



September 29th, 2023

Angel Novalez
Chief
Office of Constitutional Policing and Reform
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

Re: Chicago Police Department Prohibitions of Sexual Misconduct (G08-06)

Dear Chief Novalez

COPA has completed an initial review of the CPD policy on prohibitions of sexual misconduct (G08-06) effective June 21, 2023, and acknowledges CPD's efforts to define, identify, and outline prohibitions of sexual misconduct by Department members. COPA was unable to provide feedback prior to the policy being made effective but is moved to comment on the policy considering COPA investigations have found Department members engaged in sexual misconduct¹ and potential policy gaps that have come to light given recent accusations about Department members engaging in inappropriate sexual relations with migrants.

COPA recommends CPD further develop, and seek input on, this policy's guidelines regarding relationships between Department members and members of the community. Specifically, additional effort should be made to address inappropriate or nonconsensual relations that occur on or off duty. Upon preliminary review of the policy, COPA most immediately suggests the following:

- 1. Modify the specific prohibitions of sexual misconduct in Section V to include off duty prohibitions.** Currently, the policy states "all sexually motivated activity and behaviors are prohibited while on duty, and no sexual activity while a Department member is on duty is considered consensual," including sexual communication and sexual contact. Although the Rules and Regulations of the Chicago Police Department apply to Department members both on and off duty, this policy should elaborate on what sexually motivated activity and behaviors are prohibited when members are off duty. For example, Department member relationships with members of the community that constitute a conflict of interest when working for the Department (e.g. Department member engaging in a sexual relationship with a victim of a crime during an ongoing investigation).²
- 2. Expand upon the specific prohibition in Section V, Subsection F regarding Department members using their official position to "coerce, persuade, force, or initiate sexual contact..." either on or off duty.** This section addresses off duty activity, but it should further comment on

¹ See COPA Logs 2018-1088074, 2018-1090890, 2018-1091813, 2019-0003507, 2019-0004916, 2019-1092474, 2020-0000840, 2020-0001353, 2021-0001047, 2021-0002703, and 2022-0001434.

² See COPA Logs 2019-1092474 and 2021-0001047.

the power that comes with a law enforcement position and the obligation for Department members to consistently be mindful of this power to ensure it is used appropriately and not abused. To clarify how police powers can be abused, the prohibition could include actual examples of inappropriate uses of power in both on or off duty situations (e.g., unwanted and repeated sexual advances and photographs by a Department member, an off-duty Department member wearing a firearm during a nonconsensual sexual encounter).³

3. **The policy should reference or integrate guidance from directives about appropriate use of and access to personal information of community members, whether on or off duty.** Section V, Subsection O indicates unnecessary contact with civilians by Department members for personal or sexually motivated reasons is prohibited (e.g., Department member using a personal cell phone to contact an individual met through an official law enforcement capacity, a Department member using a social media account to disseminate sexually explicit photographs without consent).⁴ Section V, Subsection P states Department resources or information systems must be used for legitimate law enforcement purposes only. Both of these subsections should refer to, and reaffirm, the directives that address how Department members are authorized to access and use personal information.
4. **Further address vulnerable populations at risk of being victims of sexual misconduct and develop required steps to mitigate these specific risks.** Section VI, Subsection B, Part 2 indicates “Potential victims of sexual misconduct are often selected based on perceived or actual vulnerabilities” and states that Department members should be aware that victimization occurs more frequently in certain populations, such as undocumented persons or minors.⁵ The directive on Crime Victim and Witness Assistance addresses Department member interactions and assistance with crime victims and witnesses. This directive also references additional Department policies on responding to and investigating crimes involving vulnerable populations (e.g., victims of sexual assault, domestic violence, and human trafficking).⁶ CPD should refer to and utilize these related directives to further develop the Department member guidelines for appropriately contacting and assisting vulnerable populations who are especially at risk of being victims of sexual misconduct.

The recommendations above are the result of a preliminary review of the CPD policy on prohibitions of sexual misconduct (G08-06) effective June 21, 2023. COPA intends to further review this policy to provide more specific feedback regarding issues surrounding relationships between Department members and members of the community, such as power imbalance, conflicts of interest, victim vulnerabilities, and individuals in contact with police or under police control. COPA plans to explore the policies and practices of other law enforcement agencies when addressing sexual misconduct and incorporate research and best practices for law enforcement when working with victims and vulnerable populations. As COPA aims to provide CPD with additional feedback about its policy, we recommend that CPD plan to allow an additional round of public feedback on the policy.

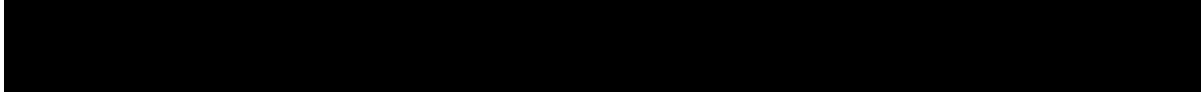
³ See COPA Logs 2019-0003507 and 2022-0001434.

⁴ See COPA Logs 2018-1088074, 2018-1091813, and 2022-0001434.

⁵ See COPA Log 2018-1091813.

⁶ See S02-01-03(II), Crime Victim and Witness Assistance (effective November 3, 2022 to present).

Sincerely,



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