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Dear Tyeesha, Allan, Maggie, and Chris:

We write this letter on behalf of the Coalition to provide written comments about the Chicago Police Department (“CPD”) foot pursuit policy, General Order G03-07. The City of Chicago refused to permit the Coalition the opportunity to engage in the development of this policy. The Coalition nevertheless met with the City in a “Deliberative Dialogue” on June 24, 2021. In that meeting, the Coalition explained that the policy promotes unnecessary and dangerous police foot pursuits even though it is well documented that foot pursuits contribute to longstanding patterns of excessive force, which the Consent Decree was designed to address.

The Coalition submits this letter to convey our serious concerns about the policy’s inadequacies and to request amendments. We urge the City to make the changes described below and in the Coalition’s Deliberative Dialogue with CPD. Without these changes, CPD foot pursuits will continue to harm and kill people, particularly Black and brown Chicagoans, in violation of Consent Decree principles.

- 1) **The CPD foot pursuit policy fails to underscore that police foot pursuits pose a significant and inherent risk of danger and death to people being chased, members of the public, and police officers.**

An officer’s decision to engage in a foot pursuit creates circumstances that, by virtue of the pursuit itself, are unpredictable and fast moving and give the armed officer rushes of adrenaline. The decision to chase on foot therefore creates a situation in which the CPD use-of-

force protocol, which requires continual assessment of a situation in order to avoid force, is virtually impossible to follow. Police foot pursuits thus carry significant, inherent risks of danger and death to people being chased, members of the public, and officers. Notably, the most recent report of the Independent Monitoring Team concluded that the percentage of Chicago police foot pursuits involving deadly force *more than doubled* during the period of March to September 2020, as compared to the previous reporting period.¹

Yet Section II.C of CPD’s foot pursuit policy states only that police foot pursuits carry an “inherent risk to Department members, members of the public, and fleeing subjects” without ever defining the nature or magnitude of the risk involved. Other sections of the policy—Sections II.F, III.B, VI.B.5.a, VI.C.1, and the notes in Sections III.C.1 and III.C.4—also vaguely refer to the “inherent risk” of foot pursuits without ever explaining the risk or specifying the nature or magnitude of the risk.

Nowhere does CPD’s foot pursuit policy acknowledge that foot pursuits are “dangerous.” Nor does the policy recognize that the “inherent risk” posed by foot pursuits concerns a significant risk that the person being chased, bystanders, and officers may be killed or suffer serious bodily and psychological harm. By contrast, the foot pursuit policies of Austin,² Columbia (Missouri),³ Los Angeles,⁴ New Orleans,⁵ Philadelphia,⁶ and Portland⁷ all emphasize that “foot pursuits are inherently dangerous.”⁸

The policy must be amended to explicitly state throughout, including in each of the aforementioned provisions, that foot pursuits carry a “significant and inherent risk of danger and death to officers, people being pursued, and members of the public.” Without this explicit, cautionary language, the policy fails to convey to police officers the significant, harmful impact of foot pursuits and the resulting unjustified risk of harm to Chicagoans and police officers.

¹ See Indep. Monitoring Report 3 at 275, *Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Mar. 30, 2021), <http://chicagopoliceconsentdecree.org/wp-content/uploads/2021/03/IMR3-Report-Final.pdf> [hereinafter “Third Monitoring Report”].

² Austin Police Department Foot Pursuit Policy General Order 215 § Section 215.1 (Feb. 6, 2020), https://www.austintexas.gov/sites/default/files/files/Police/General_Orders.pdf [hereinafter “Austin Foot Pursuit Policy”].

³ Columbia Police Department Foot Pursuit Policy, Policy No. 458 § 458.1 [https://www.valorforblue.org/Documents/Clearinghouse/Columbia MO Police Department Foot Pursuit Policy.pdf](https://www.valorforblue.org/Documents/Clearinghouse/Columbia%20MO%20Police%20Department%20Foot%20Pursuit%20Policy.pdf) [hereinafter “Columbia Foot Pursuit Policy”].

⁴ Los Angeles County Sheriff’s Department Foot Pursuit Policy, Policy No. 5-09/220.5, at 1 <http://pars.lasd.org/Viewer/Manuals/10008/Content/12397> [hereinafter “Los Angeles Foot Pursuit Policy”].

⁵ New Orleans Police Department Foot Pursuit Policy, Chapter 41.4 at 1 (Dec. 6, 2015), [https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-41-4-Foot-Pursuits-\(1\).pdf/](https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-41-4-Foot-Pursuits-(1).pdf/) [hereinafter “New Orleans Foot Pursuit Policy”].

⁶ Philadelphia Police Department Foot Pursuit Policy, Directive 4.10 at § 1.B (Feb. 21, 2013), [https://www.valorforblue.org/Documents/Clearinghouse/Philadelphia%20Police%20Department Foot%20Pursuit%20Policy_D4.10.pdf](https://www.valorforblue.org/Documents/Clearinghouse/Philadelphia%20Police%20Department%20Foot%20Pursuit%20Policy_D4.10.pdf) [hereinafter “Philadelphia Foot Pursuit Policy”].

⁷ Portland Police Bureau Foot Pursuit Policy, Directive 0630.15, at 1 <https://www.portlandoregon.gov/police/article/526060> [hereinafter “Portland Foot Pursuit Policy”].

⁸ See Austin Foot Pursuit Policy § 215.1 at 1, *supra* note 2 (“Foot pursuits are inherently dangerous and require common sense, sound tactics, and heightened officer safety awareness.”); see also Portland Foot Pursuit Policy at 1, *supra* note 7 (“Foot pursuits are inherently dangerous police action.”).

- 2) **The policy fails to make clear that catching a person is rarely more important than making sure that the person, members of the public, and police officers are all safe.**

CPD’s foot pursuit policy does not acknowledge that apprehending a person is *rarely* more important than ensuring the safety of that person, members of the public, and officers involved in a foot pursuit. By contrast, foot pursuit policies for police departments in Austin, Santa Monica, Baltimore, Columbia, and Pasadena explicitly state that the benefits of a foot pursuit “rarely” exceed the risk of harm.⁹

The policy must be amended to explicitly state that catching a person is rarely more important than making sure that the person, the public, and the police are ALL safe. Without this explicit, cautionary language requiring the officer to weigh the need against the significant known risks, the policy insufficiently restricts foot pursuits, and will lead to foot pursuits that pose an unjustified risk of danger and death.

- 3) **The policy uses the word “subject” to refer to people being chased on foot by police, which undermines the message that foot pursuits pose a significant and inherent risk of danger and death to human beings.**

The policy repeatedly refers to people being chased on foot by police as “subjects.”¹⁰ The repeated use of the word “subject” is dehumanizing and undercuts the reality that foot pursuits threaten the lives and safety of human beings, including the person being pursued on foot by police.

All references to “subject” in the CPD foot pursuit policy should be changed to “person being pursued,” “person being chased,” “person walking or running away” or an equivalent phrase that centers the personhood of the individual targeted by a foot pursuit. In meetings with the Use of Force Working Group, CPD agreed to make similar changes to the Department’s Use of Force policies.

⁹ Austin Foot Pursuit Policy § 215.1.1, *supra* note 2 (“Officers must be mindful that immediate apprehension of a subject is rarely more important than the safety of the public and Department personnel.”); Santa Monica Police Department Foot Pursuit Policy, Policy No. 428 § 428.2 <https://www.santamonicapd.org/uploadedFiles/Police/Policies/Policy%20-%20Foot%20Pursuits.pdf> (“Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department members.”) [hereinafter Santa Monica Foot Pursuit Policy]; Baltimore Police Department Foot Pursuit Policy, Policy No. 1505, at 2 (Oct. 12, 2020), <https://public.powerdms.com/BALTIMOREMD/documents/419271> (“Members must be mindful that immediate apprehension of a suspect is rarely more important than the safety of other members of the public and BPD members.”) [hereinafter “Baltimore Foot Pursuit Policy”]; Columbia Foot Pursuit Policy § 458.1.1, *supra* note 3 (“Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.”); Pasadena Police Department Foot Pursuit Policy, Policy No. 458 § 458.2, <https://ww5.cityofpasadena.net/wp-content/uploads/sites/57/2017/02/Policy-458-Foot-Pursuit-Policy.pdf> (“Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.”) [hereinafter “Pasadena Foot Pursuit Policy”].

¹⁰ See Chicago Police Department Foot Pursuits, General Order G03-07 §§ I.A, I.B, II.B, II.C, II.E, II.F, II.G, II.I, III.A, III.B, III.C, IV.B, IV.C, V.A, VI.B, VI.C, VI.E, VI.F, VII.B, VII.C (June 11, 2021), <https://home.chicagopolice.org/reform/policy-review/> [hereinafter “CPD Foot Pursuit Policy”].

4) **The policy wrongfully promotes foot pursuits of people suspected only of minor offenses that do not threaten safety, and even the far too minimal restriction on police foot pursuits for offenses less than a Class A misdemeanor has gaping exceptions.**

Section IV.B of CPD’s policy allows a foot pursuit even when the officer only has “reasonable articulable suspicion” of criminal activity, which is *less* than the probable cause necessary for an arrest. Given the substantial risk of harm—and long history of foot pursuits leading to harm and death in Chicago—foot pursuits should *never* be used in situations where an arrest is not permitted.

Making matters worse, the policy promotes dangerous and unjustified foot pursuits because it explicitly permits foot pursuits for all Class A misdemeanors, which include minor offenses that do not threaten public safety: sale of liquor to a minor,¹¹ possession of alcohol by a minor,¹² prostitution,¹³ obscenity,¹⁴ public indecency,¹⁵ adultery,¹⁶ theft,¹⁷ criminal trespass,¹⁸ gambling,¹⁹ and possession of drug paraphernalia.²⁰ The mere presence of reasonable articulable suspicion to believe that a person engaged in any of these violations (or even probable cause) does not justify the significant and inherent risk of danger and death posed by a police foot pursuit.

Furthermore, although Section II.D of CPD’s policy purports to “prohibit[] . . . foot pursuits for offenses less than a Class A misdemeanor,” this is simply untrue. The policy permits foot pursuits when the targeted person is suspected only of a legal violation *less than* a Class A misdemeanor and the officer perceives the person to pose an “obvious threat to the community or any person.” General Order G03-07, § V.A.2.a.

This exception is vague and unworkable. There is no situation in which a person poses an “obvious threat to the community or any person,” yet an officer has *only* reasonable articulable suspicion that a person is involved in a Class B misdemeanor (e.g., littering, telephone harassment), Class C misdemeanor (e.g., assault, disorderly conduct), business license violation, parking violation, or ordinance violation. If a person actually poses an “obvious threat to the community or any person,” there would be a basis to arrest them for a more serious offense, such as a felony involving the use or threat of physical force or violence against another person. Additionally, the word “obvious” is undefined, vague and not tied to any legal standard that an officer can easily implement in the moment. Section V.A.2.a’s exception for “obvious threats to

¹¹ 235 ILCS 5/6-16.

¹² 235 ILCS 5/6-20(a).

¹³ 720 ILCS 5/11-14.

¹⁴ 720 ILCS 5/11-20.

¹⁵ 720 ILCS 5/11-30.

¹⁶ 720 ILCS 5/11-35.

¹⁷ 720 ILCS 5/16-1.

¹⁸ 720 ILCS 5/19-4 (“Criminal trespass to a residence”); 720 ILCS 5/21-2 (“Criminal trespass to a vehicle”); 720 ILCS 5/21-5 (“Criminal trespass to State supported land”); 720 ILCS 5/21-7 (“Criminal trespass to restricted areas and restricted landing areas at airports; aggravated criminal trespass to restricted areas and restricted landing areas at airports”).

¹⁹ 720 ILCS 5/28-1.

²⁰ 720 ILCS 600/3.5.

the community or any person” thus entirely undermines Section II.D’s purported restriction on foot pursuits for minor legal violations.

For these reasons, the policy’s use of the “reasonable articulable suspicion” standard must be changed to “probable cause.” Furthermore, the policy must be amended to prohibit foot pursuits when an officer seeks to pursue a person solely for a minor offense of *any* designation—regardless of whether the offense is labeled a Class A misdemeanor or something lower. Finally, Section V.A.2.a’s exception to the restriction on foot pursuits for certain minor offenses when an officer believes a person poses an “obvious threat to the community or any person” must be stricken from the policy.

5) **The CPD foot pursuit policy improperly promotes foot pursuits of people in mental and behavioral health crisis, including people with disabilities.**

Police foot pursuits are an inappropriate, unnecessary, and dangerous response to situations in which people are suffering from behavioral or mental health crisis. Yet CPD’s foot pursuit policy promotes foot pursuits in precisely these circumstances, even when only a minor offense is at issue.

Section V.A.2.b of the policy explicitly permits a foot pursuit when the officer believes a person has an “obvious medical or mental health issue[] that pose[s] a risk to their own safety” and has only reasonable articulable suspicion of a Class B or C misdemeanor, business license offense, parking violation, or ordinance violation. General Order G03-07, § V.A.2.b. Under this provision, an officer can chase a person on foot when the officer merely has reasonable articulable suspicion that the person is *littering*,²¹ believes that the person has an “obvious medical or mental health issue that poses a risk to their own safety,” and thinks that the benefit of immediate apprehension outweighs any risks. This exception to the restriction on foot pursuits for certain minor offenses stands in stark contrast to Section II.A.1, which provides that “[a]pprehending a person for their well-being (e.g., suffering from dementia or an endangered missing person) **is not** considered a foot pursuit.” (Emphasis in original.) Other tactics and responsive interventions are available, far more appropriate, and safe for both the officer and the person.

Section V.A.2.b thus *encourages* officers to pursue on foot people with mental and behavioral health issues, even though the significant, inherent danger of a foot pursuit increases the risk of harm to these people, many of whom have disabilities. This is *not* an appropriate use of foot pursuits, which are known to escalate situations, create a significant risk of harm, and foster fear, panic, and unpredictable behavioral responses from people in crisis. Section V.A.2.b is thus contrary to the principles of de-escalation in the Consent Decree and other CPD policies.

Moreover, the intent behind Section V.A.2.b’s extremely broad exception on the policy’s purported restriction on foot pursuits for certain minor offenses is unclear to us, but the dangerous impact that will result is certain—people with mental disabilities will continue to be harmed by police violence that results all too often from police foot pursuits. By targeting people with mental illness who are merely suspected of minor offenses—people who would *not*

²¹ See 415 ILCS 105/8 (identifying littering as a Class B misdemeanor).

otherwise be subjected to this dangerous tactic but for their disability—this policy allows for discrimination on the basis of disability.

For these reasons, Section V.A.2.a’s exception to the restriction on foot pursuits for certain minor offenses when an officer believes a person has an “obvious medical or mental health issue[] that pose[s] a risk to their own safety” must be stricken from the policy.

- 6) **The policy fails to provide specific and clear guidance on when foot pursuits are prohibited and when they are allowed, which is acutely needed to end CPD’s longstanding overuse of foot pursuits contributing to patterns of excessive force against Black and brown Chicagoans.**

CPD’s foot pursuit policy merely identifies certain things an officer “may” or “should consider” before engaging in a foot pursuit.²² The policy allows each officer to decide when “it is objectively reasonable” to chase a person on foot based on the “totality of circumstances.”²³ It then purports to restrict foot pursuits when the suspected offense is less than a Class A misdemeanor, but leaves gaping exceptions to even this purported restriction, as discussed in detail above. *See supra* at page 3–4 (point #4).

This scheme is far too permissive and is unworkable, particularly in light of the well documented history of Chicago police foot pursuits that endanger and kill Black and brown people in Chicago. The policy places too much discretion in the hands of individual officers. In doing so, it entirely fails to provide clear and easy-to-understand guidance on when the desire to catch a person does not justify the significant and inherent risk of danger and death involved in a foot pursuit. Without that clarity, the policy will utterly fail to change police practice in Chicago, where the overuse of foot pursuits has led to longstanding patterns of police excessive force.

First, the policy must explicitly prohibit foot pursuits in the following circumstances, unless there is an imminent threat of death or serious bodily harm to another person:

- (a) when the pursuing officer is alone;**
- (b) when one officer would have to pursue multiple people;²⁴**
- (b) when officers pursue multiple people, but do not reasonably believe they can control them;²⁵**

²² *See* CPD Foot Pursuit Policy § VI.E, *supra* note 10 (“Department members may determine” that the most appropriate approach to catch a person is to “contain” then or “employ reasonable alternatives to apprehend” them later on); *id.* § III.C (“Department members should consider alternatives to engaging in a foot pursuit in circumstances that create a heightened risk for Department members, members of the public and the subject”).

²³ *See id.* § IV.A (“Department member’s decision to engage in a foot pursuit will be based on whether it is objectively reasonable to do so considering the totality of the circumstances faced by a member on the scene.”).

²⁴ Dallas Police Department Foot Pursuit Policy, General Order 311.00 § 311.05.A (Aug. 21, 2020), <https://dallaspolice.net/resources/Shared%20Documents/General-Orders.pdf> (“One officer shall not attempt to pursue more than one suspect at a time. Attempting to pursue and capture two or more suspects simultaneously creates significant risk to the pursuing officer and should not occur.”) [hereinafter “Dallas Foot Pursuit Policy”].

²⁵ *See, e.g., id.* § 311.05.C (“If two or more officers have multiple suspects detained and one suspect flees, an officer shall not pursue the fleeing suspect if that leaves his/her partner or fellow officers in a situation in which the number of detained suspects cannot be safely controlled by the remaining officers.”); *see also* Los Angeles Foot Pursuit Policy at 3, *supra* note 4 (“Unless there are exigent circumstances, such as an immediate threat to the safety of

(c) when the fleeing person runs into a building or isolated area, or limited visibility makes pursuit dangerous;²⁶

(d) when the officer is unfamiliar with the location;

(e) when the officer loses visual contact of the person.²⁷

Each of the aforementioned factors further heightens the already significant and inherent risk of danger and death posed by a foot pursuit. Rather than providing these factors as topics for an officer to “consider,” the CPD policy must make clear that a foot pursuit is *prohibited* when any one of these factors is present, whether at the time the officer seeks to start a foot pursuit or when the foot pursuit is underway. Foot pursuit policies in Dallas, Los Angeles and Portland currently restrict officers from engaging in foot pursuits when many of the aforementioned factors are present.²⁸

Second, in order to end unnecessary and dangerous foot pursuits, the CPD policy must clearly state that foot pursuits are prohibited unless specific requirements are met, and it must describe those specific requirements. These specific requirements could include standards like the following:

- Making clear that a foot pursuit is permissible when circumstances permit the use of deadly force—when the person whom an officer seeks to pursue on foot presents an imminent threat of death or serious bodily harm to another person;
- Making clear that there are few circumstances in which the significant and inherent risk of harm from a foot pursuit is outweighed by the need to apprehend an individual who does *not* pose an imminent threat of death or serious bodily harm to another person. For example, the policy could indicate that, when there is no justification for deadly force, an officer may conduct a foot pursuit only when they have the basis to arrest a person for a felony involving the use or threat of physical violence against another person, and there are no available alternatives for apprehending the person. Felonies involving the use or threat of physical violence include first degree murder,²⁹ second degree murder,³⁰ predatory criminal sexual assault,³¹ robbery,³² aggravated

Department personnel or civilians, deputies shall not engage in or continue a foot pursuit ... [i]f the physical condition of a deputy renders him or her incapable of controlling the suspect if apprehended ...”).

²⁶ See, e.g., Portland Foot Pursuit Policy at 3, *supra* note 7 (prohibiting foot pursuits that involves entry into an isolated area or structure); Dallas Foot Pursuit Policy § 311.06.B, *supra* note 24 (prohibiting foot pursuit when the person being pursued flees to an isolated area and the officer loses backup).

²⁷ See, e.g., Los Angeles Foot Pursuit Policy at 3, *supra* note 4 (prohibiting continuation of a foot pursuit if an officer loses visual contact of the person); Dallas Foot Pursuit Policy § 311.06.C, *supra* note 24 (prohibiting continuing a foot pursuit where “[t]he pursuing officer loses more than momentary visual contact with the suspect and becomes unsure of the suspect(s) whereabouts or continued direction of travel.”).

²⁸ See Dallas Foot Pursuit Policy § 311.05, *supra* note 24; Los Angeles Foot Pursuit Policy at 3, *supra* note 4; Portland Foot Pursuit Policy at 3, *supra* note 7.

²⁹ 720 ILCS 5/9-1.

³⁰ 720 ILCS 5/9-2.

³¹ 720 ILCS 5/11-1.40.

³² 720 ILCS 5/18-1.

arson,³³ aggravated kidnapping,³⁴ and aggravated battery resulting in great bodily harm or permanent disability or disfigurement.³⁵

7) **The policy fails to require that officers use safer alternative ways to apprehend a person whenever there is no imminent threat of death or serious bodily harm to another person.**

Police foot pursuits carry such a significant and inherent risk of danger and death that officers should use containment and other alternatives, rather than a foot pursuit, when there is no imminent threat of death or serious bodily harm to another person. This includes trying to apprehend, at a later time, a fleeing person whose identity has been established.

The policy falls short of encouraging these alternative approaches. Given CPD's well documented use of unnecessary foot pursuits, CPD's policy must require the use of alternatives when there is no imminent threat of death or serious bodily harm to another person—not frame alternatives as a consideration that can easily be ignored in favor of longstanding practices.

Section III.C of CPD's policy only provides that an officer “should consider alternatives” when “circumstances . . . create a heightened risk for Department members, members of the public and the subject.” Section VI.E of the policy merely indicates that an officer “may” choose to “contain” a person or use “reasonable alternatives to apprehend” them later on. Neither provision requires officers to use these alternative means of apprehension in lieu of initiating a foot pursuit whenever there is no imminent threat of death or serious bodily harm to another person.

The policy's provisions addressing the termination of a foot pursuit already underway similarly fail to require the use of safer alternatives to foot pursuits when available. Section VI.F.2 requires an officer to “discontinue a foot pursuit when they reasonably believe . . . [that] an effective alternative exists to apprehend a person at a later time . . . unless doing so would place a Department member or another person in immediate risk of harm.” Similarly, Section VII.C.3.c.(3) requires a supervisor to instruct termination of a foot pursuit if the supervisor has a “reasonable understanding of the circumstances” *and* “reasonably believe[s] that . . . an effective alternative exists to apprehend the subject at a later time . . . unless doing so would place a Department member or another person in immediate risk of harm.” Neither provision ensures that officers are not *initiating* unnecessary and unsound foot pursuits when there are safer approaches. These provisions *only* promote the use of alternative methods of apprehension when a foot pursuit is underway *and* the pursuing officer or supervisor are able to quickly determine, in the heat of the moment, that “they reasonably believe” there is a safer alternative. This falls short of *requiring* the termination of a foot pursuit when an officer or supervisor believes safer alternatives exist.

The policy's references to “alternatives” to foot pursuits thus provide unclear guidance that serves no meaningful purpose to curb unnecessary and unsound foot pursuits at the start or

³³ 720 ILCS 5/20-1.1.

³⁴ 720 ILCS 5/10-2.

³⁵ 720 ILCS 5/12-3.05.

after they have begun. The language should instead direct officers to use other available options, rather than a foot pursuit, whenever possible in order to avoid the known risk of harm inherent in a foot pursuit. To this end, the policy must specifically require that “any doubt” an officer may have about whether a foot pursuit is justified must be decided in favor of pursuing an alternative way to catch the person who is running away, as do the foot pursuit policies in Los Angeles and Baltimore.³⁶

For these reasons, and in line with the recommendations in #6 above, CPD’s foot pursuit policy must be amended to: (1) require officers to use alternative ways to apprehend a person, rather than initiating a foot pursuit, whenever there is no imminent threat of death or serious bodily harm to another person; (2) to require the termination of a foot pursuit when the officer or supervisor believes a safer alternative is available; and (3) to require an officer to use an alternative approach in lieu of a foot pursuit when the officer has any doubt about whether the foot pursuit is justified, whether that doubt arises at initiation or during the course of a foot pursuit.

- 8) **The policy fails to require that officers report specific information about every foot pursuit in a manner that can allow for effective supervisory review and follow-up—even when a foot pursuit does not end with an investigatory stop or arrest.**

The policy does not require reporting of all foot pursuits. Section VI.F.7 of the policy requires CPD officers to document foot pursuits only when a foot pursuit concludes in an arrest or investigatory stop. Section VI.F.8 of the policy requires officers to complete a Tactical Response Report when a foot pursuit involves the use of force (in addition to the pursuit itself) and to document in Office of Emergency Management and Communications records when a foot pursuit involves firearm pointing.

But neither provision—nor any other provision of the policy— *requires* CPD members to report an officer’s reasons for the chase and the officer’s assessment of why the need to catch the person outweighed the risks and dangers of a foot pursuit. By contrast, foot pursuit policies in Austin, Baltimore, and Columbia require officers to document the reasons for every foot pursuit conducted.³⁷

Nor does CPD’s policy require CPD members to submit a report when a foot pursuit *does not* lead to an arrest, investigatory stop, or incident of force or firearm pointing. This situation arises when a person pursued on foot is not caught, and there is no firearm pointing or use of

³⁶ See Los Angeles Foot Pursuit Policy at 1, *supra* note 4 (“Any doubt by participating deputies or their supervisors regarding the overall safety of any foot pursuit shall be resolved in favor of communication, coordination, surveillance, and containment rather than pursuing on foot.”); see also Baltimore Foot Pursuit Policy at 3, *supra* note 9 (“Any doubt by participating members or their supervisors regarding the overall safety of any Foot Pursuit shall be decided in favor of communication, coordination, surveillance, and containment.”).

³⁷ See Austin Foot Pursuit Policy § 215.5(a).1, *supra* note 2 (“The initiating officer shall complete an incident report documenting . . . [t]he reason for initiating the foot pursuit.”); Baltimore Foot Pursuit Policy at 8, *supra* note 9 (“Within the body of the narrative of offense reports and/or charging documents, members shall include details surrounding the Foot Pursuit . . . [r]eason and circumstances surrounding the Foot Pursuit.”); Columbia Foot Pursuit Policy § 458.5, *supra* note 3 (“The initiating officer shall complete the appropriate crime/arrest reports documenting . . . [t]he reason for initiating the foot pursuit.”).

force. By contrast, foot pursuit policies in Los Angeles, Philadelphia, and the Kentucky League of Cities require completion of a report for every foot pursuit—regardless of the outcome of the pursuit.³⁸

As a result, under CPD’s policy, there is no assurance that reports of foot pursuits will have the information needed for the necessary supervisory review and follow-up. Supervisors cannot give their officers essential guidance and review, whether positive or negative, without full reports that include the key information needed under the policy to determine whether the foot pursuit was appropriate and justified, including whether alternative options may have been or remain available. Even the foot pursuits that do not result in apprehension can result in harm to members of the public and officers, and need to be fully reported and reviewed.

The policy must be amended to require officers to document every foot pursuit—regardless of the outcome—in a report that addresses: (1) the officer’s reason(s) for starting and continuing the foot pursuit and assessment of the risks at both stages; (2) the officer’s basis, if any, for concluding that a person presented an imminent threat of death or serious bodily harm to another person; (3) a description of available alternatives to a foot pursuit that the officer chose not to use; (4) the course and approximate distance of the foot pursuit; and (5) any injuries or medical treatment required as a result of harm to the person being chased, members of the public, or officer(s) during the foot pursuit.

- 9) **The policy does not require supervisors or the Force Review Division to review body camera footage and reports documenting every single foot pursuit to ensure that each foot pursuit was necessary and justified.**

Section VIII.B of the policy indicates that the Force Review Division will review use-of force-reports related to foot pursuits and a “representative sample” of reports concerning foot pursuits that did not involve the use of force (as reported by officers). These requirements fail to ensure that either supervisors or members of the Force Review Division review every report concerning a foot pursuit—regardless of whether an officer used force during the foot pursuit. By contrast, policies in Los Angeles and the Kentucky League of Cities specifically require supervisors to review *all* foot pursuit reports to ensure compliance with policies.³⁹ The Baltimore policy explicitly requires supervisors to review foot pursuits that result in apprehending people to ensure that the foot pursuit was “in compliance” with the policy.⁴⁰

³⁸ Los Angeles Foot Pursuit Policy at 4, *supra* note 4 (requiring completion of a “Foot Pursuit Evaluation” for each foot pursuit, which is submitted to the unit commander for review); Philadelphia Foot Pursuit Policy §§ 3.E.3, 3.E.5.f, *supra* note 6 (requiring preparation of an incident report for each foot pursuit); Kansas League of Cities (KLC) Foot Pursuit Policy § IV.G (2008), [https://www.klc.org/UserFiles/Files/Accreditation/Chapter_30_-_KACP_Newly_Required_Policies/\(KACP_Standard_30.9\)_POLICY-Foot_Pursuit.doc](https://www.klc.org/UserFiles/Files/Accreditation/Chapter_30_-_KACP_Newly_Required_Policies/(KACP_Standard_30.9)_POLICY-Foot_Pursuit.doc) (requiring completion of a “foot pursuit review form” for each foot pursuit) [hereinafter “KLC Foot Pursuit Policy”].

³⁹ Los Angeles Foot Pursuit Policy at 4, *supra* note 4 (requiring submission of all “Foot Pursuit Evaluation” forms to the unit commander for review); KLC Foot Pursuit Policy § IV.G.a, *supra* note 38 (requiring supervisors to review each “foot pursuit review form”).

⁴⁰ Baltimore Foot Pursuit Policy at 7, *supra* note 9 (“Upon apprehension of the suspect, the supervisor shall ... [e]valuate whether the Foot Pursuit was in compliance with this policy ...”).

CPD’s policy must be amended to explicitly require supervisors and/or members of the Force Review Division to review *all* reports and body camera videos from every foot pursuit conducted by a CPD member in order to determine whether each foot pursuit was necessary and justified. In light of Chicago’s well-documented, longstanding pattern of unnecessary and unsound foot pursuits contributing to patterns of police excessive force, this level of supervisory review is needed to curb dangerous foot pursuits and give effect to the Consent Decree’s principles.

10) The policy must state that violations of the foot pursuit policy will result in appropriate corrective action, including discipline and termination.

Section VII.F.6 provides that at the conclusion of a foot pursuit, a supervisor must “promptly report any known or observed violations of Department policy or any other allegation of misconduct made aware of or received consistent with the Department directive titled “Complaint and Disciplinary Procedures.” This provision fails to underscore that an officer who violates the CPD foot pursuit policy will face appropriate corrective action. Moreover, the principles underlying Section VII.F.6 lack meaning without provisions in the policy requiring sufficient reporting and supervisory review.

Chicago continues to experience patterns of police violence against people of color and people with disabilities due to the failure to hold accountable officers who engage in unnecessary and unjustified foot pursuits that have injured and killed Chicagoans. As noted above, the percentage of Chicago police foot pursuits involving deadly force *more than doubled* during the Independent Monitoring Period of March to September 2020, as compared to the previous reporting period.⁴¹

For this reason, the policy must be amended to explicitly state that officers who violate the foot pursuit policy will be subject to any appropriate corrective action, including discipline and termination.

11) The policy fails to require CPD to make data about every foot pursuit available to the public.

The City does not provide any public dashboard that informs the public of the number of foot pursuits each year, where these pursuits take place, the reasons for these pursuits, whether people of color are disproportionately impacted, the number of foot pursuits involving force, the type of force used, the outcome of these foot pursuits, and whether anyone was injured or killed in the course of the foot pursuit. But Chicago communities want and need this information as Black and brown Chicagoans continue to be harmed and killed by CPD foot pursuits.

For this reason, the policy must be amended to explicitly require CPD to publish the following data, in as close to real time as possible, including: (1) the date, time, and location of the foot pursuit; (2) the names of the officer(s) who engaged in the foot pursuit, (3) demographic information, including but not limited to race, ethnicity, gender, and age, about the person who was chased and the officer(s) engaged in the foot pursuit, (4) whether

⁴¹ See Third Monitoring Report at 275 *supra* note 1.

the foot pursuit involved a use of force and the type of force used (if any); (5) the legal violation(s) for which there was probable cause to arrest the person targeted by the foot pursuit; (6) the outcome of the foot pursuit (i.e., investigatory stop, ANOV, arrest, etc.); and (7) whether the person subject to the foot pursuit, members of the public, or any officers were injured during the foot pursuit.

We urge the City to consider the Coalition's input and make the aforementioned changes to General Order G03-07.

Sincerely,



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