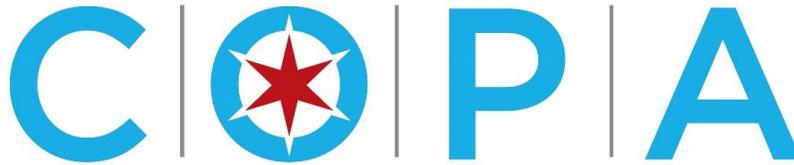


CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

**Report on the Chicago Police
Department Response to COPA
Advisory Letter Recommendations
IN RE: Interactions with TIGN
Individuals**

September 30, 2019



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY ● TRANSPARENCY ● INDEPENDENCE ● TIMELINESS

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

September 30, 2019

**RE: Chicago Police Department Response to COPA Advisory Letter
Recommendations IN RE: Interactions with TIGN Individuals**

In a November 13, 2018, Advisory Letter issued to the Department, COPA expressed its concerns regarding objectionable Department member interactions with TIGN (Transgender, Intersex, and Gender Nonconforming) individuals.¹ In the Advisory Letter, COPA described the issues encountered and made several corrective recommendations.

The Department provided COPA with its response on January 11, 2019, stating that efforts were being made to address the situation described.²

In response to the Department's representations, on April 26, 2019, COPA wrote to you requesting access to the new and/or revised training materials.³

COPA neither received a response, nor was it given access to any new and/or revised materials.

On August 23, 2019, COPA reminded Department officials that it had responded to the Department's January letter on April 26, 2019, requesting access to the new and/or revised materials. COPA advised Department officials that it had received no acknowledgement of, or response to its request as of that date and asked whether the Department intended to make the materials available to it.

As of this date, COPA has yet to receive a response or be granted access to the materials.

¹ See Appendix A for a copy of the referenced COPA's November 13, 2018 Advisory Letter.

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

³ See Appendix C for a copy of COPA's April 26, 2019 letter request to the Department.

Municipal Code of Chicago § 2-78-130 and COPA Rules and Regulations §4.4.1 grant the Superintendent of Police 60 days in which to review COPA Advisories and recommendations prior to publication of the Advisory Letter file on the COPA website. That period has expired.

Please find enclosed our report addressing the Department's response.

Respectfully,

A handwritten signature in black ink, appearing to read "Sydney R. Roberts". The signature is written in a cursive style with a large, prominent initial 'S'.

Sydney R. Roberts
Chief Administrator

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 duty to make recommendations to the Superintendent of the Chicago Police Department (Department) concerning Department policies. To fulfill the mission, as outlined in Section 4.4.1 of COPA's Rules and Regulations, 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.⁴

On November 13, 2018, COPA issued an Advisory Letter informing the Department of repeated allegations relating to improper or inappropriate treatment of Transgender, Intersex, and Gender Nonconforming (TIGN) individuals.

In several investigations, complainants alleged that a Department member had referred to a TIGN individual as "he-she," a well-established derogatory term. In other cases, TIGN individuals were subjected to disparaging remarks regarding gender and/or were asked invasive personal questions regarding the arrestee's anatomy and medical history.

Department General Order G02-01-03 directs that members will not "use language that a reasonable person would consider demeaning or derogatory language aimed at a person's actual or perceived gender identity or expression or sexual orientation." The directive also specifies that members will use such pronouns as are requested by TIGN individuals. Further, if a member is uncertain of which gender term is preferred by the individuals, they are directed to ask.

II. COPA's November 2018 Recommendations

COPA recommended that the Department:

- In collaboration with local TIGN advocacy groups, review and as necessary, revise its TIGN policies, practices, training programs and materials, including General Order G02-01-03.
- End its practice of classifying arrestees' gender based on genitalia.
- Honor requests by an individual to be searched by a person of a specific gender or for the use of preferred bathroom facilities.
- Enlist local TIGN advocacy or community groups to identify other provisions that merit revision.

⁴ City of Chicago, Civilian Office of Police Accountability, Rules and Regulations (Eff. 4.13.2018)

- Ensure that practices and training regarding TIGN individuals are properly communicated to all members.
- Ensure respectful, safe, and professional processing of TIGN arrestees.
- Provide this training to all members and not only to new recruits.

III. The Department's Response

In its January 11, 2019 response, the Department informed COPA that it had already recognized the need for additional guidance to officers in the area of TIGN interactions and had “already taken significant action in addressing the issues” raised by COPA.

The Department represented that all members had been enrolled in mandatory eLearning courses focused on the Transgender community, General Order G02-01-03 was in the process of revision, members had been provided with a list of TIGN resources for referring individuals in need of services, and that it was working with outside organizations.

COPA was informed that the Department “anticipated the order will be staffed for internal Department approvals in early 2019 for implementation soon after.”

IV. Recommendation Status

Based on the Department's January 2019 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 indicates 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 or is non-responsive.

Recommendation 1: COPA recommended that the Department revise its diversity training materials to focus specifically on TIGN individuals.

Status: Does Not Agree.

Recommendation 2: COPA recommended that the Department develop more in-depth and specific training to guide members' interactions with TIGN individuals and their understanding of the TIGN community.

Status: Does Not Agree.

Recommendation 3: COPA recommended that the Department collaborate with local TIGN advocacy or community groups in developing the training resources.

Status: Does Not Agree.

Recommendation 4: COPA recommended that the Department provide the training to all members.

Status: Does Not Agree.

Recommendation 5: COPA recommended that the Department consider necessary revisions to several provisions of G02-01-03 to better ensure respectful, safe, and professional processing of TIGN arrestees

Status: Does Not Agree.

Appendix A



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

November 13, 2018

Re: Advisory Letter Regarding Interactions with TIGN individuals

Dear Superintendent Johnson:

COPA issues this Advisory Letter to inform you of repeated allegations relating to improper or inappropriate treatment of transgender, intersex, and gender-nonconforming (TIGN) individuals. Pursuant to the Municipal Code of Chicago Section 2-78-120(n), the Chief Administrator of COPA is empowered and has a duty to make recommendations to the Superintendent of the Chicago Police Department (the Department) to improve the accountability, effectiveness, integrity, and transparency of the Department.

Respectful Language and Preferred Pronouns

In several investigations, complainants alleged that a member of the Department referred to a TIGN individual using derogatory language (i.e., “he-she”). The Department establishes in G02-01-03 that members will not “use language that a reasonable person would consider demeaning or derogatory language aimed at a person’s actual or perceived gender identity or expression or sexual orientation.” The member admitted to using this term but claimed that it was not used in a derogatory manner.

Despite the member’s intentions, “he-she” is a well-established derogatory term. In fact, it is the first example of derogatory terms that the U.S. Department of Justice Community Oriented Policing Service prohibits in its sample TIGN policy.¹

G02-01-03 also outlines that members will,

“Use pronouns as requested by the TIGN individual (e.g., “she, her, hers” for an individual for an individual who self identifies as a female; “he, him, his” for and individual who self

A.L. 2018.01

identifies as a male); Note: if members are uncertain by which gender the individual wishes to be addressed, members will respectfully ask the individual for clarification.”

In other investigations, complainants alleged that they were referred to as the wrong gender, despite the gender indicated on their government-issued identification or stated preferences. Further, complainants alleged that members made disparaging remarks after pronoun or name preferences were indicated (i.e., “Just because you say you are doesn’t mean you are.”). In one instance, the use of incorrect pronouns persisted in multiple case reports and in the accused officer’s statement several months later, revealing a lack of understanding how to respectfully refer to TIGN individuals.

Recommendations Related to Respectful Language and Preferred Pronouns

The Department provided COPA its training materials related to interactions with TIGN individuals, which consisted of one 4-page training bulletin from 2012, and two training videos relating to Transgender individuals. While Department members are provided additional diversity management and implicit bias training, these trainings do not focus specifically on TIGN individuals. Further, the Department did not provide COPA with any documentation as to how members were advised of or trained on updated TIGN policies.

COPA understands that in its implementation of the pending Consent Decree, the Department will have obligations to review and revise its TIGN policies and practices. COPA reiterates the provisions in the July 27, 2018 draft Consent Decree in Section III (B.2), paragraph 56, and further recommends that there be more in-depth and more specified training to guide members’ interactions with TIGN individuals and their understanding of the TIGN community. Moreover, COPA recommends that while developing and implementing this training, the Department collaborate with local TIGN advocacy or community groups to provide members’ an additional perspective on interactions between law enforcement and TIGN individuals, and to facilitate or co-lead trainings.

COPA also recommends that this training be provided to all members, not only to new recruits in the Academy, and that the Department take steps to ensure changes to the Department’s policies, practices, and training regarding TIGN individuals are properly communicated to all members.

Processing TIGN Arrestees

In addition to requiring that members address TIGN individuals respectfully, G02-01-03 further requires that an arrestee’s gender will be classified as it appears on the individuals government-issued identification card. This classification will be used both in designating arrestees’ gender on Department records, and also for determining which gender Department member should search the arrestee, and how the arrestee should be transported and housed.

In recent investigations, an individual's TIGN status caused members responsible for processing arrestees at the District station considerable confusion. Members allegedly were unsure under what procedures to process the TIGN arrestee, what gender member should conduct a search of the arrestee, and how to respectfully handle prosthetics or other items related to a person's gender expression. To clear their confusion, members allegedly asked invasive personal questions regarding the arrestee's anatomy and medical history.

Recommendations Related to Processing TIGN Arrestee's

COPA believes that the training recommendations set forth above will also address some of the misunderstandings in processing TIGN arrestees. Additionally, COPA recommends that the Department consider necessary revisions to several provisions of G02-01-03 to better ensure respectful, safe, and professional processing of TIGN arrestees. Specifically, COPA recommends that the Department end its practice of classifying arrestees' gender based on genitalia, and to honor requests by an individual to be searched by a person of a specific gender or the use of bathroom facilities. The Department of Justice report "Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community" provides suggested policy language for addressing these concerns.²

In its process of reviewing this policy in compliance with the forthcoming consent decree, COPA also recommends that the Department enlist local TIGN advocacy or community groups to identify other provisions that merit revision.

Thank you for your time and consideration of these issues. COPA respectfully requests a response to these recommendations within 60 days, pursuant to the Municipal Code of Chicago Section 2-78-130(b). COPA will publish this letter and the Department's response on the COPA website after the 60-day response time has passed.

Respectfully,



Sydney R. Roberts
Chief Administrator

Appendix B



Rahm Emanuel
Mayor

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

Eddie T. Johnson
Superintendent of Police

January 11, 2019

Sydney R. Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Advisory Letter Regarding COPA Policy Brief: Interactions with TIGN Individuals

Dear Chief Administrator,

The Chicago Police Department received an Advisory Letter regarding interactions with transgender, intersex and gender-nonconforming (TIGN) individuals in which COPA recommended changes to policy and the enhancement of training for Department members on the referenced subject matter.

Prior to the advisory letter being sent, the Department had already recognized the need for additional guidance for our officers in the area of TIGN interactions. In early compliance with the recommendations for TIGN interaction reform set forth in the proposed consent decree, the Department has already taken significant action in addressing the issues identified in your referenced advisory letter.

As of early October, all Department members have been enrolled in mandatory eLearning courses entitled "The Transgender Community (Parts 1-3)." This training introduces participants to the transgender community; provides information on the prevalence of violence experienced by transgender people; answers frequently asked questions regarding transgender people; and addresses proper / improper terminology to be used when interacting with transgender individuals. Unique obstacles faced by transgender victims of sexual assault and domestic violence are also addressed. In addition to the training modules, a glossary of gender identity terms is provided and a TIGN resources list can be accessed for referring individuals in need of services that may be available to them.

Additionally, the Department is in the process revising General Order G02-01-03 entitled "Interactions with Transgender, Intersex, and Gender-Nonconforming (TIGN) Individuals," which establishes policies for interactions with TIGN individuals. During the revision process, the Department has had a series of meetings with members and representatives of the TIGN community, including the American Civil Liberties Union of Illinois and the Transformative Justice Law Project. In addition, numerous community groups have stated their support for the proposed directive, including the Center on Halsted, the Pride Action Tank and Equality Illinois. It is anticipated the order will be staffed for internal Department approvals early in 2019 for implementation soon after.

The Department recognizes that the fair and equal treatment of all citizens is one of the hallmarks of a professional and trusted police organization. As an organization, we should continue to constantly evaluate how we do things in order to attain the lofty goals we have set for ourselves both individually and organizationally.

Thank you for your recommendations. The Department remains committed to ongoing reform process and we look forward to your additional input on the above matters.



Eddie T. Johnson
Superintendent of Police
Chicago Police Department

Appendix C



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

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

April 26, 2019

Advisory Letter Regarding Interactions with TIGN Individuals

Dear Superintendent:

On November 13, 2018, COPA issued an Advisory Letter¹ regarding a matter that involved objectionable Department interactions with TIGN individuals, specifically with regard to respectful language, preferred pronouns, and the respectful processing of TIGN individuals. The Department provided COPA with its response² on January 11, 2019.

In its response, the Department informed COPA that it already had recognized the need for additional guidance to officers in the area of TIGN interactions. Efforts in that regard were said to include:

- Institution of Mandatory eLearning courses entitled "The Transgender Community (Parts 1-3);"
- A glossary of gender identity terms and a list of TIGN resources made available to members; and
- Revision of General Order G02-01-03 entitled "Interactions with Transgender, Intersex, and Gender-Nonconforming (TIGN) Individuals."

COPA is working to report the resolution to this Advisory.

To that end COPA respectfully requests that you provide COPA access to the eLearning modules, revised General Order, and all other materials that have been provided to members. Also, please inform us on where and how the eLearning modules are made available to Department members and the method employed to ensure compliance with the mandatory training directive. If these materials are not available for review please provide an updated completion status.

COPA appreciates your recognition that the fair and equal treatment of all citizens is one of the hallmarks of a professional and trusted police organization.

Regards,

Sydney R. Roberts
Chief Administrator

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

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