

## **Coalition Comments on CPD's Draft Gender Based Violence Policy**

**Submitted to CPD Portal on 5/5/2025**

The Consent Decree Community Coalition provides the following comments on CPD's draft "Gender-Based Violence Incidents" policy (G04-XXXX). This policy requires significant changes to ensure that CPD adequately defines the nature of gender-based violence; serves all survivors and victims of gender-based violence; and prioritizes all forms of gender-based violence. In addition to this comment, the Coalition plans to submit a letter to counsel for the City explaining areas in which the policy does not fully conform with Illinois state law.

- **CPD should engage with survivors and advocates against gender-based violence.**
  - To prepare this comment, the Coalition consulted with numerous community organizations that support survivors of sexual assault and domestic violence in Chicago and Illinois. None that we spoke to had been consulted by CPD before this draft policy was published and many were not even aware of this draft before we sent it to them. The Coalition's input below reflects valuable feedback provided by subject-matter experts, but we urge CPD to conduct further sustained, direct engagement on this policy with impacted individuals and advocacy organizations.
- **CPD should explicitly address the unique vulnerability of survivors of sexual and domestic violence to sexual harassment, extortion, and abuse by responding and investigating CPD officers.**
  - As noted in the IACP's Executive Guidance on Addressing Sexual Misconduct by Law Enforcement Agents, "predators select victims based on vulnerabilities and a perceived lack of credibility, and therefore, victimization is often higher among certain populations including: (1) minors; (2) individuals in prostitution and/or the commercial sex industry; (3) individuals under the influence of drugs or alcohol; (4) immigrants and undocumented persons; (5) individuals with limited English proficiency; (6) people with mental illness or developmental challenges; (7) individuals with physical disabilities; and (8) those who have been victimized previously."
  - Accordingly, the CPD policies governing responses to gender and sexual orientation-based violence should explicitly prohibit sexual commentary, harassment, ongoing social contact, dating, touching, unnecessary contact, call backs, questions or commentary on a person's anatomy, sexual practices, or relationships, promises of protection or other forms of sexual harassment, extortion, or violence involving survivors of domestic violence or sexual assault.
  - Additionally, CPD and COPA policies should require independent outreach by trained civilian investigators, accompanied by sexual assault advocates, to survivors who may be particularly vulnerable to sexual abuse by law enforcement agents. These outreach efforts must be specifically sensitive to the vulnerability of these groups to ensure that outreach efforts do not violate the survivor's privacy or agency, and do not cause the survivor to feel revictimized.

- **CPD should update its Domestic Incidents Policies in conjunction with its policy on Gender-Based Violence Incidents**
  - The proposed policy incorporates several other CPD policies, including those regarding Domestic Incidents and Sexual Assault Incidents. These policies should all be read and updated together.
    - Specifically, CPD should update its Domestic Incidents policies (G04-04-02 and S04-04), as well as its Domestic Incidents Notice Policy (G04-04-02), which were last updated in 2012.
    - While the Domestic Incident Notice itself was updated in 2023, it, too, is out of date (for example, the form references bail bond provisions despite the fact that bail bond has been abolished in Illinois).
- **The policy fails to adequately and inclusively define “gender-based violence.” The definition imported from the civil Gender Violence Act is not sufficiently broad to encompass all types of crimes that encompass gender-based violence.**
  - The definition of gender-based violence within Section II.A fails to emphasize non-physical forms of gender-based violence.
    - While the Note mentions that gender-based violence can include psychological, economic, or technological abuse or harm, relegating non-physical abuse or harm to a Note sends the message that physical and non-physical forms of abuse or harm are not equivalent types of gender-based violence.
  - Section II.A.1-3 therefore should be re-written to separately list non-physical violence, including but not limited to: psychological coercion, economic coercion (willful deprivation), intimidation, interference with personal liberty, human trafficking, stalking, cyberstalking, harassment, coerced marriage, and female genital mutilation.
  - Section II.B defining “Gender Bias” should delete the terms “objective” and “factual” because stereotypes are never entirely objective or factual—they are generalizations. Police should not make any assumptions about how all people of certain genders will behave.
- **The policy must do more to encourage officers to accept all reports of gender-based violence**
  - The Coalition heard numerous complaints about officers and detectives discouraging survivors and victims from making reports and/or telling survivors and victims that their situations did not merit further investigation. CPD’s policy must explain department members’ obligations to take all initial reports, without pre-judging whether the State’s Attorney will prosecute the case and without otherwise discouraging survivors and victims from coming forward.
  - The Coalition also heard numerous complaints about CPD officers writing in their reports biased or derogatory personal opinions regarding survivors and victims, which later undermined a prosecution. Officers should be expressly instructed to record only facts and summaries of witnesses’ statements in their interview reports, and not to include speculation or personal judgments about the witnesses’ behavior, characters, or motivations.

- In particular, the policy should instruct that a victim/survivor’s criminal history, current status on probation or parole, or outstanding warrants are not, by themselves, reasons to refuse to accept a report or to refuse to credit the victim/survivor’s report.
  - The policy should state expressly that a department member shall not fail to respond to a call for service or complaint on the basis of the gender identity, gender expression, and/or sexual orientation of the caller or complainant.
  - The policy should state expressly that a department member shall not fail to respond to an individual, fail to investigate crimes, or fail to take requests or complaints seriously on the basis of someone’s actual or perceived sexual orientation, gender identity or expression, including calls to report cases of domestic, sexual, homophobic or transphobic violence.
- **The policy must more clearly explain how (and how not) to identify the aggressor in a domestic violence situation.**
  - Section III.K of this policy draft should be revised to explain how officers should identify the predominant aggressor during incidents of gender-based violence. CPD should rely on feedback from community organizations that are subject matter experts on this issue.
  - The policy should state expressly that, when responding to calls for service relating to domestic violence, assault, harassment or other concerns, members shall not make assumptions about which individual(s) may be victims and/or suspects based on their race, ethnicity, national origin, religion, gender identity, gender expression, sexual orientation, disability, immigration status, housing status, or other protected characteristics.
- **The policy must do more to ensure timely communication with survivors and victims**
  - CPD should set specific rules for the number of days within which officers and detectives will return calls from survivors and victims and their advocates.
  - CPD should set specific rules enabling detectives to accommodate scheduling requests from survivors and victims so that survivors and victims may attend interviews in accordance with the demands of work, school or childcare.
  - CPD should instruct officers/detectives that they should communicate with a victim/survivor’s chosen representative, including an attorney, DV or SA advocate, family member, or guardian.
- **The policy should be revised to include a section on CPD’s implementation of Karina’s Law (House Bill 4144) to best serve survivors and victims**
  - Karina’s Law, which goes into effect in May 2025, permits courts to issue warrants to law enforcement agencies to confiscate firearms from someone whose FOID card has been revoked by the court due to a restraining order. This policy should explain how CPD will implement Karina’s Law, including how department members will notify victims/survivors of their rights under this law.

- **The policy should be revised to include information on the various types of protective orders and their enforcement**
  - The policy should include a detailed explanation of the various types of protective orders, including:
    - Domestic Violence Order of Protection
    - Sexual Assault Civil No Contact Order
    - Stalking No Contact Order
    - Firearms Restraining Orders
  - Survivors and advocates have noted significant confusion from department members that leads to lack of protective order enforcement (for example, refusal to enforce protective orders issued in connection with a criminal case because they do not contain expiration dates).
  - Additionally, officers wrongly threaten to arrest the beneficiaries of domestic violence orders of protection for “allowing” their abusers to return—despite the fact that these orders cannot be enforced in this way against the beneficiary and despite CPD’s policy strongly discouraging mutual arrest in domestic violence situations.
  - These circumstances indicate that CPD’s policies and training must clearly explain how to enforce protective orders, when, and against whom.
- **The policy should remind Department members not to ask survivors and victims about their citizenship status**
  - Section IV should reference CPD’s policy titled “Responding to Incidents Involving Citizenship Status” (S06-14-03), which prohibits department members from requesting, maintaining, or sharing the citizenship or immigration status of any person unless such disclosure has been otherwise authorized.
  - Officers should know that some survivors and victims experience abuse in the form of threats to call immigration authorities and/or have the victim deported.
- **The policy should be revised to incorporate CPD’s TIGN policy.**
  - Section IV should cross-reference CPD’s policy titled “Interactions with Transgender, Intersex, and Gender Nonconforming (TIGN) Individuals” to remind officers that survivors and victims may be transgender, gender non-conforming, and intersex. In such instances, officers should follow the terms of the TGIN policy to comply with the GBV policy’s goal of establishing procedures and responsibilities for gender-based violence responses.
- **Section IV of the policy should be revised to more specifically instruct department members what NOT to say to victims and survivors.** For example, department members should not:
  - Tell victims and survivors that reporting gender-based violence is a waste of time because they will just get back together with their abuser.
  - Tell victims and survivors that they invited or encouraged gender-based violence due to their dress, appearance, behavior, or consumption of alcohol or drugs.
  - Threaten victims and survivors with actions that would erode their interest in reporting gender-based violence, e.g. threatening to call DCFS and have a survivor’s children taken away unless the survivor cooperates with police; or

discouraging a victim or survivor from reporting their abuser because their abuser may be undocumented and could be deported.

- **The policy should be revised to require that survivors and victims are provided the means to effectively communicate with CPD**
  - Section IV.A.2 should reference CPD’s policy on interactions with people with Limited English Proficiency. The Coalition heard numerous complaints from advocates that in their recent interactions with CPD, their efforts to make reports and provide interviews were significantly hampered by language barriers.
    - Section IV.A.2 should be modified to add a bullet with the following language: 4) using LanguageLine InSight to communicate with survivors and victims of Limited English Proficiency.
  - Section IV.A.2 needs to be clearer that reasonable accommodations must be available for victims with disabilities and senior citizens – for instance, providing the option of making a police report by phone for someone with limited mobility.
- **Section IV.B should be modified to direct detectives to respond to all forms of gender-based violence**
  - Section IV.B concerns the responsibilities of responding detectives for all gender-based violence incidents, but places great emphasis on sexual assault investigations (as evidenced by the IV.B. Note). While this section is important, it does not adequately direct detectives concerning non-sexual related incidents. This section should be modified to ensure that it is applicable to several types of gender-based violence, such as domestic violence.
- **The policy should be revised to ensure that the reporting process is safer for survivors and victims**
  - Section IV.B.2 should require both detectives and desk officers to secure a private location when accepting intakes and conducting interviews of survivors and victims. The policy should delete the phrase “if possible.”
  - Section IV.B.2 should require CPD to provide an officer or detective of a preferred gender or gender-identity to accept a report or conduct an interview when the victim so requests.
  - This section also must be revised to recognize that state law mandates that detectives accommodate a sexual assault victim’s request for a person, advocate, or attorney to be present in the interview.
- **The policy should be revised to clarify the role of the Office of Victim Services**
  - Section IV.E should require OVS personnel to advise survivors and victims that their communications with OVS are not private, privileged or confidential, and that OVS can and will disclose their conversations to law enforcement.
  - Section IV.E should also be revised to add a section that encourages officers to connect survivors and victims with survivor-led organizations focused on outreach and prevention of gender-based violence.
- **The policy should be explain how detectives and other department members interact with the Felony Review Unit**

- Survivors and victims have experienced CPD members refusing to take reports because they believe that the State’s Attorney’s Felony Review Unit will not prosecute the matter, without even consulting with the Assistant State’s Attorney.
- This policy, along with CPD’s policy titled “Felony Review by Cook County State’s Attorney” (SO6-03), should explain how officers and supervisors can best work with the State’s Attorney, including any required notifications, procedures, and responsibilities and ways to best present a case of gender-based violence so that the State’s Attorney’s Office can accept it.
- **The policy should be revised to require CPD to collect and report data on gender-based violence incidents**
  - The policy should be revised to add a section regarding data collection. Important data that CPD should collect includes:
    - Demographics (race, sex, gender identity, age, and neighborhood/police district) of those who report gender-based violence
    - The total number of reports and categories of gender-based violence incidents by demographics and locations
    - Outcomes of cases of gender-based violence, such as cases closed without investigation, cases closed after investigation, cases resulting in arrest, and whether misdemeanor or felony charges were brought
    - Data on the efficacy of CPD’s Office of Victim Services, such as the number of requests for services, the number and types of services provided, and the frequency that services are declined or that individuals are lost to follow-up.
  - All such information should be de-identified and reported publicly in the aggregate.