A. Use of Force Principles

1. The Chicago Police Department (CPD) should develop and implement an overarching agency-wide use of force policy that directs officers to preserve and respect the sanctity of life and to protect all people from harm resulting from CPD officer actions and inactions, especially those who historically and disproportionately have been victims of police violence, including people of color, children and youth, women, immigrants, members of the LGBTQ community and people living with mental illness and/or with disabilities. CPD’s use of force policy must comport with best practices and current professional standards and comply with applicable law. The general use of force policy must incorporate the use of force principles articulated herein, and shall specify that the unnecessary use of force will subject officers to discipline and/or possible criminal prosecution. CPD will review, and if required, update its use of force policy as often as necessary to protect the sanctity of life, but at least every six months.

2. Officers must apply non-violent means to resolve incidents without the use of force whenever feasible, and shall be evaluated in part by their success in resolving incidents without force or by the use of the minimal amount of force necessary under the circumstances. CPD, each oversight entity, and the independent monitor will track and rely on data regarding the frequency with which officers resolve incidents without force for supervisory purposes and shall include this data in CPD annual public reports.

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¹ These recommendations draw on provisions contained in the Newark, Baltimore, and Ferguson consent decrees.
² The use of force principles described in this section apply to all uses of force except de minimus force. Force is defined as “physical interactions, for a lawful purpose, between an officer and a member of the public meant to separate, guide, and/or control without resort to control techniques that are intended to or are reasonably likely to cause pain.” Examples include using hands or equipment to stop, push back, separate, or escort and the use of compliance holds without the use of sufficient force to cause pain.
3. Officers are prohibited from using force when the subject does not present an imminent threat of bodily harm to another person and there is no basis for a lawful arrest.

4. CPD will require officers to develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force. CPD will increase officer training and practices that utilize non-force techniques and decision-making, including trauma- and disability-informed practices.

5. CPD will allow officers, including back-up officers, sufficient time and resources to respond to and resolve incidents consistent with the above principles. No officer shall be penalized for taking sufficient time to resolve an incident without use of force.

B. Use of Force Policies

1. CPD has recently revised its use of force policies. CPD shall build on its policies, making further revisions where necessary under the provisions of the Consent Decree and, as enumerated below, improve its training, investigations, and reviews regarding use of force to ensure that officers preserve and respect the sanctity of life and protect all people from harm. The revised policy shall contain the following provisions:

   a. Officers are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force as the threat diminishes.

   b. Officers are prohibited from using force unless all other reasonable alternatives have been exhausted and they can do so in a manner that minimizes injury to the individual and to any bystanders.

   c. Officers shall use trauma-informed de-escalation techniques and tactics and other alternatives to minimize the need to use force and to increase the likelihood of voluntary compliance with legitimate and lawful orders.
d. Officers shall be required to de-escalate potential and ongoing use of force incidents wherever and whenever possible, including through the use of time as a tactic, continual communication, tactical positioning, and requesting assistance from other officers, mental health personnel, or specialized units, as necessary and appropriate. Specific trauma-informed de-escalation techniques will include: verbal persuasion; acknowledging fear, confusion and mistrust; using an even/respectful tone; asking questions and issuing respectful warnings; and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance between the officer and the threat, retreating, and requesting additional resources (e.g. specialized units, crisis intervention units, behavioral health care providers, negotiators, etc.), whenever possible, before resorting to force and to reduce the need for force.

e. Officers will allow individuals the opportunity to submit to arrest before force is used wherever possible. Officers shall recognize that, in some circumstances, allowing a subject to temporarily evade arrest, including by retreating, may be the appropriate response to a situation when the use of force may technically be justified under relevant law or policy.3

f. Officers are prohibited from using force against a person who is handcuffed or restrained, except as necessary to prevent imminent bodily harm to any other person. Use of force against a restrained person must be followed by the immediate notification and response of a supervisor to assess the need for and propriety of the use of force.

g. Officers are prohibited from applying force greater than handcuffs to overcome passive resistance.

h. Officers are prohibited from applying restraints, including handcuffs and zip ties, in a manner that is intended or known to inflict pain or discomfort. In doing so, officers will

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ensure that handcuffs are double locked, appropriately fit and are adjusted when the person handcuffed complains of pain or discomfort. Officers shall have an affirmative duty to adjust the handcuffs upon complaint, provided that it is safe to do so at the time.

i. Officers are prohibited from using force to effect compliance with a command that is unlawful. A use of force is unnecessary and unreasonable when the initial arrest or detention was unlawful based on information that was known to the officer at the time of arrest or detention.

j. Officers are prohibited from using tactics that escalate an incident, including but not limited to taunting, humiliating or threatening individuals and using status-race-, and/or identity-based-slurs, which includes but is not limited to intentionally mis-gendering any individual.

k. Officers are prohibited from using force as punishment or retaliation. Officers are prohibited from using force to punish individuals for fleeing, resisting arrest, insulting or assaulting an officer, and/or engaging in First Amendment Activities, including but not limited to observing or recording a CPD officer.

l. Officers are prohibited from using force in response to speech, which includes verbal confrontation, slurs, or insults.

m. Officers are prohibited from using neckholds, chokeholds, head strikes, knee strikes, closed-hand strikes, and/or using any vehicle as a weapon. Officers are further prohibited from targeting any individual’s neck or groin with force.

n. Officers shall be affirmatively required to intervene and render assistance when any officer observes another using unnecessary or excessive force.

o. Officers are required to use a critical thinking, decision-making framework to analyze and respond to incidents, under which officers:
i. Gather facts about the incident and assess the relevant situation, threats, and risks for the purpose of minimizing and eliminating the use of force, a process that includes:
   a) Evaluating individualized factors, including age, physical impairment, frailty, pregnancy, and risk posed by the individual; and
   b) Considering whether a subject may be noncompliant due to limited English proficiency, a medical condition, disability, age/developmental immaturity, behavioral health crisis, a language barrier, and/or drug or alcohol use;

ii. Consider relevant policies with an emphasis on preserving the sanctity of life;

iii. Identify options (including but not limited to crisis intervention and a behavioral health response) and determine the best course of action; and

iv. Act, review, and re-assess the situation and the need for force.

2. CPD shall amend General Order 03-02 to ensure its use of force policies comply with the above the set-forth requirements, including by:
   a. Providing non-force responses and techniques to be utilized during encounters with non-compliant individuals who do not otherwise present a safety threat;
   b. Clarifying that the force responses are only to be used where force is necessary and as a last resort;
   c. Emphasizing non-force responses and techniques as the default response, unless a safety threat requires the use of force; and
   d. Revising Section III(B), regarding resisters, to include consideration of
whether the individual’s behavior is the result of a disability, substance use disorder, medical condition, behavioral health crisis, limited English proficiency, and/or developmental immaturity.

3. CPD will ensure that its use of force policy provides guidance on specific protocols and practices to use when engaging with children and Youth,\(^4\) which will include the following:

   a. Officers will employ developmentally-appropriate and trauma-informed de-escalation tactics including, but not limited to, using a calm, neutral demeanor, and avoiding threatening language.

   b. Officers will use alternatives to arrest, including: warn and release, informal counseling, and referral to community services and resources such as mental health, drug treatment, mentoring, and counseling organizations that operate independently from the justice system.

4. CPD will evaluate and improve its policies, protocols, and practices regarding the use of force during encounters with children and youth, including by:

   a. The City will fund an independent expert selected by the Coalition to conduct a comprehensive assessment of the City’s efforts to decrease youth involvement with the juvenile and criminal justice systems, including the City’s diversion programs, community-based alternatives to incarceration, and treatment options for Youth in need of services, as well as any obstacles to this process. The assessment will include consulting with community organizations/groups and/or collectives with particular expertise and/or insight into issues affecting the Youth most likely to have contact with CPD, including Youth with disabilities and limited English proficiency. The report shall be public. The City will address the deficiencies detailed in the report by developing and implementing a comprehensive plan for Youth Diversion based on the Report’s findings.

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b. CPD, with guidance from the independent monitoring team, will assess its current policies and training related to Youth and will revise its policies and training as necessary to ensure that CPD provides officers with requirements and oversight on developmentally appropriate responses to and interactions with children/Youth.

5. CPD will ensure that its use of force policy provides guidance on specific protocols and practices to use when engaging with people with disabilities, which will include the following:
   a. CPD will employ disability-informed and trauma-informed de-escalation tactics including, but not limited to, using a calm, neutral demeanor and avoiding threatening language;
   b. During police contacts with people who are known or believed to have disabilities, Officers shall provide reasonable accommodations, to the extent necessary and available, in order to facilitate the encounter without the use of force. Such reasonable accommodations may include modification of response techniques to gain compliance to avoid initiating physical contact, including alternative communication methods, and utilizing time and space to avoid the use of force;
   c. In considering whether and how to use force, CPD Officers will make an individualized assessment of the circumstances, the person involved, and the specific risk posed; and
   d. CPD will ensure that Officers consider whether a subject may be noncompliant due to a disability.

6. The following principles shall govern CPD policies, practices, and training on the use of lethal force:
   a. The use of lethal force is a measure of last resort and is prohibited unless such force is necessary to protect against an imminent threat to life or serious bodily harm to another person. In circumstances where lethal force is deemed “necessary” pursuant to the terms of the Consent Decree, it shall be used only in order to eliminate the imminent threat to life or serious bodily harm posed by the individual. It must be proportionate to achieve that objective, and officers must
use it in a manner designed to minimize damage or injury.\textsuperscript{5} Officers must make every effort to preserve the sanctity of life and to apply force consistent with this mandate.

b. Lethal force may not be used until officers have identified themselves as police officers and provided a clear warning of their intent to use firearms, with sufficient time and warning for the person to comply, unless doing so would create a risk of death or serious bodily harm.

c. Lethal force may not be used against a fleeing person unless that person has demonstrated through an overt act that he or she has the means and the intent to cause imminent death or serious bodily injury to another person.\textsuperscript{6}

d. The fact that a person is suspected of having or has possession of a weapon does not alone justify the use of deadly force.

e. Lethal force may not be used against someone who is a threat to only themselves or to property.

C. Weapon Specific Provisions


3. **OLEORESIN CAPSICUM SPRAY ("OC SPRAY")**

a. Officers are prohibited from using OC spray unless such force is necessary, objectively reasonable, and consistent with the use of force principles described in the Consent Decree. OC Spray may not be used against an individual unless he or she poses an immediate threat


to the safety of an officer or others.

b. Officers are prohibited from using OC Spray to disperse crowds. Where OC spray is used on an individual in a crowd, CPD will ensure that the spray is directed at the person(s) who presents an immediate threat to the safety of others.

c. Officers are prohibited from using OC Spray until a verbal warning is issued to the subject stating that the officer intends to use the OC Spray. The officer will defer using the OC Spray for a reasonable time to allow the subject to comply with the warning. Officers should use hand signals where there is a potential language barrier or hearing impairment.

d. Officers are prohibited from using multiple applications of OC Spray unless each separate application complies with the use of force principles described in the Consent Decree. Each application is a separate use of force that officers must separately justify as reasonable.

e. Officers are prohibited from using OC Spray on a person who is handcuffed or otherwise restrained unless that person presents an imminent threat to the safety of the officer or others and other, less intrusive means have failed to mediate the threat.

f. Officers will assist exposed subjects with decontamination and water flushing immediately after the application of the OC Spray. Officers will render aid consistent with their training and experience, and arrange immediate transport to a hospital for medical treatment for subjects on whom OC Spray has been used under the following circumstances: (1) when they complain of or exhibit continued effects after having flushed the affected areas; and/or (2) when they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, or a heart ailment) that may be aggravated by the OC Spray.

D. Incentives to De-escalate: Reducing Officer Incentives to Escalate Encounters & Providing Know-Your-Rights-Training to Chicago Public School Students

7 Sources: City of Chicago Office of Inspector General, CPD Overtime Controls Audit; Chicago Police Accountability Task Force, Community Relations Working Group Recommendations.
1. CPD is prohibited from either formally or informally using arrests, stops, tickets, citations, and/or completed investigatory stop reports to evaluate an officer’s productivity.

2. CPD officers are prohibited from engaging in the practice of “trolling.” Trolling is defined as the practice of an officer pursuing activities or situations that result in an extension of tour overtime. This includes: (a) actively seeking traffic, disorderly conduct, or other violations at the end of a shift; (b) making an arrest at the end of a shift as a result of escalating a situation where it would have been in the officer’s discretion to disengage. CPD will implement comprehensive policies, practices, supervisory procedures, and training modules [pre-approved by the Monitor and the Inspector General] to ensure that no CPD officer engages in trolling.

3. CPD members shall conduct themselves in a professional, courteous manner, consistent with professional standards. When a community member is stopped or detained, the officer shall explain in a professional, courteous manner to the community member why he or she was stopped or detained. An officer must always display his or her badge and must never retaliate against or express disapproval toward a community member who seeks to record an officer’s badge number. An officer shall always provide his or her name and badge number when asked for such information by a community member.

4. The City shall ensure that, starting in third grade, Chicago Public School students will receive annual instruction on how to exercise their 4th, 5th and 6th Amendment rights.