



February 28th, 2024

Research and Development Division
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

Re: Chicago Police Department Coordinated Multiple Arrest Policy Suite (S06-06X)

Research and Development Division,

Thank you for an opportunity to provide feedback on the Chicago Police Department (CPD) Coordinated Multiple Arrest Policy Suite (S06-06X) draft dated February 8, 2024. The Civilian Office of Police Accountability (COPA) supports CPD's aim to provide guidance for Department members responding to crowds, protests, and civil disturbances, in addition to outlining the policy for coordinated multiple arrest incidents and incorporating specialized alternate arrest and tactical response reporting procedures.

COPA's Policy, Research, and Analysis Division (PRAD) has completed an initial review of CPD's draft policy suite by evaluating how it addresses misconduct-related issues that COPA highlighted for CPD during protests in 2020.¹ COPA's advisory to CPD in 2020 stemmed from several consistent investigative challenges and reoccurring themes during the investigation of complaints surrounding the protests, including issues with Department documentation, body-worn cameras, uniforms and equipment, reporting misconduct, and member wellness. The newly drafted policies address some of the concerns observed in 2020, but some issues should be further considered. The following examines the draft policy suite in consideration of COPA's previous feedback by assessing whether the policies "fully address," "partially address," or "do not address" prior issues, and offers additional feedback to further improve the policy suite.

1. **COPA previously found that members of the Department did not adequately document and report events that occurred during the 2020 protests.** Issues related to this main finding are *partially addressed* in the new draft policy suite, as outlined below.
 - a. **Use of Records Division (RD) numbers – Fully Addressed**

During protest-related arrests in 2020, a single RD number was used in documentation instead of a unique RD number for each incident. The overuse of this practice prevented meaningful documentation of incidents and supervisory oversight of members' actions. The draft policy on the Declaration of a Coordinated Multiple Arrest Incident (S06-06-01XX) fully addresses these concerns in Section V, Subsection D by outlining the steps for incident commanders during multiple arrest incidents regarding combining incidents into one RD number or using multiple RD numbers for separate incidents.

¹ See attached COPA letter to CPD regarding issues during George Floyd protests, dated August 7, 2020.

b. **Completion of Tactical Response Reports (TRRs) – Fully Addressed**

In 2020, Tactical Response Reports (TRRs) were not completed for many use of force incidents during the protests and therefore TRRs were frequently not available for review by supervisors or the Department's Tactical Response Evaluation Division (TRED), formerly the Force Review Unit. The draft policies on Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents (S06-06-02XX) and Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents (S06-06-03XX) fully address these issues by thoroughly describing the procedure for members to complete TRRs during coordinated multiple arrests, the types of force requiring a TRR, and when delays in reporting are allowed. Additionally, the policies discuss the review process in detail, including the procedure for supervisors for documenting the number of TRRs required as a result of any reportable use of force by members and the TRR reporting process in CLEARNET and the subsequent Department-level review process, including TRED. Additionally, there are several oversight procedures designated for supervisors. For example, the policy states that any supervisor who used or ordered the use of reportable force requiring a TRR will not review or approve the corresponding report. Also, a designated watch operations lieutenant will interview and conduct visual inspections of arrested individuals at the detention facility. Finally, the incident commander oversees any delays in documenting reporting and designates TRR completion timelines.

c. **Attendance and Assignment (A&A) sheets – Not Addressed**

The new draft policy does not address the inconsistencies with properly documenting Attendance and Assignment (A&A) sheets. A&A sheets were found to be used inconsistently during the 2020 protests. COPA found that handwritten "211s" were often the only documentation of member assignments for a shift and/or area and that these were unreliable, making it very challenging to identify members involved in use of force incidents and to address safety issues. The policy does not address how the Department plans to remedy this issue for future similar events.

COPA feedback: The Department should know the location and shift assignment of members responding in situations involving crowds, protests, and civil disturbances and ensure these assignments are included in official recordkeeping. Specifically, the Department should develop guidelines for clearly and accurately documenting member assignments and actual presence in situations involving crowds, protests, and civil disturbances, which may require a check-in system that is computerized (and mobile) be used.

2. **COPA previously identified issues surrounding the use of body-worn cameras (BWCs) during the 2020 protests.** Issues related to this main finding are *partially addressed* in the new draft policy suite, as outlined below.

a. **Missing BWC footage and inconsistent BWC use – Partially Addressed**

BWCs were often absent and inconsistently used by members during the 2020 protests. The policy on Response to Crowds, Protests, and Civil Disturbances (S06-06X), Section III, Subsection M, Part 2 refers to member compliance with the Body Worn Cameras (S03-14) directive.² Also, S06-06X, Section V, Subsection C, Part 4 states that when on scene of an incident involving crowds, protests, or civil disturbance, members are to activate their BWCs to event mode to record law-enforcement-related activities in accordance with the BWC directive, including encounters with the public that become adversarial after initial contact and issuing dispersal orders or making arrests.

COPA feedback: The policy should clarify what types of encounters with the public are considered “adversarial” when responding to crowds, protests, and civil disturbances and therefore require BWC activation. This may require referring to, mirroring, and/or refining similar language in the Department’s BWC directive.³

b. Insufficient time to re-charge BWCs – *Partially Addressed*

Members often did not have sufficient time to re-charge BWCs between shifts, leaving members with non-functional equipment. The policy S06-06X somewhat addresses this issue in Section V, Subsection C, Part 4 stating that if a member’s BWC battery is depleted or inoperable, the member will notify a supervisor. However, the policy does not address how a member can access a working BWC after reporting one inoperable.

COPA feedback: The policy S06-06X should incorporate a procedure for members to avoid having an inoperable BWC. It should be clear how the Department will provide a working BWC to members when requested or what contingencies are in place if cameras run out battery, are not able to be docked at a station between shifts, run out of storage space, or are otherwise rendered inoperable (e.g. assigning a replacement from a reserve of BWCs, extending the battery or docking/charging the unit in the field, etc.). Potential logistical and technical solutions should be discussed internally and encapsulated in the policy to promote transparency and accountability.

c. Lack of guidance from supervisory and command staff – *Not Addressed*

Members did not receive clear guidance on BWC use and activation from supervisors and command staff during the 2020 protests. The draft policy does not address the role of supervisors specifically regarding BWC guidance to members.

COPA feedback: The suite of policies should detail the role of supervisors if a member reports that their BWC is non-functional, including the procedure for replacing a member’s BWC and re-charging BWCs with depleted batteries. The policies should also detail when supervisors should provide members with specific instruction on activating their BWCs (e.g., members reporting to a crowd, protest, or civil disturbance that will likely be adversarial).

² See S03-14, Body Worn Cameras (effective December 29, 2023 to present).

³ See S03-14, Body Worn Cameras (effective December 29, 2023 to present).

d. **Inconsistent recordkeeping for BWC footage – *Partially Addressed***

BWC footage was inconsistently uploaded to *Evidence.com* during the 2020 protests. The draft policy S06-06-02XX, Section VI, Subsection B, Part 3, Subpart C requires all digital media of an arrestee and associated BWC video to be referenced and, when possible, uploaded in the reporting application.

COPA feedback: The policy should specifically state the requirements for uploading BWC footage and address how members should report any footage upload issues or inconsistencies to supervisors.

3. **COPA found several issues regarding members' uniform and equipment during the 2020 protests that made it difficult to identify members accused of misconduct.** Issues related to this main finding are *partially addressed* in the new draft policy suite, as outlined below.

a. **Obstruction of member's name and/or star numbers – *Fully Addressed***

The policy S06-06X, Section V, Subsection C, Part 2 states a member should not conceal, damage, or tamper with any insignia with the intention of preventing the member from being identified. Members are also reminded that they must verbally identify themselves upon request.

b. **Members sharing equipment (e.g., riot helmets), impeding identification. – *Not Addressed***

The policy S06-06X, Section V, Subsection C, Part 3 states the decals on the member's helmet are to be in accordance with the directive on Helmet – General Duty, Vehicular, and Ballistic (U06-01-31).⁴

COPA feedback: The policy S06-06X should specifically state that prescribed helmets are only to be worn by the designated member and not to be shared. The policy should state if there are situations that create an exception to this and explain the reporting process for when a member's helmet is worn by another member to ensure notification of a supervisor and documentation. This may also need to be considered for other uniquely assigned and identifiable equipment (e.g. BWCs).

4. **COPA found the most prevalent unnecessary use of force was member excessive baton use and a lack of clarity regarding proper baton use in the Department directives.** Issues related to this finding are *partially addressed* in the policy S06-06-03XX.

Section III, Subsection states when coordinated use of batons will be reported on the Incident Response report, but not requiring a TRR, if not used to apply a mechanical impact (e.g., held at "port arms" to push persons back or "rake" persons toward arrest teams).

⁴ See U06-01-31, Helmet – General Duty, Vehicular, and Ballistic (effective November 4, 2020 to present).

COPA feedback: The policy S06-06-03XX should expand on proper baton use of force tactics by referencing the directive on Baton Use Incidents (G03-02-07)⁵ for authorized use and include examples of prohibited use as the 2020 protests indicated a lack of clarity by members on proper use.

5. **COPA found many instances of potential member misconduct captured on video during the 2020 protests, but members did not come forward to identify misconduct.** The suite of policies *does not address* this issue.

COPA feedback: The policy S06-06X should reiterate the reporting requirements of members who witness or are involved in misconduct, possibly in Section III as this section details the Department's goals for responding to crowds, protests, and civil disturbances, as well as member standards in demeanor and actions when representing the Department.

6. **COPA raised concerns regarding member wellness due to excessive numbers of hours and shifts worked during the 2020 protests.** The draft policy *partially addresses* member wellness in this context.

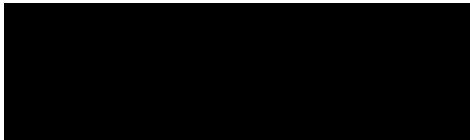
The policy (S06-06X) Section III, Subsection H states the importance of officer wellness by directing supervisors and leadership to make strategic decisions with officer wellness in mind. Also, Section V, Subsections B & D, state the field commander and supervisor will promote officer wellness by coordinating efforts to ensure hydration, breaks for rest and food, and removal of members in mental or physical distress or a crowd focus of attention or distraction. Additionally, the policy S06-06-03XX, Section IV mentions delaying TRR report due to length of time in field and the amount of rest members have had or will need for officer wellness purposes.

COPA feedback: The policy does not specifically consider the issue of members working excessive hours or shifts. Scheduling, overtime, and the logistics of officer deployment and shifts should be highlighted as critical considerations in CPD's response to crowds, protests, civil disturbances, and special events, particularly when sustained, as they are key parts of strategic decisions that supervisors and leadership make. The policy should emphasize that exhaustion and impaired decision-making due to excessive hours and shifts are risks to everyone, explain what to do if a member finds they or another member are experiencing issues because of excessive hours/shifts, and clarify the duties of supervisors and leadership as it relates to reporting, documenting, and addressing these types of issues. This could include defining what excessive hours/shifts are in this context. Appropriately addressing this likely requires first holding internal discussions about what is possible given practical constraints and considerations.

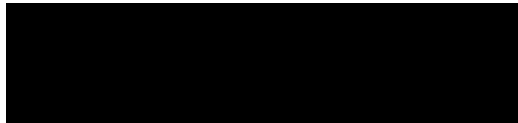
⁵ See G03-02-07, Baton Use Incidents (effective June 28, 2023 to present).

CPD's Coordinated Multiple Arrest Policy Suite (S06-06X) is a comprehensive set of directives that provides necessary clarity on several misconduct-related issues COPA observed during protests in 2020. Our feedback highlights the progress of CPD policy as it relates to contexts like crowds, protests, and civil disturbances, but also raises overlooked issues to further consider. COPA expects to continue examining complaints it has received in relation to crowds, protests, and civil disturbances and will be considering the implementation of the finalized policy suite as it relates to training and future special events in Chicago like the upcoming Democratic National Convention. We hope this feedback is helpful and are open to follow-up discussions about this critical topic.

Sincerely,



Justin Escamilla
Deputy Chief Administrator
Civilian Office of Police Accountability



Morgan McGuirk
Research Associate
Civilian Office of Police Accountability

cc:

Karen Conway, Director of Research and Development, Chicago Police Department
Angel Novalez, Chief of Office of Constitutional Policing, Chicago Police Department
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Morgan McGuirk, Research Associate, Civilian Office of Police Accountability



August 7, 2020

Superintendent David Brown
Chicago Police Department
3510 S. Michigan Ave.
Chicago, Illinois 60653

Dear Superintendent Brown:

The Civilian Office of Police Accountability (COPA) received more than 450 protest related complaints of Chicago Police Department (Department) member misconduct following the protests that arose on the heels of the tragic death of George Floyd and the later protest in Grant Park. To date, more than 200 complaints have been identified as within COPA's jurisdiction, referring the majority of complaints received to the Department's Bureau of Internal Affairs.

Early investigative results at COPA have uncovered problematic operational practices in the Department's response to both the initial George Floyd protests in late May and early June, as well as the subsequent demonstrations last month, highlighted by the protests at the Christopher Columbus statue in Grant Park on July 17th.

Several consistent investigative challenges and reoccurring themes have emerged during COPA's intake, assignment, and investigation of these matters. Accordingly, I wanted to take the unusual step of bringing our concerns to your immediate attention prior to the conclusion of our investigative efforts. Below is a high-level overview of some issues that are particularly prevalent in the investigation of these matters:

- **Inadequate Department Documentation**

- A single RD number was used for the vast majority of all protest-related arrests during the May 29th weekend. This practice thwarts meaningful supervisory oversight of members' actions as well as the sufficiency of an arrest.
- Tactical Response Reports (TRRs) were not completed in the vast majority of use of force incidents. Not only does this present an accountability concern from COPA's perspective, it also creates a compliance concern for the Department. The absence of such important documentation regarding the use of force renders the Department's Force Review Unit unable to evaluate ongoing compliance with use of force directives. Furthermore, the lack of TRRs leaves supervisory Department members unable to evaluate the conduct of members under their command.
- Attendance and Assignment Sheets were used inconsistently. In many instances, handwritten "211s" provide the only documentation of members assigned to work a particular shift and/or area, creating challenges in identifying members involved in several use of force incidents as well as officer safety issues.

- **Body-Worn Cameras**

- The absence and inconsistent use and activation of Body-Worn Cameras (BWCs) during mass-protest encounters.
- There was often insufficient time for BWCs to be re-charged between shifts, leaving members with non-functional equipment during encounters with civilians that, according to Department directives, should have been captured.
- While all indications are that Special Order 03-14 was in effect and applicable to BWC use during the protests, clear guidance from supervisory and command staff was lacking. Anecdotal evidence suggests that many members were unclear as to BWC use and activation expectations.
- Inconsistent recordkeeping relative to BWC footage uploaded to *Evidence.com*, exacerbated by already inadequate documentation noted above, compounded challenges related to incident and member identification in the investigation of misconduct complaints.

- **Uniform and Equipment Issues**

- Obstruction of members' names and/or star numbers was prevalent and impeded identification of accused and involved members.
- Officers' sharing of equipment (such as riot helmets) impeded identification efforts by COPA and the Department.

- **Excessive Baton Use**

- Excessive baton use was the most prevalent form of unnecessary use of force alleged in protest-related complaints. Members who COPA has interviewed regarding these complaints seemed to lack clarity regarding Department directives on proper baton use.

- **Lack of Candor and Failure to Report Misconduct**

- Identification of accused and involved members has presented the largest investigative challenge in protest – related cases. Although many of these incidents were captured on video and have been widely circulated in both social and traditional media, members have not come forward to identify themselves or their fellow members in any of these investigations.

- **Officer Wellness**

- Several COPA investigations have highlighted the excessive number of hours and shifts worked during the protests. While there was an overwhelming public safety interest in maintaining a law enforcement presence on the street during the protests, in many instances, lack of sleep, stress, and other similar factors directly influenced member conduct.

COPA will review all evidence related to complaints received in a consistent and objective manner and recommend appropriate administrative action upon the conclusion of each investigation. However, as Chicago's civilian police oversight body, COPA must bring the important matters described above to your immediate attention in an effort to avoid unnecessary risk to both member and public safety.

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Superintendent David Brown

COPA is ready and able to offer additional information to assist the Department in identifying and remedying these issues as our investigations proceed. In addition to preserving safety, addressing these matters promptly will improve future accountability efforts and support continuing efforts to increase public trust in our public institutions.

I appreciate your attention to these matters and look forward to your response.

Sincerely,

A black rectangular redaction box covers the signature of Sydney R. Roberts. Below the box, the beginning of a handwritten signature in blue ink is visible.

Sydney R. Roberts
Chief Administrator

cc: Eric Carter, First Deputy Superintendent
Dana O'Malley, General Counsel (CPD)
Karen Konow, Chief, Bureau of Internal Affairs
Maggie Hickey, Independent Monitor
Kevin Connor, General Counsel (COPA)