



COMMUNITY  
RENEWAL  
SOCIETY



September 25, 2019

**Via Email**

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Re: Community Feedback on Draft CPD Policies

Dear Ms. Dixon and Ms. Anderson:

During our August 13, 2019 meeting, you presented drafts of the Chicago Police Department's policies on Human Rights and Human Resources (G02-01), Prohibition Regarding Racial Profiling and Other Bias Based Policing (G02-04), and Use of Social Media Outlets (G09-01-06), and asked our clients to review and provide feedback. In consultation with our clients and their leaders, we have revised the policies to better protect the rights of all individuals and to conform to the language of the Consent Decree in *Illinois v. Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019). See Appendices A-C.

Thank you for seeking their input on these important policies; it is a crucial first step in ensuring that the Department's reforms reflect the community's perspectives. Please feel free to contact me if you have any questions about these revisions.

Sincerely,

A handwritten signature in black ink, appearing to read "RM", written over a white background.

Rachel Murphy  
Staff Attorney  
ACLU of Illinois

## Appendix A

### **Edits to General Order G02-01: Human Rights and Human Resources**

- **Section III.A. – Add language to be consistent with ¶ 59:**<sup>1</sup> The Chicago Police Department is committed to observing, upholding, and enforcing all laws relating to individual rights. Department members will respect and protect each person’s human rights and comply with all laws relating to human rights. Department members will immediately report to a supervisor all incidents where they observe other department members who have engaged in misconduct, including discrimination, profiling, or other bias-based policing.
  - Alternatively, this language can be added add the end of Section III.C.: The Chicago Police Department will not tolerate abuse of law enforcement authority. While the Department does recognize the concept of discretion, that discretion must be reasonable, defensible, and may not be for an improper purpose.
- **Section III.B. – Add language to be consistent with ¶ 50:** In addition to respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity inherently due every person as a human being without respect to stereotype based on race, color, ethnicity, religion, homeless status, national origin, immigration status, gender identity or expression, sexual orientation, socio-economic class, age, disability, incarceration status, or criminal history. ...
- **Section III.D. – Add language to be consistent with ¶¶ 55 and 56:** *Members will interact with all members of the public in an unbiased, fair, and respectful manner.* Members are prohibited from using race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, immigration status, homeless status, marital status, parental status, military discharge status, financial status, or lawful source of income when making routine or spontaneous law enforcement decisions, except when such information is part of a specific subject description. Department Members are also prohibited from using substitutes or stereotypes for the demographic categories listed above, such as manner of dress, mode of transportation, or language ability, are also prohibited when making routine or spontaneous law enforcement decisions, except when such information is part of a specific subject description.
- **Section III.E. – Add and revise language to be consistent with ¶ 53:** Members will not exhibit any Racial Profiling or Other Bias Based Policing, *or discriminate* against an individual or group because of race, ethnicity, color, national origin, ancestry, religion, disability, age, gender, gender identity, sexual orientation, marital status, parental status, military ~~discharge~~ status, financial status, *immigration status, homeless status,* ~~or lawful~~ source of income, credit history, criminal record, or criminal history. ...
- **Section VI. (Limited English Proficiency Policy)**
  - **Move this section to be included under Section III. (Policy).**
  - **Add language to be consistent with ¶¶ 64, 69:**

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<sup>1</sup> All references to paragraph numbers refer to the *Illinois v. Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019), Consent Decree.

- A. The Chicago Police Department will provide professional and courteous police service to all persons equally and without prejudice and will take reasonable steps to provide *timely and meaningful access to police services* for all individuals encountered regardless of their ability to speak, read, write, or understand English. As much as possible, the Department will utilize and provide to the public plain language forms and other documents that are clear and easy to understand.
- B. Individuals with Limited English Proficiency (LEP) requiring a Department/police service will be provided interpretation services by the Department free of charge to ensure proper communication exists throughout the duration of the incident, including for the provision of Miranda warnings. This includes the use of Certified Deaf Interpreters, interpreters fluent in other signed languages, assistive listening devices, captioning, or other written communication for individuals who are deaf but may not communicate using American Sign Language. Other individuals—for example, those who are on the Autism spectrum or who have a speech impairment—may also require written communication or other modes of communication. Department members will take reasonable steps to provide access to effective communication and minimize barriers to communication for all individuals.
- **Glossary Term 1. Racial Profiling or Other Bias Based Policing – Add language to be consistent with ¶¶ 53, 55, and 56:** In making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, Chicago Police Department officers may not use race, ethnicity, color, national origin, ancestry, religion, disability, age, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, immigration status, homeless status, or lawful source of income, credit history, criminal record, or criminal history to any degree, except that officers may rely on the characteristics in a specific suspect description.
- **Glossary Term 3. Interpretation – Add language to include interpretation for deaf or hard of hearing individuals:** The act of listening to or reading a communication in one language, including a signed language, and orally converting translating it to another language, including another signed language, while retaining the same meaning.
- **Glossary Term 4. Disability – Add new glossary term to acknowledge the various communication and interaction barriers that may arise on the basis of disability and be consistent with ¶¶ 68-69:** A physical or mental impairment that substantially limits one or major life activities; a record of such an impairment; or being regarded as having such an impairment. Individuals with disabilities may require different approaches to interaction and communication, and Department members must provide reasonable accommodations to facilitate safe encounters. For example, members should recognize when a person’s disability is preventing them from complying with an order and attempt to communicate through other means.

## Appendix B

### **Edits to General Order G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing**

- **Section II.C. – Add language to be consistent with ¶¶ 50, 54:** In addition to respect for those human rights prescribed by law, Department members will provide police services to all members of the public without bias and will treat all persons with the courtesy and dignity which is inherently due every person as a human being, without reference to stereotype based on race, color, ethnicity, religion, homeless status, national origin, immigration status, gender identity or expression, sexual orientation, socio-economic class, age, disability, incarceration status, or criminal history. Department members will act, speak, and conduct themselves in an unbiased, fair, and respectful professional manner and maintain a courteous attitude in all contacts with the public. Department members are prohibited from using language or taking action intended to denigrate an individual, including use racist or derogatory language.
- **Section III.A. – Add language to be consistent with ¶ 53:** Members of the Chicago Police Department are expressly prohibited from engaging in “racial profiling or bias biased policing” or discrimination on the basis of any protected class under federal, state, and local law, including race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal record, or criminal history. Members are also expressly prohibited from engaging in retaliation consistent with Section 6-101 of the Illinois Human Rights Act (eff. Jan. 1, 2015) and Section 2-160-100 of the Municipal Code of Chicago (amended Oct. 11, 2017).
- **Section III.B. – Add language to be consistent with ¶ 56:** Members making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, *immigration status, homeless status*, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description. Department members are also prohibited from using substitutes or stereotypes for the demographic categories listed above, such as manner of dress, mode of transportation, or language ability, when making routine or spontaneous law enforcement decisions, except when such information is part of a specific subject description.
- **Section V.A. – Add language to be consistent with ¶ 72:** The Deputy Chief, Education and Training Division will ensure that the policies and procedures established under this directive are fully incorporated into:
  - The basic recruit training curriculum; and
  - All in-service training regarding courtesy and demeanor, determining reasonable suspicion, establishing probable cause for arrest, the rights of the accused, search and seizure, use of force, weapons training, and related courses.
- **Section VI.A. – Add language to be consistent with ¶ 52:** A documented administrative review of the policies, ~~and~~ procedures, and training established under this

directive will be conducted annually by the Bureau of Internal Affairs, and will include outreach to and input from members of the community and community-based organization with relevant knowledge and experience.

- **Glossary Term 1. Racial Profiling or Other Bias Based Policing – Add language to be consistent with ¶ 56 (same as Section III.B.):** In making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, Chicago Police Department officers may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, *immigration status*, *homeless status*, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description. Department members are also prohibited from using substitutes or stereotypes for the demographic categories listed above, such as manner of dress, mode of transportation, or language ability, when making routine or spontaneous law enforcement decisions, except when such information is part of a specific subject description.

## Appendix C

### Edits to General Order G09-01-06: Use of Social Media Outlets

- **Section III. – Add language to acknowledge community members’ First Amendment rights, not just officers’ rights:** Social media outlets, when used in a proper manner, can reinforce the Department’s relationship with the public, build community support, and assist in solving crime. Department members have a constitutional right to express their views under the First Amendment. However, Department members may be subject to discipline for violating the provisions of this directive. Any social media participation made pursuant to a Department member’s official duties is not considered protected speech under the First Amendment. Members of the public also have constitutional rights to express their views under the First Amendment. Any investigations that involve accessing the social media account of a member of the public must be appropriately justified and documented, as outlined in this directive and other Department policies regarding the First Amendment.
- **Section IV.B – Add language to better protect community members’ First and Fourth Amendment rights and require documentation of any access to social media:**  
*Department members utilizing a social media outlet as an investigative tool will:*
  - *use only Department electronic equipment throughout the investigation.*
  - *conduct an investigation only while on duty.*
  - *follow the guidelines set forth in the Rules and Regulations of the Chicago Police Department and the Department directives including, but not limited to, “Use of the Internet”, ~~and~~ “Department-Issued Electronic Communication Devices,” and “Investigations Directed at First Amendment-Related Information.”*
  - *only use publicly available open source material.*
  - only conduct an investigation when reasonable articulable suspicion of criminal activity exists.
  - document the use of social media as an investigative tool, including the required justification for the access of social media.
- **Section IV.C – Add language to better protect community members’ First and Fourth Amendment rights and require documentation of any access to social media:**  
*Department members utilizing a social media outlet as an investigative tool will not:*
  - *use their personal social media account or personal account information to access the social media content.*
  - *use another individual’s personal account without his/her consent, ~~and~~ the approval of their Bureau Chief, and probable cause approved by the General Counsel. Such use must also be documented through [an appropriate form].*
  - *actively participate in any discussion or contact with a suspect using alias account information without the authorization of the Chief, Bureau of Organized Crime, or designee and probable cause approved by the General Counsel. Such use must also be documented through [an appropriate form].*

*NOTE: Prior authorization to access information on publicly available internet sources is not required, but reasonable articulable suspicion of criminal activity must exist. Such use must also be documented, including the justification for accessing the information.*

- *create an alias account or identity without the authorization of the Chief, Bureau of Organized Crime or their designee and probable cause approved by the General Counsel. Such use must also be documented through [an appropriate form].*
- use any specialized technology or software that enables the broad search, monitoring, collection, or analysis of open source social media content. Examples of such specialized technology or software include, but are not limited to, PATHAR Dunami, Geofeedia, and Dataminr.