



PUBLIC REPORT

CHICAGO'S USE OF FORCE COMMUNITY WORKING GROUP

(REPORT FROM THE COMMUNITY REPRESENTATIVES)

Fall 2022

Public Report on the Use of Force Community Working Group—Chicago

The Use of Force Community Working Group¹ has achieved transformative changes to the Chicago Police Department’s (CPD) Use of Force policies. These changes are the result of the Community Working Group’s leadership and advocacy and have the potential to reduce CPD violence and make the people of Chicago safer. This Report, issued by the community members who served on the Working Group, highlights those changes and describes the greatest shortcomings in CPD’s force policies still in need of change. It is critical that Chicagoans are informed both about our progress and about the areas where it remains crucial for people to speak out and advocate for change. We recommend that the Community Commission on Public Safety and Accountability immediately take up these recommendations for a better and safer Chicago. One of the greatest lessons we learned in this process is that change is not self-executing: it happens only when the people of Chicago make it happen.

This Report provides the people of Chicago with critical information about CPD’s new policies on de-escalation and police use of force—policies that govern all interactions between CPD and members of the public. The Report is broken into five sections:

- (1) The overarching rules requiring de-escalation and restricting police violence;
- (2) Restrictions on CPD force at protests and other First Amendment assemblies;
- (3) Requirements to report each use of force;
- (4) Restrictions on CPD’s use of “less lethal” weapons and dogs against people; and

¹ Many people contributed to this work. Individuals who have served on the Working Group include: Sherilynn Asuoha, Israel Abdul Bey, Ernest Cato III, Mark Clements, Celia Colon, Tania Cordova, Pastor Charlie Dates, Father Larry Dowling, Craig Futterman, Bishop Simon Gordon, Aaron Gottlieb, Bishop Dwight Gunn, Michael Harrington, Janet Horne, Pastor Marvin Hunter, Erin Jones, Elizabeth Jordan, Rose Joshua, A’Shonti McKinney, Dr. Waltrina Middleton, Anjali Misra, Rachel Murphy, Rev. Marilyn Pagan-Banks, Mylon Patton, Nicolette Rivera, Nate Sanders, Sufyan Sohel, La’Rie Suttle, Michael Tafolla, Chris Taliaferro, Amika Tendaji, Tanya Watkins, Cleopatra Watson, Eric Wilkins, and Arewa Karen Winters. While the Report reflects the accomplishments of the Working Group as a whole, it was not authored or approved by the Working Group members who are employed by the City of Chicago, CPD, or the Illinois Attorney General’s Office. This is the Report of the community members who served on the Working Group.

(5) The rules to promote accountability and transparency when a police officer shoots or kills a person.

Within each section, we also describe the ways in which the policies fall short and need improvement. We hope that these critiques will serve as an immediate agenda for action by the people of Chicago and Community Commission on Public Safety and Accountability to improve CPD force policies for a better, safer, and more just Chicago.

BACKGROUND

Young Black people in Chicago organized engaged in powerful advocacy after the murder of 17-year-old Laquan McDonald and CPD's cover up of the murder. Their work galvanized others and forced our nation to acknowledge the realities of systemic police abuse in Chicago. This advocacy led to a civil rights investigation by the United States Department of Justice that confirmed CPD's longstanding pattern and practice of civil rights violations. On January 31, 2019, United States District Court Judge Robert M. Dow, Jr. signed a federal civil rights Consent Decree on January 31, 2019 designed to remedy and bring an end to the CPD's pattern of police brutality and racial discrimination.² Among other things, the Consent Decree required CPD to engage community members, including people impacted by police violence, in rewriting CPD policies on the Use of Force.

The Use of Force Community Working Group was first convened in the summer of 2020³ in response to these requirements. To ensure that community members have a meaningful voice in developing CPD's new force policies required under the Consent Decree, the Independent Monitor overseeing the Decree recommended that the City establish a working group that included community members impacted by CPD violence. Based on the Monitor's recommendations, the Community Consent Decree Coalition⁴ worked with the CPD to constitute the Use of Force Community Working Group.⁵

The Community Working Group spent hundreds of hours researching best practices, reading scholarship, and drawing from the lived experience of Chicagoans with intimate knowledge of CPD violence who had historically been denied a voice in CPD force policy.⁶ The Working Group proposed 155 changes to CPD policies. A summary of

² Consent Decree, *Illinois v. City of Chicago*, No. 17-06260 (N.D. Ill. Jan. 31, 2019).

³ Jessica D'Onofrio & Craig Wall, *Working Group to Help Revise Chicago Police Use of Force Policies Announced by Mayor Lightfoot*, ABC7 (June 15, 2020).

⁴ The Community Consent Decree Coalition is a coalition of community-based organizations that won the right to enforce the Consent Decree to protect the interests of people from communities most impacted by the CPD's pattern and practice of civil rights violations. The Coalition includes the 411 Movement for Pierre Loury, ACLU of Illinois, Black Lives Matter Chicago, Blocks Together, Brighton Park Neighborhood Council, Chicago Urban League, Communities United, Community Renewal Society, Justice for Families, the Westside Branch and Illinois State Conference for the NAACP, Network 49, Next Steps, One Northside, and Women's All Points Bulletin.

⁵ The Community Working Group was co-chaired by Arewa Karen Winters from the Community Consent Decree Coalition and CPD Chief Ernest Cato, III. In addition to Chief Cato, Mayor Lightfoot appointed two other City and CPD representatives to the Working Group: Alderman Christopher Taliaferro, a former 23-year CPD veteran and her Chair of the City Council's Public Safety Committee, and another person who had applied to be and has since become a sworn member of the CPD. The Mayor and Police Superintendent assigned Michael Milstein, the CPD's Deputy Director of Community Policing, to staff and support the Working Group.

⁶ The Working Group selected the Community Drafting Group from its membership to draft the Working Group's findings and recommendations. The Community Drafting Group included Sherilynn

the Working Group’s recommendations is available [here](#) and attached as Appendix A. The full set of recommendations is available [here](#) and attached as Appendix B.

In October 2020, CPD rejected every substantive recommendation of the Community Working Group. Despite written requirements that CPD meet with the Community Working Group to try to resolve their disagreements over recommended changes to CPD policy,⁷ CPD sent an advance press release to the media announcing the results of the process hours *before* the scheduled negotiations between CPD and the Working Group had ever occurred. Unsurprisingly, given that it had already announced the outcome of the process to the press, CPD did not come to the meeting prepared to engage in good faith negotiations with the Community Working Group. Twenty-six community members on the Working Group then published an open letter to Mayor Lightfoot in the Sun Times that criticized the process as a charade. They wrote that CPD used the Community Working Group process as a “sham . . . to create the illusion of community engagement” so that CPD could check off boxes on the community engagement requirements of the Consent Decree without having to actually engage the Working Group on its recommendations.⁸

Facing widespread criticism⁹ and fearing consequences for violating the community engagement requirements of the Consent Decree, CPD was forced to engage with the Working Group on its recommendations. The Independent Monitoring Team overseeing the Consent Decree and members of the Illinois Attorney General’s Office sat in on and observed many of the meetings between the CPD and the Community Working Group. Over time, people in the room—both from CPD and the Working Group—came to listen and learn from the experiences and perspectives of one another. These conversations, which continued in 2021 and 2022 with the support of the Community Consent Decree Coalition,¹⁰ resulted in meaningful change. CPD adopted many of the Community Working Group’s recommendations and is currently training its officers on

Asuoha, Craig Futterman, Aaron Gottlieb, Michael Harrington, Janet Horne, A’Shonti McKinney, Dr. Waltrina Middleton, Anjali Misra, Nicolette Rivera, Sufyan Sohel, and Arewa Karen Winters. The Drafting Group also included former ACLU attorneys Elizabeth Jordan and Rachel Murphy until they left their employment at the ACLU of Illinois.

⁷ When first creating the Community Use of Force Working Group, the Community Consent Decree Coalition and the CPD negotiated and agreed on a set of written procedures that would govern the operations of the Working Group. To address instances where the CPD disagreed with recommendations of the Working Group, the procedures required CPD leadership to meet with community representatives of the Working Group to negotiate with one another to try to work out their differences.

⁸ Editorial, *A Public Letter to Mayor Lightfoot: A Call for Leadership*, Chi. Sun Times (Oct. 15, 2020).

⁹ See, e.g., Patrick Smith, *CPD Largely Ignores Community Recommendations on When Officers Can Shoot, Tase, or Use Other Force*, WBEZ Chi. (Oct. 14, 2020).

¹⁰ The Community Consent Decree Coalition advanced a number of the Community Working Group’s recommendations on CPD policies, including those on the use of Tasers and OC Spray, in negotiations surrounding the CPD Consent Decree in 2022. The City of Chicago, Office of the Illinois Attorney General, and Independent Monitor were also part of these negotiations.

these policies.¹¹ CPD's new policies, to which its officers can be held to account, are an important and necessary step toward ending the Department's decades-long pattern and practice of excessive and discriminatory use of force.¹²

Despite our progress, we still have a long way to go. At the end of Spring 2022, CPD ended negotiations with the Community Working Group and the Community Coalition without adopting a number of key recommendations that could curb unnecessary police violence in Chicago. We call on the people of Chicago and Community Commission on Public Safety and Accountability to push the City to implement those recommendations as official CPD policy.

¹¹ A few policies, particularly those that relate to CPD use of Tasers and chemical weapons like OC Spray, have yet to be fully implemented. They are in the process of review by the Independent Monitor and Office of the Illinois Attorney General, as a part of the Consent Decree. They should be finalized by the end of the year.

¹² See U.S. Dep't of Just. & U.S. Atty's Off. Northern Dist. of Ill., *Investigation of the Chicago Police Department* (Jan. 13, 2017).

I. Restrictions on CPD Use of Force—the Sanctity of Life

The Working Group persuaded CPD to make several important overarching revisions to its use of force policies, consistent with the requirements of the Consent Decree. CPD’s force policies now prioritize the sanctity of *all* human life; require officers to de-escalate situations to avoid the need for any force; prohibit the use of any force unless necessary; and restrict the amount of force to the least amount necessary under the circumstances. CPD officers can now be held accountable if they fail to de-escalate a situation or fail to engage in tactics to avoid the need for any force. Officers can also be held accountable when their actions lead to violence that could otherwise have been avoided, and when they use force when it is not absolutely necessary to do so.

To reflect this fundamental shift in orientation (viewing police violence only as a last resort when other approaches have failed), CPD renamed its force policies to begin with *de-escalation*, rather than the *use of force*. The policy is now titled: “De-Escalation, Response to Resistance, and Use of Force.”

Key Policy Changes

- **Sanctity of Life.** Sanctity of all life is now the overarching principle that governs all CPD’s policies. Too many times the people of Chicago have seen members of certain communities treated by the police as if their lives were not inherently valuable and worthy of preservation. CPD policies now begin by stating that *all* human life is the single “highest priority” of the Department. In every situation, officers must act with the “foremost regard for preservation of human life and safety of all persons involved.”
- **Treating People as People.** The Working Group was successful in urging CPD to make language changes that affirm the humanity of all community members. In CPD’s previous policy, the Department instructed its officers to see community members as “subjects,” “suspects,” and “offenders,” rather than as human beings. The language of CPD’s policies dehumanized the people that officers are sworn to serve. As a part of our advocacy, CPD has now agreed to refer to community members throughout its policies and training as “persons,” rather than “subjects.”
- **De-escalation.** De-escalation techniques are now required before an officer is permitted to use any force. In other words, CPD officers are generally prohibited from using *any* violence or force, unless they first attempt to de-escalate the situation. CPD policy now states that it “expects its members

to develop and display the skills and abilities to act in a manner to eliminate the need to use force and resolve situations without resorting to force.” Among other things, officers are required to use verbal techniques, time, distance, and tactical positioning to de-escalate conflict and reduce the need for force.

- **Prohibition on Force Unless Necessary.** One of the most significant changes that we achieved was limiting CPD force only to circumstances in which it is truly *necessary*, not simply when it may be *reasonable* for an officer to use force. CPD now prohibits officers from using *any* force unless the use of force is *necessary* under the circumstances.
- **Least Amount of Force Necessary.** Equally importantly, when officers need to use force, they are now required to use only the *minimum* amount of force necessary in any given situation.
- **Retaliation.** CPD policy expressly prohibits officers from using force to retaliate against or punish people, including people who run from the police, resist arrest, curse at the police, or otherwise anger officers.
- **Deadly Force.** Deadly force is now prohibited unless it is *necessary* to protect life. The policy prohibits officers from using deadly force against a person unless the person presents an “imminent threat” of death or great bodily harm to another person. The policy also makes clear that officers are permitted to use deadly force only as a *last resort* and only when *necessary* to protect against an immediate threat to a person’s life.
- **Ban on Shooting at People in Moving Vehicles.** Officers are prohibited from firing a gun at or into a moving vehicle unless it is necessary to prevent death or great bodily harm to the officer or another person. Officers are prohibited from placing themselves in the path of the moving vehicle and required to make every effort to move out of the path of the vehicle.
- **Ban on Chokeholds.** Chokeholds, “carotid artery restraints,” and applying pressure to a person’s windpipe or airway are all now prohibited, except as a last resort to protect against an immediate threat to someone’s life.



- **Let People Breathe.** After gaining control of a person, officers must now position the person in a way to help them breathe. The new policy states that officers must avoid placing people on their stomachs. Even more importantly, the new policy absolutely prohibits officers from sitting, standing, or kneeling on a person's chest after the person has been restrained and does not pose a risk of harm to anyone.

- **Duty to Render Aid.** All officers now have a mandatory duty to provide life-saving aid to people who are injured, including people injured by the police. All officers are now required to undergo Law Enforcement Medical and Rescue Training (LEMART). This training ensures that officers can respond immediately when someone is harmed as a result of an encounter with the CPD.
- **Duty to Intervene.** Officers are now required to verbally and physically intervene as necessary to stop another officer's use of excessive force. They can also be held accountable for refusing to do so.
- **Duty to Report.** All officers who witness or have any knowledge of a fellow officer's use of excessive force *must* report it before the end of their shift.
- **Force Against Vulnerable Persons.** CPD violence is now prohibited or severely restricted against people who are especially vulnerable to harm, including but not limited to children; elderly people; people with mental, intellectual, or physical disabilities; people who appear frail or sick; people in apparent behavioral crises; and people who are handcuffed or otherwise restrained. Officers must consider individualized risk factors when assessing the appropriate level of force in a situation, including age, physical and mental condition, drug or alcohol use, and whether the person is injured or in crisis.
- **Trauma-Informed.** The new policy requires officers to use trauma-informed communication techniques. All officers are now being trained on these techniques.
- **Accountability.** Officers can be disciplined, fired, and held accountable for violations of these policies.

Shortcomings—Policies in Need of Change

Despite the progress the Working Group has achieved, there are still significant shortcomings in CPD's use of force policies. The Working Group recommended a number of important reforms, which CPD has thus far refused to implement. We describe some of the changes CPD must make below.

- **Gun Pointing.** It has become a cardinal rule in every gun safety course in America that you must never point your gun at another person unless you are prepared to kill them. Nonetheless, CPD continues to treat pointing a gun at a person as something far less than a use of deadly force. As a result, when raiding peoples' homes, it is standard practice for CPD officers to burst in at gunpoint and to aim their assault rifles at family members, including young children, often at close range. These practices, which are targeted in Black and Brown communities, have inflicted unspeakable harm and trauma on children and their families.¹³ Change is urgently needed. *CPD must immediately change its policies to treat pointing a firearm at another human being as a use of deadly force.* Officers must be prohibited from pointing a firearm at a person unless the person presents an immediate threat of death or serious bodily injury to another person. Not a single additional child should be forced to cover as a CPD assault rifle is pointed at their face.
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- **Gun Drawing.** Notwithstanding the trauma inflicted when police draw their guns in routine encounters with individuals and families, CPD has refused to put in place *any* policy that lays out the rules of when it is and is not appropriate for officers to draw their weapons. Guided by national best practice, the Use of Force Community Working Group calls on the people of Chicago to urge CPD to enact a policy that prohibits officers from drawing their guns, unless they have an objectively reasonable belief that deadly force may become necessary. Additionally, officers must be required to document every time they point a gun at another person. *See Section III, below.*

¹³ Dave Savini et al., *[Un]warranted*, CBS2 Chicago (July 29, 2020).

- **Firing at or near Bystanders.** CPD policy doesn't sufficiently protect bystanders from police violence. Too many people have been killed, seriously injured, and put at risk when Chicago police officers shoot at people in residential communities, business districts, and places with others nearby. Sanctity of life must be the driving principle behind all officer actions, *and this must apply to the surrounding community*. CPD must enact a policy that expressly prohibits officers from firing into crowds or taking other actions which place bystanders at an unjustified risk of injury or death.
- **Transparency and Accountability as Guiding Principles.** CPD's new policies are worthless unless officers are held accountable when they violate them. Chicago's pattern and practice of civil rights violations have been facilitated by the lack of police accountability, the police code of silence, denial, and an absence of transparency.¹⁴ Chicagoans must call on CPD to prioritize transparency and accountability as core principles in its policies governing police use of force. The Working Group recommends that CPD incorporate the following principles as express policy: (1) It is the policy of the CPD to require full and prompt public transparency and honesty about all uses of force by Department members; and (2) It is the policy of the CPD to hold Department members, including supervisors, strictly accountable for violations of CPD policies on the use of force or on reporting and investigations of use of force.
- **Video Release Policy.** The City's video release policies are in urgent need of change. The City and Police Department have a duty to be honest and transparent when an officer kills or seriously injures a person. The City was forced to create an affirmative policy to release information following its cover up of Officer Jason Van Dyke's murder of 17-year-old Laquan McDonald. However, its policy and practice still lag far behind practices in other cities. As a result, secrecy and denial remain CPD's primary institutional responses to police shootings and misconduct. CPD continues to withhold, misrepresent, and tightly control basic information when officers kill people. Whenever a police officer fires their gun or Taser in the direction of another person or uses force that results in death or serious injury, CPD must be required to release video, audio, and police reports *within 48 hours*, unless extraordinary circumstance exist that compel secrecy. In no event shall release be delayed more than *14 days* without a court order finding that suppression is *necessary* to protect the safety of a person or the fair trial of a criminal defendant.

¹⁴ U.S. Dep't of Just. & U.S. Atty's Off. Northern Dist. of Ill., *Investigation of the Chicago Police Department* (Jan. 13, 2017).

II. Restricting CPD Violence and Arrests at Protests



In light of CPD’s long history of violence and civil rights violations at protests and other First Amendment (“1A”) activities, the Working Group pushed CPD to change its policies to dramatically restrict CPD force and arrests in these settings.¹⁵ The resulting new policy transforms the role of police at protests. It is now the responsibility of every Chicago police officer as a matter of policy to support and

protect the rights of people to engage in protest or other free speech and expression—and officers can be held accountable if they violate this duty.

Key Policy Changes

- **Retaliation.** Officers are expressly prohibited against retaliating against or using any force against people for exercising their First Amendment rights.
- **Batons.** CPD’s First Amendment policy now expressly prohibits officers from hitting a person in the head with their baton unless the person presents an imminent threat of death or serious bodily harm to another person.
- **Canines.** CPD policy now bans the use of canines against people at protests and other First Amendment assemblies. *See Section IV.A below.*

¹⁵ The revisions to CPD’s First Amendment policies were achieved in the Consent Decree proceedings before Judge Dow. From late 2020 through the spring of 2022, the Community Consent Decree Coalition and Office of Illinois Attorney General engaged in negotiations with the CPD and mediated by Judge Dow and the Independent Monitor. Many of the Community Working Group’s recommendations on restricting CPD violence at protests were implemented as a result of this process.

- **OC Spray and other Chemical Weapons.** Chicago residents saw widespread abuse of OC Spray and chemical weapons during the summer 2020 protests. As a result of community-led advocacy, officers are now prohibited from using OC Spray and other chemical weapons against individuals engaging in nonviolent protest unless police obtain express authorization from the Superintendent. The Superintendent is also prohibited from authorizing the use of OC or other chemicals at protests unless there is a “threat or attack against Department members, the public, or property.”



- **Videotaping the Police.** CPD officers are now prohibited as a matter of policy from preventing or interfering with people’s constitutional right to videotape and photograph the police.
- **Restricting Arrests.** We have also seen CPD wrongly arrest people, often for minor offenses, as retaliation for engaging in protest. CPD officers are now expressly prohibited from arresting people engaged in protest, demonstrations, speech, or other protected First Amendment activities unless they pose an immediate threat to another person’s physical safety or property.

Shortcomings—Areas for Improvement

We describe some policies in need of improvement, specifically on the Use of OC Spray and Other Chemical Weapons, in Section IV.C below.

III. Requiring CPD Officers to Report All Uses of Force

Key Policy Changes

The Community Working Group’s primary recommendation with regards to reporting uses of force was to require each officer to document and report (1) each and every time they use force or violence against a person and (2) what the officer did to de-escalate the situation and avoid the need for any use of force. The Working Group also recommended robust public reporting of CPD uses of force and tracking of potential patterns. CPD now requires officers to report *most* but not *all* police uses of force (see issues below); it requires officers to document what they did to avoid the need for any use of force and reduce the amount of force used; and it creates procedures to track patterns, trends, and concerns about police violence. In addition, the City’s Inspector General’s Office has developed a data dashboard on its website that provides public information about CPD uses of force.¹⁶

Shortcomings—Policies in Need of Change

However, CPD refused to change fundamental aspects of its reporting requirements in ways that perpetuate barriers to accountability and transparency:



- **Use of Force Reports.** Under current policy, many uses of force by CPD officers are never reported unless they occur in direct response to the active resistance of a community member. CPD’s “Tactical Response Reports” focus on the behavior and actions of *community members*,

instead of focusing on violence and force used by the *police*. CPD policy must be changed to require officers to report police force *every time* an officer threatens or inflicts violence against a community member, regardless of whether the person resists or not. It is past time for CPD to comply with

¹⁶ Chicago Office of Inspector General Information Portal, Tactical Response Reports, <https://informationportal.igchicago.org/dashboards/public-safety/tactical-response-reports/>.

national best practice—CPD must call use of force reports what they are (“Use of Force Reports”) and require officers to complete a Use of Force Report each time they use force against people.

- **Reporting Obligations.** CPD refuses to require officers to write Use of Force Reports when they point guns, Tasers, or other weapons at people or their pets, or otherwise seek to intimidate or threaten people. As noted in Section I above, CPD officers continue to point guns at adults and children with impunity—in part because they are not required to document their actions. This must change immediately.
- **COPA Authority.** Officers must be required to notify COPA immediately after any significant use of force. Delays in COPA notifications seriously harm the effectiveness of its investigations.
- **Accountability.** CPD policy needs to be changed to require that officers who fail to report police uses of force shall be fired.

IV. Canines, Tasers, OC, and Batons

A. Canines/Dogs

Key Policy Change

As a result of Working Group advocacy, CPD policy now absolutely prohibits unleashing dogs against people in crowds, civil disturbances, and protests.



B. Tasers

The Working Group made dramatic changes to CPD’s Taser policies—changes that can save lives. While Tasers are generally considered a “less-lethal” force option, a Reuters study found that at least forty-nine people died after being shocked by a Taser in 2018, and at least 1,081 people have died following Taser use against them since the early 2000s.¹⁷

CPD has had a long history of using Tasers as a tool of convenience to make people do what officers say, rather than recognizing Tasers for the dangerous weapons that they are. Additionally, CPD has particularly targeted African Americans with Tasers. Nearly 80 percent of the people shot by Tasers by the CPD are Black.¹⁸ Prior to the Working Group’s reforms, CPD policy expressly permitted officers to fire Tasers at: (1) unarmed people suspected of possessing a small amount of illegal drugs, when they simply walk away from a police officer; (2) people who pose a threat of harm only to themselves; and (3) people who are not actively threatening anyone with harm.

As a result of the steadfast advocacy of the Community Working Group, CPD’s new policy will *prohibit officers from firing a Taser at a person, unless the person presents an immediate threat of physical harm to another person*. We summarize additional key changes below.

¹⁷ Tim Reid, et al., [As death toll keeps rising, U.S. communities start rethinking Taser use](#), REUTERS, February 4, 2019.

¹⁸ Data from [Tactical Response Reports Dashboard](#), City of Chi. Off. of Inspector Gen. (last updated Feb. 17, 2022).

Key Policy Changes

- **Pain Compliance.** Officers are now prohibited from using a Taser for pain compliance, punishment, or retaliation.
- **Flight and Possession of a Weapon.** CPD's new policy prohibits officers from firing a Taser at a person simply because the person possesses a weapon and/or is running away. Officers now are permitted to use Tasers *only* when the person presents an immediate threat of physical injury to another person.
- **People Handcuffed or Restrained.** Officers are now prohibited from using a Taser against someone who is handcuffed or restrained unless the person poses a physical threat to another individual.
- **Vulnerable People.** The new policy provides additional protections to people who are especially vulnerable to serious injury or death from a Taser, including children, pregnant women, elderly people, people with pre-existing medical conditions or physical disabilities, people experiencing behavioral or mental health crises, people in medical distress, people with low body mass, and people in a variety of circumstances that would place them at greater risk.
- **Targeting Parts of the Body.** CPD's policy now prohibits officers from targeting a person's head, chest, neck, groin, genitalia, or anterior pelvis area with a Taser.



Shortcomings—Policies in Need of Change

The primary area still in need of change is CPD’s continued use of Tasers in schools. While CPD now “strongly discourages” the use of Tasers in schools, it continues to give officers significant discretion to fire Tasers at children and adults in schools based on the totality of the circumstances.

Tasers have no place in our schools. CPD must change its policy to prohibit officers from using Tasers against students in schools.¹⁹ At a minimum, CPD should restrict Tasers against children in schools to circumstances in which deadly force would otherwise be authorized. CPD should similarly prohibit officers from using Tasers against adults in schools unless necessary to stop an imminent threat of death or serious bodily harm to another person.

C. The Use of OC Spray and Other Chemical Weapons

As a result of the Community Working Group’s advocacy, the CPD sharply restricted the use of OC Spray and chemical weapons at protests, in enclosed areas, and against vulnerable persons. However, there remains at least a couple of areas for improvement: (1) Spraying OC into cars; and (2) Spraying OC into a group of people, placing people who pose no threat to anyone in significant risk.

Key Policy Changes

OC and Chemical Weapons at Protests and Other First Amendment Assemblies. CPD rejected the Working Group’s recommended outright ban on the use of chemical weapons at First Amendment assemblies, such as the bans that exist in cities like Milwaukee and Berkeley. However, CPD did agree to prohibit the use of OC Spray and other chemical weapons at all First Amendment assemblies, including protests, unless officers obtain express approval from the Superintendent of Police. As we note in Section II above, the Superintendent may not authorize use of these weapons unless there is a threat or attack against people or property.

¹⁹ CPD’s 2019 use of a Taser against a special needs student at Marshall High School, as officers dragged her down the stairs, dramatizes the imperative to prohibit the use of Tasers against children at school. As in 2019, CPD’s current Taser policy continues to give officers the discretion to fire Tasers at children in school when reasonable and necessary “based on the totality of the circumstances.” See Matthew Hendrickson, [‘Your Daughter is Going to Jail,’ Cop Screams at Dad after Shocking Special Needs Student with Stun Gun](#), *Chicago Sun Times* (Sep. 27, 2019).

- **Enclosed Areas.** CPD's new policy will prohibit officers from using OC Spray or other chemical weapons in confined spaces unless the person there poses an immediate threat of physical harm to others and lesser force options are unavailable.
- **Vulnerable Persons.** CPD also agreed to restrict officers' use of OC Spray against vulnerable individuals unless the person poses an immediate threat of physical injury to another person *and officers have exhausted all available less severe alternatives.*



- **Duty to Render Aid.** Once a person is under control, the new policy requires officers to move the person exposed to chemical spray to an area of uncontaminated air, face the person into the wind, and assist them with decontamination, including flushing affected areas with cool water.

Shortcomings—Policies in Need of Change

- **OC and Chemical Weapons in Cars.** CPD policy permits police to discharge chemical agents into an occupied car, even when nobody in the car presents any threat to the safety of another person. While CPD's modified policy limits the use of OC in these situations to the discretion of officers holding the rank of sergeant or above, it remains out of line with best practice. Every other big city police department absolutely prohibits the use of chemical agents against people in cars or anywhere else, when they are engaged only in passive resistance and do not pose an immediate threat of harm to any other person. Spraying chemical weapons into a car not only threatens the safety of its occupants, but also everyone else in the area. It escalates conflict and risks causing an impaired and agitated driver to try to drive away without being able to see. This puts everyone's life at risk. The people of Chicago must call for the immediate ban on chemical weapons against people engaged only in passive resistance.
- **Discharging Chemical Agents into Groups of People.** CPD must also prohibit the use of OC Spray and other chemical agents whenever they create a significant risk to others, such as when the intended target is standing among a group of people. CPD should never spray chemicals into innocent third parties. These chemicals can cause serious injury and even be fatal to people living with asthma and other respiratory illnesses.

V. When Police Shoot or Kill People

This is an area in need of significant reform. The City refused or otherwise failed to implement the vast majority of the Working Group’s recommendations about what to do when police officers shoot or kill people. There are still significant barriers to independent and effective investigations, opportunities for collusion, a lack of transparency, and insufficient care for victims and their families.

Key Policy Changes

- **Retaliation.** Officers are prohibited from engaging in any form of retaliation, intimidation, or coercion against anyone for reporting misconduct or aiding in a misconduct investigation.
- **Handcuffing Deceased Persons.** Officers are now prohibited from handcuffing individuals who are deceased.
- **Medical Care.** After an officer injures a person, the officer must provide life-saving aid consistent with their training until medical professionals arrive on scene. Once medical personnel arrive, the officer may not interfere with treatment.

Shortcomings—Policies in Need of Change

- **Prompt Interviews of Police Officers.** One of the greatest impediments to investigating police shootings is the City’s practice of allowing officers to avoid giving prompt statements to investigators and COPA after they shoot a person or witness other officers shoot someone. CPD exempts officers who shoot or kill people from having to provide any written account or justification for their actions in Use of Force Reports. Officers who commit the most serious violence escape basic reporting requirements under CPD policy. In addition, officers are given the opportunity to review video from their Body-Worn Camera before giving any statement and are also permitted to modify their statements based on what they see in video after having given a statement. These practices and delays enable collusion, taint CPD statements, and seriously harm COPA’s investigations. *CPD must require officers to give prompt statements to COPA when they shoot or kill people.* Generally, officers should be required to give such statements within two hours, unless there is an emergency that makes it impossible to do so. CPD has enacted some measures, consistent with

Community Working Group recommendations to prevent collusion and taint. For example, CPD policy now requires supervisors to separate officers who shot, killed, or witnessed another officer shoot or kill a person and bars those officers from communicating with one another until they've been interviewed by COPA. To ensure that this happens and to capture any violations, CPD's policies must be modified to require officers to keep their body-worn cameras on until those interviews have occurred.

- **Accountability.** CPD policy should expressly require that any officer who gives a false statement about any shooting, death, or serious injury caused by a police officer shall be fired and immediately referred to the state and federal authorities for criminal prosecution. Similarly, policy must clearly require that any officer who threatens or retaliates in any way against a victim of or witness to a police shooting shall be fired and immediately referred for criminal prosecution.
- **Transparency.** See recommendations in Section I above, which would ordinarily require the release of video and other information related to police shootings and other serious incidents within forty-eight hours.
- **Treatment of Victims and Survivors.** CPD must work to respect the dignity of people injured or killed by the police by treating their loved ones with dignity and respect and providing victims and families with trauma-informed psycho-social support services promptly after an incident. CPD must also provide the victims and their families with all relevant documentation related to the incident, including eliminating the prohibition against sharing an officer's name who shoots or kills someone.
- **“Officer-Involved Shootings.”** CPD must stop using phrases in its policies like “officer-involved deaths” and “officer-involved shootings,” which remove agency from officers who shoot and kill people. Policies must instead call these events what they are: “Instances when Police Officers Kill a Person” and “Instances when Police Officers Shoot a Person.”

CONCLUSION

MAKING CHANGE—OUR PATH FORWARD

As we have emphasized, things will not change unless the people of Chicago make them change. This Report details successes and challenges the Use of Force Community Working Group has faced throughout its work with CPD. The Community Working Group has made significant progress in improving policies surrounding police use of force despite CPD's resistance to reform. It is critically



important that the people of Chicago are aware of the new rules that govern CPD violence in Chicago, so that we can hold CPD accountable to these policies. As Chicagoans understand all too well, what CPD policies say on paper can be very different from what happens on the ground. Each of us needs the knowledge and tools to make these policies more than paper tigers. Together we must make these policies reflect the reality on the ground and ensure that officers are held accountable when they engage in or refuse to stop police brutality. Members of the Use of Force Community Working Group are committed to offering community “teach-ins” for this purpose, because these policies, if made real, have the potential to curb CPD violence, prevent community harm, and save lives.

Notwithstanding genuine progress, CPD force policies need further change. The Community Working Group calls on the people of Chicago, the Community Commission on Public Safety and Accountability, and the CPD to do whatever is necessary to make these changes and to make them now.

We can't afford to forget that CPD successfully resisted any meaningful engagement with the Community Working Group for months until they were forced to engage. The accomplishments of the Working Group with the CPD demonstrate the potential for positive change when the CPD truly engages people in the community who have been most impacted by police violence. The lessons from this process must serve as a guide for community engagement on the development of other important policies and training going forward.