**Coalition Comments on CPD’s Draft Policies Regarding**

**Gang and Narcotics-Related Loitering Enforcement**

**Submitted on Coalition’s Behalf 9/9/24**

CPD’s “Gang and Narcotics-Related Loitering” policy suite (S10-02, S10-02-01, S10-02-02 and S10-02-03) (“the Policies”) must be changed to protect members of the community from wrongly being labeled as gang members. The Policies are likely to result in discrimination against Black and Latino men by disproportionately and inaccurately accusing them of gang membership. CPD should eliminate all references to “gang loitering” enforcement.

* The Community Commission for Public Safety and Accountability (CCPSA) recently passed, and the Mayor approved, **CPD General Order G01-03**, requiring that any CPD policy regarding CPD’s collection, use or disclosure of information on gang activity or membership must be governed by a General Order subject to CCPSA approval. CCPSA adopted General Order G01-03 because of CPD’s documented history of wrongly including hundreds of thousands of Chicagoans—almost all of whom were Black or Latinx—in its gang databases, without informing the people who were in the databases or giving them a way to challenge their designation as supposed gang members.
  + These Policies, which are designated as Special Orders, appear to violate General Order G01-03. **CPD should redraft the Policies as General Orders and must not implement the Policies unless and until CCPSA approves them.**
* **CPD policy should prohibit officers from enforcing the Gang Loitering Ordinance, MCC 8-4-015, to the extent that it requires police to make subjective determinations about whether someone is in a gang.** The Policies currently allow officers to determine a person’s “criminal street gang membership” based on loose criteria, without any way for the accused person to dispute the officer’s conclusion that the person is a gang member. Worse, the Policies allow officers to refer to an unspecified “Department record” regarding a person’s gang membership, which could allow officers to use records in the old CPD gang databases that CCPSA has now prohibited. CPD’s gang designation system is hopelessly unfair and broken. CPD should not enforce the Gang Loitering Ordinance in a way that requires officers to decide whether a person is a gang member or affiliate.
* If CPD is going to attempt to enforce the Gang Loitering Ordinance, its Policies must allow people a way to **learn that CPD has designated them as a member of a gang**, and provide a **procedure to challenge that designation**. Further, there must be a deadline after which CPD will **expunge** from every CPD application and database all references to the person’s alleged gang membership and the fact that a person has been subjected to Gang Loitering Ordinance enforcement.
* As mandated by the Illinois Civil Rights Act, the policies should require CPD to determine **whether Chicago police more frequently stop, disperse, arrest, or take other actions under the Loitering Ordinances (MCC 8-4-015 and 8-4-017) against Black and Latinx people compared to white people** and analyze whether there are other law enforcement strategies that could achieve the same or better public safety outcomes while reducing the disparate impact on people of color.
  + CPD should set an express goal of reducing the disparate impact of its Loitering Ordinance enforcement on people of color, and create a plan to meaningfully reduce these well-documented and long-standing racial disparities.
  + CPD should conduct a holistic assessment of the alleged public safety benefits of enforcing the Loitering Ordinances and weigh those against the grave harms imposed on community members to determine whether CPD’s practices should be changed.
* In addition to prohibiting consideration of the number of loitering enforcement actions as part of “any bonus, incentive, or promotional process,” CPD also should **prohibit the number of enforcement actions to be considered in an officer’s performance evaluation in any way**, to avoid any incentives for officers to make more stops or dispersals. On the other hand, CPD should account for how officers treat people during loitering enforcement actions—whether officers follow tenets of procedural justice, CPD policy, and all applicable antidiscrimination laws—in evaluating officer performance and consideration of bonuses, incentives, and promotions.
* The policies must explain how CPD intends to solicit, incorporate and respond to **feedback** from the public regarding the Policies on a regular basis. The feedback mechanisms should include working groups, focus groups, trained testers, and annual community surveys.