

**Coalition Public Comment on
Special Order S03-22, *Firearm Pointing Incidents***

Submitted to CPD Portal on March 31, 2025

The Consent Decree Coalition provides the following comments on the Chicago Police Department's draft Special Order S03-22, titled "Firearm Pointing Incidents" (10 March 2025). The Coalition strongly recommends that CPD revise its Firearm Pointing Incidents policy to further limit the circumstances in which officers may point guns at people, and to categorically prohibit officers from pointing guns at children and people who are handcuffed or restrained.

CPD's Current "Reasonableness Standard" Allows Officers to Use Excessive Force

- CPD's "reasonableness standard" (*see* S03-22, Sec. II.E), which allows officers to point guns at people "when it is objectively reasonable to do so under the totality of the circumstances," fails to provide CPD members with the guidance necessary to prevent unnecessary and unreasonable uses of force.
 - Since the reasonableness standard was codified in 2019 (Department Notice D19-01), CPD officers have pointed their guns at *more* people and the trend is going in the wrong direction.
 - Between 2021 and 2023, CPD's reported firearm pointing incidents increased over 30%, from 2,562 in 2021 to 3,719 in 2023.
 - In 2023, CPD's Tactical Review and Evaluation Division (TRED) reported that officers pointed guns at people in 3,719 incidents but recovered a weapon in only 1,246 of those incidents, suggesting that officers pointed guns at approximately 2,500 *unarmed* people.
 - Media reports of a CPD officer waving her gun at a crowd of bystanders in August 2024 raise serious concerns about the effectiveness of CPD's current policy and training to ensure that officers refrain from excessive and indiscriminate firearm pointing. *See* Emmanuel Camarillo, "Police oversight agency investigates video of CPD officer pointing gun at street takeover spectators," *Chicago Sun-Times* (Aug. 6, 2024).
 - Over the past several years, and since adopting the "reasonableness standard," CPD officers have repeatedly pointed guns at children and people who are handcuffed, subdued, or otherwise compliant, including:
 - Pointing guns at 13-year-old Lazerick James and 16-year-old Jaylin Stiger during a warrantless search of their home. *See* Dave Savini, Michele Youngerman, Samah Assad, Chris Hacker, "Disorganized Cops Handcuffed Innocent Black Teens At Gunpoint Multiple Times in Bizarre 2019 Incident, New Body Camera Video Shows," *CBS News Chicago* (November 10, 2021).

- Pointing guns at a 4-year-old girl during a home raid. *See* Sam Charles, “Cops pointed guns at 4-year-old, autistic man during improper raid of Back of the Yards apartment: suit,” *Chicago Sun-Times* (June 11, 2020).
 - Pointing guns at a 4-year-old girl and her 70-year-old grandmother during a home raid. *See* Elvia Malagon, “Chicago police officers pointed guns at child, grandmother in raid on apartment: lawsuit,” *Chicago Sun-Times*, (August 27, 2020).
 - Pointing guns at Jahaira Ruiz and her three daughters, ages 17, 8, and 7, while they drove to get food during the COVID-19 pandemic. *See* Mina Bloom, “Mom, 3 Children ‘Traumatized’ After Police Point Gun at Their Car in Humboldt Park,” *Block Club Chicago* (May 8, 2020).
 - Pointing guns at 12-year-old Georgie and 3-year-old Kruzy during a home raid in Bridgeport. *See* Dave Savini, Michele Youngerman, Samah Assad, and Chris Hacker, “Chicago Police ‘Community Safety Team’ Accused Of Botched Raid After Officials Promised Reforms,” *CBS News Chicago* (May 26, 2021).
 - Holding a gun point-blank to the head of Lorenzo Williams Jr., age 32, when he was subdued and pinned to the ground. *See* Leah Hope and Maher Kawash, “Chicago police conducting internal investigation after video shows man being hit during arrest,” *ABC 7 Chicago* (August 1, 2024).
- COPA sustained complaints against officers for accidental firearm discharges in five instances in 2024; twenty-five incidents in 2023; and 14 incidents in 2022. *See* COPA 2024 Annual Report p. 24; COPA 2023 Annual Report p. 29; COPA 2022 Annual Report p. 27. These numbers show that, despite current policy, some CPD officers are likely unholstering, pointing, and handling their guns improperly and need stricter policy guidance and training.
 - According to the [Independent Monitor Team Special Report—Focus Groups with Young Black and Latino Men](#), officers disproportionately point guns at young Black and Latino men in Chicago. The IMT documented the following experiences reported by Focus Group Members:
 - “They would run up on us in front of my mom’s house with guns drawn. They knew who I was, and they used to pass by my house, lower the window and say, ‘What are you doing? You’re up to no good.’ There were some cool-ass officers, but from the 25 times, a good 17 or 18 times they had guns drawn. Once I had an officer point a rifle on me and I was just walking down the street.”
 - “For White people, it’s a use of force. But for Black people, it’s not. What’s written is always different than what happens. Pulling the gun is the first thing they do. Some people can’t help themselves, it’s hard to break a habit, so you still see them do it. Pulling the gun is the easiest way for them to cut corners. They pull their guns to put fear in people. They

think someone's going to run, they pull their guns. If they run, I'll shoot. Move your hands, I'll shoot. It's a defensive mechanism."

- In a [2022 survey](#) conducted by the Independent Monitoring Team, 11% of young Black men reported that they had had guns pointed at them by CPD officers within the past 12 months.

CPD's Policy Should Consider Gun Pointing a Use of Deadly Force

- CPD therefore must do more to discourage officers from pointing guns at people – especially unarmed people and people who are not posing a threat of safety to the officer or another person.
- Specifically, CPD's policy should be changed to only allow officers to point their guns at people in situations where deadly force would be authorized, consistent with CPD's policy titled "De-escalation, Response to Resistance, and Use of Force," General Order G03-02, Sec. IV. C ("The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.").
- For a quarter of a century, the law has established that pointing a gun at a person and threatening to pull the trigger "is a use of deadly force." *Jacobs v. City of Chicago*, 215 F. 3d 758, 774 (7th Cir. 2000).
- The Coalition's proposed rule limiting firearm pointing to circumstances where deadly force may be justified comports with the directives of other major police departments, such as Philadelphia, Baltimore, and Los Angeles.
 - Philadelphia Police Department's policy states: "[P]olice officers shall not draw their firearms unless they reasonably believe an *immediate threat for serious bodily injury or death to themselves or another person exists*." PPD Directive 10.1 at Sec. 4.A, available at <https://www.phillypolice.com/wp-content/uploads/2024/11/D10.1-REV-5-13-21-REDACTED.pdf>
 - Baltimore Police Department's policy states: "Members shall not point a firearm at a person unless they reasonably believe that the person potentially poses a *present or imminent threat of death or serious physical injury* to the member or another person." BPD Policy 409 at p. 5, available at <https://www.baltimorepolice.org/transparency/bpd-policies/409-firearms-regulations>
 - Los Angeles Police Department's policy states: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where *deadly force may be justified*." LAPD Manual, Volume 1, Policy 556.80, available at <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2023/01/VOLUME-1-word-1.pdf>

- This rule also comports with widely-employed principles of firearms safety training that a person should never point a gun unless they are authorized and prepared to shoot.

CPD's Policy Should Categorically Prohibit Pointing Guns at Children

- CPD's policy also must categorically prohibit pointing guns at children unless the child is armed and presents an imminent threat to life or bodily harm of an officer or another person.
 - *See McDonald by McDonald v. Haskins*, 966 F.2d 292, 295 (7th Cir. 1992) (holding it was “objectively unreasonable” for police to point a gun at the head of a 9-year-old child); *Brown v. City of Chicago*, 594 F.Supp.3d 1021, 1035 (N.D. Ill. 2022) (constitutional violation stated where officers pointed rifles at a two-year-old child); *Tate v. City of Chicago*, No. 19 C 7506, 2020 WL 6715660 at *4 (constitutional violation stated where officers pointed guns at an 11-week-old infant).

CPD's Policy Should Expressly Prohibit Pointing Guns at People Who Are Handcuffed

- CPD policy must expressly prohibit pointing guns at people who are handcuffed, subdued, or otherwise compliant. CPD's draft policy leaves too much discretion to officers to determine when a person is not, or is no longer, dangerous to others. Section II.E should add a note that it is never reasonable to point, or continue to point, a firearm at a person when they are in handcuffs or otherwise within the officer's control.
 - “Gun pointing when an individual presents no danger is unreasonable and violates the Fourth Amendment.” *Baird v. Renbarger*, 567 F.3d 340, 344 (7th Cir. 2009) (holding it was unconstitutional for police to round up a group of unarmed and compliant people at machine-gun point); *see also Jacobs*, 215 F.3d at 774 (holding it was unconstitutional for officers to hold a gun to the head of a person who was unarmed, not resisting, and not dangerous).

More Supervisory Review of Firearm-Pointing Incidents is Warranted

- CPD should re-think the purpose of TRED's review of firearm pointing incidents. TRED's numbers show that the number of firearm pointing incidents, and the number of “de-briefings” (corrections for problematic officer behavior) are *increasing*. TRED should ensure that its reviews are effective in changing officer behavior and reducing the number of times officers point guns at people.
- CPD should require supervisors to review video footage of firearm-pointing incidents and correct officers when they violate CPD policy.
 - The Monitor repeatedly has recommended that, to effectively supervise patrol officers as required by the Consent Decree, supervisors must review video footage of all firearm-pointing incidents and that supervisors should take on this responsibility currently shouldered by TRED. *See IMR 8, Appendix 4, at 102*. The City and CPD have not yet implemented the Monitor's recommendations.
 - CPD has begun a pilot program for supervisors to review body-worn camera and in-car video recordings of officers pointing guns at people. Department Notice

D24-06. Data from that pilot program should be shared with the Coalition and the supervisor-review requirement should be extended across the Department.

Unholstering a Gun Near a Person Should Be a Reportable Use of Force

- CPD policy and Consent Decree paragraph 195 should be changed to require officers to report a use of force if they unholster, display, or place a firearm in “low ready” position. As shown in CPD’s instructional graphic depicted below (copied from TRED’s annual reports), holding a firearm in the “low ready” position certainly will cause the community member at the receiving end to feel the fear and trauma attendant to being threatened by a firearm. Further, unholstering and drawing a weapon should be considered a use of force because “[u]nnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.” LAPD Manual, Volume 1, Policy 556.80, available at <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2023/01/VOLUME-1-word-1.pdf>; *see also* Seattle Police Department Manual, 8.300 Use of Force Tools 30, effective 9/1/24, available at <https://public.powerdms.com/Sea4550/tree/documents/2042945>.

