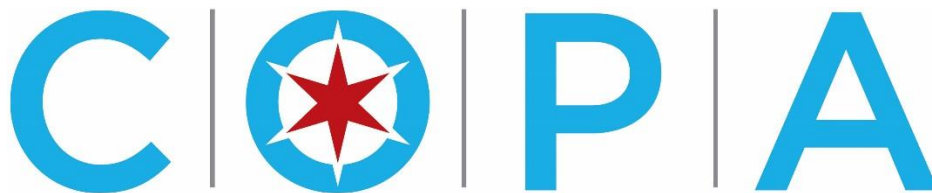


City of Chicago
Civilian Office of Police
Accountability



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Report on Advisory Letter Regarding
Log Number 1078998

March 20, 2018

I. Introduction

Pursuant to the Municipal Code of Chicago Section 2-78-120(m), the Chief Administrator of the Civilian Office of Police Accountability (COPA) is empowered and has the authority to make recommendations to the Superintendent of the Chicago Police Department (the Department) concerning Department policies. To fulfill the mission, as outlined in Section 4.4.1 of COPA's Rules and Regulations (effective September 15, 2017), the Chief Administrator may issue an Advisory Letter to the Superintendent if an investigation uncovered a problem that hinders the effectiveness of Department operations and programs or if the investigation has identified a verifiable potential liability or risk that warrants attention by the Department.

On December 21, 2017, COPA sent an Advisory Letter relating to the Department's policies and procedures regarding traffic stops and those regarding foot pursuits as they each related to its investigation into Log Number 1078998.¹ The Department provided COPA with its response on February 21, 2017.² This report summarizes COPA's policy recommendations regarding conducting traffic stops and foot pursuits, the Department's response to those recommendations, and the status of COPA's recommendations.

II. COPA's Recommendations

In the incident COPA investigated under Log Number 1078998, the involved member observed a vehicle driving on three wheels due to a missing front tire. The member did not stop the vehicle and continued to follow it.

In its Advisory Letter, COPA argued that a vehicle driving on only three wheels is not in "safe, operable condition" and "poses a threat to the occupants of the vehicle, Department members, and the public at large." To mitigate such threats in the future, COPA recommended that the Department require members to stop, rather than continue to follow, vehicles that are not in safe, operable condition.

¹ See Appendix A for a redacted copy of COPA's Advisory Letter.

² See Appendix B for a copy of the Department's Response to COPA's Advisory Letter.

Later in the incident, the involved member continued to follow the vehicle “into a forest preserve, alone, on foot, and without a flashlight.” The member ultimately discharged his firearm at the vehicle.

COPA set forth that the involved member’s tactical decisions unnecessarily put himself at risk, and had the member employed force mitigation tactics, the situation may have been resolved significantly differently, and in a way that potentially minimized threats to public and member safety. Further, COPA stated that this conduct “may indicate a larger issue: poor tactical decisions that lead to the appearance of officer-created jeopardy and exigency.” To better equip members to make sound tactical decisions, COPA recommended that the Department “ensure its training includes scenario-based training that emphasizes the application of force mitigation principles.”

III. The Department’s Response

In response to COPA’s recommendations regarding traffic stops, the Department noted that the Rules and Regulations of the Department establish goals that include the enforcement of all laws and ordinances. The Department stated that members are able to exercise discretion in this enforcement, within the law. The Department further stated, “Guided by the principle of reasonableness, an officer will consider all surrounding circumstances in determining whether, for example, to make a traffic stop on certain offenses.”

In response to COPA’s recommendations regarding foot pursuits, the Department thanked COPA for its suggestions and noted that it has “been evaluating the need for and type of training...for some time.” The Department stated that it would provide COPA with such training materials as it becomes available.

IV. Recommendation Status

Based on the Department’s response to its Advisory Letter, COPA assessed the Department’s response to the recommendations contained therein. COPA classifies the status of recommendations into three categories:

- **Agrees:** The Department agrees with COPA’s policy recommendation and indicated that they have taken steps to implement or plan to implement such recommendation in full.
 - **Agrees In Part:** The Department partially agrees with COPA’s policy recommendation and may or may not have indicated that they have taken steps to implement such recommendation.
 - **Does Not Agree:** The Department does not agree with COPA’s policy recommendation and has not taken steps to implement such recommendation.
-

Recommendation 1: *Require members to initiate traffic stops whenever members observe a vehicle that is not in safe, operable condition*

Status: **Does Not Agree.** The Department did not address the safety threat highlighted in COPA’s Advisory Letter, nor the recommendation COPA made to prevent a similar situation in the future. COPA does not dispute that Department members can and should use discretion in their law enforcement activities. However, it is the Department’s duty to provide guidance on appropriate and inappropriate uses of discretionary power. Further, the response does not include “a description of the actions the Superintendent has taken or is planning to take, if any, with respect to the issues raised” nor a reason for declining to take such action, as set forth in the Municipal Code of Chicago Section 2-78-130(b).

Recommendation 2: *Ensure training includes scenario-based training that emphasized the application of force mitigation principles.*

Status: **Agrees in Part.** The Department notes that it has been evaluating the need for scenario-based training on foot pursuits “for some time.” However, it does not provide a description of what actions it has taken to evaluate this need; what, if anything, has come of that evaluation; or how and when the Department plans to implement findings from that evaluation.

Appendix A



Eddie T. Johnson
Superintendent
Chicago Police Department
3510 S. Michigan Avenue
Chicago, Illinois 60653

December 21, 2017

Re: Advisory Letter Regarding Log Number 1078998

Dear Superintendent Johnson:

Pursuant to the Municipal Code of Chicago Section 2-78-130, the Chief Administrator of the Civilian Office of Police Accountability (COPA) is empowered and has a duty to make recommendations to the Superintendent of the Chicago Police Department (the Department). To fulfill the mission, as outlined in Section 4.4.1 of COPA's Rules and Regulations (effective September 15, 2017), the Chief Administrator may issue an Advisory Letter to the Superintendent if an investigation uncovered a problem that hinders the effectiveness of Department operations and programs or if the investigation has identified a verifiable potential liability or risk that warrants attention by the Department.

Traffic Stops

In Log Number 1078998 Sergeant A observed a vehicle driving eastbound on Peterson Avenue with sparks coming out from the front driver's side wheel. Sergeant A later observed that the vehicle was completely missing its front driver's side tire. However, Sergeant A did not initiate a traffic stop. Rather Sergeant A continued to follow and observe the vehicle.

Recommendation Related to Traffic Stops

A vehicle driving on only three wheels is not in safe, operable condition and poses a threat to the occupants of the vehicle, Department members, and the public at large. COPA recommends that the Department require its members to initiate traffic stops whenever members observe a vehicle that is not in safe, operable condition. COPA recognizes that Department members may have legitimate safety concerns when initiating traffic stops, but these can be mitigated through the use of sound tactics including, but not limited to: initiating the traffic stop in a well-lit area, waiting for back-up to arrive before exiting their police vehicle (*i.e.* using time as a tactic), and keeping a safe distance between the civilian's vehicle and the Department member's vehicle (*i.e.* using distance as a tactic).

Foot Pursuit into a Forest Preserve

Later during the incident, Sergeant A followed the vehicle driving on three wheels into a forest preserve alone, on foot, and without a flashlight. Sergeant A's tactical decisions unnecessarily put himself at risk. This conduct may indicate a larger issue: poor tactical decisions that lead to the appearance of officer-created jeopardy and exigency. In this instance, utilizing force mitigation tactics could have significantly changed the outcome and would have minimized any threat to public and officer safety.

Recommendation Related to Foot Pursuits

COPA recommends that the Department ensure its training includes scenario-based training that emphasizes the application of force mitigation principles.

Thank you for your time and consideration of these issues. We respectfully request a response to these recommendations within 60 days. COPA will publish this letter and the Department's response, if any, on the COPA website after the 60-day response time has passed.

Respectfully,



Patricia Banks
Interim Chief Administrator

1615 WEST CHICAGO AVENUE, 4TH FLOOR, CHICAGO, ILLINOIS 60622
312.743.COPA (COMPLAINT LINE) | 312.746.3609 (MAIN LINE) | 312.745.3598 (TTY) | WWW.CHICAGOCOPA.ORG

Appendix B



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

February 21, 2018

Patricia Banks
Interim Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Advisory Letter Regarding Log Number 1078998

Dear Chief Administrator:

The Chicago Police Department (CPD) received an Advisory Letter Regarding Log Number 1078998, in which COPA recommended that CPD require officers to make mandatory traffic stops on certain offenses, and that CPD provide additional scenario-based training on the subject of foot pursuits.

The Rules and Regulations of the CPD establish goals, which include the protection of life, prevention of crime, preservation of the public peace, enforcement of all laws and ordinances, and arrest of law violators. Officers are bound by the rules and regulations of CPD. Therefore, if during the course of an investigation, COPA determines, based on the preponderance of the evidence, that an officer has committed a rule violation, such as Rule 10, *Inattention to duty*, then COPA should sustain that allegation. However, each police officer also exercises the discretion vested in the position, within the law. Guided by the principle of reasonableness, an officer will consider all surrounding circumstances in determining whether, for example, to make a traffic stop on certain offenses.

With regards to COPA's recommendation that CPD provide additional scenario-based training on the subject of foot pursuits, CPD has been evaluating the need for and type of training as it relates to foot pursuits for some time. We thank you for your suggestions and will provide you with any updated training materials as it becomes available.

Handwritten signature of Eddie T. Johnson in black ink.

Eddie T. Johnson
Superintendent of Police
Chicago Police Department

ETJ/jjb

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Page 1 of 1