USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
August 21, 2020

Recommendation 1: Changing “Subject” to “Person”

Chicago Police Department vocabulary in policies utilizing the term “subject” must be changed to the term “person.”

Working Group Explanation: This recommendation is rooted in our affirmation of the inherent humanity of every individual. Before Chicago Police Officers can embody the notion of sanctity of life, they must first respect all life no matter the conditions. Referring to persons who interact with CPD by their temporary status of “subjects” dehumanizes them, and it disconnects officers from the lives that they are impacting. In certain communities and among specific populations, this can be especially problematic. An officer may have implicit biases or racist tendencies, causing some individuals to be viewed and treated as a “subject” prematurely. This change will not only be helpful in building police-community relationships, but it is also necessary during this time of police reform happening across the country. It will not create confusion in identifying people on the scene or in any particular scenario because the documentation will reflect the context of the encounter and enable proper identification and classification.

Words have power and can foster human interaction in any encounter. A choice of terminology has significant bearing on interactions. The words we elect to speak have influence and emotional potency. Language shapes perceptions and belief systems, and becomes a driving force for our actions. Words can change one’s outlook positively and negatively. Chicago Police Officers are public servants and their objective is to serve and protect. Service requires awareness and a general understanding of all persons inhabiting the area. Officers must observe, assess, respond, and manage. They must respect the person’s rights, including ensuring due process, and must allow the person to pursue possible remedies.

The dehumanizing language is exacerbated by the reality of racism, conscious and unconscious, which is a primary issue intended to be addressed by the Consent Decree. Changing this language supports CPD efforts to train officers to see each person with whom they engage as fully human, and values of community policing, in which officers see themselves as a part of the same community with the people they are sworn to protect and serve.

Recommendation 2: Redefining Sanctity of Life

All CPD policy statements on “sanctity of human life” must be revised to: The Department’s highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. Every human being deserves the right to pursue and fulfill their fullest human potential. Sanctity means ‘to be reverenced, to treat as sacred and with the utmost regard. Sanctity of life further means to live a life without being enslaved, disenfranchised, vilified, abused, beaten, hung, wrongfully arrested, incarcerated and killed solely because of fear, internal biases, and/or systemic racism. Sanctity of life means to create both an internal and external culture that manifests good morals and recognizes all humans as persons that have the right to live and thrive. Sanctity of life is inclusive of all human beings including black people, people of color, LBGTQ+ persons, persons with disabilities, and others. To recognize the sanctity of every human life, CPD and every other institution in our society must become
more actively aware of and respectful of these various cultures, intentionally learning and acting in ways that continuously deepens the understanding of sanctity of life, develops a culture within CPD that honors and protects each and every life, ultimately bettering all members of society.

**Working Group Explanation:** Because respect for the sanctity of all life is the driving principle that guides all CPD’s policies on use of force, it merits a fuller definition. This recommendation expounds on what sanctity of human life actually means. In order for officers to understand the impact of their actions, they must understand the ways in which marginalized groups have been and continue to be devalued and dehumanized throughout society. Too many times the people of Chicago have seen members of certain communities, especially young Black men, treated by police as if their lives were not inherently valuable and worthy of preservation. Too many times the people of Chicago have seen officers make assumptions about these individuals that lead to tragic, irreversible consequences. This robust understanding of sanctity of human life must be instilled and ingrained in every officer and continually furthered by Department leadership.

**Recommendation 3: Strengthening De-Escalation Requirements**

De-escalation must be an officer’s mandatory first response. Officers have an affirmative duty to de-escalate and avoid the need for any force, and they must use trauma-informed, disability-informed, and developmentally-appropriate de-escalation techniques. If force must be used, an officer must limit force to the least amount necessary under the circumstances, and an officer’s response must be proportional to—and not greater than—the actions of the person in question. The officer must also reduce the amount of force as the threat diminishes.

**Working Group Explanation:** This recommendation is necessary to implement the Department’s commitment to the sanctity of human life and to align CPD’s policy with national best practices on force mitigation and de-escalation. The current policy language fails to create an affirmative duty that requires officers to de-escalate conflict before resorting to force and leaves too much to officer discretion. It must be explicit that any force is always a measure of last resort. The policy must be clear that de-escalation is not simply encouraged, but required, and that de-escalation efforts must continue throughout the encounter in order to limit the amount of force used and protect all persons involved, not just the officer.

**Recommendation 4: Prioritize De-Escalation and Force Mitigation Principles**

**Working Group Explanation:** While CPD current CPD policy pays lip service to de-escalation and force mitigation principles, it fails to operationalize, much less prioritize them. The following recommendations are derived from the lived experience of the members of the Working Group and comport with national best force mitigation practices. They are urgently needed to stem unnecessary CPD violence in the ongoing protests.

1) **Broader Definition of Force:** Force needs to be defined to include threats and acts of intimidation, such as pointing a firearm or a Taser, aggressive body language, posture, and tone of voice, and using degrading language (i.e. swearing). All uses of force, including acts of intimidation, require that police note and justify them in tactical response reports.

General Order G03-02, § III.A should be revised to reflect:
Force is defined as any physical contact beyond compliant handcuffing, either directly or through the use of equipment, to compel a person’s compliance. It includes pointing a firearm or other weapon at a person or pet. It also includes non-physical actions intended to intimidate or coerce a person into complying with a Member’s directive, and non-physical actions that denigrate a person. This definition is inclusive of aggressive body language and posture, tone of voice, degrading language and all other means of aggressive behavior, as an intimidation or degrading tactic that can result in fostering a traumatic experience to a person.

2) Assessing the Need for Force: The policy must provide clearer guidance to officers on how to assess whether force may be used and, if so, how much force may be used, especially when interacting with juveniles and persons with disabilities.

General Order G03-02, § II.D(1)-(2) (Assessing Uses of Force) must be revised to include:

(1) Officers are required to use a critical thinking, decision-making framework to analyze and respond to incidents, under which officers:
   (a) Gather facts about the incident and assess the relevant situation, threats, and risks for the purpose of minimizing and eliminating the use of force, including by:
      (i) Evaluating individualized factors, including age, physical impairment, frailty, pregnancy, and risk posed by the individual; and
      (ii) Considering whether a person may be noncompliant due to limited English proficiency, a medical condition, disability, age/developmental immaturity, behavioral health crisis, a language barrier, and/or drug or alcohol use;
   (b) Consider relevant policies with an emphasis on preserving the sanctity of life;
   (c) Identify options (including but not limited to crisis intervention and a behavioral health response) and determine the best course of action; and
   (d) Act, review, and re-assess the situation and the need for force.

(2) No officer shall be penalized for taking sufficient time to resolve an incident without use of force.

3) Force as a Last Resort: Force should only be used as a last resort, when necessary to protect against an imminent threat of bodily harm to another person. General Order G03-02 should be amended in the following ways:

§ II.C (Core Principle) should be amended to read as follows:
Core Principle: To respect the driving principle of respect for the sanctity of all human life, the Chicago Police Department seeks to eliminate the need to use force wherever possible and limit the force used only to that which is necessary under the circumstances.

§ II.D. on split-second decisions should be deleted, because it directly contradicts officers’ duties of force mitigation and de-escalation and the research on which those principles are based, which recognize that most “split second” decisions to use force may be avoided by implementing these principles on the front end. It sends officers the wrong message that they should regularly expect to make these split-second decisions, which undermines policy and training that teach officers tactics that prevent the need from having to use any force whatsoever. Officers must be instructed that their uses of force will not simply be evaluated by the circumstances in the moment force was used, but by their decisions, tactics, and actions
that led to the use of force. See Appendix 1, on The Fallacy of Split Second Decision Making for further explanation.

§ III.B should be amended to read as follows:
Force Mitigation Principles: Necessary, Proportional, and the Duty to De-escalate. De-escalation and force mitigation are the primary aims of this policy. Department members may only use force that is necessary and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a person, or prevent escape. Officers may not use any force, except as a last resort. Officers may use force only when necessary and after other non-violent means have been exhausted. When force is used, officers may use only the least amount necessary under the circumstances, and the amount of force must be proportional to the threat. Officers are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force as the threat diminishes.

§ III.B.1., on “objectively reasonable” should be deleted, so that the policy focuses instead on the principle of necessity to conform to internationally-recognized best practices. See Deadly Discretion: The Failure of Police Use of Force Policies to Meet Fundamental International Human Rights Law and Standards, University of Chicago Law School International Human Rights Clinic.

§ III.B.4 on De-escalation should be amended to read as follows:
Department members have an affirmative and mandatory duty to de-escalate conflict in order to avoid the need for any force. Members shall use various de-escalation techniques, including trauma-informed and disability-informed techniques, before resorting to force and to reduce the need for force. Members are required to use the principles of force mitigation to de-escalate potential use of force incidents, including through the use of time as a tactic, continual communication, tactical positioning, and requesting assistance from other officers, mental health personnel, or specialized units as necessary and appropriate. Members may resort to force only after all other available alternatives have been exhausted or would clearly be ineffective under the circumstances. Members shall provide verbal or visual warnings with reasonable time to allow the person to comply, before resorting to force, unless doing so would create a substantial risk of death or great bodily harm. Specific trauma-informed de-escalation techniques include but are not limited to: verbal persuasion; acknowledging fear, confusion and mistrust; using a calm and neutral tone; asking questions and issuing respectful warnings; and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out persons, creating distance between the officer and the threat, retreating, and requesting additional resources (e.g. specialized units, crisis intervention units, behavioral health care providers, negotiators, available community members, medical professionals, etc.), whenever possible, before resorting to force and to reduce the need for force.

4) Prohibitions: to operationalize force mitigation, improve clarity, avoid confusion, respect sanctity of life, and reduce harm. CPD abuse of people who have raised their voices in protest of racism and police violence highlights the urgent need to implement these reforms.

   a. Deadly force must be prohibited unless it is necessary to protect against an imminent threat to life or serious bodily harm to another person. Department members must
identify themselves as law enforcement officers and verbally warn of their intent to use deadly force unless doing so would create an imminent risk of death or serious bodily harm.

b. Department members are prohibited from pointing a firearm and/or a Taser at another human being unless the person presents an imminent threat of death or serious bodily injury to another person. Members are prohibited from pointing a firearm at a person to gain compliance with orders unrelated to preventing imminent death or great bodily harm, and may not point a firearm at a person when the person is handcuffed, otherwise subdued, or unarmmed. 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 officer has an objectively reasonable belief that deadly force may become necessary. When the threat is over, the officer shall holster the firearm.

c. Members are prohibited from using a Taser or other Electronic Control Weapon against a person, unless the person presents an immediate threat of serious bodily harm to themselves or another person. Members may not use Tasers or ECWs against children in schools, people who are especially vulnerable, or persons who are simply running away. See Appendix 2: Support for Taser Recommendations.

d. Members are prohibited from using chokeholds, neck holds, and other uses of force that restrict a person's oxygen, blood flow, and/or inhibit their consciousness.

e. Members are prohibited from striking a person to the head, whether close-handed or with a weapon, except in circumstances in which they are authorized to use deadly force.

f. Use of force against peaceful protestors must be prohibited. OC spray, long-range acoustic devices, and batons must not be used against passively resisting protestors or to disperse crowds at protests. See Appendix 3: Support for Prohibiting OC Spray and Force at Protests.

g. Department members are prohibited from firing their weapon at or into a moving vehicle, except when such force is a last resort and necessary to protect against an imminent threat of death or great bodily harm to a person. The member is prohibited from placing themselves in the path of the moving vehicle and must make every effort to move out of the path of the moving vehicle, before resorting to force.

h. Department members are prohibited from firing their weapons from a moving vehicle.

i. Department members are prohibited from using any force against a person who is handcuffed or restrained, except when necessary to prevent an imminent threat of bodily harm to another person. Members must exhaust all other available forms of control before in engaging in any force against a person who is restrained or in handcuffs.
5) Duty to Intervene and Provide Medical Assistance: All Chicago Police Department members who are present must intervene verbally and physically to stop another officer from engaging in excessive or unnecessary force. Officers must also render aid to victims of police use of force and treat victims and their loved ones with dignity and respect.

**Recommendation 5: Additional Core Policy Principles**

*Working Group Explanation:* The following should be added as core policy principles that govern police interactions with community members and provide the framework for any uses of force.

1) **Police-Community Relations:** CPD is committed to understanding the negative consequences that police have had in communities of color, particularly for Black people. CPD is also committed to having this understanding of historical and contemporary trauma inform their policing moving forward.

2) **Service Model of Policing:** The purpose of policing is to serve and support the community and to promote peace. As such, police are not warriors fighting crime. They are public servants who must address all individuals with dignity and respect and whose primary responsibility is to preserve the life of all parties/stakeholders. To meet this responsibility, police must be committed to the ethic of doing no harm and to de-escalating conflict.

3) **Transparency and Accountability:** Include transparency and accountability as two of the core guiding principles in CPD Use of Force policy. Specifically, the core principles must state that:

   (1) It is the policy of the Chicago Police Department to require full and prompt public transparency and honesty about all uses of force by Department members; and

   (2) It is the policy of the Chicago Police Department to hold Department members, including police supervisors, strictly accountable for violations of this CPD policies on the use of force, and reporting and investigations of use of force.

**Recommendation 6: Diversion, Professionalism, Training, Screening, Fair Treatment of Officers, and Community Rights**

1) Diversion: Pre-arrest diversion should be an option to divert people from the criminal legal system and reduce unnecessary police encounters and opportunities for force. The City of Chicago commits to developing a pre-arrest diversion program to provide an alternative to arrest and incarceration for individuals experiencing substance addiction, mental health concerns, or extreme poverty, and instead meet their immediate basic needs.

2) Professionalism and Training: Medical professionals and community members will have input on training content. All training must be evaluated, and ineffective training must be modified. All training must be evaluated by independent researchers. Evaluations must employ rigorous experimental/quasi-experimental methodology. When an evaluation finds a training to be ineffective, the training must be revamped and reevaluated until it is found to be effective. The findings and the data and code used to arrive at conclusions must be shared publicly. All training and evaluation must be ongoing and conducted annually. In instances when officers do not pass a de-escalation training, they cannot carry a weapon or be in the field until they pass the training. Certifications must be issued to demonstrate that an officer has successfully completed
each training. Annual assessments of character must also be conducted to ensure that officers do not have attitudes that make them likely to use force unnecessarily.

3) Officer Screening: Officers are required to complete yearly character assessments, mental health screenings, and confidential background interviews with family and friends to ensure that officer is maintaining their ability to adequately conduct their job in a meaningful and impactful way in the community. This is to monitor their stability throughout the course of their employment to address and potential issues that may arise from work related stressors or other stressors that may affect work.

4) Treatment of Officers: CPD must provide working conditions that reduce the likelihood that force is used unnecessarily by promoting the health and wellness of employees and the public. Specifically, CPD should limit the hours that officers are expected to work, provide merit-based pay (with merit based on complying with these core principles and use of force policies), and hold officers accountable (see core principle on accountability) when officers violate the constitutional rights of community members.

5) Community Rights and Education: The Chicago Police department will provide readily available, authentic, and relevant education to community members through fostering and maintaining relationships with local organizations, schools, and advocacy groups to ensure the protection of every person’s rights and safety. Education will include "know your rights" resources in multiple languages, for adults, minors, U.S. citizens, and non-citizens.

Recommendation 7: Rename Use of Force Policy

Rename General Order G03-02 “Use of Force” to “De-escalation, Self-Restraint and Use of Force Policy” to represent and reflect the full scope of the policy.

Working Group Explanation: The policy’s current title only reflects an officer’s permission to use force. It does not adequately emphasize the duty to de-escalate and limit any uses of force. This revision is necessary to set the tone for officers and reinforce the importance of sanctity of life and de-escalation.

Recommendation 8: Transparency and Accountability

The Working Group will make recommendations for changes to other policies being reviewed, such as those on the reporting and investigations of uses of force and firearm discharges, to implement the core principles on transparency and accountability described above. We make the following additional recommendations on transparency and accountability below, which should be integrated into the appropriate existing CPD policies.

1) Transparency (body cameras, data, etc.): Transparency is required both in interactions and reporting.
   a) Interactions:
      i) [body] cameras must be kept on (both audio & video), and
      ii) officers must verbally communicate their de-escalation methods and tactics.
   b) Reporting:
      i) all use of force incidents must be clearly and accurately reported verbally and in writing;
ii) officers must openly identify the planned preparation for best practices before and after incidents where gun violence occurs (whether committed by police or community member).

iii) de-escalation data and all incidents when force is used must be kept up to date and available to the public.

iv) de-escalation policies must be made available to the public; disciplinary practices and decision-making needs to be made available to the public.

2) Accountability: When officers violate these core principles and de-escalation policies there will be certain and proportionate consequences and proper disciplinary protocol will be followed.
   a) Disciplinary procedures must be available to the public and the final decision should be made public.
   b) Attending officers have a duty to respond when principles are violated and to report these violations.
   c) Supervisors will also be held accountable to make sure that they are following disciplinary procedures correctly.
   d) Accountability must follow all the requirements related to transparency outlined above.