

Independent Monitoring Report 9

Appendix 4:

Use of Force

Compliance Assessments

Use of Force: ¶155

155. CPD officers have the authority to use force, but that authority is limited by the law and Department policy. The provisions of this Agreement seek to facilitate compliance with the law and Department policy regarding the use of force to reduce the circumstances in which using force is necessary, and to ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (NEW)*
Secondary: *Not in Compliance*
Full: *Not in Compliance*

In the ninth reporting period, the City and the CPD achieved Preliminary compliance with ¶155.

To assess Preliminary compliance with ¶155, the IMT reviewed the CPD’s Use of Force policies and department protocols to ensure policies and systems meet the requirements of this paragraph.

To assess Secondary compliance with ¶155, the IMT reviewed the CPD’s training materials related to the requirements of this paragraph and evidence of attendance.

At the end of the eighth reporting period, the CPD issued revised versions of its Use of Force Policy Suite that reflect community feedback from the Coalition (see ¶1669) on its Taser and OC Spray policies.

In the ninth reporting period, the IMT reviewed preliminary data indicating that at least 95% of CPD officers completed the *2023 Use of Force Policy Update Training* materials.

As we indicated in our eighth monitoring report, these policies and trainings address some of ¶155’s requirements, but the IMT remains concerned about accountability and frontline supervision as they relate to ¶155’s requirement to “ensure accountability when CPD officers use force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances.”

As we noted previously, the CPD’s Tactical Review and Evaluation Division (TRED) introduced a new Incident Debrief Report (IDR) during the eighth reporting period. A particular incident may involve a combination of officer actions, including uses-of-force, which are reported on Tactical Response Reports (TRRs); foot pursuits, reported in Foot/Bicycle Pursuit Reports (FPs); and firearm pointings, reported in

Firearm Pointing Incident Reports (FPIRs). The IDR allows TRED to comprehensively review an incident that involves a combination of TRRs, FPs, and FPIRs, and the IMT commends the CPD’s efforts on this system.

During the ninth reporting period, we observed sufficient progress in the CPD’s accountability systems—including TRED’s analysis of IDRs—thereby enabling the City and the CPD to achieve Preliminary compliance with ¶155.

The CPD’s public *Use of Force Dashboard* indicates that CPD officers completed 4,976 TRRs between January 1 and December 31, 2023, reversing the downward trend of recent years (see Use of Force Appendix Figure 1).¹

Use of Force Appendix Figure 1: TRRs reported by the CPD²

	Reported TRRs
2019	4,989
2020	4,259
2021	3,316
2022	3,652
2023	4,976

During the ninth reporting period, TRED published its analysis of the first half of 2023, the *TRED 2023 Mid-Year Report*.³ Three issues in the report are particularly relevant to the IMT’s assessment of Preliminary compliance with ¶155.

First, TRED reported that their reviewers identified “De-escalation/Force Mitigation Not Articulated”—which was historically one of the most common debriefing points issued by TRED—in just 3% of TRRs reviewed in the first half of 2023, compared to 12% of TRRs reviewed in 2022 and 20% of TRRs reviewed in 2021.⁴

Second, TRED began using a new debriefing matrix in response to the substantial number of body-worn camera debriefing points that TRED continues to identify.⁵ TRED reports that the most common debriefing point for investigating supervisors (Lieutenant or above) is “Investigating Supervisor-BWC [Body-Worn Camera] Issue Not Addressed,” which comprised 31.2% of IDR debriefing points for investigating supervisors.

¹ *Use of Force Dashboard (2015–Present)*, CHICAGO POLICE DEPARTMENT, <https://home.chicagopolice.org/statistics-data/data-dashboards/use-of-force-dashboard/>.

² *Id.*

³ TRED’s *2023 Midyear Report*, CHICAGO POLICE DEPARTMENT (December 28, 2023), <https://home.chicagopolice.org/wp-content/uploads/Tactical-Review-and-Evaluation-Division-Midyear-Report-2023.pdf>.

⁴ *Id.* at 37.

⁵ *Id.* at 6.

Third, TRED identified a reporting gap regarding force against handcuffed or restrained people, which is a Level 2 use of force. TRED issued 114 debriefing points related to 240 IDRs in the first half of 2023 where force was used against a handcuffed or restrained person.⁶

In the ninth reporting period, the IMT also reviewed course materials for the CPD's 2023 *In-Service Supervisors Training* and preliminary data indicating that at least 95% of CPD officers completed the training. The training materials explain the legal and policy framework for what constitutes reasonable force, but more should be done to stress the role of district-level supervisors in taking appropriate action at the time of an incident, rather than relying on TRED—including with respect to body-worn-camera use. Also, it remained unclear to the IMT by the end of the ninth reporting period whether supervisors are accessing the CPD's dashboard dedicated to de-escalation efforts. The benefit of making de-escalation data available is only realized if supervisors access it.

The IMT continued to look at Civilian Office of Police Accountability (COPA) reports to develop an understanding of complaints brought to COPA and the findings that have resulted related to ¶155. In the second and third quarters of 2023, COPA received 249 allegations of excessive force as compared to 258 in the second and third quarters of 2022.⁷ COPA reported it had 1,068 excessive force cases pending at the end of the third quarter.⁸ During the second and third quarters of 2023, excessive force case outcomes included 24 sustained, 31 not sustained, 4 unfounded, and 20 exonerated. In the same period, COPA made recommended disciplinary charges on 172 officers, with the following outcomes: 19 separations, 38 suspensions of 30 days or more, 71 suspensions of up to 29 days, 30 reprimands, and 12 violations noted; COPA's report does not specify the reason for each of these disciplinary recommendations.⁹

COPA also provides data regarding officers with multiple allegations of excessive force over the prior 12 months: 19 officers had 3 allegations of excessive force, 10

⁶ *Id* at 48.

⁷ *Civilian Office of Police Accountability 2023 Second Quarter Report (April 1, 2023 – June 30, 2023)*, COPA (July 15, 2023), at 16, <https://www.chicagocopa.org/wp-content/uploads/2023/07/COPA-2023-Q2-Report-2.pdf>; *Civilian Office of Police Accountability 2023 Third Quarter Report (July 1, 2023 – September 30, 2023)*, COPA (October 15, 2023), at 14, https://www.chicagocopa.org/wp-content/uploads/2023/10/COPA-2023-Q3-Report_.pdf.

⁸ *Civilian Office of Police Accountability 2023 Third Quarter Report (July 1, 2023 – September 30, 2023)*, COPA (October 15, 2023), at 18, https://www.chicagocopa.org/wp-content/uploads/2023/10/COPA-2023-Q3-Report_.pdf.

⁹ *Civilian Office of Police Accountability 2023 Second Quarter Report (April 1, 2023 – June 30, 2023)*, COPA (July 15, 2023), at 21–22, <https://www.chicagocopa.org/wp-content/uploads/2023/07/COPA-2023-Q2-Report-2.pdf>; *Civilian Office of Police Accountability 2023 Third Quarter Report (July 1, 2023 – September 30, 2023)*, COPA (October 15, 2023), at 20–21, https://www.chicagocopa.org/wp-content/uploads/2023/10/COPA-2023-Q3-Report_.pdf.

officers had 4 allegations of excessive force, 3 officers had 5 allegations of excessive force, 1 officer had 6 allegations of excessive force, and 1 officer had seven allegations of excessive force.¹⁰

We remain focused on the interaction between the City’s various entities responsible for police accountability. To achieve Full compliance, coordination must improve between COPA and the CPD. We also take note of individual disciplinary actions. For example, during the ninth reporting period, the CPD sought reversal of a Chicago Police Board decision that cleared an officer of wrongdoing during the unrest of 2020.¹¹

In conclusion, the City and the CPD achieved Preliminary compliance with ¶155. Moving forward, the IMT will continue to review COPA reports to develop an understanding of complaints brought to COPA and COPA’s findings. For further compliance with ¶155, we will look for evidence of (1) more robust district-level supervision and (2) better coordination between the City entities responsible for police oversight.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 155 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Not Applicable	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Not Applicable	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Under Assessment	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

¹⁰ *Civilian Office of Police Accountability 2023 Third Quarter Report (July 1, 2023 – September 30, 2023)*, COPA (October 15, 2023), at 26, https://www.chicagocopa.org/wp-content/uploads/2023/10/COPA-2023-Q3-Report_.pdf. Findings are not exclusive to that year/period and may include findings on cases from prior periods.

¹¹ *After police board acquittal, CPD makes renewed push to fire controversial officer*, CHICAGO TRIBUNE (January 5, 2024), available at <https://www.chicagotribune.com/news/criminal-justice/ct-james-hunt-lawsuit-20240105-nrysoydxzcy5j4jamuaq5raei-story.html>.

Use of Force: ¶156

156. CPD’s use of force policies and training, supervision, and accountability systems will be designed, implemented, and maintained so that CPD members: a. act at all times in a manner consistent with the sanctity of human life; b. act at all times with a high degree of ethics, professionalism, and respect for the public; c. use de-escalation techniques to prevent or reduce the need for force whenever safe and feasible; d. use sound tactics to eliminate the need to use force or reduce the amount of force that is needed; e. only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; f. only use force for a lawful purpose and not to punish or retaliate; g. continually assess the situation and modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary; h. truthfully and completely report all reportable instances of force used; i. promptly report any use of force that is excessive or otherwise in violation of policy; j. are held accountable, consistent with complaint and disciplinary policies, for use of force that is not objectively reasonable, necessary, and proportional under the totality of the circumstances, or that otherwise violates law or policy; and k. act in a manner that promotes trust between CPD and the communities it serves.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (NEW)*
Secondary: *Not in Compliance*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Preliminary compliance with ¶156.

To assess Preliminary compliance with ¶156, the IMT reviewed the CPD’s Use of Force policies to ensure policies and systems meet the requirements of this paragraph. Paragraph 156 addresses many sections of the Consent Decree, including short- and long-term efforts. The IMT also assessed the CPD’s efforts to actively engage the community and obtain feedback on its Use of Force policies and Foot Pursuit policy.

At the close of the eighth reporting period, the CPD issued updated Use of Force policies, including revisions that the CPD made as a result of its discussions with the Coalition to its policies regarding Tasers and OC Spray. This followed the CPD’s finalization and issuance in the seventh reporting period of two critical policies (on foot pursuits and First Amendment Rights).

In particular, we appreciate the change made in the June 28, 2023 version of G03-02-08, *Department Review of Use of Force*, which now states, “When determining any recommended after-action support for Department members or supervisors, the investigating supervisor will access the ‘TRR Debriefing Point Dashboard’ to

identify and review any previous use-of-force-related debriefing points for the involved members” (III.C.1). However, we remain concerned about whether there are adequate systems in place to identify and address multiple or repeated instances or complaints of unreasonable use of force.

During the ninth reporting period, we observed sufficient progress in the CPD’s accountability systems—including TRED’s analysis of IDRs—to find the City and the CPD in Preliminary compliance with ¶156. This progress is described in greater detail in our analysis of ¶155 above.

In the ninth reporting period, the IMT also reviewed course materials for the CPD’s 2023 *In-Service Supervisors Training* and preliminary data indicating that at least 95% of CPD officers completed the training. The training materials explain the legal and policy framework for what constitutes reasonable force, but more should be done to stress the role of district-level supervisors in taking appropriate action at the time of an incident, rather than relying on TRED—including with respect to body-worn camera use.

The CPD continues to make significant strides on its policies and trainings related to ¶156. However, we urge the CPD to pay additional attention to its Use of Force supervision and accountability requirements and systems, as noted in the last three reporting periods. These are critical to Secondary compliance with this paragraph. The CPD’s Supervisory Dashboard, launched on March 11, 2022, provides the system for supervision and accountability if implemented properly. But, consistent with our previous reports, during IMT interviews this reporting period with district supervisors, supervisors showed little to no understanding of the supervisory dashboard. While the CPD has taken steps to address its supervision and accountability systems, the current implementation of systems does not promote supervision and accountability. During the eighth reporting period, the CPD submitted a revised draft of the *TRR Supervisory Debriefing Dashboard Training Bulletin*, ETB# 22-03, on February 23, 2023, for which the IMT and the OAG issued no-objection notices on March 23 and March 22, respectively. In addition, on March 16, 2023, the City and the CPD provided a *TRR Supervisory Debriefing Dashboard eLearning* for which the IMT and the OAG issued no-objection notices on April 15 and April 11, respectively. Both trainings focused primarily on the mechanics of using the dashboard, though both also describe the benefits to supervisors. Because both trainings preceded a change to the CPD’s policy to require Watch Operation Lieutenants (WOLs) to review the dashboard, neither training noted the new requirement. The CPD provided evidence during the ninth reporting period that a sufficient percentage of supervisors completed the *TRR Supervisory Debriefing Dashboard Training Bulletin*.

In addition to increasing utility of the supervisory dashboard, to ensure greater supervision and accountability, the IMT recommends that the CPD establish policies and organization that hold supervisors accountable for officers by having specific supervisors assigned to oversee specific officers, not by sector or geography. The IMT has been working with the CPD on a pilot effort for unity of command in the 6th district, outlined in D20-02, *Unity of Command and Span of Control Schedule – Pilot Program*. The IMT will continue to monitor this pilot as it relates to supervision of and accountability for use of force incidents.

In conclusion, the City and the CPD achieved Preliminary compliance with ¶156. The IMT will continue to monitor progress with attention to Use of Force supervision and accountability requirements and systems.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 156 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Under Assessment	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

Use of Force: ¶167

167. CPD officers will operate their vehicles in a manner that is consistent with CPD policy and training and with the foremost regard for the safety of all persons involved. CPD will periodically include instruction regarding sound vehicle maneuvers in its in-service training regarding use of force. As appropriate, CPD will provide supplemental training guidance regarding dangerous vehicle maneuvers that should be avoided.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (SECOND REPORTING PERIOD)*
Secondary: *In Compliance (NEW)*
Full: *Under Assessment*

The CPD achieved Secondary compliance with ¶167 in the ninth reporting period.

To assess Preliminary compliance with ¶167, the IMT reviewed the CPD’s Use of Force policies and vehicle pursuit policy to ensure they address requirements specific to this paragraph. The CPD achieved Preliminary compliance in the second reporting period with G03-03-01, *Emergency Vehicle Operations – Eluding and Pursuing*. The requirements of ¶167 are also memorialized in revisions made to U02-01, *Department Vehicles*, which were made effective on February 29, 2020, after receiving no-objection notices from the IMT and the OAG.¹² On October 27, 2022, the CPD indicated that it had conducted its initial two-year review of U02-01 under ¶1636 of the Consent Decree and did not propose any changes as a result.

To assess Secondary compliance with ¶167, the IMT reviewed the CPD’s process and policies to identify drivers in need of remedial training and whether such training has occurred, as well as training that was provided to all officers. Furthermore, to maintain Secondary compliance, the CPD must periodically include traffic safety in its training and demonstrate how officers are identified and receive remedial training when not following policy.

In the prior reporting periods, the IMT reviewed the CPD’s 2021 in-service training curriculum which includes instruction (module 4) on how to conduct a motor vehicle stop and a portion on vehicular eluding and pursuit. The IMT also reviewed the CPD’s 2022 in-service training plan, which includes *In-Service Peak Performance Driving training* which “provides a review of basic driving skills and traffic

¹² In the City’s comments to an earlier draft of this report, the CPD suggests that it is “factually inaccurate” that “preliminary compliance was obtained in IMR-2 with G03-03-01,” rather than U02-01. In our report on the second reporting period, however, we explained, “Because the language from ¶167 that was added to U02-01 is very general, the three other, more specific policies listed above [the G03-03 suite of policies] were important to our compliance assessment, particularly the policy on pursuits,” G03-03-01, and its balancing test.

pursuit policy and reinforces skills related to proper emergency driving techniques.”

Additionally, on May 19, 2022, the CPD submitted to the IMT course materials for its *Emergency Vehicle Operations Course In-Service 4-hour training*. The IMT reviewed the course and had minimal comments, finding it appropriate to the requirements of the Consent Decree. The CPD planned to begin offering this training in the seventh reporting period. On September 15, 2022, the CPD provided revised training materials for which the OAG and IMT provided no-objection to on September 28, 2022, and November 12, 2022, respectively.

This training reviews general data and statistics to contextualize and emphasize content, including the importance of safety. This includes data from 2018 to 2021 on traffic accidents and officer deaths, as well as data, per recommendation of the IMT, on fatalities and life changing events as a result of police accidents (see Use of Force Appendix Figure 2).

In the ninth reporting period, the CPD provided evidence that it delivered the *Emergency Vehicle Operations Course In-Service 4-hour training* to at least 95% of its officers and supervisors, so the City and the CPD achieved Secondary compliance with ¶167.

Use of Force Appendix Figure 2: COPA Findings for Vehicle Pursuits, 2017–2021

	2018	2019	2020	2021
Total Pursuits in Compliance	244	196	205	252
Total Pursuits Not in Compliance	32	57	40	60
Total Pursuits Terminated	115	113	96	157
Total Pursuits Resulting in Accidents	166	180	91	129
Total Pursuits Resulting in Fatalities	4	9	5	3

The IMT has also been reviewing activities, data, and actions regarding motor vehicle operations. According to the data provided above from the emergency vehicle in-service training, the CPD has seen an increase in the number of pursuits terminated over time. The training also states \$65,860,996 in vehicle-related settlement costs resulted from 2016 through 2021. On May 17, 2023, the Chicago Sun-Times reported a \$10 million judgment against the CPD for a vehicle pursuit resulting in the death of a mother of 6.¹³

¹³ \$10 million awarded to family of woman killed in Chicago police chase crash, CHICAGO SUN-TIMES (May 17, 2023), available at <https://chicago.suntimes.com/2023/5/17/23727290/jury-awards-10-million-woman-killed-chicago-police-chase-crash-englewood-2017-stacy-vaughn-harrell>.

COPA reported six fatal accidents under investigation in 2021, 37 pending as of the second quarter of 2022, and one motor vehicle fatality under investigation for the third quarter of 2022. The IMT is reviewing the outcomes of these cases. COPA findings related to vehicle incidents in recent years include a CPD officer being suspended for 180 days for violating policy, and a recommendation for termination of a CPD responding officer who crashed into another police vehicle and subsequently civilian vehicles which resulted in the death of a woman.

On December 31, 2021, the IMT submitted a written request for monthly Traffic Review Board reports to include the number of officers sent to remedial training, to conduct a deeper review of the nature of the board's findings, recommendations for training, and any corrective action that emanates from the Board. The CPD shared traffic pursuits data from July 1, 2020, to December 31, 2021, in response to the IMT request on November 3, 2022. This data includes pursuits reviewed by the Traffic Review Board (TRB) and those handled at the district level. During this 18-month period, 458 pursuits occurred with 439 reviewed by the TRB or Districts. For these pursuits, progressive discipline and training actions included: 82 officers received 1- or 2-day suspensions, 151 with reprimands, and 57 required to complete driving school/policy review.

On May 18, 2023, the CPD responded to an IMT request for records and information about motor vehicle incidents. We gleaned the following from the records:

- In 2021, 9 cases were sent to COPA; of those, 7 remain open and 2 were referred to BIA. In that same period, 9 cases were sent to BIA for review; 2 were closed for having "no complaint" and 1 resulted in exoneration.
- In 2022, 4 cases were sent to COPA; of those, 3 remain open and 1 was administratively closed. In that same period, 5 cases were sent to BIA, and all remain open.
- The CPD supplied disciplinary and training data from the second quarter of 2021 through the second quarter of 2022; during that time, there were 134 reprimands, 76 one-day suspensions, 9 two-day suspensions, 6 three-day suspensions, 1 four-day suspension, and 27 officers identified for retraining.

The CPD's *2022 Annual Use of Force Report* contains the following information on traffic-related issues:¹⁴

In 2022 there were 304 total traffic pursuits, reviewed by the following entities:

- Traffic Review Board or District: 287 (94%)

¹⁴ See *Chicago Police Department 2022 Annual Use of Force Report*, CHICAGO POLICE DEPARTMENT (APRIL 18, 2023), at 135–36, <https://home.chicagopolice.org/wp-content/uploads/2022-Annual-Use-of-Force-Report-For-Publication.pdf>.

- BIA: 12 (4%)
- COPA: 5 (2%), including 4 fatalities.

According to the CPD’s analysis, the Districts with the most vehicle pursuits are the 11th, 18th, and 9th.

The various oversight bodies found that 29% of the pursuits in 2022 were in violation of at least one provision of the policy. The CPD reports that the biggest disciplinary issue arising from pursuits in 2022 was body-worn camera compliance, noting that officers “are required to initiate recording of their body-worn camera prior to a pursuit, even if the in-car camera is recording. In 2022, 154 (68%) of the 227 officers who were disciplined violated the department’s body-worn camera policy.” Examples of other policy violations include the following:

- 48 instances where the pursuit was not allowed by policy
- 34 instances where the pursuing member did not apply the balancing test
- 28 instances where the pursuing member did not notify the dispatcher as required
- 18 instances where the pursuing member did not follow an order to terminate the pursuit

In addition, the report notes that 73% of pursuits were terminated, 42% were associated with an accident, 1% were associated with a fatality, 4% resulted in an injury to an officer, 8% resulted in an injury to the person pursued, and 2% resulted in an injury to pedestrians. Eluding incidents totaled 1,723, up 6% from 2021. Finally, the report points out that compliance with policy was 10% less than 2021 but pursuit terminations were up 23%.

Based on the forgoing, the CPD has in place a system for monitoring officer’s driving behavior, and the number of pursuit terminations show that supervisors play an active role in pursuits. The approximate 230 days of suspensions show that there are consequences when officers fail to follow policy.

In conclusion, the City and the CPD achieved Secondary compliance with ¶167 in the ninth reporting period. Moving forward, the IMT will continue to assess activities, data, and actions regarding motor vehicle operations.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 167 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Preliminary	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶171

171. CPD will provide scenario-based training regarding foot pursuits and the supplemental foot pursuit training bulletin during the first annual use of force training required by this Agreement.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (SIXTH REPORTING PERIOD)*
Secondary: *In Compliance (NEW)*
Full: *Under Assessment*

In the ninth reporting period, the City and the CPD achieved Secondary compliance with ¶171.

To assess Preliminary compliance with ¶171, the IMT reviewed the CPD’s annual Use of Force training curriculum to determine whether it incorporated scenario-based training regarding foot pursuits and assessed whether the CPD looked at examples of how other jurisdictions may have done so. We also assessed whether the CPD’s annual *De-Escalation, Response to Resistance, and Use of Force* in-service training re-enforced new requirements or restrictions for foot pursuits through scenario-based training.

To assess Secondary compliance, the IMT reviewed relevant training courses and attendance records. In the eighth reporting period, the CPD finalized and began delivering its *Constitutional Policing* course, Module 6 of which included three scenarios involving foot pursuits. We also received a tour of Chicago’s new Joint Public Safety Training Campus, which was nearing completion, and which will provide an enhanced space for scenario-based training.

In the ninth reporting period, the IMT reviewed preliminary data indicating that at least 95% of CPD officers completed the *Constitutional Policing* course.

In conclusion, the City and the CPD achieved Secondary compliance with ¶171 in this reporting period. The IMT looks forward to the CPD’s future training on foot pursuits, which we expect will be informed by the data on foot pursuits that the CPD is now collecting and analyzing.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 171 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶181

181. CPD will continue to require that only officers who are currently certified may be issued, carry, and use firearms.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary:	<i>In Compliance</i> (SECOND REPORTING PERIOD)
Secondary:	<i>In Compliance</i> (THIRD REPORTING PERIOD)
Full:	<i>In Compliance</i> (NEW)
Sustainment Period Ends	<i>December 31, 2025</i>

In the ninth reporting period, the City and the CPD achieved Full compliance with ¶181.

To assess Preliminary compliance with ¶181, the IMT reviewed the CPD’s policies to ensure they address requirements specified in this paragraph regarding issuance, carry, and use of firearms. The IMT also assessed the CPD’s efforts to actively engage the community and obtain feedback on its Use of Force policies.

To assess Secondary compliance with ¶181, the IMT reviewed the CPD’s training sources and records to determine whether the CPD has sufficiently trained officers on firearm use. We also reviewed records showing the percentage of officers who qualified at the range and possessed the requisite FOID card.

To assess Full compliance with ¶181, the IMT reviewed various community and data sources to determine whether the CPD has sufficiently implemented its policy and training and ensures that officers are certified to issue, carry, and use firearms (including active FOID cards and CPD qualifications).

Beginning in the fourth reporting period, to assess Full compliance, the IMT attempted to audit firearms certification records for all officers and review the results of those records. In the fifth reporting period, the IMT reviewed the CPD’s *2020 Annual Training Report*, which indicated 11,921 officers (97%) took an eLearning course prior to firearms qualification.

During the seventh reporting period on September 22, 2022, the CPD shared its *Annual Prescribed Weapon Qualification, TASER Re-Certification and VirTra Simulation Exercise Training* materials for review. CPD requires officers to receive qualification training on firearms annually. This mandatory training includes eLearning modules, *Live Fire Firearm* and *TASER Qualification* and *VirTra Simulation Exercise*. Specific to ¶181, the training notes it is the member’s responsibility to qualify with their prescribed duty weapon by the end of the seventh period of the current year. The CPD submitted an updated version of this training on November 22, 2022. Per comment of the IMT, the revisions include stronger language regarding the need

for CPD officers to produce a valid FOID card for qualification, specifically stating that officers failing to produce a FOID card will not be allowed to qualify.

In the eighth reporting period, the IMT also reviewed the CPD's Primary Firearm Certification records that indicated 95.78% (10,588) of CPD members qualified in 2022. However, records showed that 466 officers did not qualify. Furthermore, an officer-involved shooting investigation by COPA resulted in a 30-day recommended suspension for an expired FOID card. As a result, the IMT recommended the CPD create a process that ensures officers have necessary licenses.

In the ninth reporting period, the Chief of the CPD's Bureau of Internal Affairs (BIA) completed an analysis of officers who failed to timely complete the 2023 annual weapon qualification, consistent with the provisions of the CPD's S11-03-01, *Annual Prescribed Weapon Qualification Program and Taser Recertification* policy (revised May 11, 2023). The analysis indicates that most of the 857 officers had a valid excuse for not qualifying or obtaining a temporary deferment. The CPD issued Summary Punishment Action Requests (SPARs) to address the delinquent status of the remaining 39 officers, after which 26 of the officers qualified, and the remaining 13 were identified as having a valid excuse for not qualifying. Therefore, all officers eventually qualified or were validly excused. The Chief's analysis indicates that, by comparison, 262 SPARs were issued to address delinquencies in 2022. We accept and appreciate the Chief's analysis; we also recommend that the CPD explore ways to automate its processes for ensuring officers have necessary licenses to the extent possible.

In conclusion, the City and the CPD achieved Full compliance with ¶181. Moving forward, the IMT looks forward to assessing the City and the CPD's sustainment of Full compliance.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 181 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Preliminary	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Secondary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Secondary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Secondary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full

Use of Force: ¶185

185. CPD will continue to prohibit officers from firing warning shots.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary:	<i>In Compliance</i> (SECOND REPORTING PERIOD)
Secondary:	<i>In Compliance</i> (FOURTH REPORTING PERIOD)
Full:	<i>In Compliance</i> (NEW)
Sustainment Period Ends	<i>December 31, 2025</i>

In the ninth reporting period, the City and the CPD achieved Full compliance with ¶185.

To assess Preliminary compliance with ¶185, the IMT reviewed the CPD’s Use of Force policies to ensure they prohibit officers from firing warning shots. The IMT also assessed the CPD’s efforts to actively engage the community and obtain feedback on its Use of Force policies.

To assess Secondary compliance with ¶185, the IMT reviewed the CPD’s training sources and records to determine whether the CPD has sufficiently trained officers, specifically with an emphasis that firing warning shots is prohibited.

To assess Full compliance with ¶185, the IMT reviewed various community and data sources to determine whether the CPD has sufficiently implemented its policy and training. This included reviewing CPD data on how many times officers fired warning shots.

The CPD achieved Preliminary compliance with this paragraph in the second reporting period with its Use of Force policies. In the fourth reporting period, the CPD achieved Secondary compliance.

In the fifth reporting period, the IMT began assessing Full compliance by examining data from the CPD’s Use of Force Dashboard, video and reports from COPA’s website, and TRED quarterly reports, which we continued to do this reporting period.

Beginning April 2021, TRED began reporting data on all Level 3 reportable uses of force. In 2021, TRED reported 45 Level 3 incidents. The responding Street Deputies determined no firearm discharges to be warning shots. Likewise, in 2022, there were 48 Level 3 incidents. The CPD’s *2022 Annual Use of Force Report* notes that officers did not fire any warning shots in 2022.¹⁵

¹⁵ 2022 Annual Use of Force Report, Chicago Police Department (June 28, 2023) at 113, <https://home.chicagopolice.org/wp-content/uploads/2022-Annual-Use-of-Force-Report-For-Publication.pdf>.

At the end of the ninth reporting period, the CPD provided several documents as evidence that CPD officers have not fired warning shots between April 2021 and November 2023. First, the Civilian Office of Police Accountability (COPA) “confirm[ed] that it has not conducted any use of force investigations that indicate a Department member fired a warning shot during this time frame [January 1, 2021, and December 12, 2023], nor has COPA identified any complaints alleging that a Department member fired a warning shot during this time frame.” Second, the CPD’s Investigative Response Team (IRT) reviewed weapons discharge incidents that occurred between April 2021 and November 2023 and found no incidents of an officer firing a warning shot. Third, the CPD’s Tactical Review and Evaluation Division (TRED) completed a search of Tactical Response Report (TRR) data for warning shots. In April 2021, the CPD added a checkbox to the TRR-Investigation form for supervisors to indicate whether a warning shot was fired during a Level 3 Reportable Use of Force Incident. Through December 12, 2023, supervisors checked “No” in 136 incidents and “Unknown” for 3 incidents, all of which involved the discharge of a firearm by an off-duty member. TRED provided the TRRs for those 3 incidents for our review. We accept and appreciate the support provided by COPA, the IRT, and TRED as evidence of Full compliance.

In conclusion, the City and the CPD achieved Full compliance with ¶185. Moving forward, the IMT looks forward to assessing the City and the CPD’s sustainment of Full compliance.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 185 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Preliminary	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Secondary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Secondary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full

Use of Force: ¶197

197. CPD will continue to require that only officers who are currently certified may be issued, carry, and use Tasers.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary:	<i>In Compliance</i> (THIRD REPORTING PERIOD)
Secondary:	<i>In Compliance</i> (FOURTH REPORTING PERIOD)
Full:	<i>In Compliance</i> (NEW)
Sustainment Period Ends	<i>December 31, 2025</i>

In the ninth reporting period, the City and the CPD maintained Preliminary and Secondary compliance and achieved Full compliance with ¶197.

To assess Preliminary compliance with ¶197, the IMT reviewed the CPD’s policies that reflect the requirements of the Consent Decree, including Uniform and Property U04-02-02, *Control Devices and Instruments*, General Order G03-02-04, *Taser Use Incidents*, and Special Order S11-03-01, *Annual Prescribed Weapon Qualification Program and Taser Recertification*.

During the sixth reporting period, the CPD continued to meet with the Coalition to revise G03-02-04, its *Taser Use Incidents* policy. On the final day of the reporting period, the CPD provided the IMT with a version of G03-02-04 reflecting revisions that the CPD made as a result of its discussions with the Coalition.

In the sixth reporting period, the CPD provided records to show that more than 95% of officers received the two-day 2021 *De-Escalation, Response to Resistance, and Use of Force* in-service training, with 96.71% of participants completing the *Communications* eight-hour course and 96.86% completing the *Procedures* eight-hour course.¹⁶ In addition, the IMT reviewed and provided a no-objection notice for training materials for the CPD’s 2022 *De-Escalation, Response to Resistance, and Use of Force* in-service training, and observed a session of that training. The CPD did not provide attendance records for the 2022 *De-Escalation, Response to Resistance, and Use of Force* in-service training by the end of the seventh reporting period.

During the seventh reporting period, the CPD indicated that it is in the process of reviewing U04-02-02; ¶159 requires the CPD to “conduct a comprehensive review of its use of force policies to assess whether CPD’s use of force policies meet the requirements of this Agreement [the Consent Decree], incorporate best practices, address observed trends and practices, as necessary, and reflect developments in

¹⁶ Because of the COVID-19 extension, the CPD had until March 5, 2022, to complete the delivery of its 2021 in-service training.

applicable law. In addition, ¶636 requires the CPD to review each policy periodically (typically every two years) to “evaluate whether the policy provides effective guidance and direction to CPD members and is consistent with the requirements of this Agreement and current law.”

In the eighth reporting period, the IMT reviewed CPD documentation showing that as of January 23, 2023, 10,163 (95.28%) officers were certified to use Tasers out of 10,667 CPD officers. In June, the IMT questioned whether the CPD had documentation to clarify which officers are not Taser-certified, and if they are not certified, whether they are indeed not carrying Tasers.

In the ninth reporting period, the CPD produced documentation demonstrating that 10,881 of 11,386 officers qualified with the Taser in 2023. Of the remaining 505 officers, 399 had valid reasons for not qualifying. We look forward to receiving information about the remaining 106 officers. In the meantime, however, on December 22, 2023, the Commander of the CPD’s Inspections Division, Community Safety Intervention Unit, circulated a list of officers who had not yet qualified to their supervisors with instructions to address the delinquency. In addition, the CPD issued a message on December 28, 2023, to all units to be read at roll call for seven days with a reminder that “Tasers will be carried and deployed ONLY by members who have completed Department-conducted training and required recertification on their safe handling and discharging. . . . Unit commanding officers will ensure that members under their command meet the training and recertification requirements prior to being assigned and carrying a Taser.” By providing this sufficient evidence, the CPD has achieved Full compliance.

In conclusion, the City and the CPD achieved Full compliance with ¶197. Moving forward, the IMT looks forward to assessing the City and the CPD’s sustainment of Full compliance. The CPD demonstrated in the ninth reporting period that it now has a database tracking all officers who are certified Taser users and the date of their certification, searchable by reporting period.¹⁷ We look forward to reviewing data on officers who are not certified users, and we also plan to review TRED records and TRRs regarding Taser use to cross check against the list of certified officers.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the

¹⁷ In the City’s comments to this report, the CPD mistakenly suggested that we have not acknowledged this demonstration.

Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 197 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Secondary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Secondary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full

Use of Force: ¶198

198. CPD will instruct officers that Tasers can cause serious injury or death and, as a result, officers should use Tasers only after balancing relevant factors including the threat presented by the subject, the risk of injury if a Taser is used, and the seriousness of the suspected offense. Consistent with this standard, CPD officers should not use Tasers against persons who are reasonably perceived to be non-violent, unarmed, and suspected of low-level offenses, such as property-related misdemeanors, quality of life offenses, moving or traffic violations, or municipal code violations.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (EIGHTH REPORTING PERIOD)*
Secondary: *In Compliance (NEW)*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD maintained Preliminary and regained Secondary compliance with ¶198.

To evaluate Preliminary compliance with ¶198, we focused on whether the City and the CPD received the requisite community input for General Order G03-02-04, *Taser Use Incidents*. With regard to Secondary compliance, we reviewed the CPD's training materials and evidence of attendance.

During the ninth reporting period, the CPD provided preliminary data to indicate that more than 95% of officers received the two-day *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of participants completing the course. In addition, the IMT observed a session of that training. As we noted in previous reporting periods, according to the CPD's Use of Force Dashboard, Taser usage has seen a significant reduction in recent years.

[Use of Force Appendix Figure 3.](#)

[Data from CPD's Use of Force Dashboard re: Taser Use](#)¹⁸

YEAR	REPORTED TASER INCIDENTS
2016	484
2017	391
2018	218
2019	224
2020	161
2021	115
2022	97
2023	109

¹⁸ The IMT's review of TRR data reported by the CPD revealed minor data discrepancies between the CPD's Public Use of Force Dashboard and TRED reports. For the purposes of this report, we are reporting data from the dashboard. The IMT plans to further examine and discuss these discrepancies with the CPD in the next reporting period.

TRED’s 2022 year-end report notes that there were 98 Taser discharge incidents, and 54 of those incidents received a training recommendation. Despite the reduction of Taser usage, the IMT continues to underscore the importance of training and reporting on uses of force regarding Tasers.

In conclusion, the City and the CPD regained Secondary compliance with ¶198 in this reporting period. The IMT will continue to monitor training and data regarding Taser use in the next reporting period.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 198 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: None	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶199

199. CPD will clarify in policy that flight alone, without any other basis for reasonable articulable suspicion or probable cause, does not justify use of a Taser against a subject.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance* (EIGHTH REPORTING PERIOD)
Secondary: *In Compliance* (NEW)
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD maintained Preliminary and regained Secondary compliance with ¶199.

To evaluate Preliminary compliance with ¶199, we focused on whether the City and the CPD received the requisite community input for General Order G03-02-04, *Taser Use Incidents*.

With regard to Secondary compliance, we reviewed the CPD’s training materials and evidence of attendance.

During the ninth reporting period, the CPD provided preliminary data to indicate that more than 95% of officers received the two-day *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of participants completing the course. In addition, the IMT observed a session of that training.

In conclusion, the City and the CPD regained Secondary compliance with ¶199 in this reporting period. The IMT will continue to monitor training and data regarding Taser use in the next reporting period.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 199 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: None	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶1200

200. *When safe and feasible to do so, CPD officers must give verbal commands and warnings prior to, during, and after deployment of a Taser. When safe and feasible to do so, CPD officers will allow a subject a reasonable amount of time to comply with a warning prior to using or continuing to use a Taser, unless doing so would compromise the safety of an officer or another person.*

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (FOURTH REPORTING PERIOD)*
Secondary: *In Compliance (SEVENTH REPORTING PERIOD)*
Full: *Under Assessment*

In the ninth reporting period, the City and the CPD remained under assessment for Full compliance with ¶1200.

To evaluate Preliminary compliance with ¶1200—which the City and the CPD achieved in the fourth reporting period—we reviewed General Order G03-02-04, *Taser Use Incidents*. The version of G03-02-04, *Taser Use Incidents*, that is currently in effect has an issue and effective date of June 28, 2023. That version contains the necessary language for Preliminary compliance with ¶1200.

With regard to Secondary compliance, the CPD provided preliminary data to indicate that more than 95% of officers received the two-day *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of participants completing the course. In addition, the IMT observed a session of that training.

We also reviewed TRED’s midyear reports and the CPD’s Use of Force Dashboard and note that Taser use incidents have continued to decline, with 50 Taser discharges in the first half of 2023, which resulted in 125 IDRs generated.¹⁹ Of these IDRs, TRED identified 11 deficiencies, none of which were for an officer’s failure to issue warnings.

TRED’s first and second quarterly reports for 2022 do not indicate whether there were any instances in which officers failed to give a warning prior to Taser use. The *2022 Year-End Report* noted one incident where an officer failed to give sufficient notice prior to deploying a taser; TRED issued a recommendation for the incident. In the past two and a half years, CPD officers have discharged Tasers 320 times and have not provided sufficient warning in only two instances.

¹⁹ TRED’s *2023 Midyear Report*, CHICAGO POLICE DEPARTMENT (December 28, 2023) at 21, <https://home.chicagopolice.org/wp-content/uploads/Tactical-Review-and-Evaluation-Division-Midyear-Report-2023.pdf>.

The IMT conducted a random sampling of twelve Taser incidents during this reporting period to determine whether verbal warnings were given in all instances with enough time for individuals to comply, subject to ¶1200’s limited exceptions. The IMT was unable to make that determination based on the sample that we reviewed. We intend to review additional Taser incidents in the tenth reporting period. We note, however, that our access to body-worn camera footage was interrupted during the ninth reporting period, and our ability to review a sufficient sample of incidents will depend on the City and the CPD’s timely resolution of that access issue.

The CPD remained under assessment with the requirements of ¶1200 in the ninth reporting period. To achieve Full compliance, the CPD must continue to review all Taser deployments for verbal warnings. The CPD must also ensure that when warnings are not given, it was due to one of ¶1200’s limited exceptions. The IMT looks forward to continuing to monitor the CPD’s data regarding the issuance of verbal warnings.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 200 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶201

201. CPD will strongly discourage the use of Tasers in schools and on students. CPD will require officers to consider the totality of the circumstances, including a subject's apparent age, size, and the threat presented, in assessing the reasonableness and necessity of using a Taser in a school.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance* (EIGHTH REPORTING PERIOD)
Secondary: *In Compliance* (NEW)
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Secondary compliance with ¶201.

To evaluate Preliminary compliance with ¶201, we reviewed the CPD's De-Escalation, Response to Resistance, and Use of Force Policy Suite that was issued and made effective on June 28, 2023. We also continued to focus our review on whether the City and the CPD received the requisite community input for General Order G03-02-04, *Taser Use Incidents*.

With regard to Secondary compliance, we previously stated in our report that in order to maintain Secondary compliance, the CPD needed to provide training on the revisions it agreed to with the Coalition that go beyond ¶201's requirements. In this reporting period, the CPD provided a lesson plan for their *De-escalation, Response to Resistance and Use of Force Training*, which we reviewed and for which we issued a no-objection notice. The CPD also provided preliminary data to indicate that more than 95% of officers received the two-day 2023 *De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of participants completing the course, gaining Secondary compliance.

We previously recommended in the sixth reporting period that TRED begin reporting on Taser use in schools and on students in its regular reports. TRED's 2022 Q2 Report indicates there were no instances of Taser use in schools.²⁰ TRED's 2022 Year-End Report makes no mention of instances indicating Taser use in schools, but in a June 2023 meeting, the Commander of TRED provided documentation that indicated no instances of Taser use in schools for 2022. TRED's 2023 Mid-Year Report continues to make no mention of the use of Tasers in schools or on students.

²⁰ TRED's 2022 Q2 Report, CHICAGO POLICE DEPARTMENT (November 22, 2022) at 9, <https://home.chicagopolice.org/wp-content/uploads/Q2-2022-22Nov22.pdf>.

We look forward to continuing to monitor data, including TRED’s reports, on Taser use in schools and on students. For Full compliance, the CPD should consider additional documentation to indicate that Tasers are not being used in schools unless there are exceptional circumstances.²¹

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 201 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: None	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

²¹ In the City’s comments to an earlier draft of this report, the CPD asserts, “IMT states Taser use in schools should be documented somewhere in addition to the TRED report. In 2023, CPD produced the 2022-2023 Annual SRO Report and tagged paragraph 201 (MONITOR1777).” This is inaccurate. Our concern is that TRED’s reports no longer mention Taser use in schools (or lack thereof). Moreover, the pages in the *2022-2023 Annual SRO Report* cited in support of Secondary compliance with ¶201 contain no information about Taser use in schools.

Use of Force: ¶204

204. CPD officers must: a. determine the necessity, objective reasonableness, and proportionality of Taser use based on the totality of the circumstances, including the subject's apparent age, size, physical and mental condition, disability, and impairment; b. not use Tasers in drive-stun mode unless the subject is an assailant and other force options are not readily available or would otherwise be ineffective; c. when practicable, avoid the use of Tasers when it is reasonably evident that a deployment may cause serious physical injury, including if the subject is elevated above the ground, if the subject is operating or riding any mode of transportation, or if the subject may be less able to catch or protect themselves in a fall; d. not use Tasers in any environment that contains potentially flammable, volatile, or explosive material; e. not use Tasers on a subject who is at a greater risk of serious injury or death from Taser use, including, but not limited to, children, pregnant individuals, and the elderly, unless the subject is an assailant and other force options are not readily available or would otherwise be ineffective; f. target the Taser in probe mode at the lower center mass and avoid the head, neck, and genitalia; g. not activate more than one Taser at a time against a subject, unless an officer already attempted to use a Taser against the subject but the probes did not make contact with the subject; and h. keep Tasers in a weak-side holster.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance* (EIGHTH REPORTING PERIOD)
Secondary: *In Compliance* (NEW)
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Secondary compliance with ¶204.

To evaluate Preliminary compliance with ¶204, we focused our review on whether the City and the CPD received the requisite community input for General Order G03-02-04, *Taser Use Incidents*. On the final day of the eighth reporting period, the CPD provided the IMT with a revised G03-02-04 that reflected the revisions the CPD made as a result of discussions with the Coalition. The revised policy went into effect on June 28, 2023.

With regard to Secondary compliance, we stated in our report on the sixth reporting period that in order to maintain Secondary compliance, the CPD needed to provide training on the revisions it agreed to with the Coalition that go beyond ¶204's requirements. In the eighth reporting period, the CPD's 2023 in-service training addressed the policy changes that were previously agreed to with the Coalition. The CPD also provided preliminary data to indicate that more than 95% of officers received the two-day 2023 *De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of participants completing the course, gaining Secondary compliance.

Additionally, TRED’s 2023 *Mid-Year Report* does not indicate whether any Taser deployments were referred to COPA or if they were not in compliance with Department policy.

Going forward, our assessment of ¶204 for Full compliance will involve review of COPA’s cases involving Taser use, among other data.²²

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 204 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: None	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

²² In the City’s comments to an earlier draft of this report, the CPD states that including a review of COPA cases involving Taser use “differs from the methodology and assessment sources included in the previously provided IMT methodology spreadsheet.” Our methodology for assessing Full compliance with ¶204 in the ninth reporting period stated, in pertinent part, “Determine whether the CPD has sufficiently implemented its policy and training,” and our sources included community and data sources. COPA investigates Taser discharges resulting in serious injury or deaths: a review of such cases falls comfortably within our methodology.

Use of Force: ¶213

213. CPD officers must not use impact weapons (e.g., baton, asp, improvised impact weapons) to intentionally strike a subject in the head or neck, except when deadly force is justified.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance* (FOURTH REPORTING PERIOD)
Secondary: *In Compliance* (NEW)
Full: *Not Yet Assessed*

In the ninth reporting period, the CPD achieved Secondary compliance with the requirements of ¶213.

To assess Preliminary and Secondary compliance, the IMT reviews relevant policy, the CPD’s Use of Force Dashboard, TRED’s mid-year and year-end reports, and the CPD’s training.

The updated G03-02-07, *Baton Use Incidents* policy went into effect on June 28, 2023, and Section II.E.1 clearly states the requirements of this paragraph: “Head and Neck Strikes. Members will not use batons to intentionally strike a person in the head or neck except when deadly force is justified.”

The CPD’s 2023 Use of Force in-service training covered ¶213’s requirements, and the CPD has continued to train its officers annually on use of force. The CPD provided attendance records for the *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training this reporting period, demonstrating that 95.79% of officers attended the in-service training, gaining Secondary compliance. However, the IMT notes that baton strikes must continue to be emphasized in additional training for the upcoming Democratic National Convention.

Additionally, the IMT reviewed preliminary data indicating that 97.04% of CPD officers completed the 2023 Constitutional Policing training. We look forward to continued training on this important subject.

All strikes to the head or neck are Level 3 uses of force and require a COPA response. TRED’s *2022 Year-End Report* does not cover this subject; however, the *2022 Annual Use of Force Report* indicates that there were no Level 3 baton strikes in 2022.²³ TRED’s *2023 Mid-Year Report* also does not indicate whether there were Level 3 baton strikes. According to data on CPD’s use of force dashboard, as of

²³ 2022 Annual Use of Force Report, Chicago Police Department (June 28, 2023) at 113, <https://home.chicagopolice.org/wp-content/uploads/2022-Annual-Use-of-Force-Report-For-Publication.pdf>.

December 14, 2023, baton use has nearly doubled from the previous year (28) to 53, which is the second highest usage in the last six years.

We look forward to continuing to assess the CPD’s progress with ¶213.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 213 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: None	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶236

236. CPD will continue to develop, implement, and maintain a system of video recording officers' encounters with the public with body-worn cameras. The use of body-worn cameras will be designed to increase officer accountability, improve trust and CPD legitimacy in the community, and augment CPD's records of law enforcement-related activities.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *Under Assessment*
Secondary: *Not Yet Assessed*
Full: *Not Yet Assessed*

In the ninth reporting period the City and the CPD made progress toward Preliminary compliance but are under assessment for the requirements of ¶236.

To assess compliance, the IMT reviewed the current version of the CPD's *Body Worn Cameras* Special Order, S03-14. We also reviewed TRED's year-end and mid-year reports and held many conversations with CPD personnel during regularly scheduled meetings.

In this reporting period, the CPD posted the latest version of S03-14 on December 1, 2023 for public comments, which closed on December 17, 2023. On December 29, the CPD issued the *Body Worn Cameras* policy. The CPD also indicated that evidence of community engagement will be submitted to the IMT in the tenth reporting period. The IMT looks forward to reviewing CPD's efforts to meaningfully engage the community in this policy. As we have noted in every report since we began monitoring compliance with this paragraph in the fourth reporting period, given the impact of body-worn cameras on community trust, the City and the CPD must gather the community input required by ¶160 to achieve Preliminary compliance with ¶236.²⁴

Furthermore, the latest collective bargaining agreement between the Fraternal Order of Police and the City may require adjustments to the policy. In particular, the issues of body worn cameras not being used to record conversations with union

²⁴ The City and the CPD's comments to an earlier draft of this report note that we found the City and the CPD to have achieved Preliminary compliance with ¶¶239–41 despite the CPD's deficient efforts to meaningfully engage the community on S03-14. Because the requirements in ¶¶239–41 are more technical than those of ¶¶236–38, we determined that it was sufficient that the CPD issued the policy and posted it for public comment (as is required for all policies by ¶633). More is required for ¶¶236–38, consistent with our position in our reports on the last five reporting periods, conditional no-objection notice for S03-14, and proposed resolution to the OAG's objection to the policy.

representatives and conversations in which officers are not engaged with the public may impact public safety questions.²⁵

The OAG and Coalition have continued to express concerns with the policy. In December 2023, the Coalition shared several faults regarding body-worn cameras, such as early deactivation of cameras, supervisors reviewing only one body-worn camera per shift, supervisors' failures to review footage to ensure probable cause, and potential conflicts between the CPD's policy and the contract with the Fraternal Order of Police. Similarly, the OAG found fault with the deactivation of cameras during public safety questioning. Despite numerous discussions on the recording of public safety questions and the body worn cameras policy, an agreement in this matter has not been reached. The OAG submitted a motion for judicial resolution on this issue after the close of the reporting period.

Additionally, the IMT continues to seek more information to understand any discipline resulting from repeated body-worn-camera-related failures. Body-worn camera failures continue to be one of TRED's greatest deficiencies. TRED's *2023 Mid-Year Report* indicates that *BWC-Late Activation* accounts for 15.6% of all IDR debriefing points.²⁶

To address the number of BWC debriefing points, TRED has begun to use a debriefing matrix for officers who have multiple debriefing points on body-worn cameras within a 12-month period. Officers will receive training recommendations for their first four body-worn camera debriefings. On the fifth debriefing, the officer will be referred to their district or unit for further action.²⁷ The IMT acknowledges TRED's efforts for establish a criterion for progressive discipline and looks forward to a periodic analysis of the debriefing matrix to determine its effectiveness.

Finally, we continue to await an effective and efficient system for front-line supervisors to monitor and address deficiencies of all sorts, including body-worn camera deficiencies. Once supervisors properly understand the functions and expectations for use of the Supervisory dashboard, we expect that supervisors will be reminded to pay close attention to their officers' body-worn camera usage.

The IMT awaits judicial resolution of the *Body Worn Cameras* policy, and evidence of community engagement, as we continue to assess for Preliminary compliance with ¶236.

²⁵ Collective Bargaining Agreement, CITY OF CHICAGO (December 7, 2023) at 10, <https://s3.documentcloud.org/documents/24223649/chicago-fop-contract.pdf>.

²⁶ TRED's *2023 Midyear Report*, CHICAGO POLICE DEPARTMENT (December 28, 2023) at 33, <https://home.chicagopolice.org/wp-content/uploads/Tactical-Review-and-Evaluation-Division-Midyear-Report-2023.pdf>.

²⁷ *Id.* at 6.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 236 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Under Assessment

Use of Force: ¶237

237. CPD will continue to require all officers assigned to patrol field duties to wear body-worn cameras and microphones with which to record law-enforcement related activities as outlined in the Illinois Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/10-1 et seq.), with limited exceptions, including, but not limited to, when requested by a victim or witness of a crime, or interacting with a confidential informant. CPD will develop and implement a written policy delineating the circumstances when officers will not be equipped with body-worn cameras.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *Under Assessment*
Secondary: *Not Yet Assessed*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD made progress toward Preliminary compliance but are under assessment for the requirements under ¶237.

To assess compliance, the IMT reviewed the current version of the CPD’s *Body Worn Cameras* Special Order, S03-14. We also reviewed TRED’s year-end and mid-year reports and held many conversations with CPD personnel during regularly scheduled meetings.

In this reporting period, the CPD posted the latest version of S03-14 on December 1, 2023 for public comments, which closed on December 17, 2023. On December 29, the CPD issued the *Body Worn Cameras* policy. The CPD also indicated that evidence of community engagement will be submitted to the IMT in the tenth reporting period. The IMT looks forward to reviewing CPD’s efforts to meaningfully engage the community in this policy.²⁸

Additionally, the latest collective bargaining agreement between the Fraternal Order of Police and the City may require adjustments to the policy. In particular, the issues of body worn cameras not being used to record conversations with union

²⁸ The City and the CPD’s comments to an earlier draft of this report note that we found the City and the CPD to have achieved Preliminary compliance with ¶¶239–41 despite the CPD’s deficient efforts to meaningfully engage the community on S03-14. Because the requirements in ¶¶239–41 are more technical than those of ¶¶236–38, we determined that it was sufficient that the CPD issued the policy and posted it for public comment (as is required for all policies by ¶633). More is required for ¶¶236–38, consistent with our position in our reports on the last five reporting periods, conditional no-objection notice for S03-14, and proposed resolution to the OAG’s objection to the policy.

representatives and conversations in which officers are not engaged with the public may impact public safety questions.²⁹

The OAG and Coalition have continued to express concerns with the policy. In December 2023, the Coalition shared several faults regarding body-worn cameras, such as early deactivation of cameras, supervisors reviewing only one body-worn camera per shift, supervisors’ failures to review footage to ensure probable cause, and potential conflicts between the CPD’s policy and the contract with the Fraternal Order of Police. Similarly, the OAG found fault with the deactivation of cameras during public safety questioning. Despite numerous discussions on the recording of public safety questions and the body worn cameras policy, an agreement in this matter has not been reached. The OAG submitted a motion for judicial resolution on this issue after the close of the reporting period.

The IMT awaits judicial resolution of the *Body Worn Cameras* policy as we continue to assess for Preliminary compliance with ¶237.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 237 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Under Assessment

²⁹ Collective Bargaining Agreement, City of Chicago (December 7, 2023), p. 10, <https://s3.documentcloud.org/documents/24223649/chicago-fop-contract.pdf>.

Use of Force: ¶238

238. CPD will continue to maintain a policy regarding body-worn camera video and audio recording that will require officers to record their law-enforcement related activities, and that will ensure the recordings are retained in compliance with the Department’s Forms Retention Schedule (CPD-11.717) and the Illinois Law Enforcement Officer-Worn Body Camera Act. At a minimum, CPD’s body-worn camera policy will: a. clearly state which officers are required to use body-worn cameras and under which circumstances; b. require officers, subject to limited exceptions specified in writing, to activate their cameras when responding to calls for service and during all law enforcement-related activities that occur while on duty, and to continue recording until the conclusion of the incident(s); c. require officers to articulate in writing or on camera their reason(s) for failing to record an activity that CPD policy otherwise requires to be recorded; d. require officers to inform subjects that they are being recorded unless doing so would be unsafe, impractical, or impossible; e. address relevant privacy considerations, including restrictions on recording inside a home, and the need to protect witnesses, victims, and children; f. establish a download and retention protocol; g. require periodic random review of officers’ videos for compliance with CPD policy and training purposes; h. require that the reviewing supervisor review videos of incidents involving reportable uses of force by a subordinate; and i. specify that officers who knowingly fail to comply with the policy may be subject to progressive discipline, training, or other remedial action.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary:	<i>Under Assessment</i>
Secondary:	<i>Not Yet Assessed</i>
Full:	<i>Not Yet Assessed</i>

In the ninth reporting period, the City and the CPD made progress toward Preliminary compliance but are under assessment for the requirements under ¶238.

To assess compliance for this paragraph, we continue to review drafts of S03-14 *Body Worn Camera*. In our previous assessments of the CPD’s progress on these requirements, we noted concerns with the CPD clearly articulating “when officers will not be equipped with body-worn cameras.” The CPD issued a revised S03-14 on December 29, 2023. The current version of the policy addresses this issue and appears to address ¶238’s remaining subsections. The CPD also indicated that evidence of community engagement will be submitted to the IMT in the tenth reporting period. The IMT looks forward to reviewing CPD’s efforts to meaningfully engage the community in this policy.³⁰

³⁰ The City and the CPD’s comments to an earlier draft of this report note that we found the City and the CPD to have achieved Preliminary compliance with ¶¶239–41 despite the CPD’s deficient efforts to meaningfully engage the community on S03-14. Because the requirements in ¶¶239–41 are more technical than those of ¶¶236–38, we determined that it was sufficient that the CPD issued the policy and posted it for public comment (as is required for all policies

However, the latest collective bargaining agreement between the Fraternal Order of Police and the City may require adjustments to the policy. In particular, the issues of body worn cameras not being used to record conversations with union representatives and conversations in which officers are not engaged with the public may impact public safety questions.

The OAG and Coalition have continued to express concerns with the policy. In December 2023, the Coalition shared several faults regarding body-worn cameras, such as early deactivation of cameras, supervisors reviewing only one body-worn camera per shift, supervisors’ failures to review footage to ensure probable cause, and potential conflicts between the CPD’s policy and the contract with the Fraternal Order of Police. Similarly, the OAG found fault with the deactivation of cameras during public safety questioning. Despite numerous discussions on the recording of public safety questions and the body worn cameras policy, an agreement in this matter has not been reached. The OAG submitted a motion for judicial resolution on this issue after the close of the reporting period.

The IMT awaits judicial resolution of the *Body Worn Cameras* policy as we continue to assess for Preliminary compliance with ¶238.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 238 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Under Assessment

by ¶633). More is required for ¶¶236–38, consistent with our position in our reports on the last five reporting periods, conditional no-objection notice for S03-14, and proposed resolution to the OAG’s objection to the policy.

Use of Force: ¶239

239. CPD officers must comply with the body-worn camera policy. CPD will impose progressive discipline, training, or other remedial action on officers who do not comply with the body-worn camera policy, as permitted by applicable law.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (NEW)*
Secondary: *Not Yet Assessed*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD the City and the CPD achieved Preliminary compliance with the requirements of ¶239.

To assess compliance, the IMT reviewed Special Order S03-14, *Body Worn Cameras*, and TRED’s year-end and mid-year reports, and participated in many conversations with CPD officials during regularly scheduled meetings.

In this reporting period, the CPD posted the latest version of S03-14 on December 1, 2023 for public comments, which closed on December 17, 2023. On December 29, the CPD issued the *Body Worn Cameras* policy, gaining preliminary compliance. The CPD also indicated that evidence of community engagement will be submitted to the IMT in the tenth reporting period. The IMT looks forward to reviewing CPD’s efforts to engage the community in this policy.

We have also continued to observe the development of the Supervisory Dashboard, which is a tool that should be used by supervisors to observe operational deficiencies, such as failures in the use of body-worn cameras. While supervisors received an eLearning for the Supervisory Dashboard, the CPD must continue to set clear and defined expectations for the use of this dashboard by supervisors.

Body-worn camera failures continue to be one of TRED’s most frequently identified deficiencies. TRED’s *2023 Mid-Year Report* indicates that *BWC-Late Activation* accounts for 15.6% of all IDR debriefing points.³¹

TRED’s 2023 mid-year report on body-worn camera issues identified in IDRs are as follows:

³¹ TRED’s *2023 Midyear Report*, CHICAGO POLICE DEPARTMENT (December 28, 2023) at 33, <https://home.chicagopolice.org/wp-content/uploads/Tactical-Review-and-Evaluation-Division-Midyear-Report-2023.pdf>.

Use of Force Appendix Figure 7.

2023 TRED Mid-Year Report Summary	
BWC: Late activation	1,199
BWC: No activation	124
BWC: Early de-activation	95
BWC: No buffering	38
BWC: Other	30
BWC: Issue not articulated	4
Total BWC issues	1,490

To address the number of BWC debriefing points, TRED has begun to use a debriefing matrix for officers who have multiple debriefing points on body worn camera use within a 12-month period. Officers will receive a debrief with their supervisors for the first two deficiencies. For the third instance, officers will review S03-14 and be re-enrolled in the body-worn camera eLearning. For the fourth debriefing, the officer will attend training on body-worn cameras with the Training and Support Group. On the fifth debriefing, the officer will be referred to their district or unit for further action.³² The IMT acknowledges TRED’s efforts to establish a criterion for progressive remedial action and looks forward to a periodic analysis of the debriefing matrix to determine its effectiveness. The IMT awaits the use of the Supervisory Dashboard by supervisors, which may help identify and rectify some of the persistent body-worn camera issues, as well as community input and training on the *Body Worn Cameras* policy. We look forward to determining the effectiveness of the CPD’s progressive debriefing matrix as ¶1239 requires.

Section III.D of S03-14 states, “Any Department member who fails to comply with this directive is subject to progressive discipline, training, or other corrective action according to current Department policies and consistent with the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10).” However, the CPD historically did not have a mechanism in place to consistently track noncompliance with its body-worn camera policy or resulting disciplinary action. To address that issue, the CPD committed in September 2023 to introducing new Summary Punishment Action Request (SPAR) codes specific to compliance with body-worn camera use. We understand that the CPD’s Superintendent approved the introduction of the new SPAR codes before the end of the ninth reporting period. The CPD introduced the new SPAR codes after the close of the ninth reporting period, as reflected in the revised Special Order S08-05, *Summary Punishment*, which was issued and made effective on February 27, 2024.

³² *Id.* at 6.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 239 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

Use of Force: ¶240

240. Any CPD officer required to wear a body-worn camera must: a. visually and physically inspect the body-worn camera and ensure that it is the member's assigned camera, fully charged, and operational at the beginning of each tour of duty; and b. notify a supervisor as soon as practical if, at any time, the member's assigned body-worn camera becomes inoperable (including when either or both of the audio or video recording functions is inoperable) or is damaged.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (NEW)*
Secondary: *Not Yet Assessed*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Preliminary compliance with the requirements of ¶240.

To assess compliance with these requirements, we continued to review drafts of S03-14 *Body Worn Cameras*. As noted in previous reporting periods, updates to Special Order S03-14 include language responsive to this requirement, closely tracking the language of this paragraph and clearly articulating, for example, that damaged cameras will be replaced promptly in order to ensure that officers have properly functioning cameras. The CPD issued a revised S03-14 on December 29, 2023, gaining Preliminary compliance.

We look forward to the CPD's continued progress toward delivering training on the *Body Worn Cameras* policy to its officers.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 240 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

Use of Force: ¶241

241. CPD will ensure that any CPD officer who reports an inoperable or damaged body-worn camera is promptly provided with a temporary or replacement body-worn camera, which will in no event be later than the beginning of the member's next tour of duty.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (NEW)*
Secondary: *Not Yet Assessed*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Preliminary compliance for the requirements of ¶241.

To assess compliance, we continued to review drafts of S03-14 *Body Worn Cameras*. The current revised policy, which became effective December 29, 2023, addresses the requirements of this paragraph, stating that Chicago's Office of Public Safety Administration³³ is responsible for "promptly providing department members who have reported an inoperable or damaged BWC with a replacement (temporary or permanent) no later than the beginning of the reporting member's next tour of duty." We also reviewed applicable Illinois law.

We look forward to additional progress in the next reporting period.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

³³ See *Office of Public Safety Administration*, CITY OF CHICAGO, <https://www.chicago.gov/city/en/depts/opsa.html>.

Paragraph 241 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Under Assessment	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Under Assessment
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Under Assessment	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: None	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Preliminary

Use of Force: ¶243

243. CPD's pre-service and in-service training must provide officers with knowledge of policies and laws regulating the use of force; equip officers with tactics and skills, including de-escalation techniques, to prevent or reduce the need to use force or, when force must be used, to use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances; and ensure appropriate supervision and accountability.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (FIFTH REPORTING PERIOD)*
Secondary: *In Compliance (NEW)*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD maintained Preliminary compliance and achieved Secondary compliance with the requirements of ¶243.

To assess compliance, the IMT reviewed relevant CPD policy, TRED's year-end and mid-year reports, and in-service training curricula, including the *2022 In-Service Supervisor Training* and the *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training. We also reviewed both the Supervisory Dashboard and the De-escalation Dashboards and TRED's debriefing points on de-escalation in its *2023 Mid-Year Report*.

Overall, CPD policy and training provides officers with the knowledge and skills regulating use of force and de-escalation. The CPD describes in policy the requirements of ¶243 in General Order G03-02, *De-escalation, Response to Resistance, and Use of Force*.

The IMT acknowledges that the CPD's pre-service and in-service trainings have addressed training on laws and policies, as well as equipping officers with tactics and skills when force must be used. The CPD provided preliminary data to indicate that more than 95% of officers received the *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training, covering all subjects and gaining Secondary compliance.

As in previous reporting periods, the IMT's area of concern continues to be supervision and accountability. The CPD must emphasize the importance of front-line supervisors immediately pointing out deficiencies and must encourage its supervisors to use proper documentation.

We look forward to the CPD's continued progress with ¶243 in the next reporting period.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 243 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Status Update
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶244

244. CPD’s training regarding the use of firearms, Tasers, OC devices, impact weapons, and other force options that CPD currently authorizes or may authorize in the future will be consistent with its commitment to de-escalation as a core principle. Any initial training, qualification, or requalification regarding these force options will incorporate scenario-based elements, including scenarios in which officers achieve resolution without employing force. CPD’s training regarding these force options will also provide specific guidance to officers regarding required procedures and techniques after each of these force options are used, including procedures and techniques for limiting a subject’s injuries.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance (FIFTH REPORTING PERIOD)*
Secondary: *In Compliance (NEW)*
Full: *Not Yet Assessed*

In the ninth reporting period, the City and the CPD achieved Secondary compliance for the requirements of ¶244.

To assess compliance, we reviewed the CPD’s use-of-force policy suite and community engagement efforts related to ¶244’s requirements, including CPD General Order G03-02, *De-escalation, Response to Resistance, and Use of Force*, which describes the requirements for Use of Force training. We note that policy provides clear guidance on what types of force are authorized depending on the situation and the nature of resistance. We also reviewed relevant policy and training regarding officers rendering aid after a force incident.

To assess Secondary compliance, the IMT has reviewed various CPD trainings related to ¶244’s requirements over the years. In this reporting period, the CPD’s *2023 De-Escalation, Response to Resistance, and Use of Force* training lesson plans and weapons qualifications training incorporated various scenarios for officers, and they also included scenarios in which they achieved resolution without applying force. In particular, the firearms qualification training course concluded with scenario-based evaluations.

During this reporting period, the IMT observed a session of CPD in-service training and was impressed by the scenario actors, as well as by the feedback that every officer received at the resolution of each scenario.

We look forward to further progress on the requirements of ¶244 in the next reporting period.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 244 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Under Assessment
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Under Assessment	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Preliminary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Secondary

Use of Force: ¶245

245. CPD will provide all current CPD officers with in-service use of force training on at least an annual basis, and more frequently when necessitated by developments in applicable law and CPD policy. CPD will coordinate and review all use of force training to ensure quality, consistency, and compliance with federal and state law, CPD policy, and this Agreement.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Recurring Schedule: Annual **Met** **Missed**

Preliminary: *In Compliance* (THIRD REPORTING PERIOD)

Secondary: *In Compliance* (EIGHTH REPORTING PERIOD)

Full: *In Compliance* (NEW)

Sustainment Period Ends *December 31, 2025*

In the ninth reporting period, the City and the CPD achieved Full compliance with ¶245.

To assess Preliminary compliance, the IMT reviewed relevant CPD policy. To assess Secondary compliance, the IMT reviewed and observed the 2023 in-service training, which included applicable legal updates, and we note that the PowerPoint slide presentation featured the latest revisions to relevant CPD policies.

In this reporting period, CPD provided preliminary data demonstrating that as of December 12, 2023, more than 95% of officers completed the *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training, with 95.79% of officers completing the course, maintaining secondary compliance. However, CPD intends to audit the accuracy of their attendance records of their trainings which should be completed in January 2024. Paragraph 245 requires at least annual in-service training on use of force, thus the IMT will review this requirement for maintaining compliance annually.

The CPD's training has consistently improved by addressing issues identified by TRED and providing officers with the most recent policy and law changes. We note that the CPD's *Constitutional Policing* course addresses many recent critical issues and policies, including G02-02, *First Amendment Rights*, and G03-07, *Foot Pursuits*. In this reporting period, the CPD provided preliminary data indicating that 97.04% of officers completed the *2023 Constitutional Policing* training.

Additionally, the IMT observed several sessions of the *2023 Constitutional Policing* and *2023 De-Escalation, Response to Resistance, and Use of Force* in-service train-

ings during this reporting period for quality issues. We found instructors’ presentation styles to be mixed. Nonetheless, instructors demonstrated support for the policies, which enhanced credibility of the policy among officers.³⁴

The CPD obtained full compliance with this paragraph. The IMT looks forward to continuing to monitor CPD’s progress. In assessing the CPD’s maintenance of Full compliance, we will continue to observe sessions of annual in-service training on use of force. We also expect the CPD to provide evidence that its training and instructors are appropriately evaluated for sufficiency and effectiveness, including student evaluations.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 245 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Preliminary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full

³⁴ We note, however, that we learned during this reporting period that one instructor expressed troubling opinions about CPD policy and disciplinary actions taken against officers. Upon notification, the City and the CPD promptly addressed the instructor’s unfortunate comments.

Use of Force: ¶246

246. *The annual use of force training will include the following topics: a. CPD policies and Fourth Amendment law governing the use of force; b. proper use of force decision-making that utilizes a critical thinking framework in which officers gather relevant facts; assess the situation, threats, and risks; consider CPD policy; identify options and determine the best course of action; and act, review, and reassess the situation; c. role-playing scenarios and interactive exercises that illustrate proper use of force decision-making; d. ethical decision-making and peer intervention, principles of procedural justice, the role of implicit bias, and strategies for interacting with individuals in crisis; e. de-escalation techniques and tactics to prevent or reduce the need for force, including exercising persuasion and advice, and providing a warning; stabilizing the situation through the use of time, distance, or positioning to isolate and contain a subject; and requesting additional personnel to respond or make use of specialized units or equipment; the proper deployment of CPD-issued or -approved weapons or technologies, including firearms and Tasers; f. use of force reporting, investigation, and review requirements, including documenting reportable use of force incidents; and g. other topics as determined based on the training needs assessment required by this Agreement.*

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Recurring Schedule: December 31, 2023 **Met** **Missed**

Preliminary: *In Compliance (THIRD REPORTING PERIOD)*

Secondary: *In Compliance (FOURTH REPORTING PERIOD)*

Full: *In Compliance (NEW)*

Sustainment Period Ends *December 31, 2025*

In the ninth reporting period, the CPD achieved Full compliance with the requirements of ¶246.

To assess compliance, the IMT reviewed all applicable use-of-force policies and use of force training curricula, as well as observed use of force training both in person and online. Specifically, we reviewed and observed the *2023 De-Escalation, Response to Resistance, and Use of Force* in-service training and the *Constitutional Policing* training.

The CPD's *2023 De-Escalation, Response to Resistance, and Use of Force* in-service and *Constitutional Policing* curricula included all aspects of this paragraph's requirements. During this reporting period, the CPD provided preliminary records on December 12, 2023, demonstrating that more than 95% of officers completed the *2023 De-Escalation, Response to Resistance and Use of Force In-Service Training*, with 95.79% completion.

We look forward to continued progress on ¶246. For the CPD to sustain Full compliance with the requirements of ¶246, we expect the CPD to continue to identify

topics to include in its annual use of force training through the needs assessment process, with the goal of ensuring effective implementation of the CPD’s policies and training.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 246 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Preliminary
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: Secondary	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Secondary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Secondary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Secondary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full

Use of Force: ¶248

248. Supervisors of all ranks, as part of their initial pre-service promotional training and other identified supervisory training, will receive training on the following: a. conducting use of force reviews or investigations appropriate to their rank; b. strategies for effectively directing officers in de-escalation principles and acting to intervene on the subject's behalf when any use of force is observed that is excessive or otherwise in violation of policy; and c. supporting officers who report objectively unreasonable or unreported force, or who are retaliated against for attempting to prevent objectively unreasonable force.

Compliance Progress

(Reporting Period: July 1, 2023, through December 31, 2023)

Preliminary: *In Compliance* (FIFTH REPORTING PERIOD)
Secondary: *In Compliance* (EIGHTH REPORTING PERIOD)
Full: *In Compliance* (NEW)
Sustainment Period Ends *December 31, 2025*

In the ninth reporting period, the City and the CPD achieved Full compliance with the requirements of ¶248.

To assess compliance, the IMT reviewed relevant CPD policy regarding training, including CPD's S11-10-02, *Pre-Service Training* (effective February 28, 2022), which contains all elements required by ¶248 in Section III(A)(5).

We also reviewed the Pre-Service Supervisor Training, particularly the session on *De-escalation, Response to Resistance, Use of Force and Tactical Response Report*. During this reporting period, the CPD produced records demonstrating that more than 95% of officers completed the pre-service training.

The pre-service training addressed use of force reviews for both sergeants and lieutenants, de-escalation, core principles, and mitigation, and provides a focus on mentoring. The training also contained information on retaliation and the duty to report, as well as the duty to intervene. The IMT previously raised some concerns with the training and has issued comments that the CPD has addressed. The CPD has met the requirements of this paragraph in lesson plans and requisite attendance, gaining Full compliance.

The IMT looks forward to continued progress towards maintaining Full compliance with these requirements in the next reporting period. In assessing the CPD's maintenance of Full compliance, we expect the CPD to provide evidence that its training and instructors are appropriately evaluated for sufficiency and effectiveness, including student evaluations.

A fuller description of the history of compliance efforts, methodologies, compliance determinations for this paragraph—and each monitorable paragraph in the Use of Force section—is available in *Comprehensive Assessment Part I* (which included *Independent Monitoring Report 8*): <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/IMR8-Appendix-4-Use-of-Force-2023.11.01.pdf>.

Paragraph 248 Compliance Progress History

FIRST REPORTING PERIOD SEPTEMBER 1, 2019 – AUGUST 31, 2019 COMPLIANCE PROGRESS: Not Applicable	SECOND REPORTING PERIOD SEPTEMBER 1, 2019 – FEBRUARY 29, 2020 COMPLIANCE PROGRESS: Not Applicable	THIRD REPORTING PERIOD MARCH 1, 2020 – DECEMBER 31, 2020 COMPLIANCE PROGRESS: Not Applicable
FOURTH REPORTING PERIOD JANUARY 1, 2021 – JUNE 30, 2021 COMPLIANCE PROGRESS: None	FIFTH REPORTING PERIOD JULY 1, 2021 – DECEMBER 31, 2021 COMPLIANCE PROGRESS: Preliminary	SIXTH REPORTING PERIOD JANUARY 1, 2022 – JUNE 30, 2022 COMPLIANCE PROGRESS: Preliminary
SEVENTH REPORTING PERIOD JULY 1, 2022 – DECEMBER 31, 2022 COMPLIANCE PROGRESS: Preliminary	EIGHTH REPORTING PERIOD JANUARY 1, 2023 – JUNE 30, 2023 COMPLIANCE PROGRESS: Secondary	NINTH REPORTING PERIOD JULY 1, 2023 – DECEMBER 31, 2023 COMPLIANCE PROGRESS: Full