USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
October 1, 2020

General Order 03-02-03, Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures

The Working Group provides the following recommendations specific to its review of the General Order G03-02-03, but incorporates all previous recommendations submitted to the Executive Steering Committee. The Working Group directs the ESC to the detailed revision of the policy submitted with these recommendations for proposed substitute language.

Recommendation 1: Emphasize that Discharging or Pointing a Firearm at a Person is a Use of Deadly Force

CPD policy must explicitly acknowledge that discharging and pointing a firearm at a person is deadly force and must only be used as a last resort. The policy must include prior Working Group language on mandatory de-escalation and force mitigation. The policy must require officers to identify themselves as law enforcement and warn of their intent to use deadly force unless doing so would create an imminent risk of death or serious bodily harm. When there is a potential language barrier or hearing impairment, officers must also use hand signals and visual cues to provide warnings. In all cases, officers must allow reasonable time for individuals to comply with warnings before using deadly force, and must consider whether a person may be noncompliant due to limited English proficiency, a medical condition, disability, age/development immaturity, behavioral health crisis, a language barrier, and/or drug or alcohol use, and adjusting communication techniques or requesting additional or specialized personnel as appropriate.

Recommendation 2: Include More Restrictions on the Use of a Firearm

The following prohibitions must be included to ensure clear guidelines to officers on when they must refrain from using firearms:

A. Discharging or pointing a firearm at another human being unless necessary to protect against an imminent threat of death or serious bodily harm to another person. Members are prohibited from pointing a firearm at a person to gain compliance with orders unrelated to preventing imminent death or serious bodily harm. Members are prohibited from pointing a firearm at a person who is handcuffed, otherwise subdued, or unarmed. Members are prohibited from drawing or exhibiting a firearm, including in sul or low-ready position, in the field and/or when interacting with members of the public, unless the member has an objectively reasonable belief that deadly force may become necessary. When the threat is over, the member shall holster the firearm.

B. Firing at fleeing persons unless necessary to protect against an imminent threat of death or serious bodily harm to another person. The fact that a person is suspected of having or has possession of a weapon does not alone justify the discharge of a firearm at that person. Members are reminded that this prohibition also applies when members are responding to a call involving a person in a mental or behavioral health crisis.
C. Firing into crowds. However, this prohibition does not preclude the discharge of a firearm directed at a specific person who is near or among other people, but the discharge of a firearm in such circumstances is only permitted in the limited circumstances when such force is necessary to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the discharge of a firearm is permissible only if the member has identified the appropriate target prior to discharging the firearm, has taken precautions to avoid the risk that people other than the target will be struck, and has received appropriate marksmanship training. This is revised from current policy language.

D. Firing into buildings, through doors, windows, or other openings, or in any other circumstance when the person lawfully fired at is not clearly visible. This is an absolute prohibition.

E. Firing at or into a moving vehicle unless such force is a last resort and necessary to protect against an imminent threat to life or to prevent great bodily harm to the sworn Department member, another person, or a group of people. This is revised from current policy language.

Recommendation 3: Strengthen Accountability Measures after a Police Shooting

Specific changes must be made to the policy to provide more accountability and inform officers of the possible consequences for unjustified shootings.

A. After a shooting, officers must be debriefed within 24 hours.

B. Officers must be informed that even if placed on a non-punitive administrative duty assignment after a shooting, the incident will be thoroughly investigated and if the officer is found to have discharged their firearm when unnecessary to protect against an imminent threat of death of serious bodily harm, they will be held accountable, up to and including termination and possible criminal prosecution.

C. Unless a commanding officer provides individual authorization, officers placed on an administrative duty assignment as a result of shooting someone must not be permitted to work or request voluntary special work opportunities or bid or apply for vacancies or other assignment duties. Officers should be required to perform community services in communities where they have caused harm and trauma.

D. Officers who unintentionally discharge a firearm must be held to the same standards and protocols. Officers’ mandatory debriefing after an unintentional discharge must include a description of the circumstances that led to the discharge and the impact on any persons present. As previously recommended and described below, all persons impacted by a police shooting, whether intentional or not, should be provided with the option and access to counseling services.

E. Officers who shoot someone off duty should be investigated by COPA and held accountable for unjustified uses of deadly force, up to and including termination and possible criminal prosecution.
F. Before returning to the field, an officer who has discharged their firearm must undergo a mental health assessment by an accredited mental health practitioner that uses clear metrics and determines that the officer is fit for duty and not a danger to the public, themselves, or other officers.

G. Within a week of an officer’s return to the field, they must check in with supervisors and mental health professionals to ensure they are properly and safely adjusting.

H. An officer must complete alcohol and drug testing within two hours of discharging their firearm, unless not possible. An independent, outside lab should be responsible for processing officers’ drug and alcohol tests, and CPD alone shall not select the independent, outside lab.

I. CPD should document, archive, and maintain in a database all firearm discharges by department members, whether on or off duty, including the name of the officer, details of the incident, and outcome of any investigation. The database should be public and accessible as allowed by the Illinois Freedom of Information Act.

J. As previously recommended, City Council should establish a community oversight entity to investigate incidents in which officers shoot at, kill, or seriously injure people. CPD should support this recommendation.

**Recommendation 4: Improvements to Training**

The policy must include additional guidance and clarification on training required after an officer discharges their firearm.

A. The policy should explicitly state that officers are prohibited from carrying firearms until they have successfully completed approved training and have current certifications to use and carry each firearm. Training must occur once every two years and include information from the medical community about the effects of each weapon and the counter-indications, as well as information from Chicago community members on the trauma of gun violence.

B. After an officer discharges their firearm, their mandatory training must also include implicit bias, negotiation, and de-escalation courses, including trauma- and disability-informed techniques.

C. The Department should provide more details on the required training and what is needed to complete it. There should be clear minimum passing scores or metrics that indicate successful completion and hold officers to those standards before allowing them to return to the field. Additionally, the Department should provide more details on who provides and supervises the trainings, as well as their credentials and required certifications.

D. The Department must evaluate whether additional training provided to officers after a shooting leads to a reduction in shootings, a reduction in unjustified shootings, improved de-escalation efforts, or is otherwise effective and make any changes as necessary.

**Recommendation 5: Ensure Victims and Their Family Members are Treated with Dignity and Respect and Provided Access to Information**
As previously recommended by the Working Group, CPD must place more emphasis on ensuring that the person who has been shot, as well as their loved ones, are treated with dignity and respect and provided basic information. Both police officers and community members should have access to resources after a firearm discharge incident. This includes making available trauma-informed psycho-social support services and other community support services as needed for survivors of police violence and their family, within 24 hours of the shooting or death. CPD shall also notify victims and family members of the availability of victim assistance funds and provide assistance in accessing those resources and funds. CPD must provide persons shot and their loved ones with relevant documentation, including police and medical examiner reports, as soon as it becomes available to CPD. CPD must also allow injured persons to inform their family or support system of their location and injuries, or provide that information to their next of kin if the person is unable to make contact themselves, unless there is reason to believe that doing so would place the individual at risk of harm. We refer the ESC to our previous recommendations for more detailed language.