



October 1, 2020

Sergeant Timothy P. Finley, #2224  
Training Division  
Chicago Police Department  
[REDACTED]

Re: COPA's Review of CPD 4<sup>th</sup> Amendment Training

Sgt. Finley:

Thank you for the opportunity to review the Department's proposed 4<sup>th</sup> Amendment Training. This subject matter is critically important to ensure the Department's ability to deliver equitable and constitutional policing to all Chicagoans. Nearly all encounters between citizens and law enforcement are impacted by the 4<sup>th</sup> Amendment. Accordingly, officers require a robust understanding of and respect for the law that governs these interactions. COPA recognizes the considerable effort that has already gone into the development of these training materials. We sought to provide high level feedback in the areas of structure, content, and tone in order to further enhance the Department's efforts. COPA's internal subject matter experts in our Investigations, Legal, and Training Units have reviewed these materials and have provided the following feedback:

**Structure**

- *Time* - As an overall matter, COPA notes that these materials are voluminous. We recommend the Department consider allotting more time to the subject matter presented.
- *Objectives* – Each module would benefit from having a separate title and set objectives to guide both the trainer and the class as they approach each new topic.
- *Testing* – Development of objective test questions could provide an effective metric for measuring pre and post training knowledge.

**Content**

- *Concealed Carry* – COPA has previously informed the Department of the need to develop enhanced training surrounding issues pertaining to *Terry* stops in the context of Illinois concealed carry law. While the subject is broached in the materials, COPA would recommend expanded discussion and increased scenario-based instruction surrounding this issue.



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

- *Search Warrants* – COPA notes that the topic of search warrants is discussed but the content focuses only on execution of valid search warrants. COPA recommends adding materials to address the nature and sufficiency of evidence required to obtain a search warrant. COPA also notes that a considerable amount of misconduct investigations involving the improper execution of search warrants arise each year and expanded discussion on best practices for ensuring safety of civilians and officers is warranted. (*i.e.*, training on how an officer asked to assist in a SW execution can evaluate the sufficiency of information contained in the affidavit and warrant, in order to ensure proper and safe execution)
- *Seizures* - The act of intentionally pointing a firearm at a civilian is a serious use of force which can constitute a “seizure.” COPA recommends that the issue be addressed in the context of the Department’s 4<sup>th</sup> Amendment Training to ensure that decisions to exercise this level of force are properly evaluated under the law.

### Tone

- *General* – The Department is directly responsible for projecting the message of reform to its officers and training is an integral building block in that effort. Trainers need to deliver all content, particularly content as seminal to reform as the 4<sup>th</sup> Amendment, with intentionality of message. These draft materials would be exponentially improved were the Department to overtly project that it welcomes and finds value in its obligations under the Consent Decree and embraces the need to continue to improve and evolve to better serve all Chicagoans. While this may seem inconsequential, it could not be more essential to achieving true reform.
- *Discussion Topics* – COPA recommends that the Department avoid using gendered questions/scenarios such as the questions regarding spouses/partners and why they are attractive. While the intent may be to encourage participation and dialogue, examples that touch on issues like this may be sensitive for participants and could create uncomfortable situations.
- *Law Enforcement Objectives Under the 4<sup>th</sup> Amendment* – The tone of these materials appears to be aimed at what an officer can do under the 4<sup>th</sup> Amendment, as opposed to focusing on just and equitable outcomes under the 4<sup>th</sup> Amendment.
- *Practical Application* – These materials are largely presented in an academic manner, with heavy emphasis on caselaw. COPA recommends utilizing a more practical framework that approaches this material from the perspective of both an officer and a citizen. The inclusion of closed COPA cases may be an effective way to further illustrate some of these concepts.

As previously noted, this course material is exceptionally rigorous and our comments and feedback remained high level in the interest of expediency. Should the Department be interested in further dialogue regarding these suggestions, Senior Litigation Counsel, Cynthia Erno, Director



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

of Training and Professional Development, Shon Barnes, and I would be all available to participate in future conversations. Thank you again for the opportunity to review these materials.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Kersten'.

Andrea Kersten

Chief of Investigative Operations