



July 31, 2019

VIA U.S. MAIL AND ELECTRONIC SUBMISSION

Eddie Johnson
Superintendent
Chicago Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

Re: Comments on the Chicago Police Department's Draft Notice on Firearm Pointing Incidents

Dear Superintendent Johnson:

These comments address the Chicago Police Department's draft Department Notice D19-01 regarding Firearm Pointing Incidents. I write on behalf of my clients, Communities United, Community Renewal Society, ONE Northside, Next Steps, and the ACLU of Illinois to provide this feedback pursuant to the paragraphs in the consent decree that provide for community input on polices.

Our primary concern is that the draft notice does not meet the requirements laid out in the plain language of the consent decree. The decree went through months of public comment and a full fairness hearing. The department has re-written a provision that was hotly contested in the formation of the decree without a public explanation. The policy should be revised to reflect the consent decree. If not, CPD must provide a public explanation for its failure to meet the requirements of the decree, so that the public may assess its justifications. There are two ways that the notice fails to meet the requirements.

First, the notice deviates from the requirements of Paragraphs 192 of the consent decree, which states that the designated unit "routinely review and audit documentation and information collected from ... occurrences in which a CPD officer pointed a firearm at a person." This review includes an assessment of whether there are patterns in the incidents, and, if necessary, to assess them. This assessment is to be completed within 30 days of the incident. In contrast, the draft notice requires patterns to be reviewed on an *annual* basis.

The draft notice also varies from Paragraph 195 of the consent decree. That paragraph exempts officers from notifying the Office of Emergency Management and Communications when they unholster or display a firearm or have a firearm in a "low ready" position. Yet, the draft notice changes this language to exempt situations where an officer has a firearm in a "ready" position, which includes "low ready" and other positions. This language is unclear and conflicts with the

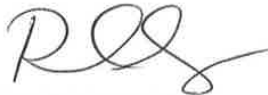
language of the decree. Again, CPD must amend the notice or explain why it has chosen to deviate from the consent decree.

Finally, the consent decree is a floor, not a ceiling, and the Chicago Police Department has an opportunity limit the trauma and harm caused by pointing firearms at people by restricting the practice. The draft policy's current standard is insufficient. We suggest the following language:

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. Officers are reminded of CPD's commitment to the sanctity of human life and the use of de-escalation techniques.

Our clients would like a response to our above comments and an explanation of how all public comments will be incorporated. We look forward to receiving such a reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'RM', with a long, sweeping horizontal stroke extending to the right.

Rachel Murphy
Staff Attorney
ACLU of Illinois

cc:

Shareese Pryor, Chief, Civil Rights Bureau, Illinois Office of the Attorney General (*via email*)
Maggie Hickey, Independent Monitor, Chicago Police Department Consent Decree (*via email*)