The Working Group provides the following recommendations specific to its review of the General Order G03-06, but incorporates all previous recommendations submitted to the Executive Steering Committee. For example, Working Group recommendations to change the term “subject” to “person” and to revise statements on sanctity of human life and de-escalation will not be repeated here, but should still be applied across all relevant policies.

Recommendation 1: Use Language that Reflects Police Shootings and Killings, rather than “Officer-Involved Deaths”

The title and the language used throughout the General Order must be consistent with the following: Procedures when Police Officers Shoot At or Kill a Person.

Working Group Explanation: The current language refers to “officer-involved deaths” and “officer-involved shootings.” This is confusing, vague, and most importantly strips officers of their agency when they shoot or kill another human being. The shooting or killing may or may not be justified, but it is important to call it what it is. The language should instead explicitly refer to instances where police officers shoot, kill, or seriously injure another person.

Recommendation 2: Increase Reporting and Accountability Requirements after a Police Shooting or Killing

The policy must clarify that officers have a mandatory duty to promptly report all uses of force and every instance in which they have witnessed a use of force in Tactical Response Reports. Specifically, all officers who shoot or shoot at a person must be required to complete a Tactical Response Report (TRR), including the “Narrative” section, before the end of their tour of duty, even where completion of the TRR would result in an extension of the tour of duty.

The policy must also clarify that a failure to report a use of force shall result in strict discipline. Furthermore, any officer who provides a false report about any shooting, death, or serious injury caused by a police officer shall be terminated from the CPD and referred to the Cook County State’s Attorney and United States Attorney for criminal prosecution.

Working Group Explanation: Officers must be held to a higher standard. Incidents in which a police officer uses force against a person, especially where it results in death or serious injury, must be thoroughly and accurately documented in order to adequately assess whether an officer followed appropriate procedures or committed misconduct. Without proper procedures, the public cannot trust that the investigation into the incident was fair and complete.

Recommendation 3: Increase Transparency after a Police Shooting or Killing

The policy must require the Chicago Police Department to release the following information within 48 hours of all incidents in which a Chicago police officer discharges their firearm, Taser, or stun gun in a manner that strikes or potentially strikes a person, or uses force that results in death or any injury
requiring medical treatment, or a person dies or suffers great bodily harm while in the custody of the CPD:

a. all video and audio recordings relating to the incident, including tapes of 911 calls, OEMC dispatch recordings, CPD radio calls, video and audio from CPD dash or body cameras, videos from CPD or OEMC POD cameras, as well as any video or audio recordings made using cameras or equipment not owned or controlled by the City that come into the possession or control of CPD or COPA;

b. any arrest reports, original case incident reports, tactical response reports (TRRs), and officer battery reports (OBRs).

In extraordinary cases, release can be extended to no more than 14 days. Any reports from the Cook County Medical Examiner and redacted complaints made to COPA must also be released within 48 hours of their completion.

Working Group Explanation: The City and Chicago Police Department have a duty to be transparent about incidents in which officers kill or injure a person. Too often, basic information about such incidents are shielded or withheld from the public, contributing to a lack of trust and confidence in our city officials. Truthful reports and recordings related to the incident must be promptly released. If investigators have failed to interview the primary officers involved in such an incident within 48 hours, there is little risk that the investigation would be compromised by the release of this basic information, and any negligible risk would be far outweighed by the interest in transparency and truth to the public.

Recommendation 4: Clarify that COPA has Primary Authority over Investigations of Police Shootings and Killings

The policy needs to be amended to make clear that COPA, not CPD, has primary responsibility and authority over the investigations covered by this General Order. For example:

a. COPA shall have the responsibility to investigate all incidents in which police officers discharge their firearms and Tasers (even when they miss and do not hit anybody), and when officers shoot a person’s animal.

b. The involved officers must immediately notify COPA after the shooting or discharge. Failure to promptly notify COPA shall result in discipline.

c. COPA, and not the CPD, shall have ultimate authority over the investigation, including all decisions with respect to witnesses, evidence collection and preservation, and the removal of a person’s body from the scene.

b. COPA shall also have the primary responsibility for conducting the investigations of all off-duty shootings or killings by Chicago police officers, including negligent shootings or killings.

Recommendation 5: Revise Investigatory Processes to Prevent Collusion and Interference and to Ensure Accountability

Working Group Explanation: The following recommendations must be incorporated into the policy in order to set clear requirements for officers and supervisors after a police shooting and killing. These requirements are necessary to implement national best practices for police misconduct investigations, prevent officer collusion, disrupt the police code of silence, and prevent the tainting of witness statements, and to hold officers accountable for misconduct.
a. Officers who shoot or shoot at someone or witness such an officer shooting must be interviewed by COPA as soon as possible, or no more than two hours, after a shooting, unless there are emergency circumstances that make this impossible. These interviews shall be audio and video recorded.

b. After a shooting, barring emergency circumstances approved by the supervising officer on the scene, involved and witness officers are prohibited from having contact with one another until they have submitted to interviews by COPA and COPA approves of such contact. Responding supervisors are required to ensure that involved and witness officers are separated and not permitted to have contact with one another until interviewed and approved by COPA. Involved and witness officers are prohibited from discussing the facts of the shooting with one another, unless or until COPA gives its express permission to do so. Officers and supervisors who violate this policy shall be subject to discipline.

c. Officers who shoot or shoot at a person, as well as officers who witness the shooting, must keep their body cameras and in-car cameras activated and on until they are interviewed by COPA.

d. Officers are prohibited from viewing audio or video recordings related to the incident prior to completing incident reports or other documentation. Involved and witness officers are also prohibited from viewing any video footage of the shooting or incident, including body-worn camera and in-car camera footage, until they have been interviewed by COPA. Even after submitting to a COPA interview, any request by an involved or witness officer to view such footage must be specifically approved by COPA.

e. COPA shall collect and inventory, or retain the authority to order the CPD to collect and inventory, the gun, Taser, or stun gun of any officer who fires it at someone for investigation, in all cases in which a person dies, is injured, or there is any question as to whether the officer committed misconduct.

f. CPD supervisors and COPA must immediately refer to the Cook County State’s Attorney and United States Attorney for criminal investigation any incident in which a police officer shoots at, seriously injures, or kills a person that involves any suspicion of misconduct.

g. Officers are prohibited from retaliating against, threatening, intimidating, or otherwise interfering with any witnesses to a police shooting. Any officer who threatens or retaliates in any way against a victim or witness of a police shooting shall be terminated from the CPD and shall be referred to the Cook County State’s Attorney and United States Attorney for criminal prosecution.

h. Any officer who takes a life during the time of policing or is involved in any shooting incident must have an evaluation by an accredited mental health practitioner and fulfill recommended counseling requirements before being approved to return to ordinary duties.

i. Members of the police union leadership will not be permitted to interfere or be involved with the investigation at the initial scene during an investigation.

j. Any CPD policies based on current collective bargaining agreement (CBA) provisions or state law will be updated if the relevant provisions in the police union contracts are removed or revised. The City and CPD will strive for transparency and fairness in investigations of police shootings, which are currently hampered by problematic provisions in the CBAs identified by the Police Accountability Task Force and U.S. Department of Justice.
**Recommendation 6: Strengthen Commitment to Medical Treatment, Respect, and Services for Victims of Police Shootings and their Families**

*Working Group Explanation:* CPD has a duty to treat all members of the public, including and especially those impacted by traumatic police shootings, with courtesy, dignity, and respect. The following recommendations expand on CPD’s duty and stated commitment to the sanctity of human life.

a. After a use of force, whenever a person is injured, complains of an injury, or requests medical attention, officers must immediately request medical aid. Officers must also provide appropriate medical care consistent with their training. Officers are prohibited from interfering with emergency care being provided to a person who is injured by CPD.

b. Officers must allow an individual who is receiving emergency medical care to contact their family/support system so that the individual can immediately inform them of their whereabouts and the nature of the injury.

c. In the event that the individual is unable to make such contact themselves, CPD must provide that information to the individual’s family/next of kin, unless CPD has reason to believe that doing so would place the individual at risk of harm.

d. Remove the prohibition on broadcasting an officer’s name who shoots or kills someone. Families of victims of police shootings deserve to know who shot or killed their loved ones.

e. CPD must immediately provide an individual (or their family members) injured by the police with any reports of the Medical Examiner, arrest reports, TRRs, and other documentation related to the incident as soon as it becomes available to CPD, not to exceed 24 hours.

f. Officers are prohibited from handcuffing a person who has been shot by police, unless the person presents an imminent threat of bodily harm.

g. Officers are prohibited from handcuffing a person who has died.

h. Officers must provide best efforts to shield a person who was killed from public view, while allowing family members and loved ones access. CPD personnel will take necessary precautions in allowing family members and loved ones access to preserve the integrity of the investigation.

i. CPD must ensure that a deceased person is removed from the scene as soon as the scene is documented, which should be complete within an hour of the person’s death, unless officers are able to show and document exceptional circumstances to COPA, and COPA approves.

j. CPD in coordination with the Chicago Department of Public Health must fund and make available trauma-informed psycho-social support services for survivors of police violence and the families of survivors or persons killed by police, within 24 hours of the shooting or death. Services should be holistic and include case management, counseling and therapy, and any needed support with housing, employment, education, technical training, and rehabilitation. The services will not be provided by CPD, but CPD will provide a list of community-approved service providers. See, *e.g.*, Appendix A, Sister Afya Referrals & Preferred Providers List.

k. CPD shall notify survivors of police violence and their family members of the availability of victim assistance funds and provide them with assistance in accessing those funds.

**Recommendation 7: Include Brief Description of CALEA Requirements**

The policy must include a brief description of the CALEA standards that the policy is attempting to satisfy. At a minimum, it should include a statement of the relevant topics referenced in the specific CALEA chapters, and a short explanation of how the policy addresses those topics would be better.
**Working Group Explanation:** This recommendation is not incorporated into the Working Group’s redlined G03-06 policy because it is unclear what standards CPD is referencing and that information is not easily accessible to the public. The standards addressed by CALEA Chapters 4 and 41 are use of force and a range of patrol, operations, and equipment issues. This is extremely broad and does not provide guidance on the specific standards satisfied by the policy.

**Recommendation 8: Support Additional Efforts for Reform and Accountability**

**Working Group Explanation:** The Working Group understands that its task was to review and recommend changes to CPD’s Use of Force policy suite. However, these policies often reference, rely on, or interact with other CPD policies, state laws, or collective bargaining agreements, and in order to address the full scope of the problems we identified in CPD’s use of force policies and procedures, we make the following additional recommendations. We request that CPD support and pursue these recommendations and immediately share them with the appropriate City entities.

a. **Recommendation for CPD’s policies on body-worn and in-car cameras:** CPD must require all officers in all units to wear body-worn cameras at all times and ensure that cameras are functioning before leaving the station, and if not, notify a supervisor. CPD must emphasize that failing to turn on or prematurely turning off body-worn cameras during interactions with members of the public will lead to discipline and/or termination. The same applies to in-car cameras.

b. **Recommendation for COPA to respond to the scene of a firearm or Taser discharge:** COPA must immediately respond to the scene, in response to a notification of an officer firing a Taser or firearm at a person or person’s animal.

c. **Recommendation for COPA to consider other incidents of possible misconduct as standard practice in every investigation:** As a part of every investigation, COPA must obtain and consider the involved officers’ other disciplinary complaints, TRRs (use of force reports), and any lawsuits filed against the officer. COPA shall also seek to obtain and consider any motions to suppress evidence in criminal cases, based on the civil rights violations by the officer and any findings by criminal court judges that call into question the officer’s credibility.

d. **Recommendation for City Council to establish a community oversight entity:** The body that is responsible for investigating incidents in which officers shoot at, kill, or seriously injure people must be independent from the police and led by community members. City Council must pass an ordinance that establishes a community oversight entity that includes impacted community members to oversee investigations of police misconduct.

e. **Recommendation for the City to seek repeal of the Uniform Peace Officers’ Disciplinary Act:** We recommend that the City seek to repeal or amend Uniform Peace Officers’ Disciplinary Act in Springfield, which prevents effective investigations when police officers shoot people or are accused of misconduct. See Appendix B, Analysis of the UPODA by Pastor Marvin Hunter.

f. **Recommendation for outside entity to investigate police shootings or killings:** A separate investigation of an incident in which a police officer shoots or kills a person will be done concurrently by a professional resource with no connections to CPD or COPA outside the purview of CPD and COPA, such as by a Special Prosecutor or State Attorney General’s Office.

g. **Recommendation for outside entity to conduct autopsy of people killed by police:** In addition to the Cook County medical examiner’s autopsy, a second independent autopsy should be conducted for any officer-caused death.

h. **Recommendation for coordination with other law enforcement agencies after a shooting involving one of their officers:** If a police officer(s) from outside of CPD shoots someone within
the City of Chicago, such officer(s) must be held to the same standard as a CPD officer would be with respect to transparency and accountability.

i. **Recommendation for the City to pursue reforms in contract negotiations with police unions:**
   The City must use best efforts to eliminate and not renew any provision in their collective bargaining agreements with police unions that places any restriction on COPA’s ability to conduct prompt interviews of involved and witness officers or otherwise limits COPA’s ability to conduct effective and productive interviews of police officers who have shot at, shot, or killed someone or have witnessed fellow officers do so. This includes eliminating any potential interference or involvement by the police unions in investigations of police shootings.