tone; asking questions and issuing respectful warnings; and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance between the officer and the threat, retreating, and requesting additional resources (*e.g.* specialized units, crisis intervention units, behavioral health care providers, negotiators, etc.), whenever possible, before resorting to force and to reduce the need for force.
- e. Officers will allow individuals the opportunity to submit to arrest before force is used wherever possible. Officers shall recognize that, in some circumstances, allowing a subject to temporarily evade arrest, including by retreating, may be the appropriate response to a situation when the use of force may technically be justified under relevant law or policy.
- f. Officers are prohibited from using force against a person who is handcuffed or restrained, except as necessary to prevent imminent bodily harm to any other person. Use of force against a restrained person must be followed by the immediate notification and response of a supervisor to assess the need for and propriety of the use of force.
- g. Officers are prohibited from applying force greater than handcuffs to overcome passive resistance.

- h. Officers are prohibited from applying restraints, including handcuffs and zip ties, in a manner that is intended or known to inflict pain or discomfort. In doing so, officers will ensure that handcuffs are double locked, appropriately fit and are adjusted when the person handcuffed complains of pain or discomfort. Officers shall have an affirmative duty to adjust the handcuffs upon complaint, provided that it is safe to do so at the time.
- i. Officers are prohibited from using force to effect compliance with a command that is unlawful. A use of force is unnecessary and unreasonable when the initial arrest or detention was unlawful based on information that was known to the officer at the time of arrest or detention.
- j. Officers are prohibited from using tactics that escalate an incident, including but not limited to taunting, humiliating or threatening individuals and using status- race-, and/or identity-based slurs, including by intentionally misgendering any individual.
- k. Officers are prohibited from using force as punishment or retaliation. Officers are prohibited from using force to punish individuals for fleeing, resisting arrest, insulting or assaulting an officer, and/or engaging in First Amendment Activities, including but not limited to observing or recording a CPD officer.
- l. Officers are prohibited from using force in response to speech, which includes verbal confrontation, slurs, or insults.
- m. Officers are prohibited from using neckholds, chokeholds, head strikes, knee strikes, closed-hand strikes, and/or any vehicle as a weapon. Officers are further prohibited from targeting any individual's neck or groin with force.
- n. Officers shall be affirmatively required to intervene and render assistance when any officer observes another using unnecessary or excessive force.
- o. Officers are required to use a critical thinking, decision-making framework to analyze and respond to incidents, under which officers:
 - i. Gather facts about the incident and assess the relevant situation, threats, and risks for the purpose of minimizing and eliminating the use of force, a process that includes:
 - 1) Evaluating individualized factors, including age, physical impairment, frailty, pregnancy, and risk posed by the individual; and
 - 2) Considering whether a subject may be noncompliant due to limited English proficiency (LEP), a medical condition, disability, age/developmental immaturity, behavioral health crisis, a language barrier, and/or drug or alcohol use;

- ii. Consider relevant policies with an emphasis on preserving the sanctity of life;
- iii. Identify options (including but not limited to crisis intervention and a behavioral health response) and determine the best course of action; and
- iv. Act, review, and re-assess the situation and the need for force.

7. CPD shall amend General Order 03-03-02 to ensure its use of force policies comply with the above requirements, including by:

- a. Providing non-force responses and techniques to be utilized during encounters with non-compliant individuals who do not otherwise present a safety threat;
- b. Clarifying that the force responses are only to be used where force is necessary and as a last resort;
- c. Emphasizing non-force responses and techniques as the default response, unless a safety threat requires the use of force; and
- d. Revising Section IV(B), regarding resisters, to include consideration of whether the individual's behavior is the result of a disability, substance use disorder, medical condition, behavioral health crisis, LEP, and/or developmental immaturity.

8. CPD will ensure that its use of force policy provides guidance on specific protocols and practices to use when engaging with children and youth,³ which will include the following:

- a. Officers will employ developmentally-appropriate and trauma-informed de-escalation tactics including, but not limited to, using a calm, neutral demeanor, and avoiding threatening language; and
- b. Officers will use alternatives to arrest, including: warn and release, informal counseling, and referral to community services and resources such as mental health, drug treatment, mentoring, and counseling organizations that operate independently from the justice system.

9. CPD will evaluate and improve its policies, protocols, and practices regarding use of force during encounters with children and youth, including by:

- a. Within 60 days of the implementation of this Agreement, the City will fund an independent expert selected by the Coalition to conduct a comprehensive assessment of the City's efforts to decrease youth involvement with the

³ A "youth" is an individual who is younger than 24 years old. International organizations define youth as individuals aged 15 to 24, including the United Nations, *see* <https://www.un.org/development/desa/youth/what-we-do/faq.html>, and UNESCO, *see* <http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/youth-definition/>.

juvenile and criminal justice systems, including the City's diversion programs, community-based alternatives to incarceration, and treatment options for youth in need of services, as well as any obstacles to this process. The assessment will include consulting with community organizations/groups and/or collectives with particular expertise and/or insight into issues affecting youth most likely to have contact with CPD, including youth with disabilities and LEP youth. The report shall be public. The City will address the deficiencies detailed in the report by developing and implementing a comprehensive plan for youth diversion based on the report's findings.

- b. Within 3 months of the implementation of this Agreement, CPD, with guidance from the Monitor, will assess its current policies and training related to Youth and will revise its policies and training as necessary to ensure that CPD provides officers with requirements and oversight on developmentally-appropriate responses to and interactions with children/youth.

10. CPD will ensure that its use of force policy provides guidance on specific protocols and practices to use when engaging with people with disabilities, which will include the following:

- a. CPD will employ disability- and trauma-informed de-escalation tactics including, but not limited to, using a calm, neutral demeanor and avoiding threatening language;
- b. During police contacts with people who are known or believed to have disabilities, officers shall provide reasonable accommodations, to the extent necessary and available, in order to facilitate the encounter without the use of force. Such reasonable accommodations may include modification of response techniques to gain compliance to avoid initiating physical contact, including alternative communication methods, and utilizing time and space to avoid the use of force;
- c. In considering whether and how to use force, CPD Officers will make an individualized assessment of the circumstances, the person involved, and the specific risk posed; and
- d. CPD will ensure that officers consider whether a subject may be noncompliant due to a disability.

11. The following principles shall govern CPD policies, practices, and training on the use of lethal force:

- a. The use of lethal force is a measure of last resort and is prohibited unless such force is necessary to protect against an imminent threat to life or serious bodily harm to another person. In circumstances where lethal force is deemed "necessary" pursuant to the terms of this Agreement, it shall be used only in order to eliminate the imminent threat to life or serious bodily harm posed by

the individual. It must be proportionate to achieve that objective, and officers must use it in a manner designed to minimize damage or injury.⁴ Officers must make every effort to preserve the sanctity of life and to apply force consistent with this mandate.

- b. Lethal force may not be used until officers have identified themselves as police officers and provided a clear warning of their intent to use firearms, providing sufficient time and warning for the person to comply, unless doing so would create a risk of death or serious bodily harm.
- c. Lethal force may not be used against a fleeing person unless that person has demonstrated through an overt act that he or she has the means and the intent to cause imminent death or serious bodily injury to another person.
- d. The fact that a person is suspected of having or has possession of a weapon does not alone justify the use of deadly force.
- e. Lethal force may not be used against someone who is a threat to only themselves or to property.

1. Weapon Specific Provisions

12. CPD officers are prohibited from using weapons unless policy prescribes the use of the specific weapon in the specific circumstances and the officer has received adequate training on the use of the weapon.

13. Officers are prohibited from carrying and/or using any weapon until the officer has successfully completed approved training and has current certifications to use and carry each specific weapon. Training must occur once every two years and include information from the medical community about the effects of each weapon and the counter-indications. CPD will ensure that its weapon-specific use of force policies and practices achieve the following outcomes:

a. Firearms

- a. Officers will not unholster and display a firearm unless the circumstances create a reasonable belief that lethal force may become necessary. CPD will prohibit officers from exhibiting and/or pointing a firearm unless the officer reasonably believes that the situation may escalate to create an imminent threat of serious bodily injury or death to the officer or another person.
- b. Officers will not fire warning shots. Officers will consider their surroundings before discharging their firearms and will avoid unnecessary risk to bystanders, victims, subjects, and other officers.

⁴ Amnesty International, "Deadly Force: Police Use of Lethal Force in the United States," available at https://www.amnestyusa.org/wp-content/uploads/2017/04/aiusa_deadlyforcereportjune2015.pdf.

- c. Officers will not discharge a firearm from or at a moving vehicle unless use of lethal force is justified by something other than the threat posed by the moving vehicle. Officers will not intentionally place themselves in the path of or reach inside a moving vehicle. Where possible, officers will attempt to move out of the path of a moving vehicle.
- d. Officers shall not discharge their firearms if doing so would place an innocent bystander at substantial and unjustified risk of injury or death. CPD officers may not fire into crowds.

b. Tasers

- e. Officers are prohibited from using tasers or similar electronic weapons (ECWs) unless: (1) grounds for arrest or detention are present; (2) the subject is aggressively physically resisting; (3) lesser means have been tried and have failed; and (4) such force is necessary to protect the officer, the subject, or another party from immediate physical harm.
- f. Officers are prohibited from using tasers for pain compliance, whether in probe mode or drive stun mode.
- g. Officers are prohibited from using tasers until a verbal warning is issued to the subject stating that the officer intends to use the taser. Where feasible, the officer will defer taser application for a reasonable time to allow the subject to comply with the warning. Officers should use hand signals where there is a potential language barrier or hearing impairment.
- h. Officers are prohibited from using tasers in schools, on people who are handcuffed or restrained, children, the elderly, pregnant women, people in apparent medical distress or in behavioral health crisis, and/or people who present as frail, low body mass, and/or sickly.
- i. Officers are prohibited from intentionally tasing people in the head, neck, chest or groin.
- j. Officers are prohibited from using tasers where deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted, as set forth in the Agreement. Situational hazards include falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
- k. Because of the life-threatening risks of prolonged or repeated taser exposure, officers are prohibited from using tasers for longer than one standard cycle (5 seconds). CPD will ensure that, after the first taser application, the officer will reevaluate the situation to determine if subsequent cycles are necessary and

will weigh the risks of subsequent cycles against other force options. In determining whether any additional application is reasonable, officers will consider that a subject may not be able to respond to commands during or immediately following an ECW application, and the officer will allow sufficient time for the subject to comply prior to applying another cycle. Officers shall not employ more than two cycles or 10 total seconds of a taser against a subject during a single incident unless lethal force is justified, as set forth in the Agreement. Officers are prohibited from discharging a taser multiple times against a single individual unless each separate application complies with the use of force principles described in the Agreement. Each application is a separate use of force that officers must separately justify as reasonable.

- l. Officers shall not use tasers on fleeing persons and/or people in possession of a weapon who do not pose an imminent threat of physical harm to the officer or others. Flight and/or weapon possession shall never be the sole basis for administering a taser on a subject.
- m. Officers shall keep tasers in a weak-side holster to reduce the chances of accidentally drawing and/or firing a weapon.
- n. Officers shall be trained in and follow protocols developed by CPD to minimize pain and injury in the event of taser use, including:
 - i. The removal of probes, including requiring medical or specially trained personnel to remove probes that are embedded in a subject;
 - ii. Minimizing the risk of positional asphyxia and the importance of ensuring that a person's ability to breathe is not compromised by positioning or officer action/inaction;
 - iii. Ensuring that subjects against whom tasers were used receive a medical evaluation by emergency medical responders in the field or at a medical facility.
- c. Oleoresin Capsicum Spray ("OC Spray")**
 - o. Officers are prohibited from using OC spray unless such force is necessary, objectively reasonable, and consistent with the use of force principles described in the Agreement. OC Spray may not be used against an individual unless he or she poses an immediate threat to the safety of an officer or others.
 - p. Officers are prohibited from using OC Spray to disperse crowds. Where OC spray is used on an individual in a crowd, CPD will ensure that the spray is directed at the person(s) who presents an immediate threat to the safety of others.
 - q. Officers are prohibited from using OC Spray until a verbal warning is issued

to the subject stating that the officer intends to use OC Spray. The officer will defer using OC Spray for a reasonable time to allow the subject to comply with the warning. Officers should use hand signals where there is a potential language barrier or hearing impairment.

- r. Officers are prohibited from using multiple applications of OC Spray unless each separate application complies with the use of force principles described in the Agreement. Each application is a separate use of force that officers must separately justify as reasonable.
- s. Officers are prohibited from using OC Spray on a person who is handcuffed or otherwise restrained unless that person presents an imminent threat to the safety of the officer or others and other, less intrusive means have failed to mediate the threat.
- t. Officers will assist exposed subjects with decontamination and water flushing immediately after the application of the OC Spray. Officers will render aid consistent with their training and experience, and arrange immediate transport to a hospital for medical treatment for subjects on whom OC Spray has been used under the following circumstances: (1) when they complain of or exhibit continued effects after having flushed the affected areas; and/or (2) when they indicate that they have a pre-existing medical condition (*e.g.*, asthma, emphysema, bronchitis, or a heart ailment) that may be aggravated by OC Spray.

C. Use of Force Reporting and Review

14. CPD's policy regarding reporting of use of force incidents must ensure accurate and detailed reporting, robust review and investigation, and comprehensive data analysis to improve use of force policies and procedures (including regarding racial and other disparities in the use of force), greater transparency, and officer accountability for uses of force.

1. Notification Procedure

15. Immediate notification of all reportable use of force incidents is a vital first step in the reporting process. CPD should continue to follow its procedure for immediate notification of the Office of Emergency Management and Communications (OEMC) and direct supervisors, with the modifications set forth below.

16. General Order G03-02-02, Section IV.A should be modified to require OEMC to immediately notify and assign a field supervisor to immediately report to the scene of any use of force involving the following, in addition to the existing requirements of 03-02-02, Sect. IV.A.2.b:

- a. A weapon (including firearm, taser, edged weapon, rocks, or other improvised weapon);

- b. Persons experiencing, or believed to be experiencing, behavioral health crises, if CIT is not available; or
- c. Where a dispatcher or other member of CPD believes there is potential for significant use of force.

17. The City shall develop procedures for the immediate notification of the Civilian Investigative Entity (CI)⁵ and CPD's Bureau of Internal Affairs (BIA) following any discharge of a firearm or taser and following any use of force resulting in serious bodily injury to enable members of the CI to promptly respond to the scene. As a part of those procedures, the City must document and track the time that OEMC notified the CI, and the time that the CI arrived on the scene. The City must also notify the Cook County State's Attorney and the United States Attorney for the Northern District of Illinois of every use of force that results in death or serious bodily injury.

2. Reporting Requirements (Tactical Response Reports)

18. The consent decree should require that CPD continue the reporting requirements for use of force incidents with modifications to allow for robust review and investigation. To that end, CPD should modify the Tactical Response Report (TRR) procedures outlined in General Order G03-02-02, as follows.

a. Reportable Use of Force

19. General Order G03-02-02 must be amended and modified to provide a clear and workable definition of Reportable Force based on the level and type of force used, and not based on the subject's actions. The TRRs must allow for review of all uses of force greater than the minimal touching required to escort and/or handcuff. It must include pointing a firearm as a Reportable Use of Force. It must remove the exclusion of "force necessary to overcome passive resistance due to physical disability or intoxication which does not result in injury or allegation of injury" in Section III.B.3.

20. To achieve this, Reportable Force shall be defined as: any force greater or more than escorting, touching, or handcuffing a person with minimal or no resistance. It includes: (1) force that causes only transient pain or disorientation during its application as a means of gaining compliance, including hand control or escort techniques (*e.g.*, elbow grip, wrist grip, or shoulder grip) and pressure point compliance techniques that are not reasonably expected to cause injury; (2) pointing a firearm or taser at an individual; (3) "cycling" a taser as a form of warning ("Displaying the Arc"); and (4) forcible takedowns that do not result in actual injury or complaint of injury. Reportable Force does not include escorting, touching, or handcuffing a person with minimal or no resistance. (Baltimore ¶ 140(a)).

b. Officer Reporting Responsibilities

21. General Order G03-02-02, Section IV.B must be amended to require completion of

⁵ Currently, COPA is tasked with fulfilling this function. *See* Accountability, Section V.

a TRR, or the equivalent, by officers who witness a use of force, in addition to the existing TRR requirements for officers who use force. Every officer who observes a use of force incident is required to fill out a TRR including a detailed, comprehensive narrative, even if that officer did not use force. (Baltimore ¶ 173).

22. General Order G03-02-02 and the TRRs must be modified to ensure the required information is provided, including the following:

- a. Each report must include a narrative description of the use of force. Officers will not use conclusory statements, boilerplate, or canned language (e.g., “furtive movement” or “fighting stance”) without supporting incident-specific detail in their TRRs. (Newark ¶ 79; Baltimore ¶ 176).
- b. Each form must include an indication of whether the incident appeared to involve a behavioral health disability or crisis.
- c. All narratives must include:
 - i. The reason for the initial police presence;
 - ii. A specific description of the acts that led to the Reportable Force;
 - iii. The level of resistance encountered;
 - iv. All less-intrusive responses or techniques tried prior to or during the use of force incident, including de-escalation techniques; and
 - v. A description of every type of Reportable Force used. (Baltimore, ¶ 173).
- d. When a weapon is used or when the use of force results in injury, the reports must also include the following information (in addition to the above), as observed from the officer’s perspective:
 - i. A detailed description of the subject;
 - ii. The severity of the crime at issue;
 - iii. The presence and location of witnesses at the scene;
 - iv. The force options available to the officer;
 - v. Whether a request for CIT was made. (Baltimore, ¶ 174).

23. Any CPD officer learning of a previous use of force by another CPD officer, whether from a CPD employee or a non-employee civilian, will immediately report the use of force to a supervisor unless the CPD officer is certain that the use of force was previously reported. (Ferguson ¶ 178).

24. Failure to comply with the reporting requirements must have consequences. CPD must revise its policies to clarify that where TRRs are found to include material omissions or inaccuracies, CPD will take corrective action, including discipline as appropriate. In addition:

- a. Where the material omissions or inaccuracies are found to be deliberate, the

officer will be disciplined for failing to report, up to and including termination; and

- b. CPD will review the information previously omitted or provided inaccurately to determine the truth of the incident. (Baltimore, ¶ 177).

25. CPD also must revise its policies to clarify that officers who use or observe a use of Reportable Force but do not report it will be disciplined, up to and including termination. (Baltimore, ¶ 178).

c. Supervisory Reporting Responsibilities

26. The City will require comprehensive review of use of force incidents by supervisors in order to provide feedback and instruction to involved officers; ensure compliance with CPD policies and procedures; and allow for further investigation and departmental review where necessary and appropriate.

27. Supervisors must continue to review each TRR to ensure that it is thorough, complete, and makes the necessary and appropriate findings as to whether the use of force was necessary and consistent with policy. (Newark ¶ 86; Baltimore ¶ 192).

28. CPD policy and procedures shall be modified as necessary to require that CPD supervisors evaluate in writing all uses of force for compliance with law and CPD policy, as well as any other relevant concerns, including tactics, threat assessment, opportunities for de-escalation, training, equipment, and supervision. The supervisor will document and address any concerns with the officers involved. (Newark ¶ 83; *see also* Baltimore ¶ 183).

29. The supervisor's documentation will be completed within 48 hours of the use of force, unless the supervisor's commanding officer approves an extension. This documentation will include the following:

- a. The supervisor's detailed narrative description of the incident. The supervisor's narrative will describe the force used by the officers and the subject(s), any injuries sustained by the subject(s) and the officer(s), and the sequence of events comprising the incident. Additionally, it will document the supervisor's actions in reviewing or screening the incident. The summary should provide a commander, who is reviewing the report, a complete understanding of the incident from beginning to end, including, crucially, when each officer used force, why the force was or was not necessary at each point in time, opportunities for de-escalation, and how each injury, if any, occurred. It shall also include the supervisor's evaluation of the officer's actions and tactics, as specified above.
- b. Where appropriate under the provisions of this Agreement, a use of force investigative report, see below, that contains documentation of all evidence

that was gathered, including physical evidence; photographs; names, phone numbers, and addresses of all civilian and CPD witnesses to the incident; and summaries of statements by all civilian and CPD witnesses to the incident. In situations in which there are no known witnesses, the report will so state. In situations in which witnesses were present but the author of the report did not determine their identities, phone numbers, or addresses, the report will explain the reasons for that failure.

- c. The supervisor's evaluation of the evidence, including a discussion and resolution of any material inconsistencies in the evidence or statements. (Newark ¶ 84).

D. Use of Force Investigations

30. CPD's policies regarding use of force incidents should be modified to ensure thorough review and investigation, and to prevent collusion and contamination of witnesses.

1. Authority and Duties for On-Scene Investigations and Review by Level of Force

31. CPD's current policies and procedures require a field supervisor to respond to the scene when an officer has discharged any weapon or an injury has occurred to a subject, bystander, or an officer. Neither supervisors nor other investigators are called to the scene to investigate less-serious reportable uses of force, as described in Section III.A of General Order G03-02-02. CPD's policies and procedures regarding supervisory review shall be amended to ensure a robust incident investigation process for all intermediate and major use of force incidents.

32. CPD's policies and procedures must ensure that the officer's direct supervisors are not in charge of the on-the-scene investigation or witness interviews for major uses of force, or investigations where there is suspicion of misconduct or criminal liability. Rather, supervisors should only conduct on-the-scene investigations where the jurisdiction of the CI and/or the unit responsible for criminal investigations has not been invoked, or to the extent necessary to gather and protect evidence until the civilian or criminal investigative entities arrive on the scene.

33. CPD must make the following modifications to its policies and procedures, set forth in paragraphs 34 to 36, to ensure proper review of all uses of force and coordination between supervising and investigative entities based on the level of force involved.

34. **Major Uses of Force:** Discharge of a firearm and any use of force resulting in serious bodily injury or death constitutes a major use of force, for which the following provisions apply:

- a. The CI has responsibility and primary authority for the administrative review and investigation of the use of force, including for the on-scene investigation.
- b. BIA will conduct required parallel criminal investigation of these major use

of force incidents.

- c. Direct supervisors will be notified and respond to the scene of these major use of force incidents. They have preliminary supervisory duties on the scene until such time as the primary investigators arrive on the scene. Thereafter, the duty of the supervisor is to ensure that officers under their supervision comply with CPD policies and procedures for these incidents, as well as to secure officer support services.

35. **Intermediate Uses of Force:** Any use of force incident that involves (1) the use of a weapon (not covered above) or (2) use of force resulting in an injury that does not rise to the level of serious bodily injury or death constitutes an intermediate use of force, for which the following provisions apply.

- a. Direct supervisors will be notified and respond to the scene of these intermediate use of force incidents.
- b. For intermediate use of force incidents that fall within the jurisdiction of the CI or require a criminal investigation, the supervisor's duties on the scene are identical to those in major use of force incidents, set forth above, and the supervisor must yield the investigation to those entities.
- c. For all other intermediate use of force incidents, CPD shall continue to follow its policy of supervisor-led investigations, as described in General Order G03-02-02,⁶ subject to the provisions above and with the following additions and modifications:
 - i. All involved officers will provide an oral use of force statement in person to the supervisor on the scene prior to the subject's being booked, released, or the contact otherwise concluded, unless impractical under the circumstances. If the subject is free to leave, the detention will not be extended to facilitate the process described herein; however, the subject should be offered the opportunity to remain at the scene to speak with a supervisor. (Newark ¶ 81)
 - ii. CPD shall adopt policies in all use of force investigations that preclude involved and witness officers from speaking with one another, from reviewing the written reports, from reviewing video footage and audio recordings, and from speaking with civilian witnesses until after they have been interviewed.
 - iii. As appropriate, pursuant to policy and as necessary to complete a thorough, reliable investigation, the supervisor will:
 - 1) Request the subject's statement regarding the use of Reportable Force and explain that it is for CPD's administrative review to determine the propriety of the Reportable Force. As stated above, the subject's detention will not be prolonged to facilitate

⁶ General Order G03-02-02, Sect. IV.B.1 should be amended to remove the exclusion of shootings of animals from supervisory investigations. Supervisors' investigative responsibilities for Intermediate Uses of Force should also include discharges of weapons that result in the death or serious injury of an animal.

this process, and the subject will be advised that he or she is free to leave, when that is the case. The subject also must be informed of the right to have counsel present.

- 2) Ask civilian witnesses for consent to record interviews. If consent is given, the supervisor will use CPD-issued equipment to record interviews with civilian witnesses. The supervisor will also conduct separate interviews of all officers involved in or witness to a use of force incident, unless unreasonable under the circumstances and audio or video record each officer interview.
- 3) Require each officer at the scene to complete a witness statement per the requirements described in the TRR narrative section above. Each officer will describe comprehensively his or her conduct and that of other officers, identifying each officer involved in the incident, when possible. The supervisor will ensure such statements comply with CPD guidelines.
- 4) Review any body-worn, in-car or other available video related to the incident, and red flag for retention any video that documents contact with the subject.
- 5) Canvass the area (or ensure that an evidence technician canvasses the area) for privately-owned video that may have captured the incident, and attempt to obtain copies voluntarily. Videos obtained for evidence shall follow appropriate chain-of-custody procedures and documentation.
- 6) Photograph (or ensure that an evidence technician photographs) the location where the incident occurred to determine damage, and ensure that relevant evidence is collected. Photograph any officer injuries or areas about which the officer complains, as well as any damaged government or private property. Photograph any civilian injuries resulting from any incident involving use of force.
- 7) Respond to the subject's location, and photograph the subject for identification purposes, including any visible injuries or places where the subject complains of injury. (Newark ¶82; Baltimore ¶ 188).
- 8) Whenever there is a visible injury, complaint of injury, or medical attention is requested by any individual, officers shall immediately obtain any necessary medical care. Officers will be expected to provide emergency first aid consistent with their training and experience until professional medical care providers are on scene. (Baltimore ¶ 185).
- 9) If a supervisor determines or finds evidence of potential misconduct or criminal conduct, he or she will promptly notify and yield the investigation to the CI and BIA. (Newark ¶83; Baltimore ¶ 183).

d. The investigatory protocols described in subsection (iii) should also apply to

investigations conducted by the CI.

- e. Whenever a supervisor uses, directs, authorizes or is otherwise personally involved in any type of force, a higher-ranking member will conduct the investigation. (Baltimore ¶ 174).

36. **Lower Level Uses of Force:** For all other reportable uses of force, CPD will continue its review and supervision in accordance with existing procedures governing the review of TRRs, as modified by the Use of Force Reporting provisions of the Agreement, above. Supervisors may respond to the scene to investigate at their discretion or if they are requested to do so. If the supervisor's review reveals a more serious level of force than previously identified or potential misconduct, the supervisor will promptly notify the CI. (Modeled on Newark at ¶ 79; Baltimore ¶ 181).

2. Concurrent Criminal and Disciplinary Investigations

37. When there are concurrent criminal and administrative investigations into a CPD officer's use of force, the criminal investigators shall coordinate the collection and preservation of evidence with the CI. The CI shall have the power to direct CPD to collect and preserve evidence as needed to conduct its investigation. (Baltimore, ¶¶ 201-206).

38. The CI shall have power equal to the CPD commander-in-charge to conduct a concurrent, independent investigation that ensures that the integrity of the entity's investigation is not compromised. See Section V, governing Accountability, for additional procedures regarding concurrent criminal and administrative use of force investigations.

3. Departmental Review: Assessment and Review of TRRs and CPD Force Review Unit

39. "Departmental Review" refers to requirements for CPD command staff to review use of force incidents and gather information about the incident that can be used to increase the effectiveness of the officer and CPD as a whole. CPD's current policy on command-level review should include the following requirements:

- a. Every TRR must be reviewed by one chain-of-command supervisor above the supervisor level of review, set forth above. This review is to ensure that the report is complete; that the supervisory review is thorough; and that the findings are supported by a preponderance of the evidence. (Modified from Newark ¶ 86; Baltimore ¶ 192).
- b. To the extent any supervisor reviewing a TRR determines that misconduct may have occurred, the supervisor must refer the incident to the CI for further investigation and assessment. (Newark ¶ 86; Baltimore ¶ 191).
- c. To the extent that a TRR includes a supervisor-led investigation (as set forth above), the chain-of-command review must ensure that additional

investigation is completed when it appears that additional relevant and material evidence may assist in resolving inconsistencies or improve the reliability or credibility of the findings. When it appears that the findings are not supported by a preponderance of the evidence, the chain-of-command supervisor will recommend changes to the findings after consultation with the investigating supervisor and any previous reviewer, and document the specific evidence or analysis supporting the modification. Any supervisor in the chain of command may discuss the modification with the investigating supervisor and/or reviewers. If any investigative deficiencies exist, the reviewer will initiate corrective action where appropriate. (Newark ¶ 87).

- d. At the discretion of the officer's chain of command, a use of force investigation may be assigned or re-assigned for investigation to the CI for further investigation or analysis. (Newark ¶ 89).
- e. When the use of force raises policy, training, tactical, or equipment concerns (including those that do not rise to the level of rules violations or misconduct), CPD also will ensure that necessary training is delivered and that all other concerns are addressed. (Newark ¶ 89).

40. The Force Review Unit must continue to act in an after-action-review capacity as described in General Order G03-02-07. The reviews conducted by the Force Review Unit, set forth in Section I, should be expanded to include a random audit and review of all Reportable Use of Force incidents.

41. In addition to the policies set out in General Order G03-02-07 regarding the Force Review Unit, CPD should also be required to analyze the data captured in officers' TRRs and supervisors' investigative reports on an annual basis to identify significant trends, correct deficient policies and practices, and document its findings in an annual report that will be made publicly available. CPD's analysis must include evaluations and assessments of use of force by type, unit or assignment, demographics of the subjects, the shift or time of day, location, the nature of offense, the resistance encountered, and comparisons among officers or units. (Newark ¶ 85).

42. CPD supervisors, the CI, and the Force Review Unit will pro-actively analyze TRRs for patterns in types or circumstances of force being used and underreporting or misreporting uses of force.

E. Diversion⁷

1. Reducing Unnecessary Negative Police/Community Interaction: Development of a City-Wide Pre-Arrest Diversion Program

43. Within six months of the implementation of this Agreement, the City will adequately fund a data driven Pre-Arrest Diversion Program (PADP). The goal of PADP is to

⁷ Sources: Atlanta/Seattle Pre-Arrest Diversion Project; Baltimore Consent Decree.

reduce unnecessary arrests and the use of force by encouraging and enabling officers to provide direct referrals and facilitate access to community resources and programming, rather than forcibly arresting and/or formally processing people through the justice system.⁸

44. Within six months of the Effective Date of this Agreement, the City will establish and maintain a PADP Design Team (“Design Team”) that will be comprised of:

- a. One representative from the City’s Department of Family and Support Services;
- b. One representative with expertise in each of the following areas:
 - i. Housing;
 - ii. Community-based mental health services;
 - iii. Substance use treatment;
 - iv. Job training and development;
 - v. Non-traditional education;
 - vi. Human trafficking;
 - vii. Street intervention;
 - viii. Immigration;
 - ix. Domestic violence;
 - x. Youth development;
 - xi. Restorative justice;
- c. One representative from the Cook County States’ Attorney Office;
- d. One representative from the Cook County Public Defender’s Office;
- e. The CPD CIT Coordinator;
- f. One representative of the Behavioral Health Unit, once established; and
- g. Four representatives from the Coalition.

45. The Design Team will develop PADP. Within one year, the Design Team will present the Plan for PADP to the Monitor, the Office of the Attorney General (OAG), and Coalition for review. The Monitor, Coalition, and OAG shall have fifteen (15) days following the submission of the plan to give input, comments, and objections to the plan. The City will then either accept the suggestions or the issue will be resolved through a dispute resolution process established by the Design Team. PADP will begin operations within 18 months from the Effective Date.

46. PADP will provide a system to facilitate direct referrals by OEMC call-takers and police officers to programs that can provide individuals with the necessary support and services to

⁸ None of the programs described in this Agreement shall result in the Coalition or Coalition organizations from benefitting financially or receiving funding from the City of Chicago or the State of Illinois.

resolve the situation or concern at issue in the call or incident. Such programs may include emergency housing, peer-intervention services, community mental health services, substantive use treatment including administration of overdose reversal drugs, drop-in centers, and shelters.

47. PADP will include a process by which members of the community can contact PADP for direct referrals to identified programs. PADP assistance will be accessible to the public, including through 311, and the City will fund an advertising and public outreach campaign to encourage communities to call PADP program. 311 call-takers will receive comprehensive training on PADP and how to identify calls that can be served by PADP. The Design Team will develop a plan for ensuring that 311 calls made afterhours will be responded to in a timely and effective manner. OEMC will be required to direct specific calls for services that fall under PADP's jurisdiction to PADP and not to CPD.

48. PADP will be developed in such a manner that an officer's tasks when referring someone to pre-arrest diversion are less time consuming or onerous than arresting someone and referring them for prosecution.

49. CPD's deployment decisions, overtime processes and shift scheduling shall be conducted in a manner supportive of PADP.

50. PADP shall use a harm-reduction framework for addressing substance use and mental health needs. Cultural competency shall be built into all aspects of the program

51. For complex cases and those involving repeat consumers, PADP shall use peer-outreach workers to facilitate a comprehensive approach to the case and other services to diverted individuals.

52. PADP, through the Design Team, will continually assess, improve, and develop the diversion resources and programs. PADP referrals and diversion programs will be specifically tailored to address the needs of the individual. PADP program development will take into account the needs and strengths of particular communities within Chicago. PADP program development will prioritize Chicago communities with high levels of arrests and use of force incidents.

53. The Design Team will be tasked with developing collaborations between the necessary governmental and non-governmental entities in order to launch PADP. The Design Team will further be required to develop the necessary policies, procedures, and training materials required for CPD to employ the pre-arrest diversion process, including but not limited to those related to data collection, oversight, and quality control.

54. Within six months of Effective Date, the City shall hire a program manager who will not be an employee of CPD and who will be charged with coordinating, managing, and overseeing the development and implementation of this program. The City will ensure that PADP is launched within one year from the Effective Date.

2. Reducing Unnecessary Police/Community Interaction: Development of Citation Program

55. CPD will ensure that officers issue a citation or make a custodial arrest only where they have probable cause to believe a person has committed or is committing a criminal infraction. Officers will not rely on information known to be materially false or incorrect in making an arrest.

56. For any of the following offenses, CPD will require that an officer obtain permission from a permanent rank supervisor prior to effectuating an arrest, unless not practicable under the circumstances, in which case the officer must notify a permanent rank supervisor as soon as practicable after effectuating the arrest:

- a. Obstructing, Assaulting, or Resisting an Officer;
- b. Disorderly Conduct;
- c. Failure to Obey an Officer;
- d. Gambling;
- e. Making a False Statement to an Officer;
- f. Misdemeanor Trespassing Offenses;
- g. Drug Possession for Personal Consumption;
- h. Drinking on the Public Way;
- i. Narcotics-Related Loitering;
- j. Gang Loitering;
- k. Mob Action;
- l. Loitering;
- m. House of Ill-Fame;
- n. Prostitution;
- o. Solicitation of Prostitution;
- p. Theft of Items of Less than \$1000;
- q. Fare Jumping;

- r. Selling Nontransferable Railroad Tickets;
- s. Selling or Giving Away Transfers;
- t. Misdemeanor Vandalism;
- u. Public Urination or Defecation;
- v. Ragpicking, Peddling, Junk Collecting;
- w. Begging or Soliciting;
- x. Contributing to Delinquency of Minor; and
- y. Chronic Illegal Activity Premises.

57. CPD will develop and enforce a policy instructing officers that, for minor, non-violent and Quality of Life Offenses and/or offenses falling under Title 8 of the City of Chicago Municipal Code, they must choose the least intrusive response appropriate under the circumstances as reasonably understood by the officer at the time. In other words, a verbal warning and counseling and/or referral to mediation or a public health program is preferable to a citation, and a citation is preferable to a custodial arrest. CPD will develop a system for tracking all citations given for Quality of Life Offenses or for any of the offenses listed above. CPD will analyze citation data using Peer Group Analysis on at least an annual basis to assess how officers are enforcing Quality of Life Offenses and to identify officers who may benefit from additional guidance or counseling. CPD will identify, encourage, and incentivize officers who successfully deescalate situations and utilize PADP resources without resorting to arrest or use of force.

58. CPD will require that a permanent rank supervisor approve or disapprove the officer's request to make an arrest for minor, non-violent or Quality of Life Offenses and the supervisor must ensure that any arrest is based on the existence of probable cause and that the officer adhered to CPD policy when determining when to verbally warn and counsel, issue citations, or arrest individuals for Quality of Life Offenses.

3. Development of a Mediation Program⁹

59. The City shall establish mediation programs that promote voluntary resolutions of certain disputes among community members, and reduce the need for involvement in the criminal justice system.

60. Within 180 days of the Effective Date, the City will issue grants to fund new and existing mediation and restorative justice practitioners who are not employees of CPD or the City to conduct neighborhood mediations that promote lasting resolutions of appropriately-selected disputes among community members, while reducing the need for involvement with CPD and/or

⁹ Source: Modified from Ferguson Consent Decree.

the criminal justice system. The OAG and Coalition will approve the affiliation to ensure it comports with best practices in community mediation and the requirements below. The programs will develop intake and case selection procedures informed by community need and best practices in the dispute resolution field.

61. Within 90 days of the Effective Date, the City will, in consultation with members of the Chicago community and the Monitor and Coalition, develop a plan for providing neighborhood mediations in Chicago. The plan will include an implementation timeline for interim steps, as appropriate, such as the retention of an administrator and volunteers; training; and initiation of mediations.

62. The neighborhood mediation programs will:

- a. Support mediation and restorative justice at all stages of the dispute, from early-intervention to intervention after charges have been filed, as a diversion from the criminal justice system;
- b. Be administered by an individual with experience in neighborhood mediation or the administration of mediation programs, including the selection and training of mediators;
- c. Use practitioners who reflect the diversity of, and come from the communities served by, the program;
- d. Ensure that mediators are trained consistently with best practices;
- e. Have quality assurance mechanisms to ensure that all components of the program, including volunteer participants, are operating effectively and consistently with best practices;
- f. Be accessible to public referrals through 311; and
- g. Fund an advertising and community outreach campaign to encourage communities to utilize neighborhood-based mediation programs.

4. Reducing Unnecessary and Negative Police/Community Interactions: Reducing Officer Incentives to Escalate Encounters and Providing Know-Your-Rights-Training to Chicago Public School Students¹⁰

63. CPD is prohibited from either formally or informally using arrests, stops, tickets, citations, and/or completed Investigatory Stop Reports to evaluate an officer's productivity.

64. CPD officers are prohibited from engaging in the practice of "trolling." Trolling is

¹⁰ Sources: City of Chicago Office of Inspector General (OIG), [CPD Overtime Controls Audit](#); Chicago Police Accountability Task Force (PATF), [Community Relations Working Group Recommendations](#).

defined as the practice of an officer pursuing activities or situations that result in an extension of tour overtime. This includes: (a) actively seeking traffic, disorderly conduct, or other violations at the end of a shift; and (b) making an arrest at the end of a shift as a result of escalating a situation where it would have been in the officer's discretion to disengage. CPD will implement comprehensive policies, practices, supervisory procedures, and training modules (pre-approved by the Monitor and the OIG) to ensure that that no CPD officer engages in trolling.

65. CPD members shall conduct themselves in a professional, courteous manner, consistent with professional standards. When a community member is stopped or detained, the officer shall explain in a professional, courteous manner to the community member why he or she was stopped or detained. An officer must always display his or her badge and must never retaliate against or express disapproval toward a community member who seeks to record an officer's badge number. An officer shall always provide his or her name and badge number when asked for such information by a community member.

66. The City shall ensure that, starting in third grade, CPS students will receive annual instruction on how to exercise their Fourth, Fifth, and Sixth Amendment rights.

F. Interactions with Survivors, Victims, and their Families/Support Systems¹¹

67. After a use of force, whenever an individual is injured, complains of an injury, or requests medical attention, officers must immediately request appropriate medical aid for the injured person, including contacting emergency medical services and providing accurate information about the nature of the injury and the individual's location. Officers are prohibited from interfering with emergency care being provided by first responders or anyone on the scene who is trained to provide such care.

68. Officers must also provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility. Officers shall respect the right of individuals to decline medical care and/or request care from a hospital emergency room.

69. Officers are prohibited from handcuffing individuals against whom lethal force has been used unless the individual is objectively an active threat.

70. Officers shall treat all lethal force victims who are deceased with respect and:

a. Officers shall not handcuff the deceased.

¹¹ Sources: Baltimore consent decree; Ferguson consent decree; Rights of Crime Victims and Witnesses Act, 725 ILCS 120/1 *et seq.*; Illinois Attorney General Crime Victim Compensation Program; Crime Victims Compensation Act, 740 ILCS 45/1 *et seq.*; Illinois Attorney General Domestic Violence Fund; Illinois Attorney General SANE Program; Illinois Coalition for Immigrant and Refugee Rights, *Unequal Protection: Disparate Treatment of Immigrant Crime Victims in Cook, the Collar Counties & Beyond*, 2017 Update (http://www.icirr.org/content/documents/u_visa_report_2017.pdf).

- b. Officers shall shield the deceased from public view, while allowing family members and/or emergency contacts access if requested.
- c. Officers shall remove the deceased from the scene as soon as the scene is documented, in most cases within an hour of the time of death.
- d. CPD shall facilitate the physical access of the deceased's family members and support system at any medical facility or morgue.
- e. Officers must allow an individual who is receiving emergency medical care to contact their family/support system so that the individual can immediately inform them of their whereabouts and the nature of the injury. In the event that the individual is unable to make such contact themselves, CPD must provide that information to the individual's family/next of kin.

71. In the event that a CPD officer's actions have resulted in an individual's death, the City will ensure that a trained bereavement specialist immediately contacts the deceased individual's family/next of kin or closest known associate and provides them with accurate information about the whereabouts of their loved one.

72. The City must fund and make available trauma-informed psycho-social support services for survivors of police violence and the families of both victims and survivors of police violence, for as long as necessary. These services shall be made available to individuals and families within 24 hours of the incident and shall, upon request, be made available in their arterial language.

73. In the event of a use of force that results in an individual sustaining any injury or in death, the City shall provide, at no cost to the individual or his or her survivors, medical examiners' reports, arrest reports, TRRs, investigations, and all other documentation related to the incident.

74. The City of Chicago shall establish a fund, which shall be known as the "Rekia Fund for Families of Police-Related Victims." Each survivor of an individual who dies as a result of CPD's actions, under the circumstances listed below, shall be paid \$5 million from the fund. As a precondition to receiving a payout from this fund, all eligible claimants shall sign a written waiver and release of any current and future claims, losses, damages or expenses, including attorneys' fees and costs in any way arising out of or relating to the death. The circumstances that entitle the deceased's survivor to collect payment are:

- a. The deceased was not suspected of committing a crime of violence at the time of his or her death; and
- b. The deceased died as a result of the actions of a CPD officer.

75. The City and the OAG will collaborate to ensure that the OAG's programs aimed at assisting crime victims are fully available to those victimized by police officers for as long as necessary. This assistance shall begin immediately after the incident and shall include:

- a. Providing survivors of alleged police crimes with information about accessing financial resources through the Crime Victim Compensation Program and any other program aimed at providing support to crime victims, including funeral funds, emergency housing costs, and other regularly accessed funds for crime victims;
- b. Ensuring that the Domestic Violence Fund administered by the OAG support programs encompasses intimate partner violence by police officers and provides support for the survivors of such violence;
- c. Ensuring that the OAG's Sexual Assault Nurse Examiner Program includes training related to caring for sexual assault survivors who have been victimized by police officers;
- d. Ensuring survivors of sexual assault by police are given immediate access to rape victim advocates, support groups and other resources.

76. The City shall ensure that, when an immigrant who is eligible for a U-visa has been the victim of a crime that was allegedly committed by a CPD officer, the City will certify the U-Visa certification within 10 business days of receipt.

G. CPD Non-Involvement in Schools¹²

77. This Agreement acknowledges and define the limited role of CPD officers in schools.

1. Phase-out of CPD Officers from CPS Schools

78. Within 90 days of the Effective Date, CPD shall revise its policies to ensure that CPD officers shall not serve as school disciplinarians. These policies should reflect the overarching principle that the school disciplinary process is the responsibility of school staff and not that of police officers.

79. Within one year of the Effective Date, CPD will stop assigning CPD Officers to be stationed in schools. As of the Effective Date, CPD will begin working with the Chicago Board of Education and the Chicago Public Schools District (CPS) to begin "phasing out" the assignment of CPD officers in schools. After the completion of the one-year phase-out period, CPD officers will not serve as School Resource Officers or Security Officers, or otherwise operate within CPS schools.

¹² Ferguson Consent Decree; Meridian Consent Decree; [Handcuffs in Hallways](#): The State of Policing in Chicago Public Schools, by Shriver Center on Poverty Law; Center on Wrongful Convictions of Youth, Northwestern Pritzker School of Law.

2. CPD Response to School Incidents

80. CPD shall ensure that CPD officers who are stationed in schools during the phase-out period and officers responding to an incident in a school intervene only where necessary to address a real and immediate threat to a student, teacher or public safety, and do not intervene in any situation properly handled by a school's internal disciplinary procedures. CPD officers shall in all circumstances de-escalate school-based incidents whenever possible and use the least amount of force that is necessary.

81. Accordingly, CPD shall ensure that CPD officers who respond to an incident in a school presenting a real and immediate threat employ age-appropriate de-escalation techniques, with the goal of decreasing youth involvement in the juvenile and criminal justice systems, including by relying on the City's diversion programs, community-based alternatives to incarceration, and treatment options for youth in need of services. CPD shall develop and implement policies concerning the use of de-escalation and diversion techniques by officers responding to incidents in schools or on school grounds.

82. CPD will ensure that students are not subject to formal law enforcement intervention for ordinary school discipline issues. Formal law enforcement intervention includes an actual arrest, an issuance of a criminal citation, ticket, or summons, or referral to a probation officer. Incidents involving public order offenses, including disorderly conduct, disturbance/disruption of school or public assembly, trespass, loitering, vandalism, profanity, and fighting that does not rise to the level of a real and immediate threat, should be considered school discipline issues to be handled by school officials.

3. Alternatives to Arrest

83. CPD officers are prohibited from arresting students at school or on school grounds absent a showing of probable cause and a real and immediate threat to a student, teacher, or public safety. CPD will ensure that officers document in sufficient detail the basis for any arrest on school grounds, including any factors that justify arresting the youth at school and factors that support a determination of probable cause.

84. The execution of a judicial arrest warrant should be undertaken at a location other than a school.

85. In all cases where CPD officers have discretion in making an arrest, they shall exhaust all available options for appropriately addressing any harm that has been caused and resolving any ongoing safety threats before making an arrest. (Ferguson ¶ 212). Those alternatives may include: referring students to restorative justice processes, mediation and conflict resolution processes; utilizing de-escalation techniques; issuing verbal warnings; conducting parental outreach/engagement; referring students to school staff interventions, such as IEP meetings to discuss adjustments to a student's behavior intervention plan, and school disciplinary consequences, among many other possible alternatives. When possible, CPD officers shall consult with the school principal or a designee about available alternatives to arrest.

86. In the event that a student arrest is unavoidable, CPD agrees to ensure that officers make every effort to make the arrest in a private location that protects the privacy of the student and limits the disruption of school activities.

87. CPD shall ensure that upon arresting a student, officers notify the student's parent and/or guardian of the arrest as soon as practicable and in any event, no later than one hour after the arrest. Upon speaking to the student's parent or guardian, the officer must notify the student's parent/guardian of the nature of the incident leading to the arrest, the arrest charges, and if the student was removed from school grounds, the location of the student and relevant contact information. If a parent and/or guardian is not notified within one hour of the arrest, the arresting officer must document, in writing, the officer's reasonable attempts to locate and speak to the parent or guardian, and the reason for the delay. CPD officers may not delay contacting guardians of arrested students for the purpose of interviewing or interrogating that student without a guardian present. (Settlement Agreement with Meridian ¶ 1(b)(ii); Center on Wrongful Convictions of Youth, Northwestern Pritzker School of Law).

4. Rights in Interrogations and Interviews

88. Officers shall only interview a juvenile in the presence of the student's guardian and/or attorney and with the guardian's permission, regardless of whether the student is being interviewed in a custodial capacity or as a non-suspect witness. All constitutional rights in such interviews shall apply, including *Miranda* and the right against self-incrimination, both for interviewing by CPD officers and for questioning conducted by school officials at the behest of CPD. Such rights shall apply as long as the officer is present during the interview or, in cases where the officer is not present, the school official participated in the investigation of the underlying suspected crime or incident with the officer. To the extent possible, all interviews shall be electronically recorded in their entirety.

89. Absent exigent circumstances, interviews pertaining to non-school-related matters should take place off school grounds.

5. Prohibition on Use of Force

90. CPD officers are prohibited from using force in school or on school grounds on anyone who does not present an imminent threat of bodily harm to another person and where there is no basis for a lawful arrest. CPD officers shall in all circumstances de-escalate school-based incidents whenever possible and use the least amount of force that is necessary.

91. CPD officers are prohibited from using restraints—including handcuffs and zip ties—on a student in school or on school grounds, unless the officer has probable cause for an arrest and the objective circumstances indicate that restraints are necessary to ensure the immediate physical safety of any person.

6. Prohibition on Collecting Information

92. CPD officers are explicitly prohibited from exploiting their position to search for and collect information on behalf of CPD and/or any other law enforcement agencies.

93. CPD agrees to ensure that its officers do not use the information compiled in its Strategic Subject List, or any other dataset containing suspected gang affiliations, to influence the educational opportunities of, or take law enforcement actions against, any student. CPD further agrees that students' actions on school grounds, in school in school vehicles, or at school activities or school-sanctioned events shall not be input into CPD's Strategic Subject List or other databases for tracking suspected gang affiliations.

94. CPD officers shall not, under any circumstances, inquire about the immigration status of any student or member of a student's family. CPD officers shall not share any information about any student, provide access to any student, or otherwise cooperate with immigration enforcement activities of Immigration and Customs Enforcement (ICE) agents unless a valid judicial warrant has been produced or, after consultation with the City Law Department, it is determined that they are otherwise required by law to comply. Nothing in this section prohibits any officer from sending to, or receiving from, any local, State, Federal agency, information regarding an individual's citizenship or immigration status. "Information regarding an individual's citizenship or immigration status," for purposes of this section, means a statement of the individual's country of citizenship or a statement of the individual's immigration status. Nothing in this section is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

95. Nothing in this section limits the applications of the other provisions of the Agreement to CPD Officers who respond to incidents in schools.

7. Training and Screening for CPD Officers Who Respond to Schools

96. All CPD Officers who are stationed in schools during the phase-out period or who respond to incidents in schools or on school grounds will receive the same training as CPS Security Officers or School Resource Officers, including on the following topics:

- a. The role and expectations of the CPS Security Officer;
- b. Technical training on core duties;
- c. Techniques for de-escalation; and
- d. Crisis prevention.

97. This training will be governed by the curricula provided to School Resource Officers by Chicago Public Schools, as well as by Illinois state law pertaining to the training of School Resource Officers, including but not limited to any provisions within the Illinois Police Training Act.

98. Within 90 days of the Effective Date, the Monitor shall establish eligibility screening criteria, both for officers assigned to schools during the phase-out period and for officers who respond to incidents on school grounds, based on best practices and in consultation with

education experts and community members with expertise in youth, policing and education. These criteria should include but need not be limited to:

- a. Requiring a memorandum of interest or letter;
- b. Identifying applicants' views toward children;
- c. Talking with current and previous supervisor's about applicant's suitability;
- d. Informing candidates about job requirements;
- e. Examining personnel files, including complaint records;
- f. Psychological testing;
- g. Factoring in personal experiences with the candidate;
- h. Measuring an officers' implicit bias; and
- i. Assessing enthusiasm and capacity for the position, including through an oral interview involving hypothetical situations in schools.

99. Only CPD officers who have received the requisite training, including as set forth above, and who have been screened as eligible may respond to incidents in schools or on school grounds.

II. HIRING AND RETENTION

100. To maintain high-quality services, ensure officer accountability and create and retain a police force that upholds the sanctity of life, implements the least restrictive police response necessary in any given situation and polices in a non-discriminatory manner, CPD will develop and implement a hiring and recruitment plan with input from the communities most affected by police misconduct and where policing resources are most concentrated. That plan will be subject to approved from the Coalition and the Monitor, and will accomplish the following:

- a. Recruit and retain a police force throughout all command levels that is reflective of Chicago's diversity with regard to residential geography, race, ethnicity, gender and LGBTQI status, and with the capacity and competence to implement non-biased and least intrusive policing and communicate effectively with the public;
- b. Develop new hiring and testing procedures to ensure that there is no disparate impact based on race, ethnicity or gender and that hiring preferences are provided to candidates who have lived in and/or attended school in Chicago's most policed communities;
- c. Prohibit recruitment efforts that rely on images or depictions of guns, weapons, violence, military-like operations, uses force, and/or arrests;
- d. Prohibit recruitment efforts that fail to emphasize that all officers must engage in non-biased and least intrusive policing practices;
- e. Prohibit recruitment efforts and hiring practices that fail to provide equal access to all people for full and fair consideration of their qualifications

regardless of race, ethnicity, gender and LGBTQI status;

- f. A background investigation for potential recruits that will include an evaluation of the following factors:
 - i. Once an officer is provisionally hired, an in-person psychological screening of each candidate by an appropriately qualified and trained psychiatrist or psychologist;
 - ii. An evaluation of police records, divorce and family-related court records, employment, military history and records, and driving records, specifically for the purpose of identifying each candidate's history of engaging in violence, domestic violence and/or abuse. However, juvenile records, misdemeanors, arrests without convictions and non-violent convictions shall not automatically disqualify any candidate;
 - iii. A review of personnel files from each candidate's prior employment and feedback from a candidate's previous supervisors;
 - iv. An evaluation of each candidate's history of using lethal and less lethal force, as well as training records and complaint history, if the candidate has previous law enforcement experience;
 - v. An evaluation of any civil actions in which the candidate has been named;
 - vi. A screening of each candidate's social media platforms to ensure the candidate's suitability for implementing the terms of this Agreement and non-biased and least intrusive policing;
 - vii. A search of all applicable national and state databases and oversight bodies to determine if the candidate have ever been decertified or disciplined while holding any position.

101. To ensure that CPD retains officers with the capacity and competence to implement non-biased and least intrusive policing, CPD will implement a retention plan that will include:

- a. An evaluation of all officers on an annual basis based on the factors described above to determine if they remain fit for duty;
- b. Incentives and promotion opportunities for officers who engage in non-biased and least intrusive policing.

III. TRAINING¹³

102. All aspects of CPD training shall reflect and instill agency expectations that officers are committed to the constitutional rights of the individuals whom they serve, and ensure that CPD employs training strategies that result in non-biased, least intrusive policing practices. To achieve these outcomes, CPD shall implement the requirements below.

¹³ Sources: Modified from Portland Consent Decree; Cleveland Consent Decree.

103. Within 180 days of the Effective Date, CPD, with the advice and the approval of the Monitor, will develop and implement a training plan that will revise the current training program, including CPD recruits' academy training, enhance CPD's field training, and implement comprehensive in-service training for officers and other City and CPD employees. The training plan will:

- a. Prohibit CPD from building the \$95 million police academy on the West Side of Chicago and ensure budget parity between the amount allocated for CPD training-related expenses and the amount allocated for the diversionary programs required by this Agreement;
- b. Identify the specific pedagogy and substance of the training, which will be focused on fair and unbiased policing, and which will include, but not be limited to, the following topic areas: implicit bias, procedural justice, general LGBTQI issues, the history of Chicago and the legacy of racial and ethnic segregation in the City, the history of police misconduct scandals in CPD including but not limited to the Jon Burge scandal, the murder of Fred Hampton, and victims of police violence;
- c. Identify the specific community-based organizations with the ability to lead trainings on the topics described in 2(b);
- d. Develop a specific training curriculum based on the requirements of this Agreement with the goal of helping CPD officers understand its terms, requirements, and the ongoing monitoring process;
- e. Require that all training design and curriculum incorporate non-biased policing principles;
- f. Set a schedule for delivering the training curriculum specifically required by this Agreement;
- g. Establish the frequency and subject areas of supplemental, basic, and in-service training;
- h. Develop a plan to reduce CPD's reliance on and use of roll-call training, including by specifically setting forth what types of training can be provided through roll-call or on-line delivery, so long as a minimum of 70% of all training is delivered through live instruction;
- i. Develop a plan for administering and implementing community-based on-site training, which requires officers to take certain mandatory courses in the communities alongside community members (who volunteer to attend the trainings alongside CPD officers). Subjects for community-based onsite training will include the topics enumerated in 2(b) and 2(o).

- j. Develop a plan for at least 50 hours of annual in-service training each year, with approximately 65 hours of annual in-service training for each of the first two years of the Agreement;
- k. Identify available training delivery and related resources, as well as any unmet training needs or deficiencies, including as to instructors and curricula;
- l. Establish a rubric for assessing the content and delivery of training, including training provided by outside instructors or non-CPD entities. This rubric will provide for the measurement and documentation of student reaction to, and satisfaction with, the training they received, as well as student learning as a result of training, including the extent to which students are applying the knowledge and skills acquired in training to their jobs;
- m. Develop a specific plan for delivering supplemental basic training, remedial training, in-service training, and roll-call training;
- n. Develop a plan for assessing the quality of the training; and
- o. Ensure that all officers are trained annually on the following topics:
 - i. The topics enumerated in 2(b);
 - ii. The CPD's use of force policy;
 - iii. Proper analysis required in evaluating whether use of force is appropriate;
 - iv. Constitutional policing, including requirements under the First, Fourth, Fifth, and Fourteenth Amendments;
 - v. De-escalation techniques;
 - vi. Cultural competence with diverse communities;
 - vii. Issues related to gender sensitivity;
 - viii. The appropriate use of the diversionary programs described in this Agreement;
 - ix. Interacting with people living with mental illness and substance use disorder;
 - x. Ethics;
 - xi. History and implementation of the code of silence within CPD and the City of Chicago;
 - xii. Interacting with children and youth, and issues relating to adolescent brain development;
 - xiii. Access to counsel at police facilities;
 - xiv. Video and transparency policies;
 - xv. Factors to consider in initiating or continuing a pursuit of a suspect; and
 - xvi. Trauma and its general effect on behavior and response on suspects, witnesses, survivors, and officers.

104. CPD will ensure that all training instructors are proficient and qualified in their subject matter. CPD shall institute guidelines to govern the selection of officers who serve as trainers and shall ensure that those officers do not have a history of misconduct of any kind, including using excessive force and/or engaging in biased policing.

105. CPD will actively seek out and retain qualified instructors from outside CPD to supplement the skills of the in-house training staff. CPD will retain experts, community-based instructors, and guest speakers, including mental health services providers and consumers, judges, criminal defense attorneys, survivors of police violence and their family members, and other community members to deliver content in relevant courses.

106. CPD, with the assistance of the Monitor and with input from the Community Oversight Entity (CO), the CI, and the OIG, shall review and update CPD's training plan annually. To inform these revisions, CPD shall conduct a needs assessment and modify this assessment annually, taking into consideration: (a) the effectiveness of past training programs, as measured by the rubric described in 2(k), above; (b) the safety of all people, including officers, involved in police encounters; (c) CPD's challenges in implementing the least intrusive police response; (d) trends in police use of force; (e) problematic uses of force; (f) patterns or trends in use of force policy violations; (g) misconduct complaints; (h) input from members at all levels of CPD; (i) input from the community and subject-matter experts; (j) concerns reflected in court decisions pertaining to CPD officers and/or the City; (l) research reflecting best policing practices; (m) the latest information pertaining to law enforcement trends; (n) data concerning stops, searches, and arrests, used to identify biased police practices; and (o) any changes to Illinois or federal law or CPD policy. (Portland ¶ 79; Ferguson ¶ 52).

107. To inform the annual training update, CPD, in conjunction with the Monitor, the OIG, and the CI, shall develop and implement a process that provides for the collection, analysis, and review of data regarding the effectiveness of training for the purpose of improving future instruction, course quality, and curriculum. These evaluations shall measure and document student satisfaction with the training received, student learning as a result of training, and the extent to which program graduates are applying the knowledge and skills acquired in training to their jobs. This audit, which shall include student evaluations of the program and the instructor, shall be made public and posted on CPD's website and reported to the CO, the CI, and the OIG. (Portland ¶ 80).

108. CPD shall electronically track, maintain, and report complete and accurate records of current curricula, lesson plans, training delivered, attendance records, and other training materials in a central, commonly-accessible, and organized file system. Each officer's immediate supervisor shall review the database for information pertaining to the officers under his/her command at least semi-annually.

109. CPD shall report training delivered and received semi-annually to the CO, the CI, the OIG, and, during the pendency of this Agreement, to the Monitor. (Portland ¶ 82).

110. All training curriculum and/or materials will be made public on CPD's website unless the subject matter is confidential or raises public safety concerns, as determined by the

Monitor. (Portland ¶ 87).

111. CPD, along with the Monitor, will develop and implement processes and procedures that will require each CPD officer to demonstrate basis proficiency with the topics listed in 2(o) on an annual basis.

112. In consultation with the Monitor, the OIG shall audit the training program using the following performance standards to ensure that CPD does the following:

- a. Conducts a comprehensive needs assessment annually;
- b. Creates a training plan annually;
- c. Within 180 days of the Effective Date, develops and implements a process for evaluation of the effectiveness of training;
- d. Maintains accurate records of training delivered, including substance and attendance;
- e. Makes training records accessible to the OIG, the CO, the CI and the general public;
- f. Trains officers, supervisors, and commanders on areas specific to their responsibilities; and
- g. Ensures that sworn CPD members are provided a copy of all CPD directives and policies issued pursuant to this Agreement, and sign a statement acknowledging that they have received, read, and had an opportunity to ask questions about the directives and/or policies, within 30 days of the release of the policy. (Portland ¶ 85).

A. Field Training Program

113. Within one year of the Effective Date, CPD will redevelop its field training program for new recruits. The field training program will incorporate established standards for police training officer programs, such as employing contemporary methods of adult education and problem-based learning methods.

114. Within six months of the Effective Date, CPD will develop and implement a participation policy that ensures only highly qualified officers serve as Field Training Officers (FTOs). CPD agrees to develop eligibility criteria and methodology to select FTOs based on their written applications, performance evaluations, previous performance as police officers, and complaint and disciplinary histories.

115. CPD agrees to ensure that all FTOs receive a minimum of 40 hours of initial in-service training, as well as necessary refresher training consistent with the training plan and the

terms of this Agreement, after one year of participation in the program. This training will address management and supervision, community-oriented policing, effective problem-solving techniques, and field communication. FTOs will be required to maintain and demonstrate on a regular basis their proficiency in managing recruits and subordinates, practicing and teaching non-biased policing, and solving problems with the least intrusive police response. CPD will maintain current documentation of FTOs' evaluations and training and remove FTOs or add FTOs as appropriate and necessary.

116. Within one year of the Effective Date, CPD will create a mechanism for recruits and lateral hires to provide confidential feedback regarding the quality of their field training, including the extent to which that training was consistent with what they learned in the academy or from prior experience, and suggestions for changes to CPD's training programs. CPD will document its response, including the rationale behind any responsive action taken or decision to take no action.

117. CPD, with the assistance of the Monitor and with input from the CO, the CI, and the OIG, will assess CPD's field training program on an annual basis and consider emerging national policing practices in this area, and make recommendations for modifications to CPD's program as appropriate. The City will institute appropriate changes to policies and procedures related to CPD's field training program.

B. Use of Force Training Curriculum

118. The use of force training curriculum shall be developed in consultation with the Monitor and approved by the Monitor. CPD will provide all recruits and current members with use of force training, to include:

- a. Proper use of force decision-making under a critical-thinking, decision-making model that requires officers to:
 - i. Gather facts about the incident and assess the relevant situation, threats, and risks for the purpose of minimizing and eliminating the use of force, a process that includes:
 - 1) Evaluating individualized factors, including age, physical impairment, frailty pregnancy, and risk posed by the individual;
 - 2) Considering whether a subject may be noncompliant a medical condition, disability, age/developmental immaturity, behavioral health crisis, language barrier, drug or alcohol use, or the fact that the individual is LEP;
 - ii. Consider relevant policies with an emphasis on preserving the sanctity of life;
 - iii. Identify options (including but not limited to crisis intervention and behavioral health response options) and determine the best course of action; and
 - iv. Act, review, and re-assess the situation and the need for force.

- b. Non-force techniques, including those relating to use of time, area containment, surveillance, disengagement and/or retreat when appropriate, summoning reinforcements, requesting specialized units (including CIT officers and mental health professionals), and use of trauma-informed de-escalation approaches;
- c. First aid training to allow officers to offer emergency first aid care following a use of force incident, and training on an officer's duty to procure medical care whenever a subject is injured during a use of force event,
- d. Role-playing scenarios and interactive exercises that illustrate proper use of force decision-making, including training on the importance of peer intervention, trauma-based de-escalation, and the use of diversionary programs as required by this Agreement;
- e. Role-playing scenarios and interactive exercises that demonstrate the importance and impact of ethical decision-making and peer intervention, as well as alternatives to the use of force, including in interactions with people who have or are perceived to have mental illness, developmental immaturity and/or who are or who appear to be under the influence of substances;
- f. An overview of Fourth Amendment and related law governing police practices;
- g. The importance of allowing individuals the opportunity to submit to arrest before force is used wherever possible;
- h. The proper use of tactical retreat and how to recognize circumstances in which allowing a subject to temporarily evade arrest, including by retreating, may be the appropriate response to a situation regardless of whether use of force may be technically justified under relevant law or policy;
- i. Specific prohibitions on use of force, including:
 - i. Applying restraints in a manner that is intended or known to cause harm or pain;
 - ii. Using force when an arrestee is non-compliant, but is restrained and under an officer's control;
 - iii. Using force to effect compliance with a command that is unlawful;
 - iv. Using tactics that escalate an incident, including but not limited to taunting, humiliating or threatening individuals and using status-, race- and/or identity-based slurs, including by intentionally mis-gendering any individual;
 - v. Using force as punishment or retaliation, including for fleeing, resisting arrest, insulting or assaulting an officer and/or engaging in First

- Amendment Activities, including but not limited to observing or recording a CPD officer;
- vi. Using force in response to speech, including verbal confrontation, slurs or insults.
 - j. The importance of considering whether a subject may be noncompliant due to a medical condition, disability, language barrier, developmental immaturity, drug interaction, or behavioral health crisis;
 - k. The importance of not rendering assumptions about an individual's potential dangerousness based on that individual's disability.
 - l. De-escalation techniques, both verbal and tactical, that empower officers to resolve incidents without using force, including instruction that verbal persuasion, slowing down the pace of the situation, disengagement, area containment, surveillance, waiting out a subject, retreating in some circumstances, summoning reinforcements, using cover, calling in specialized units, and/or delaying arrest all may constitute an appropriate response to a situation, even when the use of force would be legally justified;
 - m. Identifying and responding to someone who may be armed;
 - n. The proper deployment and use of all CPD-issued or -approved weapons or technologies, consistent with CPD policy.
 - o. The circumstances that may warrant engaging in a foot pursuit and appropriate tactics to avoid the use of excessive force during or at the conclusion of a foot pursuit, and how to keep members of the public and officers safe during such pursuits;
 - p. How to recognize circumstances in which there is a duty to intervene to stop any officer from using excessive force, and the actions to take in such circumstances;
 - q. Information about performance-related incentives for officers who demonstrate non-biased and least intrusive policing methods;
 - r. Detailed instruction in use of force reporting, investigation, and review requirements;
 - s. For supervisors of all ranks, as part of their initial and annual in-service supervisory training, detailed instruction on the following: conducting use of force reviews or investigations appropriate to their rank; strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unnecessary force; and how to support officers

who report unnecessary or unreported force and/or who are retaliated against for attempting to prevent objectively unreasonable force;

- t. Situations in which a force event could lead to potential civil or criminal liability;
- u. The appropriate use of the diversionary programs required by this Agreement;
- v. Access to counsel at police facilities;
- w. Video and transparency policies;
- x. Trauma-informed police practices;
- y. Adolescent brain development;
- z. Prohibition of “trolling,” as defined in this Agreement; and
- aa. Prohibition on using profanity, derogatory and/or demeaning labels, and inappropriate terms for person-centered communication, *e.g.*, the term “mentals,” in all work-related settings and communications, as well as when interacting with the public.

119. All training curriculum shall incorporate non-biased policing principles.

120. CPD will provide sufficient hours of in-service use of force training annually to all officers, supervisors, and command staff to ensure that officers maintain critical basic skills and up-to-date training on changes in the law, community expectations, developments in national police practices, and changes in CPD policies. The in-service training curriculum will be determined by the Monitoring Plan and in conformance with the terms of this Agreement. It will be reviewed and updated annually.

C. Disability Training

121. The disability training curriculum shall be developed in consultation with the Monitor and approved by the Monitor. CPD will provide all recruits and current members with disability training to include:

- a. Disability awareness, including recognizing disability, interacting with people with disabilities, and understanding how disability can impact police encounters. This training should encompass a broad range of disabilities, such as intellectual, developmental, mental health, and physical disabilities, including epilepsy, seizure disorder, and deafness;
- b. Best practices for police encounters with people with disabilities, including:

- 1) Effective communication and barriers to communication;
- 2) When and how to make reasonable modifications including to use of force procedures and techniques;
- 3) Response options, specifically, alternatives to use of force and arrest;
- 4) Trauma-informed strategies and responses;
- 5) De-escalation techniques including when to consult with a CIT member and how to address crisis situations when CIT is not available;
- 6) Community resources referrals available to provide services, support or treatment for people with disabilities, including community mental health services, and how officers can and should draw on those resources.

122. CPD will provide all recruits and current members with disability training. This training will include the following protocols, instruction and methodology:

- a. CPD will provide all officers with annual disability in-service training to ensure that officers maintain critical basic skills and up-to-date training on changes in the law, community expectations, and developments in national police practices and changes in CPD policies relating to disability and policing. The in-service training curriculum will be determined by the Monitoring Plan and in conformance with the terms of this Agreement. It will be reviewed and updated annually.
- b. The disability training instructor(s) will be qualified with experience in a broad range of disabilities and expertise in current police practices, national trends, and how disability impacts policing.
- c. The disability training curriculum will be developed to utilize best practices for adult learning, including scenario-based training, role-playing, and interactive exercises, and will include interaction with people with disabilities.
- d. In developing training curriculum and program, CPD will:
 - 1) Consult with the disability community and persons with disabilities;
 - 2) Consult with subject matter experts, including through the Vera Institute's Serving Safely technical assistance and support program.

123. CPD will provide no less than 8 hours of in-service disability training annually to all officers, supervisors, and command staff. The disability training is to be conducted in addition to the mental health and CIT training already provided by CPD to recruits, and any mental health training required by this Agreement.

D. Non-Biased Policing Curriculum and Protocols

124. The training curriculum in non-biased policing shall be developed in consultation with the Monitor and the CO and approved by the Monitor. CPD will provide all recruits and current members with training in non-biased policing within six months of the effective date.

125. CPD will incorporate training on non-biased policing into all components of its training including on the topics of stops, frisks, searches, arrests, and uses of force, and how to effectuate these actions in a non-discriminatory manner.

126. In addition to incorporating non-biased policing principles into its training curricula as specified above, CPD will provide training on non-biased policing to all officers.

127. Within three months of the implementation of this Agreement, CPD, with input from the community and subject matter experts, will develop a comprehensive training module, focused on fair and unbiased policing, which will include, but not be limited to the following topic areas: implicit bias, procedural justice, gender, disability, LGBTQI issues, language access issues, the history of Chicago and the legacy of racial and ethnic segregation in the City, and the history of police misconduct scandals in CPD including but not limited to the Jon Burge scandal, the murder of Fred Hampton, and victims of police violence. This training module should be developed in collaboration with community-based organizations with expertise in Chicago's history, neighborhoods and various cultures.

128. CPD will ensure its training curriculum includes appropriate modalities or a combination of modalities (scenario-based, classroom, academy, etc.) and training assessment tools. To the extent that CPD determines that it would be beneficial to retain consultants in developing the curriculum, such consultants shall possess the requisite expertise and be approved by the Monitor.

129. The training will emphasize that the use of discriminatory policing, whether in the form of selective enforcement or non-enforcement of the law, including by the selection or rejection of particular policing tactics or strategies, is prohibited by CPD policy and engaging in acts of discriminatory policing will subject officers to discipline.

130. The training module set forth herein will provide officers with a minimum of eight hours of mandatory comprehensive and interdisciplinary training on the topics listed in paragraph 93, to be administered within 90 days of the Effective Date, and at least four hours annually thereafter.

131. CPD's training in non-biased policing will include providing all officers with comprehensive training on the following topics:

- a. The existence of implicit bias, based on characteristics such as race, gender, and disability, and how to minimize its impact on policing;
- b. Methods and strategies for more effective policing in a non-biased manner;

- c. Police and community perspectives related to discriminatory policing;
- d. Constitutional and other legal requirements related to equal protection, unlawful discrimination, and civil rights in policing, including the requirements of this Agreement;
- e. The existence and impact of arbitrary classifications, stereotyping, profiling and implicit bias on policing;
- f. The importance of police legitimacy and how it is undermined by policing impacted by implicit bias and discriminatory policing;
- g. Methods and strategies for more effective policing that rely upon nondiscriminatory factors;
- h. Instruction in the data collection protocols required by this Agreement;
- i. Identification of key decision points where prohibited forms of discrimination are likely to be observed or utilized, both at the incident and strategic-planning levels;
- j. Methods, strategies, and techniques, including problem-oriented policing strategies, to reduce misunderstanding, conflict, and complaints due to perceived police bias or discrimination;
- k. The specific history of and racial challenges in the City of Chicago;
- l. Principles of procedural justice and its goals;
- m. Special considerations when officers interact with women, girls and/or LGBTQI individuals; and
- n. CPD's policies prohibiting sexual harassment, sexual violence and gender bias, including the following prohibitions: 1) verbal sexual harassment; 2) sexual harassment using physical gestures; 3) taking and/or transmitting sexually motivated pictures or videos; 4) sexual humiliation; 5) sexually-motivated traffic stops, street stops, summonses or arrests; 6) sexual or romantic propositions; 7) gratuitous physical contact with suspects (over the clothing groping during frisks, inappropriate or unnecessary searches or frisks); 8) on-duty sexual activity; 9) any sexual activity with any person in CPD custody or in the custody of any law enforcement or correctional department; and 10) conducting vaginal and/or rectal searches of any person without a warrant.

132. CPD will seek to have members of the community and community-based organizations knowledgeable about various communities and issues in Chicago, including issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and disability, participate in the trainings and, where possible and appropriate, lead or co-facilitate such trainings. The Coalition will provide CPD with a list of organizations and individuals and the relevant topic(s) of their expertise.

E. Supervisory Training

133. Effective, comprehensive supervisory training prior to the start of a promotional assignment is essential to successful supervision. CPD will develop and implement mandatory supervisory training for all new and current supervisors.

134. The training for new and current supervisors may be different. However, both forms of training will include the following topics (which are to be provided in addition to the training requirements listed elsewhere in this Agreement):

- a. Techniques for effectively guiding and directing officers, and for promoting effective, constitutional and ethical police practices;
- b. De-escalating conflict;
- c. Peer intervention and the duty to intervene;
- d. Evaluation of written reports, including what constitutes a fact-based description, and how to identify “pat,” “boilerplate,” or conclusory language that fails to provide specific facts;
- e. Investigating officer uses of force;
- f. Identifying and responding to allegations of officer misconduct, including discriminatory and biased practices;
- g. Operation of supervisory tools, such as the EIS, body cameras, and mobile recording equipment;
- h. Burdens of proof in policing (*e.g.*, probable cause and reasonable suspicion), interview techniques, and the factors to consider when evaluating officer, complainant, or witness credibility, to ensure that investigative findings, conclusions, and recommendations are unbiased, uniform, and legally supported;
- i. Fostering positive career development and imposing appropriate disciplinary sanctions and non-disciplinary corrective action on subordinates;
- j. Building community partnerships and guiding officers on the same;

- k. Department disciplinary procedures and non-punitive corrective actions;
- l. Monitoring use of force by subordinates to ensure consistency with policies and legal updates;
- m. Supervisory accountability based on the performance of their subordinates.
- n. Ensuring integrity of data in COMSTAT reporting;
- o. How to alert the CI of a complaint or concern so that it can conduct a preliminary investigation of the complaint in order to preserve key evidence and potential witnesses;
- p. How to evaluate complaints of improper pedestrian stops for potential discriminatory police practices;
- q. Evaluating officer performance, including based on the following criteria:
 - i. Resolving incidents without the use of force;
 - ii. Implementation of programs and initiatives that divert people from the justice system and reduce arrests;
 - iii. Evidence of any kind of bias;
 - iv. Use of least intrusive policing methods;
 - v. Quality of interactions with members of public, including treating people with dignity and respect; and
 - vi. Feedback from community members, colleagues and supervisors.

135. All sworn supervisors will receive annual in-service training concerning management, which may include updates and lessons learned related to the topics covered in the initial supervisor training and other areas covered by this Agreement.

IV. SUPERVISION AND PROMOTIONS¹⁴

A. Supervisory Character, Duties, and Ratios

136. CPD Supervisors shall model appropriate conduct, including abiding by the highest standards of integrity; strictly adhering to the Constitution and other laws, CPD policy and the terms of this Agreement; and consistently demonstrating non-biased and least restrictive policing, a commitment to preserving the sanctity of life, professionalism, courtesy and respect towards all people with whom they interact. All individuals selected to serve in a supervisory capacity shall have a demonstrated record of conducting themselves in a manner that is consistent with these standards. Officers who have misconduct allegation(s) pending or who have had misconduct allegations relating to interaction with the public sustained within the previous 5 years shall be presumptively ineligible to be promoted to supervisor. No individual who has a disciplinary and

¹⁴ Sources: Albuquerque, Cleveland, and Ferguson Consent Decrees; PATF.

or complaint history that reveals any indicia of bias and/or propensity for using unnecessary force shall be eligible for promotion to supervisor. (Ferguson ¶ 25).

137. CPD will ensure that supervisors provide close and effective supervision, and accordingly shall:

- r. Establish and enforce throughout CPD the expectation that officers will police in a manner that is consistent with the Constitution and other laws and CPD policy, and will at all times demonstrate non-biased and least intrusive policing;
- s. Provide leadership, counseling, direction, and support to officers as needed;
- t. Lead efforts to institutionalize non-biased and least intrusive policing;
- u. Respond to, document, review, and investigate stops, searches, citations, arrests, uses of force, and other officer conduct as required by CPD policy and this Agreement;
- v. Identify misconduct and ensure that it is adequately addressed through corrective action, training, or referral for discipline; and
- w. Identify training and professional development needs and opportunities on both an individual basis and on a unit- and department-wide level.
(Baltimore ¶¶ 433-434 and Cleveland ¶ 322).

138. All officers shall be assigned on each shift to a primary, clearly identified first-line supervisor and shall also report to any other first-line supervisor within the chain of command. First-line supervisors shall be responsible for closely and consistently supervising all officers under their primary command. Supervisors shall also be responsible for supervising all officers under their chain of command on any shift to which they are assigned, so to ensure accountability across CPD. (Albuquerque Consent Decree ¶ 67).

139. CPD will ensure that first-line supervisors provide close and effective supervision of officers. This close and effective supervision includes meeting with subordinates on an ongoing basis to discuss their performance; providing consistent documentation of communications regarding officer performance challenges and areas of growth; responding to, investigating, and documenting force as required by this Agreement; ensuring that officers are engaging in non-biased and least restrictive policing; monitoring, commanding, and controlling incidents and calls for service; reviewing reports for compliance with law and this Agreement; identifying training and professional development needs; and providing leadership, counseling, redirection, and support to officers as needed. (Cleveland ¶ 74).

140. Supervisors shall work the same days and hours as the officers they are assigned to supervise absent unusual circumstance or when the supervisor is on vacation, in training, or ill. Investigative unit supervisors shall work generally the same days and hours as the officers they

are assigned to supervise, taking into account that shift differences will not permit complete supervisory overlap. (New Orleans ¶ 78).

141. CPD's first-line supervisors will review all documentation, including video from body-worn, in-car, and other cameras as appropriate, of investigatory stops and detentions, searches, uses of force and arrests, for completeness and adherence to law and CPD policy. Supervisors will randomly review body-worn and in-car camera footage at least three times a month. (Ferguson ¶ 241; Newark ¶ 18).

142. Supervisors should be required to periodically inspect body-worn cameras and in-car video cameras for functionality. Supervisors shall immediately report any equipment problem to the CI. The City agrees to take all necessary steps to promptly repair equipment to ensure consistent availability of fully functioning body-worn and in-car cameras for all appropriate officers.

143. CPD's desk lieutenant or unit commander will document for review by their chain of command any police action that, while comporting with law and policy, indicates a need for corrective action or review of agency policy, strategy, tactics, or training to support non-biased and least intrusive policing. (Newark ¶ 18).

144. CPD supervisors will take appropriate action to address all apparent violations of CPD policy and/or the terms of this Agreement. Appropriate action may include recommending non-disciplinary corrective action for the involved officers, or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor will maintain a record of each apparent violation and any corrective action taken. The supervisor will document each violation in the officer's performance evaluations and CPD's EIS to identify officers needing repeated corrective action. (Newark ¶ 19).

145. Supervisory and commander performance evaluations will take into account the quality and completeness of supervisory and commander reviews of police interaction with the public, including uses of force, use of the diversionary programs established by this Agreement, and officer stops, searches, and arrests. Supervisor evaluations will also include assessment of the supervisor's ability and effectiveness in conducting the supervisory reviews as required by this Agreement, including monitoring, deterring and addressing misconduct by officers they supervise. Supervisors who conduct high-quality reviews and supervision and who effectively deter misconduct and who encourage non-biased and least intrusive policing will receive preference for assignments and promotion. The failure to fulfill supervisory duties will result in corrective action, training, or discipline. (Baltimore ¶¶ 306-307, 434; Ferguson ¶ 301).

146. CPD leadership and supervising officers will reinforce to subordinates that discriminatory policing is an unacceptable tactic, and officers who engage in discriminatory policing will be subject to discipline. (Seattle ¶ 47).

147. If an individual affirmatively states that he or she is the subject of discriminatory policing, the officer's supervisor should, where reasonable, respond to the scene and determine if additional action, including a complaint to the CI, is warranted.

148. Within 180 days of the Effective Date, CPD agrees to develop and implement a staffing plan that enables close and effective supervision. This staffing plan will be developed in consultation with the Monitor, and consistent with best practices and the requirements of this Agreement. The staffing plan will ensure that CPD assigns a sufficient number of sergeants per shift so that the span of control in the field for sergeants is no more than eight officers and will ensure sufficient captains and lieutenants for close and effective supervision of sergeants. (Ferguson ¶¶ 256-58).

149. On-duty first-line patrol supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units. (Ferguson ¶ 257).

150. The City will ensure that all CPD officers are assigned to supervisors in a manner that provides consistency in policing practices from shift to shift and among geographic areas in the City. An officer will have no more than three total first-line supervisors, each of whom will be responsible for evaluating a group of officers they consistently supervise. (Cleveland ¶ 74; Ferguson ¶ 258).

151. CPD must examine and revise the responsibilities of supervisory staff at districts to allow supervisors to maximize time spent providing mentorship, oversight, and accountability of officer activities. This includes by shifting administrative tasks from sergeants to civilian administrative assistants, thus maximizing the time and opportunities for sergeants to communicate with and provide guidance to officers under their command. (Ferguson ¶ 258).

B. Performance Evaluations

152. Within 180 days of the Effective Date, CPD will develop a revised system for evaluating police performance that is consistent with best practices to recognize and promote the importance of non-biased and least intrusive policing, problem-solving efforts, and community trust. Performance evaluations will identify areas where officers have excelled and areas that require further training and supervision to improve officer performance. (Ferguson ¶¶ 292).

153. As part of this revised performance evaluation system, the City will use a formalized system documenting annual performance evaluations of each officer and quarterly evaluations for probationary employees, by the officer's direct supervisor. When evaluating officer performance, CPD supervisors should consider:

- a. Positive outcomes, such as harm reduction, crime reduction, use of non-biased police practices, the use of the least intrusive police response, demonstrated integrity and ethical decision-making, respectful treatment of members of the public, and community satisfaction, rather than numerical outputs, such as arrest and citation quotas.
- b. Their findings from the regular reviews of officers' body-worn camera and in-car camera footage.

- c. Direct supervisory observation: Supervisors will regularly accompany subordinate on-duty officers and observe their activity in the field as a standard part of supervising and evaluating officer performance.
- d. Misconduct analysis: Supervisors will conduct an analysis of all use of forces, arrests, complaints, disciplinary actions and lawsuits filed against individual officer in evaluating officer performance and to identify potential patterns of misconduct and/or areas in need of improvement.
- e. Performance reviews: Performance reviews will focus more attention on individual officer behavior, particularly the quality of their interactions with members of the public.
- f. In employing the above methods to evaluate the performance of individual officers, supervisors will consider the following aspects of an officer's performance:
 - i. Officer's demonstrated ability to conduct policing activities in a non-biased manner while using the least intrusive response;
 - ii. Officer's communication and decision-making skills;
 - iii. The quality and accuracy of officer reports, search warrants and supportive affidavits or declarations;
 - iv. Success at implementing de-escalation strategies and tactical retreat, or otherwise safely avoiding the use of force;
 - v. Quality of the officer's interactions with and treatment of members of the public;
 - vi. Officer success in diverting individuals from the formal justice system;
 - vii. Success in handling routine incidents and calls for service, including non-aggressive contact and courteous and respectful treatment of all members of the public;
 - viii. Compliance with procedural justice principles, including giving reasons for initiating contact with members of the public, and giving opportunities for people to explain the circumstances under which they are interacting with the police and;
 - ix. A 360-degree evaluation of the officer that includes feedback from community members and co-workers of the same/lesser rank.

154. Performance evaluations will include a written discussion by the supervisor of any areas in which the officer's performance needs to improve and areas of particular growth and achievement during the rating period. As part of the annual performance review process, supervisors shall meet with the employee whose performance is being evaluated to discuss the evaluation. The above metrics will inform when an officer is recognized for positive job performance through rewards, promotions, and informal incentives.

(Ferguson ¶¶ 292-297)

C. Promotions

155. Promotions shall be based on a combination of interviews, recommendations, merit, and test scores, rather than relying exclusively on test scores.

156. CPD, in conjunction with the Monitor will, on a semi-annual basis, evaluate promotional policies and practices for the existence of any disparate impact on the basis of race, gender, ethnicity and/or LGBTQI identity. In the event that any policy or practice is found to have a disparate impact, CPD, in conjunction with the Monitor, will take immediate action to reform the policies and practices.

157. Within 240 days from the Effective Date, CPD agrees to ensure its promotional systems comport with best practices and establish clear criteria that prioritize constitutional, non-biased and least intrusive policing as factors in promotion. CPD will develop a promotional assessment process in which candidates for promotion demonstrate their qualifications, including knowledge, skills, ability, demeanor, and performance, by participating in a series of systematic, job-related, and realistic scenarios observed and reviewed by experts in areas including, but not limited to, de-escalation, crisis intervention, use of diversion programs, supervision and management. Factors to be considered in making promotional decisions will include, but not be limited to the factors described in paragraph 153. (Ferguson ¶¶ 298-299).

158. The City will incorporate into its written tests the metrics listed in paragraph 18 so that candidates for promotion demonstrate their qualifications, including knowledge, skills, ability, demeanor and performance. Officers will be asked to document instances in which they used problem-solving or de-escalation techniques in carrying out their law enforcement duties, describe ways in which they have engaged in unbiased and least intrusive policing, and convey knowledge of ethics and professional responsibility.

159. Factors such as an officer's respectful treatment of members of the public, and ability to demonstrate non-biased and least intrusive policing problem-solving techniques, will be primary considerations in distributing non-biddable assignments.

160. Superiors will use forms of informal recognition, such as private and public praise, to commend officers who exemplify unbiased and least restrictive policing. Superiors will also encourage subordinate officers to commend their peers for treating members of the public with respect and for handling situations, from the routine to those that are high-risk, according to principles of non-biased and least restrictive policing.

161. The Monitor will review the supervisor selection process and, if necessary, make recommendations on improving the match between the selection criteria to the requirements of the position as described in this consent decree.

D. Early Intervention System

162. Within six months of the Effective Date, the City and CPD agree to improve its Early Intervention System (EIS) to support the effective supervision and management of CPD

officers and employees, including by the proactive identification of both potentially problematic and commendable behavior. CPD, with input from and approval of the Monitor, will develop and implement a system that will perform an immediate assessment of an officer's fitness for duty. The EIS system must capture all data and performance measures necessary to obtain a true 360-degree view of CPD officer conduct to ensure supervisory awareness and the early identification of problematic individual and department-wide conduct. CPD should build a system consistent with the principles put forward by the Police Accountability Task Force. Factors that shall be considered in determining whether an officer is fit for duty include: (1) the number of complaints filed against the officer; (2) any indicia of bias or inability to implement least intrusive policing; (3) the number of lawsuits naming the officer; and (4) the number and type of adverse findings made against the officer, either in federal or state court, that bear on credibility, training, or patterns of behavior.

163. The EIS will include a computerized relational database that will be used to collect, maintain, integrate, and retrieve CPD-wide data, as well as data for each officer. The City and CPD agree to maintain sufficient staffing to facilitate EIS data input and provide training and assistance to EIS users.

164. CPD shall implement rolling thresholds so that an officer who has received an intervention related to any use of force should not be permitted to carry a firearm.

165. The EIS relational database will capture all information necessary to ensure supervisory awareness and the early identification of problematic individual conduct and CPD-wide conduct. Data points and measures to be considered in this system should include:

- a. All uses of force, broken down by level and type, including but not limited to on-duty and off-duty, firearm and taser discharges, use of canines;
- b. Use of the diversion programs described in this Agreement;
- c. Indicia of bias;
- d. All injuries to persons in-custody, including in-custody deaths;
- e. All instances in which force is used and a subject is charged with obstructing or resisting an officer, assaulting an officer interfering with a law enforcement investigation, or similar charges;
- f. All instances in which an officer recants or amends a statement after being presented with video evidence;
- g. All instances in which an officer issues three or more citations during a single encounter;
- h. Violations of CPD's body-worn and in-car camera policies;

- i. All misconduct complaints (and their dispositions);
- j. Data compiled under the stop data collection mechanism;
- k. All criminal proceedings initiated against an officer, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City and/or its officers or agents, resulting from CPD operations or the actions of CPD personnel;
- l. All judicial proceedings where an officer is the subject of a protective or restraining order and/or has been accused of committing domestic violence;
- m. All allegations of witness intimidation;
- n. All vehicle pursuits and traffic collisions involving CPD equipment;
- o. All loss or theft of CPD property or equipment in the custody of the employee, including currency, firearms, force instruments, and identification cards;
- p. All interviews or interrogations in violation of CPD policy;
- q. All instances in which CPD learns of or is informed by a prosecuting or judicial authority that a declination to prosecute any crime was based upon concerns about the credibility of a CPD employee, or that a motion to suppress evidence or a confession or a motion to quash arrest was granted on the grounds of a constitutional violation by a CPD employee;
- r. All disciplinary actions including SPARS;
- s. All non-disciplinary corrective action required of employees;
- t. All awards and commendations received by employees;
- u. Overtime usage;
- v. Training history, including firearm qualification and other weapon certifications, for each employee; and
- w. Sick leave usage, especially in concert with regular days off and holidays.

166. The EIS program shall include community outreach efforts that provide public access to data generated by the EIS program and invite community stakeholders to Compstat-type meetings to discuss EIS data and outcomes.

167. The EIS program must facilitate monthly meetings with the State's Attorney, the Public Defender, the Presiding Judge of Criminal Division, the City Law Department and,

separately, the Chief Judge of the Northern District of Illinois, for the purpose of determining any adverse findings against CPD officers that bear on credibility, training issues, or patterns of behavior. All information gathered through this process shall be factored into the EIS system.

168. The EIS program shall publish on a monthly basis aggregated data on the following: new and pending complaints by unit, disciplinary actions, missed court dates, new civil legal proceedings against officers, new criminal legal proceedings, vehicle pursuits, vehicle collisions, uses of force, employee commendations, uses of firearms, injuries to persons resulting from use of force, injuries to persons in custody, judicial proceedings where an officer is the subject of a protective or restraining order, adverse judicial credibility determinations, or disciplinary actions. The EIS program shall establish a quarterly community inclusive meeting to share data and insights from EIS.

169. The City and CPD agree to maintain sufficient and working computer hardware, including servers, terminals, and other necessary equipment, to permit personnel, including supervisors and commanders, ready and secure access to the EIS system, so to permit timely input and review of EIS data as necessary to comply with the requirements of the Agreement.

170. CPD agrees to provide in-service training to all employees, including officers, supervisors, and commanders, regarding EIS protocols, as required to facilitate proper understanding and use of the system. CPD supervisors shall be trained in and required to use the EIS system to ensure that each supervisor has a complete and current understanding of the employees under the supervisor's command. Commanders and supervisors shall be trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns of behavior.

171. Until such time as a meaningful and effective EIS system is in place, CPD must take immediate steps to review officers for issues of concern. These steps will include:

- a. CPD, with input from and approval of the Monitor, will develop and implement a system that will perform an immediate assessment of officer fitness for duty. Factors that shall be considered in determining whether an officer is fit for duty include: (1) the number of complaints filed against the officer, with immediate identification of and follow-up regarding any officer with 10 or more complaint registers, whether or not an affidavit was completed; (2) officer patterns of missing court; (3) any indicia of bias or inability to implement least intrusive policing; and (4) whether the officer has been named in two or more lawsuits in the last six years.
- b. During this time, CPD should begin to conduct the monthly meetings with the State's Attorney, Public Defender, Presiding Judge of Criminal Division, City Law Department and, separately, Chief Judge of the Northern District of Illinois, for the purpose of determining any adverse findings against police officers that bear on credibility, training issues or patterns of behavior. All information gathered should be factored into the manual intervention system.

- c. Any officers identified through these methods should be assessed for placement in BIS, PC or some other form of individualized work plan that involves their chain of command.

(PATF at 111).

V. ACCOUNTABILITY AND OVERSIGHT

A. Use of Cameras in Policing

172. The City and CPD will retain aspects of its body-worn camera and in-car video systems policies, but will supplement existing policies as follows:

173. The City shall ensure that all patrol officers, supervisors, and officers who regularly interact with the public, including tactical officers, are equipped with body cameras. The City shall equip all marked and unmarked CPD vehicles with fully functioning in-car cameras with microphones.

174. The City and CPD shall maintain camera policies that require officers to record all encounters with civilians except for specifically indicated exceptions designed to protect officer safety and civilian privacy. Following any use of force or other incident requiring notification to the CI, officers shall be prohibited from stopping or interfering with cameras that were recording until a representative from the CI arrives on the scene. In addition, CPD policy shall prohibit officers, except in emergency circumstances, from deactivating their cameras until they present themselves to be interviewed by the CI.

175. Body-worn cameras must be used regardless of whether an in-car camera is also being used, and vice versa.

176. Officers who fail to comply with CPD's camera policy shall be subjected to discipline.

177. Within 180 days of the Effective Date, the City shall stop allowing officers to review or receive an accounting of any video footage prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.

178. The City and CPD shall revise the camera policies to better protect civilian privacy, including by prohibiting surreptitious recording for the purpose of intelligence gathering based on First Amendment protected speech, associations, or religion; limiting recording in schools absent exigent circumstances; and prohibiting the use of biometric technologies on footage.

179. The City and CPD shall develop camera policies that expressly allow a person who files a complaint to view the recorded footage of their interaction with the police.

180. The City shall provide sufficient funds to maintain all cameras in working order and to retain the staff necessary to maintain and retrieve footage.

181. The City shall flag for retention video and audio recordings of incidents that result in investigative stop reports, TRRs, arrests, and misconduct complaints. (CPD Special Order 03-14). The City shall continue to retain un-flagged recordings for ninety days, and retain flagged recordings for at least three years. The City shall retain recordings relating to an arrest or use of force in perpetuity, but provide privacy protections for non-officer subjects.

182. The City and CPD shall develop protocols for storing footage, to allow for easy retrieval and searching, and for the regular assessment of camera use. In order to ensure that body-worn and in-car camera footage is easily searchable, CPD will require the identification and tagging of such footage according to the following categories:

- a. Identity of officer wearing the camera;
- b. Identities of other officers involved in the recorded incident;
- c. Category of activity shown in the footage (*e.g.*, stop, use of force, arrest, etc.);
- d. Identification and tagging of camera footage with any event or incident number that can be used to link footage to other documentation, such as Investigatory Stop Reports, TRRs, case incident reports, arrest reports, OEMC events and complaint logs.

183. The City shall address the findings and recommendations of the OIG's audit of the more than 2,700 public safety cameras jointly purchased by OEMC, CPD and the Chicago Fire Department (CFD).

184. The Monitor, with assistance from the OIG, will ensure that OEMC is properly managing access to and use of the public safety camera system.

B. Community Oversight

185. The City will establish a civilian oversight and accountability body (CO) as an office of municipal government. The CO shall be composed of elected individuals, one from each police district in the City of Chicago. Each CO member shall have voting power equivalent to the percentage of the population of the City of Chicago residing in his or her district. Once elected, CO members shall employ such deputies, assistants, and other employees as required to fulfill the obligations of the CO.

186. The CO shall be comprised exclusively of city residents who themselves have been impacted by police abuse, or who represent communities that have been most impacted by police abuse. Eligible candidates shall be limited to: individuals representing civil rights, activist, and organizing groups that focus on issues relating to young people, African-Americans and/or Latinxs and their interactions with the police; individuals with experience and expertise related to protecting the rights of immigrants; individuals with experience and expertise related to protecting the rights of LGBTQI communities; individuals with experience and expertise related to protecting the rights of Middle Eastern and/or Muslim communities; individuals from the faith-based

community with experience and expertise related to protecting the rights of individuals who have been subjected to police abuse; individuals with experience and expertise related to protecting the rights of people living with mental illness and/or other disabilities; individuals with experience and expertise related to protecting the rights of people who are homeless; individuals with experience and expertise related to protecting the rights of people who have been victims of police sexual abuse or assault; and individuals with experience and expertise related to protecting the rights of people who have been victims of police misconduct or brutality. Former and active law enforcement officers and their family members, including spouses, domestic partners, parents, siblings, children, grandparents, and grandchildren, are not eligible to serve on the CO.

187. The CO shall have the following powers:

- a. to appoint the CPD superintendent and members of the CI, and, upon a finding of good cause, move to terminate the superintendent or the CI;
- b. to oversee the civilian investigation of claims of police abuse and misconduct;
- c. to approve rules and regulations for the governance of CPD and for civilian investigations;
- d. to conduct public hearings on all matters related to CPD and its oversight entities, and to require members of those bodies to appear at these hearings;
- e. to obtain confidential access to the databases and records of CPD, OEMC, and other oversight entities of CPD;
- f. to maintain and regularly update a website that makes public the information related to the CO;
- g. to attend, observe, and assess police training programs, and provide a public report on that assessment;
- h. to observe any officer performance evaluations;
- i. to review, approve and submit to City Council the annual budget for CPD;
- j. to hear and/or appoint hearing officers to hear disciplinary actions for which a suspension of more than the 30 days is recommended (which is expressly reserved to the Superintendent) or for removal or discharge;
- k. to refer instances of police-related criminal conduct to the appropriate law enforcement entity;
- l. to approve and negotiate contracts with police unions;

188. The CO or CO members may also facilitate:

- a. Restorative circles;
- b. Station adjustments;
- c. Community accommodation awards;
- d. Random monitoring of police vehicle surveillance recording equipment; and
- e. Attendance at any roll calls.

C. Civilian Investigations

189. Civilian investigations will be overseen by the CO. The Civilian Investigative Entity (“CI”), currently COPA,¹⁵ will provide the people of Chicago and their police officers with a fair and impartial system for the investigations of civilian police complaints and police use of force; ensure that police officers are held accountable when they abuse their power or otherwise violate the public trust; identify, investigate, and terminate officers who have engaged in patterns of misconduct; address the police code of silence; and create a transparent process by which members of the public can monitor and evaluate police misconduct and use of force investigations.

1. Jurisdiction of Agencies

190. The jurisdiction for CI shall be expanded to address all police misconduct complaints resulting from interactions with community members, including complaints of domestic violence; sexual abuse, sexual assault, or other sexual misconduct; verbal abuse; and First Amendment violations. It shall also be expanded to include the investigations of the following, even without any complaint: CPD interactions that result in civil lawsuits that allege that a CPD officer engaged in excessive force, sexual misconduct, a false arrest, illegal search or seizure, and/or another civil rights violation or tort; and instances in which a judge grants a criminal motion to suppress or quash based on constitutional violations of CPD officers or finds that a CPD officer gave false or incredible testimony. In no circumstance will any of these types of complaints be investigated at the district level.

191. CI’s jurisdiction will also include, even without any complaint, investigations of cases in which a CPD officer discharges and/or uses his or her stun gun, taser, or any other weapon to inflict pain or induce compliance in a manner that could potentially strike an individual, and cases in which a person dies or sustains any injury that requires medical attention as a result of an interaction with CPD or while in CPD custody. Under no circumstances will discharges of such weapons be referred to investigation by the districts.

192. CI will investigate no-hit shootings for compliance with policy and investigate whether shootings labeled no hit actually resulted in an injury. To the extent that no-hit shootings

¹⁵The current Civilian Investigative Entity is the Civilian Office of Police Accountability (COPA). Campbell plaintiffs’ advocate for a change in the investigative and oversight structures, as set forth in this Agreement.

are outside CI's jurisdiction, the City will propose and endorse an ordinance to ensure they are investigated by CI. If the ordinance does not become law, BIA must investigate and provide public reports on the investigations.

193. CI shall have full administrative access to any documents that it needs to conduct an investigation and evaluate and report on the outcome of its recommendations, including but not limited to information retained by CPD, OIG, the Police Board,¹⁶ or any other City department or agency.

2. Investigators' and Supervisors' Training

194. The CI will continue to provide new investigators with the same number of hours of comprehensive training on conducting employee misconduct investigations as COPA currently provides. The City will ensure that BIA officers and district investigators who investigate police misconduct will receive at least 40 hours of comprehensive training on conducting employee misconduct investigations. The City will ensure that training covers interview techniques in detail.

195. The City will ensure that the CI continues to provide new investigators with the same number of hours of comprehensive training on conducting employee misconduct investigations as it currently provides. The City will ensure that BIA officers and district investigators who investigate police misconduct will receive at least 40 hours of comprehensive training on conducting employee misconduct investigations.

196. The City's training will include instruction in:

- a. Investigative skills, including proper interrogation and interview techniques; gathering and objectively analyzing evidence; and data and case management;
- b. How to appropriately classify complaints pursuant to agency policy;
- c. The particular challenges of administrative law enforcement misconduct investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation;
- d. Weighing the credibility of witnesses, including properly weighing the credibility of civilian witnesses against officers' credibility;
- e. Using objective evidence to resolve inconsistent statements;
- f. The proper application of the appropriate standard of proof;
- g. Relevant CPD and agency rules and policies, including protocols related to administrative investigations of alleged officer misconduct;
- h. CPD policies, including the requirements of this Agreement and protocols related to administrative investigations of officer misconduct;

¹⁶ See Section V(C)(10) governing Discipline and the Police Board.

- i. Relevant state and federal law, and
- j. Testing the credibility of the witness by comparing statements and other evidence; questioning witnesses about what they had read and reviewed prior to the interview as well as who they conferred with prior to the interview; the limits of attorney-client privilege to prevent unlawful coaching by an attorney; leaving recording devices on throughout an interview so that there is a record if an officer asks to confer with his or her attorney; and the use of open-ended questions to elicit information.

197. Training will be provided by sources both inside and outside of CPD, in order to ensure comprehensive training on investigative techniques that are specific to the Chicago community and consistent with CPD policies, procedures, and disciplinary rules.

198. Additional training related to misconduct investigations will be provided annually to CPD supervisors responsible for investigating police misconduct not involving police-civilian encounters by the officers they supervise. CPD officers will receive training on identifying and reporting misconduct, accepting complaints, and the consequences of refusing to accept them

199. All CPD supervisors and personnel who may become responsible for investigating misconduct complaints not involving police-civilian interactions will receive a minimum of 8 hours of in-service training annually related to conducting misconduct investigations. CPD will provide 4 hours of in-service training to all supervisors on their obligations when called to a scene by a subordinate to accept a civilian complaint about that subordinate's conduct.

200. The City will provide training to all CPD personnel on CPD's revised or new policies related to misconduct investigations and discipline. This training shall include instruction on:

- a. Identifying and reporting misconduct, the consequences for failing to report misconduct and the consequences for retaliating against a person for reporting misconduct or participating in a misconduct investigation;
- b. How to properly handle complaint intake, including how to provide complaint materials and information and the consequences for failing to take complaints;
- c. The proper categorization of complaints including recognizing allegations of misconduct even when not explicitly identified by the complainant;
- d. Strategies for turning the complaint process into a positive police-civilian interaction;
- e. The consequences for intentionally miscategorizing complaints related to: discriminatory policing based on an individual's demographic category; allegations of unlawful stops, searches and arrests; allegations of interference with constitutionally protected expression; and any allegations of criminal misconduct, including sexual misconduct; and

- f. The consequences for failing to provide information, or failing to make information available.

201. The City will ensure that all CI, BIA, and district investigators¹⁷ are trained on and required to use physical evidence, including but not limited to DNA evidence, GPS data, gunshot residue, and evidence about the scene of a shooting.

202. In each misconduct investigation, BIA and CI shall collect and consider all relevant circumstantial, direct, and physical evidence, including but not limited to: lab results of DNA evidence, lab results of gunshot residue evidence, GPS data, crime scene logs, crime scene measurements including the location of key evidence within the scene, bullet trajectory analysis, and photographs depicting the point of view of civilian witnesses.

203. After receiving their initial training in conducting officer misconduct training, CI, BIA, and district investigators shall receive at least 8 hours in service training annually to maintain and develop investigatory skills and knowledge of current best practices. The training will include a review of interview techniques, including: a) preventing lawyers or other representatives who are representing a witness from conferring with a witness before a question is answered; b) making a record if a witness wishes to take a break; c) inquiring whether there were discussions about the subject matter of the investigation during the break and if so, with whom and what was discussed; d) inquiring whether the witness discussed the subject matter of the investigation with anyone else prior to the interview and if so, with whom, when, and what was discussed; and e) and ensuring that the officer's representative does nothing to interfere with the interview.

204. The City will ensure that all CPD and CI personnel involved in investigating police misconduct be trained on preventing bias, including preventing implicit bias from impacting investigations.

205. The City will ensure that all CPD and CI personnel involved in investigating police misconduct will receive the 8 hours of disability training curriculum set forth in the Training section of this Agreement. Investigators should further be trained on how to identify disability-related misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation; to refrain from asking for disability-related health information that is not necessary for the investigation; and protect confidential disability-related information.

206. The City will ensure that CI, BIA, and district investigators are trained in trauma-informed interview techniques.

207. The City will identify procedure and practice guidelines for responding to sexual assault misconduct complaints with thorough investigation, and trauma-informed, victim-centered, multi-disciplinary practices, including ensuring that all complainants are offered access to social service referrals, and information from a trained sexual assault victim advocate.

208. The City will ensure that investigators who are responsible for investigating domestic violence and sexual assault allegations receive specialized training on these topics. Training shall include: a) how to respond to reports of sexual assault, including cases presenting co-occurring crimes such as domestic violence or stalking; b) strategies that postpone judgment

¹⁷ These are supervisors at the district level who are assigned the responsibility to investigate misconduct.

regarding the validity of a case until a thorough investigation is completed; c) methods to minimize further physical and psychological trauma to victims of sexual violence by creating a respectful, objective response; d) Identification of strategies to keep the investigation focused on the behavior and actions of the suspect; e) The impact of trauma on victims and adjustments to interview practices to allow sensitivity to victims' needs and the dynamics of sexual assault; f) The dynamics of and relevant core scientific concepts related to sexual assault including trauma-related behavior, tonic immobility, and the effects of trauma on memory; g) Guidance on working with vulnerable populations, including homeless people, sex workers, people with disabilities, and LGBT individuals; h) how to respond to non-stranger sexual assault, alcohol and drug-facilitated sexual assault, sexual assault where the victim is incapacitated or otherwise unwilling or unable to clearly describe the assault; i) Report writing and documentation of the investigation undertaken, techniques for investigations of sexual assault, and classification of reports of sexual assault; j) Trauma-informed interviews of individuals reporting sexual assault; k) Taking statements from, interviewing, and interrogating suspects, including training about interrogating suspects in non-stranger or drug/alcohol-facilitated sexual assaults.

209. CPD shall conduct a sexual misconduct incident review at the conclusion of every investigation of a sexual misconduct complaint against an officer or employee concerning conduct against a non-CPD employee, unless the report has been determined to be unfounded. The review shall:

- a. Consider whether the report or investigation indicates a need to change CPD policies or practices to better prevent, detect, or respond to sexual misconduct;
- b. Consider where the incident occurred and the staffing in that area to assess whether physical or other conditions in that area may enable abuse; and
- c. Prepare a report of its findings, including any recommendations for improvement. This report shall be provided to CPD leadership.

210. The City will make public the training materials for CPD and CI personnel who are involved in investigating police misconduct.

3. Opening Investigations

211. The City will ensure that CI makes the initial classifications and assigns investigators in a timely manner.

212. The City will ensure that both CI and BIA open investigations based on any source, including media accounts, anonymous complaints, and referrals from other agencies.¹⁸

¹⁸ Within 120 days of the Effective Date, the Mayor shall introduce an ordinance into City Council that shall exempt the City from compliance with the requirement under the Illinois Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1, *et seq.*, to obtain a sworn affidavit supporting a police misconduct complaint as a precondition to a full investigation and officer interviews. Within 60 days of the Effective Date, the City shall be prohibited from entering into any collective bargaining agreement (CBA) that requires any such sworn affidavit as a barrier to full and complete police misconduct investigations. If the

213. CPD will ensure that the complaint intake process is open and accessible for individuals who wish to file complaints about CPD officers' conduct. CPD will ensure that all complaints they receive about CPD officer conduct will be accepted and investigated whether submitted by a CPD employee or a member of the public; whether submitted verbally or in writing; in person, by phone, or online; whether submitted by a complainant, someone acting on the complainant's behalf, or anonymously.¹⁹

214. The CI will perform community outreach and publicize the civilian complaint process, identifying locations that are suitable for community members to file complaints online, via telephone, and in community-based environments free from police presence.

215. The CI will ensure individuals may make complaints in multiple ways, including in person or anonymously, by telephone, online, and through third parties to ensure broad and easy access to its complaint system, and will ensure individuals are aware of this process by performing outreach and sufficiently publicizing the process:

216. The City will make complaint forms widely available at public buildings and locations throughout the City of Chicago, and will make them available to community groups to provide to their members.

217. Complaint forms will be made available, at a minimum, in English and Spanish. The City will comply with the law to make complaints accessible to people who speak other languages (including sign language). The fact that a complainant does not speak, read, or write English, or is deaf or hard of hearing will not be grounds to decline to accept or investigate a complaint.

218. The City will ensure that a free, 24-hour hotline exists for members of the public to make complaints, and will clearly display this information on the City, CPD, and CI websites and other CPD and CI printed materials.

consent decree does not require the City to investigate complaints unsupported by affidavits, the decree must:

1. Ensure that all CI, BIA, and police district investigators are trained on how to obtain an override of the affidavit requirement, and are encouraged to do so. *See, e.g.,* DOJ Report on CPD, p. 51 ("IPRA and BIA should make more use of the override option. IPRA investigators we interviewed relayed that overrides are not encouraged, and no training was provided on how to obtain one. Not surprisingly, this override provision was used only 17 times in the last five years.").
2. Ensure that each agency that investigates complaints conducts the full preliminary investigation available, including investigating other credible evidence relating to the allegations beyond the complainant.
3. Ensure that each agency that investigates complaints documents its efforts to obtain an override of the affidavit requirement.
4. Require agencies publicly publish the number of complaints in which they sought, and the number of complaints for which they received, overrides.

¹⁹ The City's expired CBAs allow for anonymous complaints of criminal misconduct by a CPD officer, which would include complaints of excessive force, as a finding of excessive force could constitute a criminal assault or battery. In addition, the City shall be prohibited from entering into any future agreement that limits its ability to investigate anonymous complaint of police misconduct.

219. The City will ensure that CI continues to operate a free, 24-hour hotline for the public to make complaints, and will clearly display this information on its website and other CPD printed materials.

220. The City will ensure that individuals who make complaints receive a copy of their complaint form upon intake. Each complaint form will prominently display a unique tracking number or barcode. This tracking number or barcode will be linked with any case number ultimately assigned to the complaint, if any. Complainants may use the barcode or tracking number to obtain information about the status of the investigation.

221. The City will ensure that all allegations of officer misconduct are investigated as expeditiously as possible, while maintaining a commitment to rigorous, high quality investigations. The City will ensure that the system to investigate police misconduct sufficiently investigates all complaints fully and in a timely manner so that improper or unlawful practices and conduct are not hidden. If a non-confidential investigation exceeds six months, the CI must notify the complainant (if applicable) and the employee named in the complaint or his or her counsel of the general nature of the complaint, the information giving rise to the investigation, and the reasons for failure to complete the investigation within six months, and the CI must post this information on its website.

222. The City will investigate any information, testimony, or court ruling arising in criminal prosecutions, including in hearings on motions to suppress, or civil lawsuits that indicates potential officer misconduct was not previously fully investigated by BIA or CI.

223. The City shall develop a system under which the Cook County State's Attorney's Office, the Cook County Public Defender's Office, the United States Attorney's Office, and the Federal Defender Office report instances when a court has ruled that an officer violated someone's rights or provided false or incredible testimony or reports, so an investigation may be opened. Any decision by BIA or the CI to decline investigation of such a ruling or allegation shall be documented with a written explanation for the denial.

224. The City will ensure all officers carry complaint forms in their CPD vehicles, and provide complaint forms to individuals upon request. The complaint form, approved by the Monitor, will include information about how to file a complaint electronically instead of through the paper form. CPD will ensure officers will provide their name and badge number upon request.

225. The City shall develop and support a system that allows CPD personnel to file confidential and anonymous complaints and suggestions. The City shall ensure that all CPD personnel can access the system and provide complaints. The City shall ensure that all CPD personnel are informed of this system, have log in information, and understand how it operates to protect their anonymity.

226. CPD will develop a system that allows officers to confidentially and anonymously report potential misconduct by other officers. All CPD members shall be registered for the system. This system will be assessed by the Monitor for effectiveness and the Monitor will make recommendations for changes.

227. The City shall require that every CPD member, regardless of rank, who observes or becomes aware of any allegations of misconduct shall report the incident to a supervisor, to

BIA, or to CI for appropriate documentation and investigation. The failure to report an observed or alleged misconduct will be considered misconduct, and will be subject to discipline and/or corrective based on the seriousness of the conduct.

228. The City shall ensure that there are adequate protocols to encourage and protect CPD members who report misconduct, and that every CPD member who observes or becomes aware of any allegations of misconduct by a CPD member shall report the incident to a Supervisor, BIA, or CI, for appropriate documentation and investigation. These measures may include transfers to other units or other measures for protection. Officers who act as whistleblowers shall be eligible for commendations and their willingness to identify misconduct may be considered a positive factor in evaluations and considerations for promotions.²⁰

229. The City will develop a risk assessment system for litigation that includes litigation in which police officers are defendants.

4. Staffing Investigations

230. The City will ensure that the CI and BIA have sufficient staff to conduct timely and thorough investigations of police misconduct.

231. The City will ensure that its staffing plan takes into consideration the obligation to conduct investigations of settled civil misconduct cases in a timely manner.

232. The CI and BIA will conduct workload assessments every year and publish them on their websites. They will issue public reports showing the caseload, by complaint type, for each investigator.

233. The City shall publicly disclose how it calculates 1% of CPD's budget for the purpose of its statutorily required determination of COPA's budget.²¹

234. The Monitor will analyze the CI's budget and advise the Parties, the Coalition, and the Court as to whether it affords the CI sufficient resources, including sufficient staff and training to meet the terms of this Agreement.

5. Conducting Investigations

235. Preliminary investigations will begin immediately upon assignment of a complaint, and will include interviewing any witnesses, reviewing reports, and obtaining any video footage.

236. Misconduct investigators shall use impartial, non-leading investigatory techniques.

237. In conducting interviews, investigators will ensure that an officer's representative (lawyer or union representative) does not interfere with the interview and gather information about

²⁰ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into any agreement that in any way impairs CPD's ability to reward officers who act as whistleblowers. *See* PATF, p. 75 ("The provision that forbids the CPD from rewarding officers who act as whistleblowers should be removed.").

²¹ On April 17, 2018, the ACLU requested this information via a FOIA request. On April 24, 2018, COPA declined to provide that information and referred the ACLU to a City department.

the witnesses' prior non-privileged discussion of the topic. Investigators shall: a) prevent lawyers or other representatives who are representing a witness from conferring with a witness when a question is pending and before a question is answered; b) make a record if a witness wishes to take a break; c) inquire as to whether there were discussions about the subject matter of the investigation during the break and if so with whom and what was discussed; and d) inquire as to whether the witness discussed the subject matter of the investigation with anyone else prior to the interview and if so, with whom, when, and what was discussed.²²

238. All misconduct cases will continue to be assessed on the basis of a "preponderance of the evidence" standard. The Monitor will conduct a review of cases to ensure the standard is applied.

239. The City shall revise its policies regarding how officers receive notice of the complaint to ensure that the evidence and investigation are not tainted or jeopardized by providing the officer with enough information to create a false report that is consistent with the known facts in the case or by providing information about the complainant and other witnesses that could compromise their safety or otherwise expose them to threats.

240. The City will develop and implement policies to ensure that the officer accused of misconduct receives notice that he or she is under investigation:

- a. Officers under investigation will not receive notice if it would jeopardize the investigation, and will only receive notice prior to being formally interviewed by BIA or the CI;
- b. Such notice will comport with due process and the law, will contain the nature of the investigation, and will not contain any information that may unnecessarily jeopardize the investigation;
- c. When CPD provides notice to officers that they are under investigation, such notice will include provisions prohibiting officers under investigation from speaking to witnesses or complainants, reviewing police reports (other than reports about the incident authored by the officer) or body camera footage, or taking other actions that could jeopardize the investigation, until notified by CPD that they are permitted to do so;
- d. CPD shall require its employees to cooperate with administrative investigations, including appearing for an interview when requested by a BIA or CI investigator, and providing all relevant documents and evidence under the person's custody and control;
- e. Supervisors shall be notified when an officer under their supervision is summoned as part of a misconduct complaint or internal investigation and

²² If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into any agreement that in any way impairs the City's ability to conduct interviews as described in this paragraph.

shall facilitate the officer's appearance, absent extraordinary circumstances, documented in writing.

241. The City shall ensure that all officer disciplinary findings that bear on credibility, including Rule 14 findings, are supplied to the Cook County State's Attorney's Office, the United States Attorney's Office, and criminal defendants.

242. Investigators will consider, as part of misconduct investigations, any evidence of an officer having lied or omitted material facts, including evidence of lying or omitting facts during misconduct investigations.

243. Investigators will consider, as a standard part of misconduct investigations, the officer's history of complaints and relevant investigative files.²³

244. Within 60 days of the Effective Date, the City shall be prohibited from entering into an agreement that permits the destruction of records relating to complaints, investigations, and adjudications of police misconduct or use of force.

245. Investigators will interview all accused, involved, and witness officers in person, and separate them from one another. Officers may not respond to allegations with "to/from" memos.

246. CPD will immediately inform the CI when an officer discharges a firearm or taser or engages in other uses of force that fall within the CI's jurisdiction without a complaint first being filed. The Monitor will assess and report on the length of time it takes for CPD to inform the CI of these incidents.

247. The CI will interview the shooting officer as soon as possible and no later than two hours after an incident, barring emergency circumstances, such as the shooting officer's need for emergency medical treatment.

248. CPD will immediately inform the CI of all motor vehicle incidents involving CPD officers that result in death or serious bodily injury. The Monitor will assess and report on the length of time it takes for CPD to inform the CI of such incidents.

249. The City will ensure that officers will not turn off their body-worn or in-car cameras after any use of force that falls within the CI's investigative jurisdiction. CPD policy shall prohibit officers, except in emergency circumstances, from deactivating their cameras, including during public safety interviews, until after they are interviewed by the CI on the scene. For all other reportable uses of force, officers must keep their cameras on until they receive express permission from their supervisor to deactivate them, and such permission shall be recorded on camera prior to deactivation.

²³ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into any agreement that in any way impairs the City from considering an officer's full history of complaints and investigative files.

250. The City will ensure that all witnesses, including officers, are separated and ordered not to confer about what they witnessed at the scene of any event that is the subject of a misconduct or use of force investigation that is within the CI's jurisdiction.

251. The City shall develop protocols for designating a supervising officer who is responsible for separating all involved and witnessing officers and keeping them at the scene in all use of force incidents under the CI's jurisdiction until BIA or CI personnel arrive. BIA/CI personnel will ensure that the supervising officer has separated all officers who witnessed a use of force incident until they are interviewed in accordance with CPD and CI policy.

252. The City shall ensure that the CI is empowered to compel members of CPD to immediately submit to tests for substances, physical evidence, and DNA, including, but not limited to, breath, blood, urine, and DNA tests, where necessary for an administrative investigation.²⁴

253. When CPD provides notice to officers that they are under investigation, such notice will include provisions prohibiting officers under investigation from speaking to witnesses or complainants, reviewing police reports (other than reports about the incident authored by the officer), video footage or audio recordings, or taking other actions that could jeopardize the investigation, until notified by CPD that they are permitted to do so.²⁵

254. Officers who confer about the subject of a misconduct investigation outside of the CI investigator's presence shall face significant discipline, up to and including termination.

255. It shall be a condition of employment for every CPD officer to cooperate with the CI in its police misconduct and force investigations. Interfering with a misconduct investigation, or colluding with other individuals to undermine an investigation, including intentionally withholding evidence or information from a misconduct investigator, will be a terminable offense. The City will ensure that officers under investigation do not review any investigative files, reports (except for reports about the incident authored by the officer), or other evidence, including body camera footage, unless publicly released by CPD, or other photographic evidence related to an incident under investigation in which they are the principal or a witness in an investigation, until notified by CPD that they are permitted to do so.

256. The City will terminate officers who manipulate any evidence, including turning off or destroying recordings of body-worn or in-car cameras, in order to hide misconduct of any officer.

257. The City will terminate officers who file charges against victims of police misconduct or witnesses of police misconduct in retaliation for filing a complaint or in order to

²⁴ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into an agreement to limit its ability to require that its police officers give prompt statements and submit to tests for substances, physical evidence, or DNA, after a use of force incident or complaint of misconduct.

²⁵ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into an agreement to limit its ability to discipline officers who violate CPD Rule 14, which prohibits officers from making a false written or oral report, on the basis of the officer's access to video or audio evidence of an incident.

hide the misconduct, or who take any other retaliatory actions against victims or witnesses of police misconduct.

258. The City will ensure that claims of witness and complainant retaliation are fully investigated.

259. The City will terminate officers who violate Rule 14.

260. The City will establish guidelines that include mitigating and aggravating factors to ensure that discipline and penalties imposed on officers for misconduct violations are applied fairly and consistently.²⁶

261. In each misconduct investigation, investigators shall ensure that they take all reasonable steps to locate and interview all witnesses, including civilian witnesses, and attempt to interview any civilian witness in person at a time and place that is convenient and accessible for the witness.

262. BIA and the districts shall electronically record and transcribe interviews. The CI shall continue to electronically record and transcribe interviews.

263. The CI shall continue to have the power to issue subpoenas to compel the attendance and testimony of witnesses and the production of documents and other items relevant to an investigation within its jurisdiction. *See* Municipal Code of Chicago, 2-78-120(p) (2016).

264. The City shall maintain a database of officer photographs that is available to the CI, BIA, and the districts for the purpose of officer identification in misconduct investigations. The City will ensure that officer photographs are updated at least every three years.

265. Officers shall inform CPD of any secondary employment, so that CPD may share information with investigators of misconduct and the investigators may determine if there are any conflicts of interest due to the employment that may impair a fair investigation.²⁷

266. The CI shall have the responsibility to conduct regular analyses of citizen complaints against CPD officers, uses of force, lawsuits against CPD officers, judicial findings of unconstitutional or dishonest conduct, and other relevant data to identify individual and groups of officers who may be engaged in a pattern of misconduct, and to initiate confidential disciplinary investigations into the conduct of those identified officers.

267. The CI will conduct Force Analysis Panels with CPD after investigations into shootings and other major uses of force that do not result in sustained findings, in order to determine if they reveal any systemic deficiencies in training, policy, supervision, or equipment;

²⁶ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into any agreement that in any way impairs the City from establishing guidelines to ensure consistent application of discipline for similar types of violations.

²⁷ If this language is considered to be in conflict with the current CBAs, within 60 days of the Effective Date, the City shall be prohibited from entering into any agreement that prevents the City from inquiring about secondary employment for the purpose of identifying conflicts.

the CI shall present any such deficiencies to CPD during the Force Analysis Panels and publish its recommendations from those Panels on its website within five business days.

6. Terminating Investigations

268. Misconduct investigators shall not prematurely close investigations.

269. The City will ensure that misconduct investigators do not close an investigation for any of the following reasons:

- a. The complainant seeks to withdraw the complaint or is unavailable, unwilling, or unable to cooperate with an investigation; if the complainant is unable or unwilling to provide additional information beyond the initial complaint, the investigation will continue as necessary to resolve the original allegation(s) where possible based on the available evidence and investigatory procedures and techniques;
- b. The complainant pleads or is found guilty of an offense;
- c. The principal investigator resigns or retires; BIA or the CI will continue the investigation and reach a finding, where possible, based on the evidence and investigatory procedures and techniques available;
- d. The complainant disagrees with the officer's rationale for stopping or citing the complainant (such as contending that she was not committing a violation), if the complaint also includes an allegation of officer misconduct in addition to a disagreement with the officer's rationale for the encounter;
- e. The alleged use of force is "de minimus," including complaints about use of handcuffs or force used during arrests; the Monitor will review samples of complaints in these categories to ensure that full investigations are completed.

270. The City will ensure that claims of witness and complainant retaliation are fully investigated.

271. The City shall not close misconduct investigations because a prosecuting agency declines to prosecute, dismisses the criminal case after the initiation of criminal charges, or because the officer is acquitted in the criminal case. Instead, the City will require investigators to conduct a complete investigation and assessment of all relevant evidence.

7. Services for Complainants and Audits of the Investigative Processes

272. In the course of investigating a civilian complaint, the CI, BIA, and the districts will provide supportive services to complainants, including information about the process and outcomes and referrals to outside service providers when needed. (PATF, p. 163). The City shall ensure that all civilian complainants are assigned a complaint-support specialist, who shall provide the above supportive services throughout the complaint and investigative process.

273. In the course of investigating a civilian complaint, the CI, BIA, and the districts will provide periodic written updates to the complainant by mail and by email, if the complainant provides an email address:

- a. Within seven days of receipt of a complaint, the misconduct investigator will send non-anonymous complainants a written notice of receipt. The receipt shall include the tracking number or barcode originally assigned to the complaint, along with any other case number subsequently assigned, if applicable, and the allegations being investigated. The notice will inform the complainant how he or she may inquire about the status of a complaint. The notice will not contain any language that could reasonably be construed as discouraging participation in the investigation, such as a warning against providing false statements or a deadline by which the complainant must contact the investigator;
- b. Periodic updates will be mailed or emailed to the complainant; the City shall ensure that all BIA and CI investigators communicate with complainants in a professional and respectful manner; investigators who fail to do so shall be subject to discipline, demotion, and/or appropriate corrective action based on the seriousness of the conduct.

274. The City shall establish a feedback process that seeks feedback from civilians who interacted with the CI, BIA, or the districts in the context of a misconduct investigation, including, but not limited to, their overall satisfaction with the process, their ability to access information from BIA, the CI, or the districts, their treatment throughout the investigation, the investigator's sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall also seek suggestions to improve the civilian's experience. BIA and the CI shall publish the results of these surveys annually.

275. The CI will survey and/or conduct outreach to every person who reports that they have been a victim of a crime relating to domestic violence, sexual violence, child abuse and other sensitive crimes to ensure that the officer(s) the victim engaged with were professional, empathic and did not abuse their authority.

276. The City shall establish a testing program designed to assess the civilian complaint intake for accuracy and to ensure that service is provided in a respectful and non-discriminatory manner.

277. CPD and the CI shall produce an annual report on the testing program, with detailed information about methodology, outcome, and planned steps to improve civilian complaint intake based on the assessment.

8. Criminal Misconduct Investigations

278. If at any time during the intake or investigation of a misconduct complaint the investigator finds evidence indicating apparent criminal conduct by any CPD personnel, the investigator shall promptly notify the CI. The CI shall consult with the relevant prosecuting agency or federal law enforcement agency regarding the initiation of a criminal investigation.

279. When an allegation is investigated criminally, BIA and the CI shall continue with the administrative investigation(s) of the allegation.

280. In investigations of police shootings, the CI should interview the shooting officer as soon as possible and no later than two hours after the incident, and should not delay the interview due to a possible criminal investigation. The CI should refrain from performing any criminal investigative tasks on behalf of the prosecuting agency. The criminal investigation must be conducted by the relevant law enforcement body, independent from the CI investigation.

281. Any criminal investigation of police misconduct by CPD should be led by CPD's BIA or specially designated investigative body. Under no circumstances shall CPD permit any of the suspected officers' supervisors or members of their unit to participate in the criminal investigation.

282. If BIA or the CI refers an investigation of an officer for prosecution and the prosecuting agency declines to prosecute or dismisses the criminal case after the initiation of criminal charges, BIA or the CI shall request an explanation for this decision, which shall be documented in writing and appended to the criminal investigation report.

283. BIA and the CI shall permanently maintain all reports and files concerning criminal investigation of officers.

9. Community-Centered Mediation of Misconduct Complaints

284. The consent decree should replace CPD's existing mediation program for civilian complaints against officers with a new mediation program, provided by a private, experienced mediation services program. This program should be an alternative available for minor allegations of officer misconduct—not for use of force, sexual misconduct, gendered or domestic violence, constitutional violations, or discrimination.

285. Mediation should be voluntary for officers and complainants, and potential participants should be screened for their receptivity to mediation. Because sessions should be kept confidential and not recorded, the program should be accompanied by (a) a limitation on the number of mediations in which any particular officer can participate during a period of time, and (b) public summary data, reporting in aggregate on the number of sessions offered, accepted, and successfully completed.

10. Discipline and the Police Board

286. If the Superintendent requests that members of the Police Board, or anybody that adjudicates officer misconduct in the future,²⁸ overrule the recommendations of the CI, deference shall be given to the CI as the agency who conducted the investigation. The CI's investigative findings shall not be disturbed unless they are clearly erroneous and its disciplinary recommendations may not be overturned unless they constitute an abuse of discretion. If the Superintendent seeks to overturn the CI's recommendations, he or she must provide the CI with

²⁸ Some groups advocate for the termination of the Police Board. We use the term "Police Board" in this document to refer to whatever body that is responsible for adjudicating police disciplinary cases.

written bases for doing so within 30 days of receipt of the recommendations, and the CI shall immediately publish the Superintendent's response on its website.

287. Police Board hearing officers will be evaluated regularly for the quality of their hearings, including but not limited to their application of police board regulations, evidentiary determinations, and decorum. They shall be terminated if the quality of the hearings do not meet these standards.

288. Members of the Board and hearing officers will receive training, including by victims of police misconduct and their families. The training will include an explanation of the rules and standards that they are applying to officers in CPD, including regarding the use of force policy, non-force responses and techniques, impartial policing, and disability and policing.

289. The City will provide yearly evaluations of City attorneys who practice before the Police Board, including through supervisor observations of hearings and an evaluation of skills. If the Police Board learns that attorneys for the City practicing before the Police Board are lacking in trial skills, they may report to the Monitor and the OIG.

290. The Police Board shall post all materials related to its hearings on its websites, including transcripts and videos.

291. The Police Board shall track and publish more detailed case-specific and aggregate data on the cases it reviews.

292. The Monitor shall work with the City to develop procedures by which CPD officers have the right to appeal their terminations or suspensions of over 30 days. The process must be non-duplicative of other CPD officer rights, the judges conducting the hearings must be impartial and unbiased, the hearings and rules must be open to the public, and the judges must publish written rulings that provide the reasons for their decisions.

11. Conflicts of Interest

293. The Monitoring Team shall include an attorney who will examine, report on and develop a plan to address legal and practical conflicts within the Law Department and between City departments that address police misconduct. The City will implement the Monitor's plan. The conflicts that will be addressed include: potential conflicts that arise when the City is defending a lawsuit that is the same subject as a misconduct investigation; when the City represents both the CI and CPD if there is an impasse on discipline; and when the City represents the police officer in a civil suit, including but not limited to when the suit includes claims of punitive damages.

294. The CI shall maintain permanent in-house legal counsel to advise the CI on legal issues, respond to Illinois Freedom of Information Act requests, and represent the CI in legal and administrative proceedings, including those to enforce the CI's subpoenas and to prosecute or defend the CI's investigative, disciplinary, and policy recommendations.

295. Employees working in BIA or the CI will not be assigned to duties that may create any conflict of interest, or appearance of conflict of interest, with their investigatory responsibility.

12. Public Reporting

296. Robust transparency is critical to public accountability, trust, and monitoring of CPD and its oversight entities. To those ends, the CI shall maintain and update a public database of investigations of police misconduct complaints and other disciplinary investigations into CPD uses of force, as detailed in the Use of Force Data Collection, Analysis, and Reporting section of this Agreement.

297. In addition, the CI and BIA shall publish quarterly reports. The quarterly reports must include a detailed summary of the CI's and BIA's activities for the quarter. The quarterly reports of BIA and the CI will, at a minimum contain the degree of public reporting currently included in COPA's quarterly reports and shall include the following information:

- a. A summary report for each investigation completed during the applicable time frame;
- b. A summary report of each mediation completed during the applicable time frame, including the outcome of the mediation;
- c. Any recommended modifications to CPD policies, procedures, practices, directives, supervision, training, and equipment; the superintendent's written responses to those recommendations; and the status of the implementation of those recommendations;
- d. Any recommended changes to policies, procedures, training, resources, and powers of the CI or BIA, including any recommendations to improve the CI's and BIA's ability to conduct prompt, high quality, thorough, and unbiased investigations that are transparent to the public;
- e. Operational updates with respect to the CI's and BIA's Rules and Regulations, community engagement activities, hiring, training, and transparency efforts;
- f. A detailed statistical analysis, derived from the CI's database, which will help the general public monitor the work of the CI and BIA. Wherever possible, the CI and BIA must aggregate the data by investigative category and by the demographics of the involved civilians and CPD members. The analyses, which include their methodology, shall include, but not be limited to, data related to the following:
 - i. Total number of complaints received;
 - ii. Total number of complaints referred to other oversight entities (*e.g.*, BIA or OIG);
 - iii. Total number and type (*e.g.*, excessive force, false arrest, illegal search, domestic violence, sexual misconduct, sexual assault, coercion, First Amendment, denial of access to counsel, other Fifth Amendment, etc.) of complaint and non-complaint-based investigations opened;

- iv. Total number and type of investigations completed;
- v. Total number and type of investigations that remain open;
- vi. Total number and type of notifications that did not result in investigations;
- vii. Total number of investigations terminated without findings broken down by the reasons for termination;
- viii. Total number of referrals to external agencies (e.g., FBI, U.S. Attorney, Cook County State's Attorney, etc.) by agency;
- ix. Total number of affidavit overrides requested, approved, denied, and pending;
- x. Number and type of investigations resolved by mediation;
- xi. The length of time that investigations remained open;
- xii. Investigative outcomes (*e.g.*, sustained, not sustained, etc.) and disciplinary recommendations of completed investigations, aggregated by type of complaint;
- xiii. CPD member disciplinary recommendations aggregated by type of complaint and the demographics of involved civilians and involved CPD members;
- xiv. A comparison of the disciplinary recommendations made by the CI or BIA with those of the Superintendent and the discipline actually imposed, aggregated by type of investigation and the demographics of involved civilians and CPD members;
- xv. Data regarding the racial, ethnic, gender, and geographic demographics of the civilians and CPD members involved in each investigation and any disparities in outcomes;
- xvi. The CI shall also include the following additional statistical analyses in its quarterly reports:
 - 1) Total number of firearm discharges, aggregated by the demographics of involved civilians and CPD members and resulting injuries or fatalities;
 - 2) Total number of non-firearm weapon discharges, aggregated by type of weapon, demographics of involved civilians and CPD members and resulting injuries or fatalities;
 - 3) Unit-by-unit analysis of investigations by type and outcome (including disciplinary and/or training recommendation) of all

investigations, including police misconduct investigations conducted by BIA or other City agencies;

- xvii. List of CPD officers with more than ten misconduct complaints filed against them within five years of the reporting period, irrespective of the agency that investigated the complaint, identifying each CPD officer by name, badge number, unit of assignment, gender, race, date of appointment to CPD, and providing the number and types of complaints filed against the officer.

298. If the CI determines additional transparency would serve the public, BIA will also expand its public reports. The City will ensure that BIA's reports are easily located on CPD's website.

299. Annual reports of the CI and BIA must include, at a minimum, similar information and data to those required in the quarterly reports, but for the entire calendar year. In addition, they should include an analysis of complaint trends—concerning police uses of force, police shootings, and the use of tasers and other weapons; a summary of all training undergone by investigative and supervisory personnel; and a summary of activities undertaken related to community input, engagement, and outreach, including the result of the community feedback survey described above. The annual reports must contain the amount of reporting currently provided on the COPA annual report.

300. The CI and BIA shall regularly analyze the types of complaints being received to identify and assess potential problematic patterns and trends. The CI and BIA will produce, at least annually, a public report summarizing complaint trends, including the number and types of complaints received, the disposition of complaints by complaint type, the number and types of dismissed complaints, and the average length of complaint investigations.

301. Both the CI and BIA will track and publicly report, at least annually, aggregate data on complaints made by people with disabilities, including whether the subject of the complaint was the officer's failure to accommodate a disability. Data regarding disability will be collected at two points in the CI and/or BIA process. First, a disability category will be checked in the initial stages of the complaint process if the complainant or victim has voluntarily disclosed that the victim is a person with a disability. Second, regardless of whether the complaint was lodged as disability-related, at the close of the investigation the investigator shall evaluate whether any complaint incident was disability-related, in any part, and, if so, designate it as such. Disability-related complaints will be reviewed by the ADA Compliance Officer as set forth in the ADA Coordinator section of this Agreement. All information related to disability will be confidentially maintained. The CI and BIA will report only aggregate data about complaints of misconduct against people with disabilities.

302. The CI and BIA will include in their yearly reports the total number of investigators, the number of investigators who have received training that year.

303. The City will develop and implement policies that will increase transparency related to City settlements of police misconduct lawsuits, including detailed descriptions of the allegations, and analysis of these lawsuits to identify trends.

304. The City will develop and implement policies for tracking and publicly reporting on misconduct complaints that BIA forwards to the districts to investigate. Such reports will include regular reporting on complaint patterns and trends, investigation outcomes, and discipline (both recommended and imposed).

D. Access to Counsel in CPD Facilities²⁹

306. CPD shall ensure that arrestees be allowed access to a telephone within one hour of arrest regardless of an arrestee's location, whether at or in a detention or processing facility, hospital, school, transport vehicle, or other location. Cell phones shall be provided for this purpose if a station phone is unavailable. Arrestees must be allowed to make calls to a family member and to an attorney.

307. Before an arrestee is allowed to make these telephone calls, CPD shall ask whether she wants a free attorney and provide the phone numbers for the Cook County Public Defender, First Defense Legal Aid, and any other organization appointed by the Cook County Circuit Court to represent arrestees.

308. At the beginning of any custodial interrogation, along with *Miranda* warnings, CPD shall ask the subject of the interrogation whether she wishes to invoke her right to counsel and provide the phone numbers for the Cook County Public Defender, First Defense Legal Aid, and any other organization appointed by the Cook County Circuit Court to represent arrestees.

309. CPD shall post prominent signs next to each station telephone, and in each interrogation room, processing room, transport vehicle, and lockup, stating:

- a. that arrestees have the right to an attorney;
- b. that arrestees they cannot afford an attorney, one will be appointed for free; and
- c. the phone numbers for the Cook County Public Defender, First Defense Legal Aid, and any other organization appointed by the Cook County Circuit Court to represent arrestees.

310. After an arrestee makes a call to a private attorney or the Cook County Public Defender, First Defense Legal Aid, or any other organization appointed by the Cook County Circuit Court to represent arrestees, no interrogation of that arrestee may occur until an attorney arrives.

311. CPD shall ensure that student attorneys are given access to their clients in police custody as long as they are licensed under Illinois Supreme Court Rule 711 and have completed

²⁹ Source: PATF, Community Relations Working Group Recommendations; Recommendations from First Defense Legal Aid.

training offered by First Defense Legal Aid, the Cook County Public Defender, or any other organization appointed by the Cook County Circuit Court to represent arrestees.

312. Upon arrival of an attorney to his or her client's place of detention, CPD shall, within fifteen minutes, provide the client with notice that his or her attorney is present and offer that client the opportunity to immediately meet with the attorney.

313. Upon arrival of an attorney to a client's place of detention and an indication from a client that he or she would like to visit with that attorney, CPD shall cease processing that client and prepare an interview room; the fact that an arrestee is being processed shall not be sufficient justification to delay an arrestee immediate access to her attorney when counsel is physically present and immediately available.

314. Within 30 minutes of arresting a juvenile, CPD shall contact the Cook County Public Defender, First Defense Legal Aid, or another organization appointed by the Cook County Circuit Court to represent arrestees. CPD shall not question a juvenile arrestee until counsel arrives.

VI. NON-BIASED POLICING

A. General Provisions

315. This section incorporates the provisions relating to training on unbiased policing, as set forth in Section III (D).

316. CPD will ensure it conducts all police-related activities without discrimination and in a non-biased manner, and without basing the selection or rejection of policing strategies or tactics and/or the concentration of policing resources on the following statuses: race, color, ethnicity, national origin, religion, gender, gender identity or expression, sexual orientation, age, immigrant status, disability, housing status, occupation, and/or LEP.

317. CPD will prohibit the selection of particular communities, events and/or locations to police, including but not limited to cultural events, celebrations, funerals, and protests, based to any degree on the racial or ethnic composition of the community, event or location. CPD will also prohibit officers from using proxies for demographic category, including language ability, type of gathering, geographic location, mode of transportation, or manner of dress.

318. CPD will ensure that all officers and supervisors are trained to know that the presence of probable cause or reasonable suspicion does not mean that an officer's action is race-neutral or free of bias.

319. Indicia of bias and/or discriminatory policing will be considered in hiring, evaluating and promoting officers. Applicants who display any indicia of bias will not be hired; officers who engage in discriminatory policing will be subject to a range of sanctions, up to and including termination and criminal prosecution.

320. CPD will ensure that officers conduct investigatory stops or detentions of students traveling to and from school only when they have reasonable suspicion that the student has been or is engaged in the commission of an offense. CPD officers will not confiscate student identification documents, including ID cards. Any investigative stops, searches, or detentions conducted on students by CPD officers will be documented as mandated by the provisions of this consent decree and in accordance with other constitutional and legal requirements. These provisions should be read in conjunction with those governing police non-involvement in schools, in Section I.

321. CPD officers are prohibited from engaging in the practice of “dumping.” Dumping occurs when a CPD officer physically compels or forces an individual to enter a neighborhood or area where that individual may have enemies or may face other threats that are known to the officer.

322. Within 90 days of the Effective Date, CPD will, in conjunction with the Monitor and with input from the Coalition, develop, disseminate and implement a strategic plan to eliminate racial profiling and discriminatory policing that will: 1) ensure Chicago’s police force is representative of the City’s population and equipped to execute non-biased and least restrictive policing; 2) overhaul data collection and dissemination to ensure transparency and accuracy; 3) expand diversionary programming to reduce the number of people who enter the formal justice system; and 4) calculate and publicize the disparate impact of each of CPD’s initiatives, including the gang database, the Strategic Subjects List, and other intelligence-gathering operations. The strategic plan will ensure that CPD does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial, cultural/ethnic, and gender profiling by its members. It will operationalize CPD’s obligation to identify and eliminate any instances of bias-based policing in all areas. CPD leadership and supervising officers will unequivocally and consistently reinforce to subordinates that such biased policing is unacceptable. (Modified from Alamance County DOJ Decree).

323. The Monitor, the CO, and CPD will collect and analyze enforcement data (including use of force data) to identify patterns of disparate enforcement on the basis of race or ethnicity, and will devise and implement operational changes based on this analysis. CPD will publish on a biannual basis all data concerning stops, searches, arrests, police misconduct complaints, and uses of force, and will include an analysis of policing trends and the steps taken to correct problems and build on successes.

324. The Monitor, the CO, and CPD will capture, track, and analyze complaints alleging racial and other bias-based profiling or discrimination, along with characteristics of the complainants. The Monitor, the Civilian Oversight Entity, and CPD will utilize this data to identify and correct any patterns of discrimination and discipline, and to terminate and/or prosecute officers who engage in discriminatory and/or biased actions.

325. CPD is required to document every investigatory stop, including all stops that lead to an enforcement action, such as an arrest, traffic ticket, or an administrative notice of violation. The following information must be documented for every stop:

- a. Date, time, location, and beat;
- b. The perceived race, gender, and age of the person being stopped, where the identification of these characteristics shall be based on the observations and perceptions of the CPD officer engaged in the stop and such information shall not be requested of the person stopped;
- c. A narrative providing a statement of the facts that establish the officer's reasonable suspicion for the stop;
- d. Whether a frisk took place as a result of the stop, as well as a narrative statement of the facts providing legal justification for the frisk, including any facts establishing reasonable suspicion that the stopped individual was armed and dangerous;
- e. Whether a search of the individual or, if applicable, the individual's property or vehicle, took place as a result of the stop, as well as a narrative statement of the facts providing legal justification for the search, including whether the individual consented to the search, the scope and nature of the search, and whether any contraband was discovered or seized during the search, and the nature of any contraband;
- f. The disposition of the stop (warning, ticket, arrest);
- g. If a summons was issued or an arrest made, the violation(s), offense(s), or crime(s) charged, including a narrative describing why the officer did not implement a diversion program;
- h. Whether force was used during the stop and the nature of the force used;
- i. The name and badge number of all CPD members involved; and
- j. The name and badge number of other involved law enforcement.

326. CPD shall permanently retain the information described above, except that personal identifying information about the stopped individual shall be purged 180 days from the date of the contact. CPD is prohibited from sharing personal information obtained during such stops with any other law enforcement agency except that information may be shared for the purpose of investigating police misconduct.

327. CPD is required to duplicate or print the records of the stop and provide the person stopped with a copy, and to store this information in database format and make it publically available on the City of Chicago's website. CPD shall further release to the public quarterly reports that track the following:

- a. The total number of stops and frisks, and searches citywide;

- b. The total number of stops, frisks, and searches aggregated by:
 - i. race, gender, age;
 - ii. police district;
 - iii. consent to search;
 - iv. arrest;
 - v. justification for stop, frisk or search; and
 - vi. discovery of contraband.

328. On a quarterly basis CPD will publish data about the individuals designated as gang affiliated, disaggregated by:

- a. Race/ethnicity;
- b. Gender;
- c. Age;
- d. Alleged gang affiliation(s);
- e. Basis for identifying alleged affiliation(s);
- f. Location of police interaction that lead to designation(s);
- g. Date of first designation and;
- h. Number of arrests for serious or violent crime.

329. This quarterly data publication will also identify: 1) all external agencies that currently have access to an individual's gang designation in one or more of CPD's databases; 2) all external agencies that previously had access to an individual's gang designation in one or more of CPD's databases; 3) how often external agencies access the databases which contain these gang designations; 4) the dates of all audits or assessments of the accuracy of all gang designations; and 5) the percentage of individuals designated as gang affiliated who have been arrested for serious or violent crimes.

329A. Within 90 days of the effective date, CPD will provide written notice to every individual who is currently or who has within the last 20 years been designated a gang member in one or more of CPD's databases. The notice will state the following: 1) the date the individual was designated a gang member; 2) the gang(s) with which the individual is alleged to be have been affiliated; 3) the basis for the designation; 4) the name of the officer(s) who made the initial designation; 5) any external agencies that have access to that designation, and the dates on which any external agency accessed that designation; and 6) the most recent date of any audit or assessment of the accuracy of that designation. On a quarterly basis, CPD will provide written notice containing the same information to every individual who has been designated as gang

affiliated and remains in a CPD database. Also on a quarterly basis, the CPD will publish data about the individuals designated as gang affiliated, disaggregated by:

- a. Race/ethnicity;
- b. Gender;
- c. Age;
- d. Alleged gang affiliation(s);
- e. Basis for identifying alleged affiliation;
- f. Location of police interaction that lead to designation;
- g. Date of first designation; and
- h. Number of arrests for serious or violent crime.

This quarterly data publication will also identify: 1) all external agencies that currently have access to an individual's gang designation in one or more of CPD's databases; 2) all external agencies that previously had access to an individual's gang designation in one or more of CPD's databases; 3) how often external agencies access the databases which contain these gang designations; 4) the dates of all audits or assessments of the accuracy of all gang designations; and 5) the percentage of individuals designated as gang-affiliated who have been arrested for serious or violent crimes.

330. The Monitor and the OIG shall cross-reference stop records, arrest records, and use of force reports to determine whether an individual's inclusion in a gang database and/or the Strategic Subject List results in an unnecessarily escalated police response.

331. CPD will ensure that officers are fluent in the language of the communities they are primarily responsible for policing. CPD shall effectively communicate with community members, regardless of the member's ability to hear, speak, read, write, or understand English. To achieve this outcome, CPD shall:

- a. Develop and implement a language assistance plan and policy that complies, at a minimum, with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d *et seq.*) and other applicable law, and that comports with best practices and current professional standards;
- b. Ensure that all CPD personnel take reasonable steps to provide timely and meaningful language assistance services to any LEP individuals whom they encounter and whenever an LEP individual requests language assistance services;

- c. Identify and assess demographic data, specifically the number of LEP individuals within its jurisdiction and the number of LEP victims and witnesses who seek CPD services;
- d. Use collected demographic and service data to identify and meet hiring needs for bilingual staff;
- e. Regularly assess the proficiency and qualifications of bilingual staff to become CPD Authorized Interpreters;
- f. Create and maintain an approved list of interpreters and provide that list to the Office of Emergency Management and Communications (OEMC);
- g. Ensure that OEMC 911 call takers are trained to recognize the need for an interpreter to respond to an incident involving an LEP individual and to dispatch an interpreter as appropriate. If no interpreter is available, OEMC personnel shall contact a telephonic interpretation service provider. The call-taker shall note in information to the radio dispatch that the 911 caller is an LEP individual and indicate the individual's language;
- h. Develop interpretation protocols for interrogations and interviews of LEP individuals to ensure a qualified and independent (e.g., non-CPD) interpreter is used for the taking of any formal statement from a suspect or witness in order to protect their legal rights;
- i. Develop and implement a process for taking, responding to, and tracking citizen complaints and resolutions of complaints filed by LEP individuals;
- j. Identify official and vital documents that are subject to public dissemination, and require translation of such documents into Spanish, Polish, Arabic, Tagalog and Chinese, at a minimum. Such vital documents include: consent to search forms; witness and victim statement forms; citation forms; victim rights notification forms; citizen complaint forms; and notices advising LEP persons of free language assistance in connection with CPD activities.

332. CPD will translate the language assistance plan and policy into Spanish, Polish, Arabic, Tagalog and Chinese, and if it becomes appropriate, other languages, and post the English and translated versions in a public area of CPD district police stations, online, and in any other locations throughout the City where individuals go to seek police assistance. CPD agrees to distribute the language assistance plan and policy to a variety of community organizations serving LEP communities encountered by CPD.

333. CPD agrees to distribute its language assistance plan and policy to all staff and police personnel and, within 365 days of the Effective Date, provide training to all personnel on providing language assistance services to LEP individuals. This training shall include:

- a. CPD's LEP plan and policies, and the requirements of Title VI and this Agreement;
- b. How to access CPD-authorized telephonic and in-person interpreters;
- c. How to work with interpreters in the field;
- d. Cultural diversity; and
- e. How to communicate with LEP individuals in commonly encountered scenarios, including basic command of Spanish, Polish, Arabic, Tagalog and Chinese for officers assigned to CPD districts with significant LEP populations who speak those languages.

334. Within 180 days of the Effective Date, CPD agrees to designate a language access coordinator who shall coordinate and monitor compliance with its language assistance plan. The language access coordinator shall assess the effectiveness and efficiency of the plan on an ongoing basis and shall report to the Superintendent or his or her designee regarding needed improvements and any accountability concerns. The Superintendent or his or her designee shall consider the information provided by the coordinator and respond as necessary to ensure that CPD's language assistance plan is effective.

335. Within 180 days of the Effective Date, CPD agrees to develop and implement a process of consultation with representatives of the LEP community to develop and at least annually review the following: implementation of the language assistance plan, including areas of possible collaboration to ensure its effectiveness; identification of additional languages that would be appropriate for translation of materials; accuracy and quality of CPD language assistance services; and concerns, ideas, and strategies for ensuring language access.

336. Within 270 days of the Effective Date, CPD agrees to develop a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals. As part of this process, CPD shall:

- a. Document the number of LEP persons requiring CPD services and their primary language;
- b. Collect data regarding the number of times an interpreter has been used, listed by language and type of interpreter (telephonic or in-person);
- c. Document the number of bilingual staff who have been evaluated for language proficiency, by language, job title, and level of proficiency; and
- d. Document use of translators, vital documents translated, and languages into which vital documents are translated.

337. The City agrees that, if at any point it identifies indicia of biased conduct, it will take immediate corrective action as necessary to ensure that the program, initiative, activity, or

service in question is not further applied or administered in a manner that unlawfully discriminates against individuals on the basis of protected characteristics.

338. The Monitor, the CO, and CPD will regularly, and at least annually, conduct data-based assessments of the impact of all police initiatives, activities, and services to determine whether they impose a disparate impact on the basis of protected characteristics. These ongoing disparate impact assessments will be consistent with the data collection requirements of this Agreement, and subject to the approval of the OAG and the Coalition. Such assessments will include regression analyses that will control for factors other than protected characteristics.

339. For the duration of this Agreement, the Monitor will be responsible for conducting the ongoing disparate impact assessments required by this section. The CO agrees to work with the Monitor, or work with third parties with expertise in relevant data collection and analysis, during the duration of this Agreement to develop the capacity to conduct these assessments so that it can continue the performance of such assessments following termination of this Agreement.

340. Within one year of the Effective Date, the City will develop protocols for correcting any identified disparate impact as defined in the monitoring section in any CPD program, initiative, and activity. Such protocols will require that, if any disparate impact on the basis of a protected characteristic is identified, CPD will determine whether there are appropriate modifications or alternatives to the program, initiative, activity, or service that would have less of a disparate impact. If appropriate modifications or alternatives are available, the City will implement them within a reasonable time.

B. ADA Compliance

1. ADA Compliance Officer

341. CPD shall hire an ADA officer to coordinate its efforts to comply with and carry out its responsibilities under Title II, Section 504 and the consent decree.³⁰

342. Within sixty (60) days of the Effective Date, CPD will hire at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II, Section 504, and this Agreement (“ADA Compliance Officer”).

343. The duties of the ADA Compliance Officer will include:

- a. Auditing and analyzing the provision of police services for compliance with Title II;

³⁰ An ADA Compliance Officer position is consistent with the affirmative obligations for public entities that employ 50 or more persons to (1) have a designated responsible employee to investigate compliance with Title II and (2) conduct a self-evaluation of compliance with Title II. 28 CFR 35.017; 35.10. For examples of DOJ consent decrees requiring ADA Coordinators, see City of Columbia Police Department Consent Decree ¶ 16, South Carolina Department of Corrections Consent Decree ¶¶ 32-37, and DOJ Consent Decree with Wells Fargo, ¶¶ 39-45.

- b. Making reports and recommendations to the Superintendent on how to improve compliance with Title II and/or police services for people with disabilities, including to avoid or decrease use of force incidents involving people with disabilities;
- c. Reviewing the BIA's and the CI's investigations of any complaints that allege or describe misconduct against people with disabilities, or that relate to compliance with Title II, Section 504 or the disability components of this Agreement;
- d. Recommending merit awards or commendations for officers who have demonstrated excellence in serving people with disabilities or in improving policy relations with the disability community; and
- e. Acting as a liaison between CPD and Chicago's disability community.

344. The qualifications of the ADA Compliance Officer will include expertise in Title II compliance, experience with a broad range of disabilities, and familiarity with local disability advocacy groups.

345. CPD will make available to all interested members of the public the name, office address, and telephone number of ADA Compliance Officer.

VII. GENDER SPECIFIC PROVISIONS³¹

A. General Principles

346. These provisions should be read in conjunction with those governing Non-Biased Policing (Section VI), Training (Section III) and Accountability (Section V).

347. The City shall ensure that all police-related complaints of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias are administratively investigated by the CI, and under no circumstances are to be investigated by CPD. Any supervisor who has a reasonable basis to believe an officer engaged in sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias shall be relieved of police powers and placed on desk duty pending the outcome of the Entity's investigation and any concurrent criminal investigation. Any police-related complaint of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias will be investigated, regardless of whether the survivor chooses to be interviewed by the CI.

348. In order to preserve the integrity of the criminal investigation, CPD shall request, in writing, that an outside law enforcement agency conduct the investigations when any officer is alleged to have committed a criminal offense that has a sexual component. The administrative and criminal investigations must be conducted simultaneously as separate, parallel investigations.

³¹ Sources: New Orleans Consent Decree; International Associate Chiefs of Police, Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide; Recommendations from the Illinois Coalition Against Sexual Assault (ICASA).

Nothing in these provisions supersede the requirements of 18 U.S.C. § 922(g)(9) (the “Lautenberg Amendment”), which prohibits anyone convicted of a misdemeanor crime of domestic violence from possessing a firearm, including law enforcement officers.

349. Within 90 days of the Effective Date, CPD shall implement a policy on gender bias that will prohibit officers from engaging in sexual harassment, sexual abuse, and on-duty sexual activity, including specific prohibitions on the following: 1) verbal sexual harassment; 2) sexual harassment using physical gestures; 3) taking and/or transmitting sexually-motivated pictures or videos and transmitting sexually-motivated texts; 4) sexual humiliation; 5) sexually-motivated traffic stops, street stops, summonses or arrests; 6) sexual or romantic propositions; 7) gratuitous physical contact with suspects (*e.g.* over the clothing groping during frisks, inappropriate or unnecessary searches or frisks, etc.); 8) on-duty sexual activity; 9) any sexual activity with any person in CPD custody or in the custody of any law enforcement or correctional department; and 10) conducting cavity searches, including vaginal and/or rectal searches, of any person on the street and/or in an environment where the person being searched lacks sufficient privacy.

350. CPD Officers will treat LGBTI and gender nonconforming individuals with courtesy, professionalism and respect, and are specifically prohibited from using harassing, intimidating or derogatory language toward LGBTI and gender nonconforming individuals or regarding such individuals. This shall include addressing all individuals with their chosen name, title and pronoun. CPD Officers are prohibited from targeting LGBTI and gender nonconforming individuals for traffic stops, street stops, summonses or arrests based on their gender identity or expression. CPD Officers are prohibited from conducting searches of members of LGBTI and gender nonconforming individuals in order to demean, harass or punish the person, or call attention to the person’s gender expression. Officers shall not frisk any person in order to determine that person’s gender or to view or touch the person’s genitals. For purposes of detention, CPD will house individuals according to their gender identity.³² Where the individual does not self-identify and the gender identity is not clear to a reasonable person or the officer is uncertain, the officer will take reasonable, non-invasive steps to determine the gender identity, such as asking the individual how the individual would like to be addressed.

351. CPD officers shall not consider a person’s actual or perceived sexual orientation, gender identity, or gender expression as reasonable suspicion or probable cause that an individual is or has engaged in any crime, and officers shall not request identification from or otherwise initiate contact with an individual solely on the basis of actual or perceived sexual orientation or

³² CPD should revise its policies to specifically provide: TIGN arrestees will be asked whether they feel safest housed with males, females, or alone. Such preferences shall be recorded and individuals should be housed consistently with their preference. TIGN arrestees shall be afforded the opportunity to switch housing preference for their safety and such a request for change in housing preference and its outcome shall be recorded. If an individual fails to express a preference, they will be housed according to their gender identity or with other transgender arrestees who have the same gender identity. An individual will not be placed in isolation or housed alone in individual cells merely because they are TIGN, unless it is their express preference for their safety. If there are no individual holding cells available for arrestees who ask to be housed alone, a supervisor will consult with Cook County State’s Attorney’s Office, and a designated community organization, and make arrangements for the TIGN suspect/prisoner to be reviewed for release on their own recognizance.

gender identity/expression.

352. Supervisors will ensure cross-gender searches are not conducted unless exigent circumstances exist; however, TIGN³³ individuals will have the right to express a preference for the gender of the member who conducts the search. If the TIGN individual does not specify a preference, a member of the female gender should conduct the search. If the TIGN individual has a preference, a member of the gender requested will conduct the search absent exigent circumstances. The circumstances the officer believes justify relying on this exception must be documented in writing

353. Body Cavity Searches³⁴: Body cavity searches shall be conducted only upon receipt of a search and seizure warrant based on probable cause. CPD Officers shall consult with their immediate supervisors to determine whether probable cause exists to seek a search warrant for a body cavity search. If probable cause exists for a body cavity search, the CPD officer will prepare an affidavit for a search warrant. Body cavity searches based on a search and seizure warrant will be conducted in accordance with the following provisions:

- a. Body cavity searches shall be performed with due recognition of privacy rights and hygienic concerns. Such searches shall be conducted by a licensed medical professional, of the gender requested by TIGN individuals, under sanitary conditions at a detention facility or other authorized medical facility in a room designated for this purpose. CPD officers shall not conduct the search. When possible, and with the approval of the individual being searched, the licensed medical professional will utilize X-ray technology to ascertain whether a physical cavity search is necessary.
- b. The medical professional conducting the body search will be under constant visual surveillance by a member of the gender requested by the TIGN individual until the body cavity search is finished. CPD Officers will respect the gender identity expressed by the individual for purposes of a search. Where the individual does not self-identify and the gender identity is not clear to a reasonable person or the officer is uncertain, the officer will take reasonable, non-invasive steps to determine the gender identity, such as asking the individual how the individual would like to be addressed.
- c. Body cavity searches on pregnant women will not be conducted unless exigent circumstances exist. If such circumstances exist, the search will be conducted by a medical professional trained in the field of obstetrics and gynecology, in an authorized medical facility, and outside the presence of any CPD officer.

354. The CI shall review all complaints for indications of bias and, if any indications of

³³ Transgender, Intersex and Gender Nonconforming individuals.

³⁴ A “Body Cavity Search” is defined as any search of an individual involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs, such as the stomach.

bias are present, shall investigate and issues findings regarding whether the officers' actions were motivated by animus and/or any implicit or explicit bias.

355. The CI shall publish on a quarterly basis a database that lists information for all submitted police-related complaints of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias, including: 1) the officer's name; 2) the date of the incident; 3) a general description of the nature of the incident (*e.g.*, familial, acquaintance, stranger, on-duty, off-duty) that excludes identifying details of the complainant or victim; 4) disciplinary recommendation(s); 5) disciplinary outcome; 6) the outcome of any criminal investigation; and 7) the law enforcement agency that conducted/is conducting the criminal investigation.

356. CPD agrees to respond to and investigate reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias. CPD will revise its policies and training related to officer response to allegations of domestic violence and sexual assault to ensure that the law enforcement response is trauma-informed, survivor-centered, and not undermined by gender bias. To achieve these outcomes, CPD agrees to implement the requirements set forth below.

B. Sexual Assault Police Response

357. CPD will develop and implement clear policies and procedures governing its response to reports of sexual assault. CPD agrees to ensure its policies and procedures on sexual assault comply with applicable law and comport with best practices and current professional standards. CPD agrees to clearly delineate in policy the respective duties of communications staff, patrol officers/first responders, Special Victims Unit detectives, and supervisors, and to provide clear and detailed guidelines for steps at each stage of CPD's response to a reported sexual assault, including dispatch response, initial officer response, and on-scene and follow-up investigation.

358. CPD will ensure sufficient gender and LGBTQI parity in staffing the Special Victims Unit so that detectives are available to respond to and investigate reports of sexual assault, as appropriate.

359. Patrol officers or other first responders shall document their observations and any actions taken, including any statements of survivors, witnesses, and reporting persons, in calls for service related to sexual assaults.

360. CPD protocols for conducting initial and follow-up survivor interviews shall reflect the special needs of survivors who may be in crisis or suffering from trauma.

361. CPD agrees to provide clear and detailed guidelines for on-scene and follow-up investigation, including as to identifying, locating, and interviewing witnesses and suspects; collaborating with survivor advocates, including rape and domestic violence center advocates; collecting evidence; special procedures for drug-facilitated sexual assaults; and documentation.

362. CPD agrees to establish protocols for forensic examinations of survivors and suspects, as well as evidence preservation and crime scene management in the sexual assault

context. These protocols shall incorporate the recommendations of the National Protocol for Sexual Assault Medical Forensic Examination governing police procedure. These protocols will be in addition to any mandated by Illinois state law, including the Sexual Assault Survivors Emergency Treatment Act and the Sexual Assault Incident Procedure Act (SAIPA).

363. Through its on-going training, CPD agrees to keep officers apprised of, and shall inform survivors about, of services, referrals, or other assistance.

364. CPD agrees to track all CODIS hit outcomes with the CODIS Hit Outcome Program software provided by National Institute of Justice.

365. In addition to annual in-service training, CPD agrees to provide initial training for Special Victims Unit detectives of no fewer than 40 hours. This training will incorporate best practices in responding to incidents of sexual assault and working with survivors of sexual assault, and shall incorporate training curricula provided by the Illinois Coalition Against Sexual Assault (ICASA). Training shall also include:

- a. Realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting;
- b. Overcoming the perception of false/unfounded allegations to successfully investigate non-stranger sexual assault;
- c. Drug- and alcohol- facilitated sexual assault;
- d. Working with vulnerable populations, including homeless people, sex workers, people with behavioral health disabilities, and LGBTQI individuals;
- e. Skills-based training on interviewing, including taped mock survivor interviews;
- f. Report-writing;
- g. Discovery; and
- h. Collection, preservation, and submission of evidence in sexual assault cases, including selecting the evidence to be submitted for testing.

366. CPD agrees to provide detailed recruit training on responding to sexual assault for patrol officers and other first responders of no fewer than four hours, in addition to ongoing annual in-service training. CPD agrees to incorporate fact-based scenarios involving stranger and non-stranger sexual assault into recruit and in-service training on topics such as general investigation, crime scene preservation, and report writing. CPD's general training on sexual assault shall include:

- a. Realistic dynamics of sexual assault, including issues related to response to

trauma and delayed reporting;

- b. Working with vulnerable populations, including homeless people, sex workers, people with behavioral health disabilities, and LGBTQI individuals;
- c. Report writing;
- d. Survivor interviewing; and
- e. Initial assessment of survivors/victims and the crime scene.

367. CPD agrees to train supervisors and detectives in the Special Victims Unit in the proper definitions and application of “unfounded,” “false,” and “baseless” classifications in the context of sexual assault investigations. An officer’s immediate supervisor shall closely review and approve in writing any decision to classify a report as “unfounded,” “false,” or “baseless.” The supervisor shall assess whether a comprehensive investigation has been conducted and whether appropriate follow-up has been completed.

368. CPD agrees to separately track all reports of felony sexual assault, including drug-facilitated sexual assault, sexual assaults involving persons with disabilities rendering them unable to consent, sodomy, and male victims of sexual assault. CPD agrees to collect data on the final disposition of sexual assault investigations, including whether an arrest was made and whether the Cook County State’s Attorney charged the suspect or rejected the case and, if so, the reason for the rejection, if the State’s Attorney provides a reason. This data will be made public.

C. Domestic Violence Response

369. CPD agrees to delineate the respective duties of communications staff, patrol officers/first responders, detectives, and supervisors in its domestic violence policies and procedures and agrees to provide clear and detailed guidelines for steps at each stage of CPD’s response to a report of domestic violence, including dispatch response, initial officer response, including entry procedures, and on-scene and follow-up investigation.

370. CPD agrees to prioritize survivor safety and protection at each stage of its response to a report of domestic violence and provide clear guidelines for on-scene and follow-up investigation, including as to identifying, locating, and interviewing suspects and witnesses; assessment of the crime scene; evidence collection, including documentation of survivor injuries; and seizure of weapons.

371. CPD agrees to discourage dual arrests of offenders and victims. CPD agrees to provide guidance on when dual arrests are permissible and require supervisory approval to effectuate a dual arrest. CPD training shall include how to identify the primary aggressor.

372. CPD agrees to offer training on domestic violence that incorporates IACP recommendations for VAW Law Enforcement Best Practices. CPD will annually update the training to reflect changes in policy, law, and developments in research and best practice.

373. CPD agrees to provide at least four hours of initial and recruit training on domestic violence for all officers, in addition to ongoing annual in-service training. CPD agrees to incorporate fact-based scenarios involving domestic violence into recruit and in-service training on such topics as general investigation, crime scene preservation, and report writing. CPD's training on domestic violence shall include:

- a. CPD's policies and procedures on domestic violence;
- b. Dynamics of domestic violence;
- c. Identifying the primary aggressor;
- d. Responding to and investigating strangulation in the context of domestic violence
- e. Interviewing survivors, witnesses and suspects;
- f. Report writing; and
- g. Discovery.

374. CPD agrees to provide all officers on the Domestic Violence Response team with initial training of no fewer than 40 hours, and ongoing annual in-service training, which incorporates best practices and the training curricula provided by the Illinois Certified Domestic Violence Professional Board (ICDVP), so that officers can receive ICDVP certification. This training shall include advanced, skills-based instruction in evidence collection; victim assistance; interviewing, including taped mock victim interviews; and other topics.

VIII. CRISIS INTERVENTION

A. Responding to People with Behavioral Health Disabilities

375. CPD shall respond to individuals with behavioral health disabilities and those who are in crisis in a manner that respects individuals' civil rights and contributes to their overall health and welfare. Ensuring that CPD uses appropriate crisis response techniques when responding to individuals with behavioral health disabilities or who are in crisis will help prevent situations that could lead to unreasonable use of force, promote connection of people with behavioral health disabilities or who are in crisis to behavioral health resources, and decrease inappropriate criminal justice involvement for people with behavioral health disabilities or who are in crisis.

376. CPD will revise its policies to require that its members use the least intrusive police-involved response possible consistent with public safety. In situations that do not involve an Emergency Petition for Hospitalization, CPD will divert people with behavioral health disabilities or who are in crisis to appropriate behavioral health service resources, rather than to the criminal justice system or to a hospital emergency room, where appropriate.

377. A person may be known or believed to have a behavioral health disability or to be in crisis from a number of factors, including from self-report, information provided by witnesses or informants to dispatch or to CPD officers, CPD's previous knowledge of the individual, and/or the officer's direct observation.

378. CPD officers will be trained not to make assumptions regarding the dangerousness of an individual based on that individual's disability.

379. First responders will interact with persons with behavioral health disabilities or who are in crisis in an appropriate and respectful manner; use trauma-informed strategies to de-escalate crises and reduce the unnecessary use of force against individuals with behavioral health disabilities or who are in crisis; ensure that their actions do not escalate the situation; ensure the safety of all people present at the scene and within the community; refer individuals to the City's available behavioral health and crisis resources; and reduce the inappropriate and unnecessary involvement of individuals with behavioral health disabilities in the criminal justice system.

380. The City's approach to behavioral health incidents and crisis response will include:

- a. Improvement of OEMC's identification of and response to behavioral health and crisis incidents;
- b. Disability and de-escalation training, including crisis intervention training, for all first responders;
- c. Continuation and improvement of the Crisis Intervention Team (CIT) program;
- d. Development of a Behavior Health Unit (BHU) located outside of CPD, which will utilize a range of strategies and approaches to addressing behavioral health and crisis incidents, including by working with CIT;
- e. The development of a youth-specific BHU, which will use a range of strategies and approaches to behavioral health and crisis incidents in addition to CIT;
- f. Establishment of a Behavioral Health Advisory and Planning Committee to foster relationships between the police, the community and behavioral health service providers and to help identify problems and develop solutions to improve outcomes of police involvement in behavioral health and crisis incidents, including in the development of the BHU.

B. Behavioral Health Unit

381. The City will develop a BHU that utilizes a range of strategies and approaches to provide non-police and non-criminal justice system responses to behavioral health and crisis incidents. The BHU will rely on best practices in responding to behavioral health and crisis incidents. The BHU will be guided by the following requirements:

- a. Within 180 days of the Effective Date, the BHU will be staffed by civilians who are not employed by CPD and who have sufficient training and experience to allow them to function as a first responders to incidents where people are experiencing a behavioral health and/or crisis incident, involving self-harm and/or non-violent behavior;
- b. Within two years of the Effective Date, the BHU will utilize alternative response teams, such as Mobile Response and Service Coordination Teams, staffed by qualified mental health professionals;
- c. Within two years of the Effective Date, BHU will develop a pre-arrest diversion program that includes a non-police response option(s) to behavioral health and/or crisis calls; and
- d. BHU will develop other proposals to create safer, more efficient and more productive responses to behavioral health and crisis incidents.

C. OEMC Response and Dispatch

382. All call-takers, dispatchers and their supervisors will receive trauma-informed crisis intervention training that is adequate to enable them to identify, dispatch, and appropriately respond to calls for service that involve individuals in crisis.

383. The City and CPD will revise, and periodically update, its dispatch policies and protocols as necessary to meet the requirements of this Agreement, with input from the Committee (above) and the Monitor, in order to coordinate dispatch and responses to behavioral health and crisis incidents.

384. Behavioral health and crisis incidents may be identified by call-takers and dispatchers based on direct report from a call, or from information indicating that the incident involves a person who is or may be at risk for suicide or self-harm, experiencing psychosis, overdose, or otherwise engaging in disruptive behaviors that may be attributed to behavioral health disability or crisis.

385. The City will develop resources, referrals, and response options for call-takers and dispatchers to utilize with the goal of limiting police involvement in crises where appropriate. Within 180 days of the Effective Date, the City will establish a process to divert calls related to crises that do not necessitate a police response to other crisis services, such as crisis lines, direct service referrals, and/or alternative response teams. OEMC call-takers and dispatchers will receive training and written guidance on when and how to utilize alternative response options, including but not limited to using referrals.

386. When a police response is necessary, the City will ensure a CIT-trained officer responds to the call. The City will track incidents in which a CIT responding officer was not dispatched to such calls and will provide that information to the CIT Coordinator and CIT Committee for analysis quarterly.

387. On an annual basis, the City will conduct an analysis of crisis intervention incidents to determine whether OEMC call-takers and dispatchers are appropriately recognizing calls involving people in crisis and appropriately directing those calls. The analysis will be used to: (1) make appropriate changes to policies, procedures, and training regarding police contact with individuals in crisis; (2) assess the skill, quality and effectiveness of each OEMC dispatcher/call-taker's responses, including as to whether any additional training may be needed; (3) assess the effectiveness of the BHU; and (4) assess the need for additional resources.

D. CIT Program Development

388. CPD currently operates a CIT program, which it may continue operating as one aspect of its approach to behavioral health incidents and crisis response, with modifications as necessary to meet the obligations of this Agreement. CPD will work to develop partnerships between the CIT program and community, health care, and advocacy organizations and groups to assist individuals with behavioral health disabilities and who are in crisis.

389. Within 30 days of the Effective Date, the City shall submit a comprehensive staffing plan for the administration of its CIT program, and will include the following:

- a. The specific ratio (per member population served by the unit) of personnel needed to staff the administration of the unit as well as to provide CIT training (including training administration, training programs, incident follow-up, and other training duties) sufficient to meet CPD's obligations under this Agreement. The staffing plan must take into account the training plan in this Agreement, as well as CPD's plans to expand its CIT program. The staffing ratios under this plan must be approved by the Monitor.
- b. A deadline for meeting the staffing ratios as well as for providing an immediate staffing increase as an interim measure to address the workload of the current CIT administrators.
- c. Submission of the plan to the Monitor, the Coalition, and the OAG by no later than 30 days from the Effective Date. The Monitor, the Coalition, and the OAG shall have fifteen (15) days following the submission of the plan to provide any suggested revisions, comments or objections to the plan. The City will then will either accept the suggestions or the issue will be resolved through the dispute resolution process set forth in this Agreement.

390. The City and the OAG recognize that CIT is not intended solely as a training program. The City must take the measures to provide its officers with the necessary time and resources to effectuate the techniques and responses advanced in the CIT training. The parties will work to develop the community resources necessary to do so, including by taking steps to increase community mental health resources, rapid-access clinics, drop-off centers, and other pre-arrest diversion efforts. The parties will work with other interested entities and stakeholders, such as the Cook County Health and Hospital System, local hospitals and health care providers, and

community service organizations, to develop pre- and post-arrest diversion resources and alternative response options.

391. The City, through the CIT Coordinator, below, will develop a comprehensive staffing plan (“Crisis Intervention Plan”), the goal of which will be to ensure that a CIT officer is available to respond to all calls and incidents that appear to involve an individual in crisis. The Crisis Intervention Plan will ensure that CIT team capacity is sufficient to guarantee that, at all times and in all districts, CIT responders can respond to individuals with behavioral health disabilities and those who are in crisis. Absent unusual circumstances, at least one CIT officer will respond to all calls or incidents where CPD knows or reasonably should know an individual with a behavioral health disability or an individual who is in crisis is involved. (Baltimore ¶ 110). In order to achieve this requirement, the City will do the following:

- a. Evaluate the current CIT team resources requiring that all officers designated as CIT responders have volunteered for the assignment and have been appropriately screened, see Section E, below.
- b. Ensure that the ratios developed in the staffing plan will be based on a workload analysis, which will consider the increased need for CIT interventions based on the population and needs of particular districts, taking into account: historical OEMC data for the last two years (*i.e.*, number of calls coded as CIT); historical data regarding number of use of force incidents in the district; and community population demographics including, for example, homeless populations in specific areas of the City. The City will also analyze whether different districts have misidentified CIT calls at different rates. The workload will be adjusted if evidence shows that OEMC officers and CPD officers failed to identify calls as CIT in certain districts.
- c. Conduct an analysis of crisis intervention incidents to determine whether CPD has enough CIT officers, whether it is deploying those officers effectively, and whether CIT officers, call-takers, and dispatchers are appropriately responding to people in crisis, and will make appropriate changes to policies, procedures, and training regarding police contact with individuals in crisis.
- d. Detail how CPD will achieve full CIT coverage within one year from the Effective Date. Full CIT coverage must take into consideration the current number of calls coded at dispatch for CIT, as well as estimates of how many more should be flagged as such after dispatchers receive proper training, as well as the number of incidents that are or become appropriate for a CIT response regardless of how they are coded by OEMC.
- e. Identify gaps in coverage of particular shifts or districts and mechanisms to fill those gaps;
- f. Detail how OEMC and officers are to proceed in the interim to incidents in which no CIT responders are available.

- g. Review and revise the Crisis Intervention Plan in order to identify and address barriers to full coverage. (Baltimore ¶ 120).

392. The Crisis Intervention Plan shall be submitted to the Monitor, the Coalition, and the OAG by no later than 30 days from the Effective Date. The Monitor, the Coalition, and the OAG shall have thirty (30) days following the submission of the plan to state any suggested revisions, comments or objections to the plan. The City will then will either accept the suggestions or the issue will be resolved through the dispute resolution process.

393. The City will develop and implement an assessment program to evaluate the efficacy of the CIT program. The evaluation will include quantitative data on key aspects of program operation as well as qualitative data on officers' and community members' perceptions of the program. Community members include individuals who have experienced behavioral health crises that have included police involvement. The City may consider engaging a university or other expert to guide these data collection and analysis efforts. (Baltimore ¶ 120). The assessment shall occur annually with public report to the CPD Superintendent and to the Monitor setting forth a summary of success and challenges of the CIT program and recommendations for improvements.

394. The City will provide the necessary resources to staff and administer the CIT program consistent with its obligations herein.

E. CIT Officers

395. The enhanced training for CIT officers will consist of at least 40 hours of in-person training. This enhanced training will be adequate for officers to achieve competence in the following areas: how to conduct a field evaluation, suicide intervention, community behavioral health and intellectual and developmental disability resources, common behavioral health and intellectual and developmental disability diagnoses, the effects of substance misuse, perspectives of individuals with behavioral health disabilities and their family members, the rights of persons with behavioral health disabilities, civil commitment criteria, crisis de-escalation, harm reduction, and scenario-based exercises. This training must include on-site visits to mental health, substance use, and intellectual and developmental disability community programs and interaction with individuals with behavioral health disabilities. CIT officers must receive a minimum of eight hours of annual in-service training on responding to individuals in crisis to maintain their expertise and skills as specialized CIT officers. (Baltimore ¶ 107).

396. Training and designation as a CIT responder will be voluntary. To be eligible for consideration, officers must have at least one year of experience as a CPD officer. CPD will provide an in-depth assessment of each applicant to determine the applicant's fitness to serve as a CIT officer. This assessment will include an examination of the officer's written application, supervisory recommendations, use of force by the applicant, complaints against the applicant, disciplinary file, and an in-person interview. (Baltimore ¶ 108).

397. Officers who have completed the 40-hour CIT training to date will not be considered or utilized as CIT responders unless they have volunteered to do so and have been screened.

398. Officers with a history of complaints of or who have been disciplined for excessive force will be presumptively ineligible. (Cleveland ¶ 148).

399. CIT officers and/or representatives from the BHU who are dispatched to an incident involving an individual believed to have a behavioral health disability or to be in crisis will have primary responsibility for the scene unless a supervisor has assumed responsibility. If a supervisor has assumed responsibility for the scene, the supervisor will seek and defer to the input of a CIT officer and/or BHU representative regarding strategies for responding to the individual in crisis, unless specific circumstances, including an imminent threat to safety, make it unreasonable to do so. (Baltimore ¶ 111).

400. CIT officers will provide assistance, when requested, to other CPD members. CIT officers may assume responsibility, with supervisory approval, of an assignment that they were not originally assigned. (CPD Special Order S05-14-1).

401. CPD will conduct annual performance evaluations of CIT responding officers to assess the skill, quality, and effectiveness of each CIT officer's crisis responses, including whether any additional training may be needed and whether the officer remains appropriate for CIT.

F. CIT Coordinator

402. Within 60 days of the Effective Date, CPD will update and revise the job duties, responsibilities, and authority of the Crisis Intervention Coordinator to the extent necessary to fulfill CPD's obligations under this Agreement. The CIT Coordinator will, among other things, facilitate communication between CPD and the behavioral health community to increase the effectiveness of CPD's crisis intervention program. CPD will ensure that the Coordinator is empowered to fulfill all duties of the Coordinator required by this Agreement. (Baltimore ¶ 115).

403. CPD, through the Coordinator, will annually update and implement the Crisis Intervention Plan.

404. The Coordinator shall receive at least eight hours of training on the role and duties of the position, in addition to the CIT training he or she has already received in the Academy and to become a CIT trained officer. (Baltimore ¶ 116).

405. The Coordinator shall identify, develop, and maintain partnerships with program stakeholders and shall serve as a point of contact for advocates, individuals with behavioral health disabilities, their families, caregivers, professionals, and others associated with the behavioral health and intellectual and developmental disability community. The Coordinator will solicit input and guidance from the Committee regarding CPD's CIT program. (Baltimore ¶ 117).

406. The Coordinator will be responsible for ensuring the selection of appropriate candidates for designation as CIT officers consistent with the requirements set forth in this Agreement. (Baltimore ¶ 118).

407. The Coordinator will participate in the Advisory Committee and solicit feedback on a regular basis from the mental health community and specialized CIT officers, call-takers, and dispatchers regarding the efficacy of CPD's Crisis Intervention Program. (Cleveland ¶ 139).

408. The Coordinator will be responsible for coordinating implementation of the changes and recommendations made by the Advisory Committee, as appropriate. (Cleveland ¶ 140).

409. The Coordinator will be responsible for ensuring the selection of appropriate candidates for designation as specialized CIT officers. The Coordinator also will be required to ensure that officers, call-takers, and dispatchers are appropriately responding to CIT-related calls. (Cleveland ¶ 141).

410. The Coordinator will create ways to recognize and honor CIT officers, call-takers, and dispatchers, where appropriate. (Cleveland ¶ 142).

G. Crisis Intervention Training for all CPD Officers

411. All CPD officers will receive at least 5 hours of CIT training annually; new recruits will receive 16 hours of such training. That training is separate and distinct from the enhanced training and qualifications required to be a CIT officer. Training topics shall include:

- a. The function of the BHU and its role as first responder to persons experiencing behavioral health and crisis incidents involving self-harm and/or non-violent behavior;
- b. How non-medically trained law enforcement personnel can recognize common characteristics and behaviors associated with behavioral health disabilities or intellectual and developmental disabilities;
- c. How to interact with individuals with these disabilities in a manner that de-escalates instead of escalates an incident;
- d. When and how to make reasonable modifications for individuals with these disabilities;
- e. That individuals with these disabilities may have alternate perceptions and how those perceptions may affect their interactions with others;
- f. How to take appropriate steps to ensure effective communication with individuals with these disabilities;
- g. How to recognize and respond to conduct or behavior that is related to these disabilities;
- h. How to use trauma-informed de-escalation techniques to avoid using force unnecessarily;

- i. What local resources are available to provide treatment, services, or support for individuals with behavioral health disabilities or intellectual and developmental disabilities, and when and how to draw upon these resources; and
- j. The circumstances in which a CIT officer should be dispatched or consulted; and how situations involving individuals in crisis should be addressed if a CIT officer is not immediately available.

H. Behavioral Health Advisory and Planning Committee

412. Within 90 days of the Effective Date, the City will fund an independent expert selected by the Coalition to establish and staff a Behavioral Health Advisory and Planning Committee. The Committee will work with CPD on a regular and ongoing basis to assess police services to people with behavioral health disabilities or who are in crisis; to make recommendations regarding policies and practices; and to implement policies and practices to meet the goals set forth above. The Committee shall include the CIT Coordinator and representatives from CPD command leadership; OEMC; City government officials; the Cook County Sheriff's Office; disability and behavioral health advocacy groups; behavioral health service providers; and persons with lived experience with disability and behavioral health services.

413. The Committee, in coordination with the PADP Design Team established in Section I, will:

- a. Assess CPD police interactions with people with behavioral health disabilities, through a representative sample, including those that began as and/or resulted in a crisis, to identify systemic barriers and solutions, including what precipitated the crisis, what services could have prevented the crisis, how police became involved, how the response to the crisis could be improved, and what can be done to prevent the crisis in the future.
- b. Identify gaps in the behavioral health service system in the City in order to recommend solutions and assist with implementation of the recommendations, including by developing referrals to community organizations, hospitals, and mental health and substance abuse service providers. The analysis will include identifying gaps in behavioral health disability services (including assertive community treatment, permanent supported housing, targeted case management, crisis services, and substance use disorder services), problems with the quality or quantity of existing services, and other unmet needs that lead to preventable criminal justice system involvement.
- c. Recommend and implement changes to the City's policies, procedures, training, and programs regarding first responders' contact with persons with behavioral health disabilities or who in crisis, with the goal of de-escalating the potential for violent encounters.

- d. Develop community health care resources necessary to fully implement the goals and terms of this Agreement;
- e. Enter partnerships with community and healthcare organizations in order to fulfill its obligations under this Agreement; and
- f. Make recommendations for the development of alternative responses to behavioral health and/or crisis incidents that do not require police or criminal justice intervention.

I. CIT Data Collection and Analysis

414. CPD will collect, analyze and report data related to behavioral health disability or crisis status, including:

- a. CPD will collect, analyze, and report data relating to crisis responses, whether initiated as a crisis call or otherwise, including the number of calls, the nature of the crisis, and the extent to which individuals previously interacted with CPD; the disposition of those calls, including whether CIT techniques were employed; whether there was a referral to community services, an emergency room, or other organization; whether the person was arrested and/or charged; whether force was used; the type of force used; and the steps taken, if any, to de-escalate interactions. (Baltimore ¶ 122).
- b. CPD will analyze the data on an ongoing basis to assess CIT responses and outcomes in order to improve its achievement of the goals for Crisis Intervention set forth in this Section. This data analysis will be provided to the Monitor and the Committee quarterly.

415. The City will revise the Crisis Intervention Report form, CPD form 15.520, as necessary, to be consistent with and fulfill its obligations under this Agreement, as well as to ensure its consistent and effective use by CIT officers and to protect the private and confidential mental health information of any individuals. The revised Crisis Response form will be required for all Crisis response incidents, whether or not other reports such as a TRR are also required by CPD policy.

416. All collection of information relating to an individual's medical and mental health diagnosis, treatment, and conditions shall be maintained strictly confidential within the CIT program and will only be used to refer the individual to appropriate health and community service organizations. The CIT Coordinator will develop protocols to ensure compliance with this provision in the collection, maintenance, and use of this information.

IX. TRANSPARENCY AND DATA MANAGEMENT

A. Use of Force Data Collection, Analysis, and Reporting

417. The City will collect and maintain all data and records necessary to accurately evaluate its use of force practices and will facilitate transparency in order to enable the effective monitoring of CPD's use of force practices.

418. The City shall regularly report this data to the Monitor, the OIG, and the public to enable the Monitor to conduct the Outcome Assessments described in this Agreement; enable the public to monitor CPD and hold it accountable for excessive and discriminatory uses of force; enable the public to play a meaningful role in the monitoring process in this Agreement; facilitate public confidence in this process; and provide CPD the opportunity to earn public trust through practices of honesty and robust transparency.

419. The OIG shall work together with the Monitor to oversee the City's implementation of the data collection, analysis, and reporting requirements in this Section to ensure that the OIG will be positioned to continue monitoring CPD's use of force practices as a regular part of its responsibilities after the termination of the Agreement.

420. The City, at a minimum, must collect and report: (a) data necessary to enable the Monitor, OIG, and public to evaluate CPD uses of force and CPD's systems for investigating and disciplining uses of force and misconduct complaints; (b) data necessary to enable the Monitor, OIG, CPD, and the public to assess racial and other inequities in the use of force and the City's systems for investigating and disciplining police misconduct; (c) data that enables the Monitor, OIG, CPD, and public to analyze the relationship between any racial and other inequalities and disparities in negative police-community contacts, such as stops, searches, and arrests, and the disparities in CPD uses of force; (d) data necessary to enable the Monitor, OIG, CPD, and public to identify individual and groups of officers, as well as particular CPD units, who may be engaged in a pattern and practice of excessive and discriminatory force or other misconduct; and (e) data that enables the Monitor, OIG, CPD, and public to assess how quickly officers inform the CI of incidents within its jurisdiction, and how quickly the CI responds to officers' reports.

421. To achieve this outcome, a member(s) of the monitoring team will be designated the "Data Collection and Analysis Assistant Monitor." The Data Collection and Analysis Assistant Monitor will provide technical assistance in the implementation of the requirements below, as well as make compliance findings. For the duration of this Agreement, the Data Collection and Analysis Monitor will be responsible for overseeing the ongoing disparate impact and force assessments required by this Agreement. The City agrees to work with the Monitor and OIG, and may also work with third parties with relevant expertise in data collection and analysis, to develop the capacity to conduct these assessments so that the City can continue the performance of such assessments following termination of this Agreement.

422. CPD will develop a resource plan ("Resource Plan") for adopting and implementing the technology necessary to satisfy the requirements of this Agreement within 90 days of the Effective Date. The Resource Plan shall be subject to the approval of the Data Collection and Analysis Monitor. The OIG shall have access to all meetings for the development of this Resource

Plan, may take a leadership role, and shall have the power to audit the work of maintaining ongoing public data at the end of the Agreement and to publicize the data after the termination of the Agreement.

423. The Resource Plan will address how CPD can best and cost-effectively create a centralized data and records management system that will easily allow it to track and share the data it collects. This system must be capable of storing, in an easily searchable manner, all data required to comply with this Agreement, including the Outcome Assessments.

424. To the extent that CPD already implements, or is in the process of implementing, the requirements of this Agreement, CPD is not required to delay its procurement or use of that technology. The Resource Plan shall identify any pieces of the system that CPD either (a) already uses or (b) is in the process of implementing. For technology that CPD is in the process of providing, the Resource Plan shall indicate how CPD will finish acquiring or implementing the technology.

425. The City shall at a minimum collect, analyze, and release the following data to the Monitor and public, as specified below.

B. Use of Force Data

426. CPD will continue to collect and track the data and information that it presently tracks in its TRRs. It shall provide access to the Monitor and release on a public database on its website on a monthly basis the following data for each use of force incident:

- a. Any and all case numbers (RD, log, CB, event, or any other tracking number);
- b. Personnel data for each officer who used force, witnessed the use of force, and the reviewing supervisor, including:
 - i. Name (first, last, and middle initial);
 - ii. Race;
 - iii. Gender;
 - iv. Year of birth;
 - v. Appointment date;
 - vi. Unique Identifier³⁵;
 - vii. Rank on the date of force incident;
 - viii. Star/badge numbers;
 - ix. Unit of assignment on the date of the use of force incident;
 - x. Beat of assignment on the date of the use of force incident;
 - xi. Whether the officer was on or off duty;
 - xii. Whether the officer was injured;
 - xiii. Whether the officer was in uniform; and

³⁵ Since CPD employee numbers are considered private information, CPD shall create a unique public identifier for each of its officers in the database to ensure accurate tracking and identification.

- xiv. Whether the officer gave an interview or not, and if so, the date and time of the interview;
- c. Whether the use of force incident arose from a call for service or if it was an officer-initiated incident;
- d. The beat number in which the use of force incident took place;
- e. The address at which the use of force incident took place;
- f. The location code of the use of force incident;
- g. The date that the use of force incident took place;
- h. The time that the use of force incident took place;
- i. The date that the use of force file/investigation was entered by a watch commander;
- j. A narrative description of the incident;
- k. All reasons for use of force:
 - i. Whether the subject committed assault, battery or used deadly force;
 - ii. All specific actions of the subject; and
 - iii. All specific responses of the involved member officer;
- l. If a weapon was used by an officer, information about the weapon (*e.g.*, firearm, taser, O/C spray, baton, canine, impact munitions, long range acoustical device, etc.);
- m. For each specific weapon used:
 - i. The category code or general weapon type;
 - ii. Whether OC/chemical weapon was used;
 - iii. If firearm, the make/manufacture of the weapon;
 - iv. If firearm, the model of the weapon; and
 - v. For taser incidents, the duration that the device was deployed; the number of cycles; and the number of downloads;
- n. The number of weapons discharged by the involved officer;
- o. For incidents in which an officer discharged a firearm:
 - i. Number of shots fired;
 - ii. Who fired the first shot;

- iii. Distance between reporting member and subject when first shot was fired; and
 - iv. Whether a person or animal was struck as a result of the discharge;
- p. For each subject in the use of force incident:
- i. Gender;
 - ii. Race;
 - iii. Year of birth;
 - iv. Whether the subject was in possession of a weapon;
 - v. The type of weapon if the subject was armed;
 - vi. Whether the subject was injured;
 - vii. Whether the subject alleged injury;
 - viii. Whether the subject was charged with an offense, and, if so, which offense(s);
 - ix. Whether the subject was handcuffed or otherwise restrained during the use of force;
 - x. Whether the subject was taken to the hospital; and
 - xi. What notifications were made and the time of the notifications;
- q. Whether the Reviewing Supervisor(s) recommended an investigation or determined that the member's actions were in compliance with CPD policy;
- r. A list of attachments to the report;
- s. All supporting audio-visual recordings, including witness and officer interviews, and any relevant camera downloads including from body-worn cameras, in-car cameras, other city operated cameras, and recordings by third parties; and
- t. Whether any recordings or required data are missing, and for what reason.

427. CPD, OIG, and the CI will be responsible for an annual evaluation of forms and data collection systems to improve the accuracy and reliability of data collection concerning use of force. These evaluations will be provided to the Monitor and the public.

C. Misconduct Complaint and Use of Force Disciplinary Investigations Data

428. The City shall be responsible for creating, maintaining, updating on a weekly basis, and making public a database of investigations of allegations of misconduct or rules violations (irrespective of whether the City succeeds in identifying the accused officer(s)), and disciplinary force investigations, even where no complaint is made.

429. The City departments that are responsible for each step of the investigatory process will be also responsible for the collection and maintenance of data and the prompt reporting of that data to the CI. Each department will have sufficient funds to create and

maintain the data. The City will ensure sufficient funds for a system of consolidating the data from various entities and making the data public.

430. The Monitor will oversee the development of the database and convene meetings of the various city departments in order to ensure that the data is collected in a manner that is efficient and compatible with other databases. The OIG shall have the power to attend the meetings, participate in reviews, provide feedback on the construction of the database, and have unfettered access to the database. The CI shall house and maintain the public database. At the termination of the Agreement, the OIG shall have the power to audit the CI's maintenance of the database.

431. The publicly accessible components of the database shall include the following fields:

- a. The log or complaint number; date and time of the event at issue in the complaint; date and time the investigative agency learned of the incident; and date the investigation was opened;
- b. A regularly updated explanation of the status of the complaint, *e.g.*: complaint received, investigator assigned, active/pending investigation, investigation closed, pending decision, etc.;
- c. The beat number and location to the block level of the incident;
- d. The name, badge number, rank, unit of assignment, date of appointment, race, gender, year of birth, and unique officer identifier of the officers who participated in the use of force or were accused of misconduct in the incident;
- e. Excluding whistleblowers, the name, badge number, rank, unit of assignment, date of appointment, race, gender, year of birth, and unique officer identifier of every other officer involved in the incident, including as witnesses;
- f. For each officer involved, whether they were on or off duty at the time of the incident, whether they were in uniform or plain clothes; the number of previous log numbers against them within ten years of the incident; and the number of previous sustained log numbers against them within ten years of incident;
- g. For each civilian complainant or victim involved in an investigation, the gender, race and age of the individual;
- h. The agency conducting any disciplinary investigation of the incident; the name of the investigator responsible for the investigation; if the investigation is referred to a CPD unit, which unit; and the rank, star number, and unique identifier of the officer conducting the investigation;

- i. For civilian complaints, whether the complaint was accompanied by a signed affidavit and, if not, the date an override was requested, and whether there was an override;
- j. All complaint category codes for the incident;
- k. If the investigation is based on an officer's use of a weapon, the following information:
 - i. The type of weapon and how it was used (*e.g.*, taser, shooting with hits, shooting without hits, etc.);
 - ii. The log number, "U" number, or any other tracking numbers associated with the incident, including CR, RD, CB, and event numbers;
 - iii. For each officer who used a weapon:
 - 1) The type of weapon used (and if firearm, the type and brand);
 - 2) For firearm incidents, the number of shots fired and the range at which the weapon was fired; and
 - 3) For taser incidents, the duration that the device was deployed and the number of cycles;
 - iv. Injuries sustained by any officer on the scene;
 - v. For each target or victim of the weapon:
 - 1) If a person was targeted or victimized:
 - a. The description of any weapon possessed by the person; and
 - b. The point(s) at which any bullet impacted the person;
 - 2) If an animal was targeted or victimized, the type of animal;
 - vi. Any medical care provided;
 - vii. Injuries sustained;
 - viii. Whether a person or animal was killed; and
 - ix. Whether there were offenses charged, and if so, what charges;
- l. Whether video, OEMC recordings, or other related records of the incident exists and if so, a link to a public website where the material is hosted;
- m. If the incident is subject to mediation, whether the mediation ended the investigation, and if so what discipline the officer agreed to serve;
- n. The investigator's recommended outcome of the investigation for each complaint (*e.g.*, sustained, not sustained, unfounded, or exonerated), for every officer and every allegation, including the summary report, the list of attachments to the investigation, a link to any additional information on the investigating agency's website, and recommended discipline, if any³⁶;
- o. The date that the outcome and recommendation of discipline was presented

³⁶ There may be multiple allegations against multiple officers. The recommended outcomes for each allegation and each officer should be addressed here and tracked in the following sections.

to the Office of the Superintendent;

- p. The date that the Superintendent made a determination about the complaint, including the recommended outcome and discipline;
- q. If the Superintendent disagreed with the investigating agency, all information related to the disagreement, including the dates that the disagreement was communicated to relevant parties, their responses and the dates of those responses, and the ultimate resolution of the disagreement.³⁷
- r. If the officer challenges the discipline through union arbitration, the following information:
 - i. The date the dispute was referred to arbitration and the date of the arbitration;
 - ii. The name of the arbitrator;
 - iii. The names of the City representatives in the arbitration;
 - iv. The date that the arbitration was resolved; and
 - v. The outcome of the arbitration, including whether any discipline was recommended and, if so, what discipline along with a link to the arbitrator's written opinion, including the reasons for the ruling.
- s. If the case is brought before the Police Board, the following information:
 - i. The date the dispute was referred to the Police Board;
 - ii. The charges filed by the attorneys pursuing the case, including a link to the charging document;
 - iii. The date scheduled for pre-hearing motions and the date that those motions are heard;
 - iv. The date(s) scheduled for the hearing and the date(s) it occurs;
 - v. The name of the hearing officer and the names of the lawyers representing the City;
 - vi. The Police Board's determination and the date the determination was

³⁷ There should be changes to the current structure relating to Superintendent approval, as set forth in the Accountability section (Section V). However, if the current structure remains in place, this paragraph also should include the following:

1. The date that the disagreement is communicated to the investigative agency and a link to the Superintendent's letter documenting the disagreement made available on the investigative agency's website;
2. The date of any resolution or impasse of the disagreement between the investigative agency and the Superintendent, along with the outcome and a link to any documentation of the outcome, made available on the investigative agency's website;
3. If the Superintendent and investigative agency are still in conflict, the date that the dispute is referred to the Police Board;
4. The name of the Police Board member responsible for addressing the conflict; and
5. The Police Board's resolution of the disagreement, and the date it is announced.

- made; and
- vii. The votes of each of the Police Board members and a link to a public website with the written decision.
- t. If the officer seeks administrative review of the decision in the Circuit Court of Cook County, the following information:
 - i. The date the administrative review was filed;
 - ii. The case number of the administrative review;
 - iii. The names of the attorneys representing the City;
 - iv. The outcome, including a link to any order or opinion; and
 - v. If there are appeals to the Illinois Appellate Court or Illinois Supreme Court, the following:
 - 1) The date the appeal is filed;
 - 2) The case number of the appeal;
 - 3) The names of the attorneys representing the City; and
 - 4) The outcome, including a link to any order or opinion.
- u. The discipline actually imposed on the officer and the date the discipline was imposed.

D. Core Personnel and Deployment Data

432. To enable the monitoring and tracking of uses of force and other related police activities by officer and unit, CPD will provide the Monitor, OIG, and public with access to the following data. The released data will include identifying fields allowing it to be linked to other publicly released datasets, and will include the names and Unique Identifiers of the involved sworn members.

- a. An up-to-date roster of current and former sworn officers, including:
 - i. Name (first, last, and middle initial);
 - ii. Race;
 - iii. Gender;
 - iv. Year of birth;
 - v. Appointment date;
 - vi. Current and former ranks, including start and stop dates for each;
 - vii. Current and former star or badge numbers, including start and stop dates for each;
 - viii. Unit, both current and all past including start and stop dates for each; and
 - ix. Unique identifier;
- b. Each sworn officer's certifications and dates of certifications including those related to:
 - i. Tasers;

- ii. OC / Chemical Weapons;
- iii. Firearm FOID; and
- iv. CIT.

E. Arrest, ANOV, and Conviction Data

433. In addition to the currently collected and maintained arrest, Administrative Notice of Violation/Citations (ANOV), and conviction data, CPD will collect the following data and provide the Monitor, OIG, and public with access to this data as permitted by law, to enable the Monitor, OIG, and public to assess the relationship between racial and other inequities in the use of force with inequities and disparities of the individuals CPD chooses to arrest and issue ANOVs to. The released data will include identifying fields that allow it to be linked to the other publicly released datasets, and will include the names and Unique Identifiers of the involved sworn members.

- a. For each arrest:
 - i. The arresting officers including the officers' Unique Identifiers;
 - ii. What offenses were charged, with one charge per column;
 - iii. The address of the arrest;
 - iv. The beat of the arrest;
 - v. The race, gender, and year of birth of the sworn officers;
 - vi. The race, gender, and age of the arrestee;
 - vii. Where the arrestee was held;
 - viii. Whether the arrestee required medical attention; and
 - ix. Whether the arrest took place on the campus of a Chicago Public School.
- b. For each ANOV:
 - i. The officers who issued the ANOV including the officers' Unique Identifiers;
 - ii. Which ordinances were allegedly violated, with one ordinance per column;
 - iii. The address of where the ANOV was issued;
 - iv. The beat where the ANOV was issued;
 - v. The race, gender, and year of birth of the sworn officers; and
 - vi. The race, gender, and age of the recipient of the ANOV.
- c. The criminal court process for each arrestee:
 - i. Whether the officer initiated felony charges without approval of the Cook County State's Attorney;
 - ii. Whether the State's Attorney decided to bring the charges;
 - iii. Whether the arrestee was released without charge;
 - iv. Whether a court found probable cause to support the charge(s);

- v. Whether the individual filed a motion to suppress evidence alleging that CPD officers violated his or her constitutional rights, and, if so, the date of filing;
 - vi. Hearing date(s) on motion to suppress
 - vii. Whether the court suppressed evidence based on finding that a CPD officer or officers violated the individual's constitutional rights, and if so:
 - 1) The date of the court's decision;
 - 2) The name, star, and unique identifier of the officer(s) found to have participated in violating the individual's rights;
 - viii. Whether the court found that a CPD officer gave incredible or false testimony in the criminal case, and, if so, the date of the finding and the name, star, and unique identifier of the officer(s);
 - ix. Whether the arrestee was convicted, and if so, the charge(s) the arrestee was convicted of; and
- d. For each sworn officer, quarterly summaries of arrest totals.

F. Investigatory Stop Data

434. CPD will continue to collect and track the data and information listed in this paragraph, which it presently tracks in its investigatory stop reports and in other personnel databases. CPD will provide access to the Monitor and OIG the collected and maintained investigatory stop data, and release that data on a public database on its website on a monthly basis to enable the Monitor, OIG, and public to analyze the relationship between racial and other inequities in stops and searches, and those with respect to the use of force. The released data will include identifying fields allowing it to be linked to the other publicly released datasets, and will include the names and Unique Identifiers of the involved sworn members. The data shall contain the following:

- a. The following information about each officer who conducted the stop and/or protective pat down and the reviewing supervisor:
 - i. Name (first, last, and middle initial);
 - ii. Unique identifier;
 - iii. Unit at the time of stop;
 - iv. Star number at time of the stop;
 - v. Date of appointment;
 - vi. Race; and
 - vii. Gender.
- b. Status of the ISR (approved or rejected);
- c. ISR number;
- d. Event number;

- e. RD number;
- f. Date and time of stop;
- g. Submitting beat;
- h. Beat of stop;
- i. Address of stop;
- j. Age or estimated age of subject;
- k. Gender of subject;
- l. Race of subject;
- m. Related ISR numbers;
- n. Recorded status (in-car, body camera);
- o. Event assigned by (dispatched, on view, other);
- p. Disposition of the stop:
 - i. Enforcement action taken;
 - ii. Arrest, personal service citation (CIT), ANOV, other;
 - iii. Cited violations/charges;
- q. Protective pat down status;
- r. Protective pat-down based on consent status;
- s. Receipt given;
- t. Whether a weapon or contraband was discovered as a result of the pat down;
- u. Description of recovered contraband or firearm;
- v. Whether an additional search was conducted of the subject or their effects;
- w. Whether that additional search was conducted by consent;
- x. Whether any contraband was discovered as a result of the additional search;
- y. Description of any contraband or firearms recovered as a result of an additional search; and

- z. Investigatory stop narrative.

G. Traffic Stops

435. CPD will continue to collect and track the data and information regarding traffic stops that it presently collects under the requirements of the Traffic and Pedestrian Stop Statistical Study Act. CPD will provide access to the Monitor and OIG the collected and maintained traffic stop data, and release that data on a public database on its website on a monthly basis to enable the Monitor, OIG, and public to analyze the relationship between racial and other inequities in traffic stops and those with respect to the use of force. The released data will include identifying fields allowing it to be linked to the other publicly released datasets, and will include the names and Unique Identifiers of the involved sworn members.

H. OEMC Data

436. The City will provide access to the Monitor and release publicly the following OEMC data, as permitted by law. The released data will include identifying fields allowing it to be linked to the other publicly released datasets, and will include the names and Unique Identifiers of the involved sworn members.

- a. Collected audio and video related to service calls that result in uses of force;
- b. The RD number for the event;
- c. The Event number;
- d. Whether the event was dispatched to the Crisis Intervention Team; and
- e. What event type the event was assigned by OEMC.

I. Collection and Release of Juvenile Data

437. CPD will conduct analyses and aggregate data, broken down by race, gender, and age, about use of force incidents, investigatory stops, and arrests that involve a juvenile, and include those analyses and data aggregations in quarterly and annual reports.

438. CPD will conduct analyses and aggregate data, broken down by race, gender, and age, about use of force incidents, investigatory stops, and arrests that take place on CPS campuses, and include those analyses and data aggregations in quarterly and annual reports.

439. CPD will conduct analyses about police misconduct complaints filed against CPD officers assigned to or responding to incidents at CPS, filed prior to or during the officer's assignment or response to CPS, disaggregated by officer, complaint category code, date of complaint, outcome of complaint investigation, and disciplinary action, if any.

440. CPD will provide incident-level data for uses of force, investigatory stops, traffic stops, ANOVs, and arrests of juveniles to the Monitor and OIG on at least a monthly basis.

J. Collection and Release of Disability Data

441. CPD will conduct analyses and aggregate data about use of force incidents and police misconduct complaints that involve persons with disabilities, and include those analyses and data aggregations in quarterly and annual reports.

K. Other Transparency Provisions

442. As a part of the Outcome Assessments required elsewhere in this Agreement, CPD will provide to the public the underlying analyses, data, methods, and sources of information relied upon in the required Annual Reports, as permitted by law, and will hold community-inclusive meetings to present the contents of the Reports and solicit feedback. CPD's Annual Reports shall provide information regarding the City's implementation and status of this Agreement, including challenges and areas in need of improvement.

443. To enable the monitoring and tracking of uses of force and other related police activities by officer and unit, CPD will maintain a public dataset of officer profiles that includes a public/publishable unique identifier for each current and former sworn officer (for example, a salted hash (*i.e.*, encrypted) version of an existing individual identifier such as Employee ID). This dataset of officer profiles will be retained permanently and available to the public in the City of Chicago Data Portal (supporting all of the Data Portal's standard features/capabilities including daily snapshots) and will be updated daily. In any place (record, document, row, or other data) where an Employee ID currently exists, the Unique Identifier must be published in its place.

444. When acquiring, developing, or contracting for any new type of equipment or technology that is used in enforcement activities or the oversight of such activities, including records management systems; computers and mobile data terminals; service weapons and less lethal weapons; and surveillance or tracking equipment or software, CPD shall timely disclose to the public on its website or disclose to the Monitor, OAG, CO, CI, and the OIG: (1) the type of new equipment or technology sought; (2) CPD's intended use of the equipment or technology; and (3) the policies CPD will use to ensure the equipment or technology is used only for official purposes and in a way that preserves the privacy of the public. CPD shall make these disclosures prior to deploying the equipment or technology.

L. Data Management

445. If CPD seeks to acquire, develop, or contract for new equipment or technology without advising the public, CPD shall timely disclose the equipment or technology to the Monitor, OAG, CO, CI, and OIG, explain why CPD believes non-disclosure is necessary. If the Parties are unable to resolve any disagreement about the necessity of public non-disclosure of a particular technology, the Monitor or the parties may seek an order from the Court to have the technology disclosed to the public.

446. The City and CPD shall examine current data collection mechanisms and technology to determine where there are gaps, and to create a plan to improve and synthesize data collection and analysis systems.

447. The plan must include consolidating and connecting CPD's various systems for data collection, to create a comprehensive, electronic, integrated system. It will provide for a single case management system that includes every member's full records relating to personnel matters, employment performance reviews, complaint record, and all relevant information that would assist supervisors with providing appropriate assignments, supervision, and discipline.

448. The City and CPD shall collect, track, and analyze all data that is: necessary to accurately evaluate CPD's law enforcement practices (including but not limited to pedestrian stops, traffic stops, protective pat downs, searches, and arrests); necessary to enable the Monitor to conduct outcome assessments; or is otherwise required by this Consent Decree, CPD policy, or law.

449. CPD will collect and analyze data regarding known or perceived disability, medical condition, and behavioral health crisis for every Reportable Use of Force, with safeguards in place to ensure that the data collection is not intrusive and that all such information is maintained confidentially. This data should be entered into the CPD electronic system with or at the time of the TRR or CIT Report, but will be filtered from the TRR and other report information, such that it is not accessible to members without authority to access it for the purposes set forth herein. The data will be filtered to the CIT Coordinator, or other designated staff, for the purpose of facilitating the data analysis required by Section VIII (Crisis Intervention) and subject to the protections set forth in that section. The information may be accessible to the reviewing supervisor during the use of force review period. All officers will be trained that data collection about disability should be based on information volunteered by the subject or perceived by the officer, and that officers may not conduct any inquiry into a subject's disability unless necessary to safely and appropriately respond to the incident. Nothing in this section should be interpreted as limiting the right of individuals and their attorneys to access these reports.

450. CPD will ensure that during every instance of transport of a person in custody, the transporting officer will communicate the following information to dispatch or through other field-based reporting, which will be recorded and preserved for review:

- a. The location of the vehicle where the person in custody is picked up;
- b. The time that the transportation unit departs the scene where the person was taken into custody;
- c. How many persons in custody are being transported;
- d. GPS information of the vehicle;
- e. The destination of the vehicle;

- f. The starting and ending mileage of the vehicle;
- g. The time of arrival at the destination; and
- h. Whether at any time the officer perceived the person in custody to be in need of medical attention.
- i. The following information about each officer involved in the report (first officer, second officer, and reviewing supervisor):
 - i. Name (first, last, and middle initial);
 - ii. Unique Identifier;
 - iii. Unit at the time of the arrest;
 - iv. Star number at time of the arrest;
 - v. Date of appointment;
 - vi. Year of birth;
 - vii. Race; and
 - viii. Gender.

451. The City shall develop and implement policies mandating regular public reporting of crime trends and CPD policing activities.

452. The City will provide sufficient funding and personnel to implement and maintain its data management and reporting programs.

X. MONITOR

A. Selection and Compensation of the Monitor

453. Within 90 days of the Effective Date, the Parties, together with the Coalition, will select an independent monitor (“Monitor”) to assess and report on the City’s implementation of this Agreement. The selection of the Monitor shall be pursuant to a process jointly established by the Parties and the Coalition and shall incorporate community feedback. The Monitor selection will be subject to the approval of the Court with jurisdiction over this Agreement.

454. The Monitor will include a lead monitor and a team of individuals with expertise in policing, civil rights, trauma- and disability-informed police practices, the trauma that communities experience as a result of systemic police misconduct and abuse, monitoring, data analysis, project management, and related areas, as well as individuals with local expertise with the diverse communities of Chicago. The Monitoring team shall include at least two individuals who have been directly impacted by police misconduct in Chicago.

455. The Monitor, each member of the monitoring team, and the staff of the Monitor must attest that they have no actual or perceived conflict of interest that would interfere with their duties. They must also agree to not accept employment or provide consulting services that would present a conflict of interest with the Monitor’s responsibilities under this Agreement, including

future retention (on a paid or unpaid basis) for the City. If the Monitor or a member of the monitoring team resigns from its position, the former Monitor or member may not enter into a contract with the City on a matter related to the Agreement while the Agreement remains in effect. (Baltimore ¶ 478).

456. There will be public input at each stage of the selection process. This will proceed as follows:

- a. The City, the OAG and the Coalition will seek information from each qualified monitoring team. All information submitted will be made publicly available.
- b. There will be a public comment period during which members of the public can review the proposed teams' information and make recommendations.
- c. After the public comment period, the City, the OAG and the Coalition will each identify up to two finalist teams. The finalists will present the subject-matter experts that would comprise their monitoring team (by category of area(s) of expertise). The finalist teams will participate in interviews with the City, OAG and Coalition and in community meetings held in locations convenient to public transportation. Members of the public will be provided an opportunity to provide feedback on the monitoring team finalists through paper- and web-based forms. The City, the OAG and the Coalition will confer and will jointly select the monitor team based on public feedback and the requirements of this Agreement and will request that the Court appoint the selected team as the monitor. If the City, the OAG and the Coalition cannot agree on a selection, the process described in 3(d) and (e) will proceed.
- d. If the Parties are unable to agree on a monitoring team within the specified timeframe, each Party and the Coalition will submit one proposed monitoring team, along with the monitoring proposals (including cost proposals), to the Court, and the Court will select a Monitor from among the candidates submitted.
- e. The City, OAG and the Coalition will request that the Court consider input from the public and will file a joint motion seeking a public hearing during which the Court will consider the input of the public prior to appointing the monitoring team.

457. The Monitor shall be appointed for a period of three years from the Effective Date subject to an evaluation by the Court to determine whether to renew the Monitor's appointment until the termination of this agreement. In evaluating the Monitor, the Court shall consider the Monitor's performance under this Agreement, including whether the Monitor is adequately engaging the community. The Monitor may be removed for good cause by the Court on any motion or by the Court's own determination.

458. The City will bear all reasonable fees and costs of the Monitor. The City will provide the Monitor with office space and reasonable office support such as office furniture, Internet access, secure document storage, and photocopying.

459. The Monitor may request to be allowed to hire, employ, or contract with such additional persons or entities as are reasonably necessary to perform the tasks assigned to the Monitor by this Agreement. Any person or entity hired or otherwise retained by the Monitor to assist in furthering any provision of this Agreement will be subject to the provisions of this Agreement.

460. The Monitor will be the agent of the Court and subject to the supervision and orders of the Court, consistent with this Agreement. The Monitor will only have the duties, responsibilities, and authority conferred by this Agreement. The Monitor will not, and is not intended to, replace or assume the role and duties of the City or the duties of any City employee, including the Superintendent, or any City official except where the Monitor is required to assume a function of the City to effectuate its responsibilities under this Agreement.

B. Compliance Reviews and Audits

461. The Monitor shall conduct compliance reviews or audits to determine whether the City has implemented and continues to comply with the requirements of this Agreement. Compliance requires that the City has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) carried out the requirement in actual practice. Compliance reviews and audits shall contain the elements necessary for reliability and comprehensiveness, and may be conducted using sampling and compilation data in accordance with this paragraph.

462. Within 90 days of assuming the duties of Monitor, the Monitor will develop a plan for conducting: (a) reviews of policies, training curricula, and other written materials requiring Monitor review or approval and a timeline for consent decree compliance; (b) evaluations and audits of whether the requirements of this Agreement have been implemented; and (c) outcome assessments, including the community surveys required by this Agreement. The Monitor will submit this plan to the parties and the Coalition for review and approval. This plan will:

- a. Clearly delineate the timeframe in which each provision of this Agreement will be assessed together;
- b. Set out a schedule for conducting a review or audit of each requirement of this Agreement within the first 12 months of this Agreement, and a review or audit of each requirement at least annually thereafter; and
- c. Set out a schedule for conducting outcome measure assessments of each outcome measure at least annually.

C. Outcome Assessments

463. In addition to Compliance Reviews and Audits, the Monitor will conduct Outcome Assessments as specified in this section of the Agreement to measure whether the City's revised practices and procedures are achieving the purposes of this Agreement and are reducing uses of force and biased police practices. Outcome Assessment shall be conducted in a reliable, cost-effective manner based on accepted and trustworthy means and methods. Any statistical analysis used as part of an Outcome Assessment must conform to statistical techniques that are accepted in the relevant field. The Monitor shall provide the Parties and the Coalition with the underlying analysis, data, methods, and source of the information relied upon in the Assessments.

464. In accordance with this section, the Monitor will analyze the data described below to establish a baseline, and conduct the following Outcome Assessments on an annual basis to assess change over time. These Outcome Assessments should include:

- a. A Community Survey that assesses the satisfaction of the community with CPD's:
 - i. Overall police services;
 - ii. Trustworthiness;
 - iii. Implementation of least intrusive policing practices;
 - iv. Effectiveness;
 - v. Responsiveness;
 - vi. Interaction with Youth;
 - vii. Misconduct investigation and discipline systems; and
 - viii. Interactions with Black individuals, Latinx individuals, LGBTQI individuals, Limited English Speakers, immigrants, people with disabilities and members of other significant and distinct groups within the community;
 - (1) The Monitor shall also conduct an annual survey focused on biased police practices that will evaluate whether Black individuals, Latinx individuals, LGBTQI individuals, Limited English Speakers, immigrants, people with disabilities and members of other significant and distinct groups within the community encountered police abuse and/or unfair treatment, whether or not the individual reported mistreatment to the civilian oversight investigatory entity, the reasons for not reporting mistreatment, if the individual believed that he or she was mistreated; the Monitor shall analyze inequities across these categories;
- b. A baseline survey, which should be conducted in English, Spanish, and other languages to ensure representation of the entire Chicago community, and which is accessible to people with disabilities. It should be improved upon each year based on consultations with the community to ensure the survey assesses the specific needs of different neighborhoods. The Monitor shall use the results of the survey to recommend modifications and improvements to

CPD policies, practices, and procedures, and use it as an outcome measure in determining whether the implementation of this Agreement is accomplishing its purposes;

- c. Whether Arrests made by CPD officers are consistent with the least intrusive policing response as described in this Agreement, including a qualitative and quantitative analysis of:
 - i. The rate of arrests found to lack probable cause or otherwise violate the Fourth Amendment, as determined by the Monitor;
 - ii. The frequency of civilian complaints to the CI alleging unlawful arrests, the disposition of such complaints, and the quality of the CI's and CPD's complaint investigations; and
 - iii. The frequency and effectiveness with which officers use various diversion programs;
- d. Whether officers are using force consistent with non-biased and least intrusive police practices, including through qualitative analysis of use of force incidents and complaints, as well as the role of CIT, and quantitative analysis based on data on use of force incidents and the outcomes of those incidents;
- e. Whether officers are using force consistent with CPD policy and the requirements of this Agreement, including by using tactics that minimize the need to use force; modulating their use of force appropriately in response to changing circumstances; and critically analyzing, learning from, and being held accountable for uses of force, which includes an analysis of:
 - i. Use of force incidents, broken down by reportable force type, district, school, and type of arrest; race, ethnicity, age, and gender of the subject; and, if indicated at the time force was used, the subject's perceived behavioral health disability or crisis, use of drugs or alcohol; and whether the force was found to violate policy;
 - ii. Injuries to officers and members of the public, and the rate at which officer and subject injuries decrease or increase—overall and broken down by severity of injury;
 - iii. The number of officers who have used reportable force more than twice per reporting period, and who have had one or more instances of force found to violate policy in the reporting period;
 - iv. Rate of force used per arrest, in CPD overall and broken down by force type, geographic area, team of assignment, type of arrest, age, race, gender and ethnicity;
 - v. Force incidents, complaints, and investigations for bias;
 - vi. Demographic data (race, gender, and years working as a CPD force member) related to CPD employment at every rank;
 - vii. Force complaints, including the number of force complaints and rate of

- complaints compared to reported uses of force, and broken down by geographic area, team of assignment, reportable force type, disposition of the complaint, source of the complaint (external or internal), race, ethnicity, gender, disability, and age of complainant;
 - viii. Quality of internal use-of-force investigations and reviews;
 - ix. Number and rate of use-of-force administrative investigations that are returned for further investigation or lack of completeness;
 - x. Number of use-of-force incidents recorded through the use of body-worn and/or in-car cameras compared to the number of use of force incidents not recorded; and
 - xi. Claims and lawsuits regarding uses of force, judgments entered, or cases settled.
- f. Incidents of racial, disability and other bias in uses of force by CPD, which includes an analysis of video and audio data from body-worn and in-car cameras, TRRs, complaint data and investigations, Investigatory Stop Reports, and other information and reports available about force incidents. As a part of the analysis, the Monitor shall assess disparate treatment, including signs of implicit bias, and disparate impact (as defined by the Illinois Civil Rights Act) in CPD interactions with the public that lead to the use of force, including disparities in the use of de-escalation and other strategies that can eliminate the need for force; the expert analysis will assist the Monitor and the City in making additional policy, practice, and training recommendations to eliminate bias, and the expert shall provide annual reports based on updated data on the City's progress in addressing bias and disparate treatment;
- g. Whether CPD delivers police services without causing unjustified disparate impacts, including an analysis of:
- i. The breakdown of pedestrian and vehicle Stops by race, gender, age, and ethnicity, accounting for the corresponding demographic of individuals residing in the beat;
 - ii. The outcome of pedestrian and vehicle Stops, including warnings, Citations, and Arrests, broken down by race, gender, age, and ethnicity, for each police district and the City as a whole;
 - iii. The percentages of Frisks that result in uncovering a weapon and of Searches that result in seizure of contraband, and the nature of the contraband seized, broken down by race, gender, age, and ethnicity;
 - iv. The proportion of Arrests for the following misdemeanor offenses (a) Obstructing, Hindering, or Resisting an Officer; (b) Disorderly Conduct; (c) Failure to Obey an Officer; (d) Gambling; (e) Making a False Statement to an Officer; and (f) Misdemeanor Trespassing; broken down by race, gender, age, and ethnicity, that result in one of the following determinations after booking: released without charge; released based on identity issue; declined to charge; and lack of probable cause;

- h. Whether people with behavioral health disabilities or who are in crisis are receiving reasonable modifications, including an analysis of:
 - i. Number of calls for service involving persons in crisis or with behavioral health disability, broken down by whether a CIT responder responded to the call;
 - ii. Number of use of force incidents believed to have involved a behavioral health disability or crisis (based on TRRs), broken down by whether CIT was requested and whether CIT responded to the call;
 - iii. Number of police interactions where force was used on persons in crisis, including the type of force used; the reason for the interaction (e.g. suspected criminal conduct, wellness check, etc.); the threat to public safety, including whether the person was armed and if so, with what; the type of resistance offered, if any; attempts at strategic disengagement; and injuries to officers, persons in crisis, or third parties;
 - iv. Qualitative analysis of whether and how often officers are utilizing de-escalation or other non-force strategies prior to using force;
 - v. The number of people subject to Emergency Petitions who were eligible for community-based services; and
 - vi. The number of referrals by CPD to community behavioral health services or program, to any diversion program, or to a hospital emergency room;
- i. Whether officers interact appropriately with Youth in a manner that accounts for their individual characteristics, including an analysis of the rate of police interactions with Youth, including Stops, Searches, and Arrests, that result in officers using force;
- j. Whether members of the public are able to express themselves freely, observe and record law enforcement, and engage in lawful public demonstration and protests without intimidation or retaliation by police, including an analysis of complaints in which a person claims he or she was not permitted to observe, record, criticize, or protest police activity, or was retaliated against for such conduct, and the disposition of such complaints;
- k. Whether CPD responds to sexual assault in a nondiscriminatory manner that complies with the Constitution and federal and state law, and improves the safety and security of sexual assault victims in Chicago, including an analysis of:
 - i. The number of sexual assault reports made to CPD;
 - ii. The rate of victim participation in CPD sexual assault investigations;
 - iii. The clearance rate in sexual assault cases; and
 - iv. The rate of declination of sexual assault cases referred to the Cook County State's Attorney's Office for prosecution;

- l. Whether CPD effectively trains officers and provides them with the skills and knowledge necessary to conduct their law enforcement activities in accordance with policy, law, and this Agreement, including an analysis of:
 - i. Rates of completion of approved training and performance assessments of evaluative aspects of training;
 - ii. Qualitative measurements of the adequacy of training, including assessments by officers, feedback from instructors, and evaluations by civilian reviewers and the CI;
 - iii. Qualitative and quantitative assessments of the FTO program, including the availability of sufficient numbers of eligible FTOs, officer evaluations of FTOs, and officer complaints filed against FTOs; and
 - iv. The frequency with which training deficiencies are identified through investigations, internal reviews, or other mechanisms;
- m. Whether CPD is providing effective supervision of officers, including an analysis of the number of supervisory interventions initiated through the Early Intervention System and, on a sampling basis, a qualitative analysis of the quality of those interventions; the Monitor shall also audit officer and supervisor performance evaluations and the available underlying data that formed the bases of those evaluations;
- n. Whether the City is effectively holding officers accountable, based on an annual audit of BIA and the CI, which includes review of complaint, force, and discipline data, and samples of underlying misconduct and force investigations, as well as an analysis of the procedures, integrity, and transparency of the entity responsible for police review of police disciplinary decisions and the process for officer appeals of discipline, considering the following:
 - i. The number of complaints and whether any increase or decrease appears related to civilian access to the complaint process;
 - ii. The rate of sustained, not sustained, exonerated and unfounded misconduct complaints;
 - iii. The number and rate of misconduct complaint allegations supported by a preponderance of the evidence;
 - iv. The number of officers who are the subjects of repeated misconduct complaints or have multiple sustained misconduct complaints;
 - v. Arrests/summons of officers for on- or off-duty conduct;
 - vi. Instances of officer perjury; and
 - vii. The number and nature of civil suits filed against CPD officers and the monetary amounts of judgments or settlements against the City for civil suits filed against CPD officers for work-related conduct;
- o. Whether the CI and Community Oversight Entity have adequate budgets and

resources to perform their responsibilities;

- p. Whether people in CPD custody are being provided prompt access to phones and counsel, and are not subject to abuse, including an analysis of data showing how long it takes for individuals in custody to have the opportunity to make phone calls;
- q. Whether the City is in compliance with in-car, body-worn, and other camera procedures in this Agreement, including an annual review and report on CPD's procedures for preserving, organizing and maintaining video and audio footage to enable easy access and searchability; officer compliance with procedures for the use and maintenance of the cameras; data to assess whether the cameras are maintained and fully operational; data about supervisor use of video footage to evaluate and monitor officer performance; review of the City's compliance in making video publicly accessible in a timely manner; and other quantitative or qualitative analysis at the discretion of the Monitor;
- r. Whether the City is in compliance with the data management and transparency requirements of this Agreement, including a thorough annual review and report on the City's data management systems and its public reporting of data, video, and other information required by this Agreement;
- s. Whether CPD officers stationed in or responding to schools within the Chicago Public Schools District (CPS) adhere to the requirements of this Agreement, including an analysis of:
 - i. Number of calls for service and other reports of crime occurring on school grounds during school hours or school-sanctioned events;
 - ii. Number of citations, arrests, uses of force and restraints, and searches on school grounds, on a school bus or at a school-sponsored activity, disaggregated by:
 - 1) School;
 - 2) Race/Ethnicity/Gender/Age/Grade of student;
 - 3) Time and location of arrest;
 - 4) Special education status;
 - 5) Offense for which student was arrested;
 - 6) Whether a case was filed in court; and
 - 7) Outcome of adjudication, if applicable;
 - iii. All complaints filed against CPD officers assigned or responding to CPS schools filed prior to their assignment to CPS schools, disaggregated by:
 - 1) Officer;
 - 2) Reason for complaint;
 - 3) Date;

- 4) Resolution of complaint; and
 - 5) Disciplinary action, if any;
- iv. All complaints filed against CPD officers assigned or responding to CPS schools filed during their assignment to CPS schools, disaggregated by the same factors described above.

D. Monitoring Plan and Review Methodology

465. No later than six months after the Effective Date and at least three months before the initiation of any outcome measure assessment or compliance review, the Monitor shall submit a proposed methodology for the assessment or review to the City, the OAG and the Coalition. The City, the OAG and the Coalition shall submit any comments or concerns regarding the proposed methodology to the Monitor within 30 days. The Monitor shall modify the methodology as necessary to address any concerns or shall inform the Parties in writing of the reasons it is not modifying its proposed methodology. Any unresolved disputes involving the Monitor's methodology may be submitted to the Court for resolution. (Albuquerque at 92).

E. Monitor Recommendations and Technical Assistance

466. The Monitor may make public recommendations regarding measures necessary to ensure timely, full, and effective implementation of this Agreement and its underlying objectives. Such recommendations may relate to changing, modifying, or amending a provision of the Agreement; providing additional training in any area related to this Agreement; or seeking technical assistance. In addition to such recommendations, the Monitor may also, at the request of the City and based on the Monitor's reviews, provide technical assistance consistent with the Monitor's responsibilities under this Agreement.

F. Comprehensive Re-Assessment

467. Three years after the Effective Date, the Monitor will conduct a Comprehensive Re-assessment ("Comprehensive Re-assessment" or "Re-assessment") to determine whether and to what extent the outcomes of this Agreement have been achieved, and any modifications to the Agreement that are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of the requirements. This Re-assessment also will address areas of greatest achievement and the requirements that appear to have contributed to this success as well as areas of greatest concern, including relating to strategies and technical assistance, for accelerating full and effective compliance. The Monitor shall file the Comprehensive Re-assessment with the Court no later than 30 months from the Effective Date. At least 60 days prior to filing the Comprehensive Re-Assessment, the Monitor will submit the Re-assessment to the Parties and Coalition in draft form for review and comment, and meet with the Parties and Coalition to discuss the Re-assessment. The Parties and Coalition shall have 30 days from receiving the draft Comprehensive Re-assessment to provide comments and objections. The Monitor will make any revisions that it deems appropriate in light of the Party's and Coalition's comments and file the Comprehensive Re-assessment, any written comments received from the Parties and Coalition that they request be filed with the Comprehensive Re-assessment, and the

Monitor's response with the Court. These documents will be a public record, and they shall also be posted on the Monitor's website. Based upon this Comprehensive Re-assessment, the Monitor will also recommend modifications to the Agreement that are necessary to achieve the purposes of this Agreement. These recommendations shall be filed with the Court and posted on the Monitor's website at the same time the Comprehensive Re-Assessment is due. Where the Parties agree with the Monitor's recommendations, the Parties will submit such stipulation to the Court and request approval. The Court shall allow public comment regarding suggested modifications. This provision in no way diminishes the Parties' ability to modify this Agreement, subject to Court approval. Nothing in this Agreement will empower the Monitor to unilaterally modify the terms of this Agreement.

468. These Comprehensive Re-assessments will be conducted every two years while the Agreement is in place.

469. For at least the first three years of this Agreement, the Monitor will be responsible for conducting the outcome assessments required by this section. During this period, the OIG will work with the Monitor to develop the capacity to conduct the assessments on its own. Beginning three years from the Effective Date, or as soon as practicable thereafter, the OIG will begin performing assessments and report these results to the Monitor, the City, the OAG and the Coalition for review. (Baltimore Decree at P.457-58) The Monitor will assess whether the OIG's assessments are sufficient to evaluate compliance with the agreement.

G. Monitor Reports

470. The Monitor shall file with the Court and post on its website written, public compliance reports quarterly. These reports shall include the following:

- a. A description of the work conducted by the Monitor during the reporting period and the provisions of the Agreements monitored during the reporting period;
- b. A list of each Agreement requirement, indicating which requirements have been:
 - i. Incorporated into policy;
 - ii. The subject of sufficient training for all relevant CPD officers and employees;
 - iii. Reviewed or audited by the Monitor to determine whether the requirements have been fully implemented in actual practice, including the date of the review or audit; and
 - iv. Found by the Monitor to have been fully implemented in practice;
- c. For any requirements that were reviewed or audited and found not to have been fully implemented in practice, the Monitor's explanation of how that finding was reached and the evidence on which it is based, as well as any recommendations regarding necessary steps to achieve compliance;

- d. A projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of this Agreement; and
- e. In the fourth quarterly report only, the methodology and specific findings for each Outcome Assessment conducted, where appropriate, and redacted as necessary for privacy concerns. An unredacted version shall be filed under seal with the Court and provided to the Parties and Coalition.

471. For the first three quarters, the Monitor shall provide a copy of the compliance reports to the Parties and to the Coalition in draft form within 15 days after the end of each reporting period. The Parties and the Coalition shall have 15 calendar days upon receipt of the report to allow them to informally comment on the draft report. For the fourth quarterly report, the same process shall be the same except the draft report shall be provided 30 days in advance, with 30 days for the Parties and Coalition to comment. The Monitor shall consider their responses and make appropriate changes, if any, before issuing the reports.

H. Communication Between Monitor, Parties, Coalition and Public

472. The Monitor will maintain regular contact with the Parties and the Coalition in order to ensure effective and timely communication regarding the status of the City's implementation of and compliance with this Agreement. The Monitor will participate in quarterly meetings with the Coalition, outside the presence of the Parties, to discuss the City's compliance with the Agreement.

473. The Monitor shall hold quarterly public meetings in an open and accessible location to explain the Monitor's reports, inform the public about the implementation process, and hear community perspectives of police interactions. (*See Newark ¶ 186*).

I. Consent Decree Implementation

474. The City agrees to hire, retain or reassign employees with the skills and abilities necessary to facilitate implementation of this Agreement and to serve as a liaison between the Parties, the Coalition and the Monitor. These employees will assist with the implementation of and compliance with this Agreement. At a minimum, the City will designate employees assigned to: coordinate the City's compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the City personnel to the Monitor, as needed; ensure that all data, documents, and records are maintained as provided in this Agreement; and assist in assigning implementation- and compliance-related tasks to City personnel, as directed by the Superintendent or his designee. (*Baltimore ¶ 481*).

J. Implementation Assessment and Report

475. The City agrees to collect and maintain all data and records necessary to: (1) document implementation of and compliance with this Agreement, including data and records

necessary for the Monitor to conduct reliable outcome assessments, compliance reviews, and audits; and (2) allow City entities to perform ongoing quality assurance in each of the areas addressed by this Agreement.

476. Within six months of the Effective Date, the City agrees to file a status report with the Court, with a copy also provided to the Monitor. This report shall delineate the steps taken by the City during the reporting period to implement this Agreement; the City's assessment of the status of its progress; plans to correct any problems; and the response to any concerns raised in the Monitor's previous report. Beginning with the Monitor's first report, and following the schedule for Monitor reports, the City agrees to file a status report one month before the Monitor reports are due, for the duration of this agreement.

K. Access and Confidentiality

477. To facilitate its work, the Monitor may conduct on-site visits and assessments without prior notice to the City. The Monitor shall have access to all necessary individuals, facilities, and documents, which shall include access to Agreement-related trainings, meetings, and reviews, such as critical incident review and disciplinary hearings. CPD shall notify the Monitor as soon as practicable, and in any case within 12 hours, of any firearms discharge, in-custody deaths, or arrests of any officer.

478. The City agrees to ensure that the Monitor shall have timely, full, and direct access to all City staff, employees, and facilities that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement. The Monitor shall cooperate with the City to access people and facilities in a reasonable manner that, consistent with the Monitor's responsibilities, minimizes interference with daily operations.

479. The City shall ensure that the Monitor has full and direct access to all City and CPD documents and data that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents or data protected by the attorney-client or work product privilege. The attorney-client or work product privilege may not be used to prevent the Monitor from observing reviews trainings or disciplinary hearings. Should the City decline to provide the Monitor access to documents or data based on privilege, the City shall inform the Monitor that it is withholding documents or data on this basis, and shall provide the Monitor with a log describing the documents or data and the basis of the privilege.

L. Enforcement

480. This Agreement will become effective upon approval and entry as an order of the Court.

481. The City agrees to promptly notify the OAG and Monitor if any term of this Agreement becomes subject to collective bargaining consultation and to consult with the OAG and Monitor in a timely manner regarding the position the City takes in any collective bargaining consultation connected with this Agreement.

482. To ensure that the requirements of this Agreement are properly and timely implemented, the Court will retain jurisdiction of this action for all purposes until such time as the City has achieved full and effective compliance with this Agreement and maintained such compliance for no less than two consecutive years. At all times, the City will bear the burden of demonstrating by a preponderance of the evidence full and effective compliance with this Agreement. The OAG and the Coalition reserves its rights to seek enforcement of the provisions of this Agreement, and to seek additional enforcement and implementation mechanisms if either determines that the City has failed to fully comply with any provision of this Agreement. Notwithstanding any other provision of this Agreement, the Agreement is enforceable by the Court upon a motion by the Coalition or OAG.

483. The OAG will consult with officials from the City before instituting enforcement proceedings and will make a good-faith attempt to resolve any disputes before seeking intervention from the Court. (Ferguson ¶ 119)

484. Prior to filing any enforcement motion the Coalition will (i) meet and confer in good faith with the Parties to attempt to resolve issues identified by the Coalition and (ii) follow the prerequisites for filing enforcement motions required of the State set forth in Paragraph 482.

485. The Parties agree to defend the provisions of this Agreement. The Parties will notify each other of any court or administrative challenge to this Agreement. In the event any provision of this Agreement is challenged in any city or state court, removal to a federal court will be sought by the parties. (Ferguson ¶ 120).

486. The Coalition is defined as the plaintiff organizations in the *Campbell* lawsuit and the plaintiffs in the *Communities United* lawsuit (collectively “Coalition Founders”), as well as other civil rights and community organizations in the City of Chicago who are members of the Coalition. The Coalition’s rights set forth in paragraph 482 above shall not apply to any individual or organization who is not a member of the Coalition, including but not limited to individuals or organizations who were once members of the Coalition but subsequently left or were removed from the Coalition. The Coalition Founders are the sole arbiters of the Coalition’s objectives, composition, and structure.

M. Termination

487. Upon the Court’s determination that the City has achieved full and effective compliance with this Agreement as defined below and have maintained such compliance for at least two consecutive years, the Court may terminate the Agreement upon a motion by the City. For any motion to terminate, the Court shall hold a hearing on the motion and the burden will be on the City to demonstrate that it is in full and effective compliance with this Agreement.

488. To achieve full and effective compliance, the City must demonstrate that it has (a) incorporated all requirements of this Agreement into policy, trained all personnel as necessary to fulfill their responsibilities pursuant to the requirements, and ensured that each requirement is being carried out in practice; and (b) shown sustained and continuing improvement in non-biased and least intrusive policing as demonstrated by the outcome assessments. Non-compliance with

mere technicalities or temporary or isolated failure to comply during a period of otherwise sustained compliance will not constitute failure to achieve or maintain full and effective compliance. At the same time, temporary compliance during a period of otherwise sustained non-compliance will not constitute compliance with this Agreement.