10-Point Plan for the Chicago Community Consent Decree

The Chicago Community Consent Decree must include the following provisions to end the Chicago Police Department’s (CPD’s) ongoing pattern and practice of unchecked violence, racism and bias:

1. **Use of force:** *End CPD violence and protect all people from harm resulting from CPD.*

Consent Decree provisions related to this point will include:

- Overhauling use of force policies, procedures and training to focus on effective strategies to avoid the use of force entirely.
- Implementing trauma- and disability-informed and tactical de-escalation strategies for officers, including creating time and space, and requesting additional resources whenever possible before resorting to force and to reduce the need for force.
- Prohibiting the escalation of incidents and providing an obligation to de-escalate and retreat whenever possible.
- Mandating that officers resolve incidents without force whenever possible and requiring that when force is used, it must be the minimal amount of force necessary.
- Implementing officer evaluations based on their ability to resolve incidents without force.
- Prohibiting officers from using tasers in schools, on people who are handcuffed or restrained, children, the elderly, pregnant women, people in apparent medical distress or behavioral health crisis, and/or people who present as frail, low body mass, and/or sickly.
- Prohibiting use of force to punish or retaliate, including for fleeing, resisting arrest or assaulting an officer.
- Restricting the use of lethal force, including a prohibition on using lethal force merely because a suspect flees and/or is believed to have possession of a weapon.
- Mandating that the failure to accurately report a use of force be a terminable offense.
- Holding accountable officers who violate the use of force policy and making them subject to a range of sanctions including suspension, termination and potential criminal prosecution.
- Reducing the involvement of CPD officers in public schools, and ensuring that officers respond to incidents in schools only where necessary to address a real and immediate physical threat, and do not intervene in any situation properly handled by a school’s internal disciplinary procedures.

2. **Survivors of police violence and their families:** *CPD must treat survivors of police violence and their loved ones with respect and the City must provide supportive services to ensure that families and communities begin to heal from police violence.*

Consent Decree provisions related to this point will include:

- Mandating that CPD officers provide and/or secure emergency care for anyone injured during a police encounter.
3. **Diversion:** *Chicago must develop interventions that divert people from the formal justice system, provide behavioral health supports for people in crisis and provide communities with the resources to prevent and resolve conflict. CPD officers must be incentivized to implement diversion and the least intrusive police response.*

Consent Decree provisions related to this point will include:

- Mandating that CPD policy, training, and officer evaluation require officers to use the least restrictive police response to any situation.
- Eliminating and/or limiting arrests for victimless crimes, quality of life offenses, and offenses that are frequently charged to cover up incidents of excessive force.
- Developing, funding and implementing a pre-arrest diversion project (without arresting or initiating any criminal process; pre-arrest diversion requires officers to divert people into social services when alleged criminal activity is related to a behavioral health disability, substance use disorder or poverty).
- Resourcing and funding community-led initiatives conducted outside the formal justice system to reduce violence and heal conflict.
- Eliminating financial incentives for officers to arrest, ticket, and escalate encounters with community members.
- Decreasing reliance on police response to behavioral health or crisis incidents whenever possible, by developing additional diversion programs and response options including through the OEMC dispatch system and the creation of a Behavioral Health Unit.

4. **Eliminate racism and all forms of gender and disability bias in policing:** *CPD must coordinate policy, practice, training, and data collection to identify and eliminate racism and bias.*

Consent Decree provisions related to this point will include:

- Prohibiting discriminatory and biased policing of all forms.
- Mandating the development of a comprehensive CPD training module focused on fair and unbiased policing, which will include but not be limited to issues of implicit bias, procedural justice, anti-racism, gender bias, disability bias, bias against LGTBQI and gender nonconforming individuals, youth and adolescent development, the legacy of racial and ethnic segregation in Chicago, and the history of police misconduct scandals in Chicago, including the Jon Burge scandal. This training module shall be developed in collaboration with community-based organizations with expertise in Chicago’s history, neighborhoods, and various cultures.
- Mandating that CPD develop and implement crisis intervention programs to ensure officers respond appropriately to behavioral health and crisis calls or incidents.
• Fully funding and improving the Crisis Intervention Team program, including ensuring that it has sufficient resources, staffing, and oversight to provide not just training, but high-quality responses to behavioral health crisis-related calls.
• Ensuring that officer evaluations for hiring and promotion take into account indicia of bias.
• Mandating that the City collect, analyze, and publish data tracking various kinds of profiling and selective enforcement and, with community input, develop and implement corrective action plans based on the data.
• Prohibiting the selection of particular communities to police based to any degree on the racial or ethnic composition of the community.
• Prohibiting the practice of officers “dumping” people in areas where known rivals/enemies live or congregate.
• Prohibiting officers from engaging in sexual harassment, sexual abuse, and on-duty sexual activity and ensuring officers treat all civilians, including LGBTQI and gender nonconforming individuals, with respect, professionalism, and courtesy.
• Ensuring that CPD officers who engage in discriminatory policing are subjected to a range of sanctions including suspension, termination and potential criminal prosecution.

5. Accountability and officer discipline: *Communities must have the power to hold police accountable through a democratically-elected council, and the accountability structure must be wholly independent from city hall.*

Consent Decree provisions related to this point will include:

• Providing people who are arrested prompt access to attorneys to prevent abuse while in CPD custody.
• Mandating that CPD officers be held accountable in an effective, transparent and timely manner when they abuse their power and hurt people.
• Addressing the police code of silence, including policies prohibiting officer collusion and requiring prompt officer interviews, strict videoing of incidents and video retention, officer reporting of police abuse and protection for those who do, and the termination of officers who lie during investigations or retaliate against witnesses in misconduct investigations.
• Identifying, investigating, and firing individual and groups of officers engaged in patterns of police abuse.
• Ensuring independent, fully-resourced and empowered civilian-led investigations (CI) of police misconduct that are rigorous, of the highest quality, unbiased, and transparent.
• Providing members of the community, who have been most impacted by police abuse, who are independent from CPD and the City and who have been selected through an election process, the power to: 1) hire and fire the police superintendent and oversee CI; 2) approve and adopt rules (including the budget) for CPD and CI; 3) conduct or select the hearing officers to conduct police disciplinary cases; and 4) conduct public hearing on all matters related to CPD.
• Mandating discipline for officers who tamper with body cameras and audio surveillance equipment.
• Providing CI with oversight of all civilian complaints—including sexual assault and intimate partner violence complaints.
• Ensuring CI investigates all instances where an officer points a gun at a person, shoots a firearm or discharges a taser.
• Ensuring CI conducts investigations in all cases in which a civilian dies and/or sustains a suspicious injury or any injury that requires medical attention as a result of an interaction with CPD, even if there is no allegation of law enforcement misconduct.
• Ensuring CI investigates all incidents where officers have lied or provided false information, either during a court proceeding or in a CI investigation.
• Providing an independent and transparent process that allows officers to appeal disciplinary decisions in a timely manner.
• Creating and implementing an ADA Compliance Officer position within CPD to ensure that police action and services comply with Title II of the Americans with Disabilities Act.

6. Hiring and Retention: **CPD will ensure that the police force reflects the diversity of Chicago and is comprised of people qualified to implement non-biased policing and the least restrictive police response.**

Consent Decree provisions related to this point will include:

• Mandating that CPD adopt hiring and retention practices that produce a police force reflective of Chicago’s diversity, particularly in regards to residential geography, race, ethnicity, gender and LGBTQI status.
• Requiring that CPD perform comprehensive background checks on all recruits, with a special emphasis on evaluating how each recruit responds to stress and trauma and in a manner that does not disproportionately exclude Black or Brown people from service.
• Ensuring that CPD hires and promotes officers who demonstrate a commitment to upholding the sanctity of life, implementing the least restrictive police response necessary in any given situation, and non-biased policing.
• Implementing annual evaluations of officers to ensure that officers remain fit for duty.

7. Training: **CPD will ensure that all officers are continually trained and re-trained in non-biased policing, preserving and respecting the sanctity of life and the least restrictive police response, but will not waste tax dollars on a new training academy.**

Consent Decree provisions related to this point will include:

• Ensuring that officers with significant complaint or disciplinary histories do not participate in delivering training curriculum.
• Mandating that CPD review, update and implement a training plan on an annual basis. To inform these updates, CPD will conduct a needs assessment, taking into consideration: feedback and evaluation for trainings; trends in officer misconduct complaints; problematic uses of force; data concerning stops, searches and arrests; data relating to officer training; and recommendations from the community.
• Mandating regular and comprehensive disability training, including on disability awareness and best practices for police interactions with people with disabilities.
• Nothing in the consent decree should suggest that CPD requires a new training academy in order to ensure that officers are adequately trained.

8. **Supervision**: CPD will develop and implement officer performance metrics based on measures of non-biased policing and the least restrictive police response including community and co-worker feedback.

Consent Decree provisions related to this point will include:

• Realigning CPD officer performance metrics to provide incentives to officers who refuse to use excessive force, reduce arrests, treat people fairly and without bias, and assist with the implementation of non-justice system, non-police-based strategies (i.e., diversion) for reducing crime.
• Ensuring that CPD officers who fail to perform based on these metrics and their supervisors are held accountable and subject to discipline.
• Developing and maintaining an early warning system that flags officers for intervention when their conduct suggests a propensity to engage in unacceptable uses of force and/or biased policing.

9. **Transparency**: *CPD and all oversight entities must be fully transparent and should make publicly-available data, reports, videos, and investigations in a timely and accessible manner.*

Consent Decree provisions related to this point will include:

• Informing the public about misconduct complaints and force investigations, including promptly publishing the information that triggered an investigation.
• Publishing detailed information about each arrest, crime, pedestrian stop, vehicle stop, search, use of force, and misconduct complaint, including information on the identity of the involved officers; demographic information of involved officers, complainants, and witnesses, including race, gender, age, and ethnicity; and time, date, and location of the incident. Additionally, publishing annual reports that include aggregate demographic data for each of these categories, including as they pertain to youth and people with disabilities.
• Maintaining all reports and data that relate to an officer use of force or complaint of misconduct in ways that are easily accessible and searchable. The City shall maintain databases that organize and link all related video and audio evidence, reports, OEMC data, physical and lab evidence, and other data about each CPD incident or event in ways that are searchable by involved officers, police unit, type of event, charge or allegation, location, including district and beat, date, time, and demographic information of involved persons and officers.
10. Monitoring and Enforcement: *The people most affected by police violence will develop, monitor, and enforce these remedies.*

Consent Decree provisions related to this point will include:

- Ensuring that people most affected by police violence help select the independent monitor, who will report to the court on CPD’s progress implementing the Decree.
- Ensuring people most affected by police violence have the right to monitor and enforce the Decree in federal court.
- Ensuring that people most affected by police violence have access to all information necessary to monitor and enforce the decree.