

After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020

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EXECUTIVE SUMMARY

In the wake of George Floyd’s tragic death, large-scale peaceful demonstrations followed by civil unrest spread from Minneapolis to major cities across the country. Chicago was not immune to this expression of outrage. In Chicago, we saw a form of violent unrest unseen since the late-1960s.

Importantly, this report intends not to confuse the widespread criminal activity with the many lawful, First Amendment-protected demonstrations that took place during the same time period. The Chicago Police Department (“Department”) remains committed to vigorously safeguarding individuals’ Constitutional rights.

The Department had planned for large, peaceful protests. However, violence and looting often accompanied those protests. According to the Major Cities Chiefs Association (“MCCA”), 62 percent of major city law enforcement agencies reported having experienced looting incidents, 56 percent reported having experienced arson incidents, 26 percent reporting having police cars burned, and 72 percent reporting having officers injured.¹

The scale and chaotic nature of the large-scale, unprecedented civil unrest that inundated the city from May 29, 2020 through June 12, 2020 (“the Events”) also led to a number of misconduct complaints filed against Department members by both Department leadership and the public. The Civilian Office of Police Accountability (“COPA”) and the Department’s Bureau of Internal Affairs (“BIA”) continues to investigate these complaints.

The Department has an established collection of tactics, techniques, and strategies at its disposal to facilitate a safe, lawful, and collectively restrained crowd control effort that integrates the concepts of procedural justice, de-escalation, and impartial policing. None of these tactics include the use tear gas² or rubber bullets as a means of crowd control. Instead, the Department only permitted the use of oleoresin capsicum³ (“OC”) devices, commonly known as “pepper spray,” during the Events.

On June 16, 2020, the Department initiated an After Action Review (“Review”) of its response to the Events. Department leaders and supervisors of various ranks attended a series of debriefings moderated by in-house counsel and city attorneys during which the group reviewed specific actions and initiatives undertaken by the Department in response to the Events. Department leadership identified both successes and areas for improvement to prepare for any future incidents requiring a similar, large-scale emergency response.

The discussion covered topics including planning, operations, resource allocation, and communications. While the Department continues to fulfill its everyday functions as the nation’s second-largest municipal law enforcement agency, it simultaneously continues to

¹ Major Cities Chiefs Association, *Report on the 2020 Protests and Civil Unrest*, 9 (2020).

² See *id.* at 18 (listing municipal law enforcement agencies that reported using CS gas—also known as “tear gas”).

³ See *Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents*, General Order G03-02-05 § I, II (February 29, 2020).

deliberately implement certain policies, procedures, and systems that can safely, lawfully, and effectively facilitate future responses to both planned and unplanned events.

The Department recognizes the value of an honest, thoughtful reflection on its strengths and areas of improvement. This report includes observations organized into five distinct, but related core capabilities:

ACCOUNTABILITY | PLANNING AND PREPAREDNESS | COMMAND AND CONTROL | TRAINING | COMMUNICATION

It is tremendously difficult to anticipate the unpredictable. Progress, however, demands that the Department acknowledge its capacity to adapt as circumstances change. To this end, lessons learned have since informed other large mobilization efforts (e.g., the announcement of the grand jury's decision regarding the tragic death of Breonna Taylor, the 2020 Presidential Election, and New Year's Eve).

For additional information, please refer to the below-cited (and other) Department policies, procedures, and orders, which remain publicly accessible via directives.chicagopolice.org.



CORE CAPABILITIES

Five core capabilities repeatedly emerged during the Review with respect to the Events. These themes include:

I. ACCOUNTABILITY

Swift, decisive actions amidst chaotic situations characterize the lived experiences of so many Department members who suddenly found themselves tasked with controlling large-scale civil unrest and co-occurring, widespread criminal activity. But absent accountability, police legitimacy falters and the city's trust in its police department ultimately erodes. Oversight and accountability are essential to a more effective Department and safer communities across Chicago.

The Department recognizes the importance of holding its members accountable when they fail to adhere to its rules and regulations. To this end, the Department values impartial, thorough investigations guaranteeing due process for members accused of wrongdoing and ensuring that those who feel mistreated recognize the process as one that is fair, transparent, neutral, and that offers them a voice.

According to Civilian Office of Police Accountability (“COPA”) data, individuals filed 591 complaints of misconduct between May 29, 2020 and June 11, 2020.⁴ Of these allegations, 59 percent were referred to the Department's Bureau of Internal Affairs (“BIA”) and 41 percent remained within COPA's portfolio.⁵ Department leadership continues to review complaints of misconduct related to the Events to identify common themes in order to continually improve its training, policies, and procedures. BIA worked collaboratively with COPA by promptly reviewing a myriad of photographic and video evidence in an intensive effort to identify officers accused of misconduct.

BIA personnel were also proactively deployed to monitor the arrests and processing of individuals taken into custody. This enabled individuals directly responsible for internal oversight to see firsthand that the Department's tactics, techniques, and strategies for facilitating a safe, lawful, and collectively restrained crowd control effort were properly implemented. None of these tactics include the use tear gas⁶ or rubber bullets as a means of crowd control. Instead, the Department only permitted the use of oleoresin capsicum⁷ (“OC”) devices, commonly known as “pepper spray,” during the Events.

The Department did not use tear gas or use rubber bullets at any point during the Events. To date, a substantial number of these misconduct investigations have been adjudicated by COPA and/or BIA with, in many cases, disciplinary action.

⁴ Civilian Office of Police Accountability, *All Complaints Report*, Protest Related Information (June 17, 2020), <http://www.chicagocopa.org/wp-content/uploads/2020/06/All-Complaints-Report-5-29-to-6-11-v4.pdf>.

⁵ *Id.*

⁶ See Major Cities Chiefs Association, *supra* note 1, at 18.

⁷ See *Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents*, General Order G03-02-05 § I, II (February 29, 2020).

II. PLANNING AND PREPAREDNESS

The Department has a long history of managing large-scale events as early as the 1893 World's Fair. Since then, its members have protected attendees at a diverse array of pre-planned, large-scale events, such as the city's many annual music festivals, parades, sporting events, and First Amendment-protected gatherings.

In advance of these gatherings, the Department typically spends weeks planning and preparing alongside its local, state, and federal partners, to best ensure public safety and the protection of Constitutional rights. Previous to the 2020 Events, this often involved working directly with event organizers to ensure their safety and that of attendees by, for example, organizing routes and providing crowd control.

In the lead up to the first days of the Events and throughout, the Department reached out to event organizers but struggled to establish an on-going dialogue. Similarly, about 60 percent of major city law enforcement agencies reported to the MCCA that a lack of protest organizer cooperation "was the most significant challenge with respect to managing protest-related incidents."⁸

While the Events unfolded, the Department largely relied on its experience managing large-scale, planned events and gatherings. Some police officers who had stood beside demonstrators at the 2012 NATO Conference and the 2017 Women's March found themselves leading in administrative roles and other officers, once more, walked the streets of the city's central business district. But as the Events concluded, it became increasingly apparent that the Department must continue to adapt to an ever-changing social, political, and economic landscape.

Members of the Department must be as prepared to respond to large-scale, unplanned incidents as they are to respond to routine traffic crashes, disturbances, and crimes-in-progress. This is best accomplished through a deliberate, continuous cycle of improvement incorporating training, policy revisions, and regular preparedness drills.

III. COMMAND AND CONTROL

By emphasizing command and control, the Department can promote a bi-directional flow of information between front-line police officers and the command center. The Department is at a distinct advantage as there is already deep-rooted deference to hierarchy, strict adherence to procedure, and an organizational culture that encourages systems thinking.

To this end, the Department has long recognized the value of a systematic, proactive approach consistent with the National Incident Management System ("NIMS"), which follows a unified Incident Command System ("ICS") framework.⁹ Under NIMS/ICS, the highest-ranking on-site Department member, responsible for the Department's overall response, takes on the role of "Incident Commander." This individual typically takes control at a Forward Command Post

⁸ See Major Cities Chiefs Association, *supra* note 1, at 27.

⁹ See *Critical Incident Response Program*, General Order G05-03 § II-A-1 (December 7, 2017).

“FCP”), a secure location established by the first field supervisor on-scene—typically located just outside the immediate vicinity of a critical incident.

Department leaders manage the incident from a FCP until a full-scale Operations Center (“OC”) is established at the Office of Emergency Management and Communications (“OEMC”). But earlier this summer, the Department had, for the first time, established a Summer Operations Center (“SOC”) at OEMC—which enabled a coordinated, proactive response to violent crime by the city’s public safety, regulatory, infrastructure, and other agencies. In turn, the Department was able to quickly transition the existing SOC to a full-scale OC at the onset of the large-scale, unprecedented civil unrest.

As a result, Department leaders could more efficiently manage available resources (and resolve incoming resource requests) from the same centralized location where they were ultimately making command-level decisions. However, the Department faced a unique challenge in that Department leaders and key members lacked recent, up-to-date training or practice on NIMS/ICS policies and procedures.

IV. TRAINING

Training is a strategic priority for the Department. Over the last several years, for example, the Department has invested in Force Mitigation,¹⁰ Procedural Justice and Legitimacy,¹¹ and mental health crisis intervention training,¹² among many other training topics.

While recruit training includes exposure to Mobile Field Force (“MFF”) and mass arrest situations, many newer Department members (including those brought on during a dramatic hiring push started in late-2016) did not experience the same tangible application of those tactics, policies, and procedures as those older, more-experienced police officers who were deployed to, for example, the 2012 NATO Conference.

And while the Department was lauded for the efficacy with which it employed MFF units during the 2012 NATO Conference to protect hundreds of peaceful demonstrators from agitators, inciters, and wrongdoers, it took place nearly a decade ago—before some of the Department members working during this unprecedented, large-scale civil unrest were on the job or in senior leadership positions.

As a result, the Department could not rest on experience alone to guide those in the field through the civil unrest. It is essential that the Department commit to ensuring all necessary field units receive updated field force training moving forward.

V. COMMUNICATIONS

Collaboration requires communication. While the city’s businesses and retailers might have known that large-scale demonstrations were planned, they could not have anticipated the extent to which they would be victimized by widespread looting, burglary, and vandalism. To

¹⁰ See *Force Options*, General Order G03-02-01 § III (February 29, 2020).

¹¹ See *Community Relations Strategy*, General Order G02-03 § IV-A (September 15, 2017).

¹² See *Responding to Incidents Involving Persons in Need of Mental Health Treatment*, Special Order S04-20 § IV (April 25, 2018).

proactively support those same businesses and retailers, the Department must look to how it interfaces with those businesses and other city agencies and determine a better, more effective means of offering resources and information designed to withstand any future incidents of civil unrest.

The Department must also better facilitate communication between Department leaders and law-abiding, peaceful individuals engaged in First Amendment-protected activities—even when event organizers cannot (or refuse to) be identified. This is integral to the on-going transparency the Department owes to the individuals whom they serve.

Similarly, the Department recognized in the aftermath of the Events the importance of facilitating direct communication between members assigned to the Bureau of Detectives (“BOD”) and partners in the business and retail community to most efficiently investigate felony looting, burglary, property damage, and other crimes when they are, in fact, committed during large-scale incidents of civil unrest.

Finally, the Department must address identifiable barriers to efficient internal communications. This is the most important means of cultivating an organizational culture in which cynicism and apathy are widely displaced by professionalism and an urgent compassion, empathy, and sense of purpose. Such improvements will lead to better-informed Department members and proactive, rather than reactive, accountability.

DISCUSSION

Accountability

This section delineates strengths and potential areas of improvement for operational capabilities aligned with the “Accountability” objective.

- Strengths:**
- (1) Collaboration with the Civilian Office of Police Accountability
 - (2) Bureau of Internal Affairs members detailed to field operations
 - (3) Prompt review of objective, verifiable evidence

- Weaknesses:**
- (1) Reactive, rather than proactive, supervision and accountability
 - (2) Inability to efficiently identify and analyze event-related complaints
 - (3) Length of time for disposition of complaints

Improvements:

ROLL CALLS

ANALYSIS:

Substantive, meaningful efforts to hold Department members accountable for wrongdoing must be proactive rather reactive. It is essential that Department leaders constantly reinforce the significance and importance of deescalating tense situations while safeguarding the Constitutional rights of all Chicagoans. This can occur only where Department leaders cultivate a values-driven culture in which cynicism and apathy are displaced by professionalism and an urgent compassion, empathy, and sense of purpose.

Given the nature of police work, Department members often find themselves separated from many of their colleagues for a majority of their work days—except, naturally, during roll call.

Unfortunately, the chaotic nature of the Events often kept Department members from leading roll calls with Department members in advance of their deployments to a given area. Instead, these Department members geared up and responded to the Events as soon as practicable; a well-intentioned but ultimately ineffective decision. This precluded Department leaders from communicating specific plans (and their underlying rationales) with those field supervisors and/or Department members ultimately expected to execute them.

In addition, some Department members were observed during the Events with their names and/or badges removed from their uniforms or otherwise obscured in violation of Department policy.¹³ This could have been avoided

¹³ See *Uniform and Appearance Standards*, Uniform and Property U04-01 § II-A-3 (March 11, 2020).

had supervisors, per that same Department policy, “inspect[ed] uniformed members at . . . roll call.”¹⁴

There is an overarching concern among Department leadership regarding how roll calls are conducted in each district and various specialized units. Roll call is the most direct opportunity for Department leaders—namely Sergeants, Lieutenants, Captains, and Commanders—to cultivate a specific culture within and among their chain of command.

However, roll calls often differ in length, breadth, and scope depending on the individual leading the briefing. As a result, the Department often sees rumors, speculation, and an insular distrust among its membership rather than a sincere understanding of its higher-level decision-making and strategy.

ACTION:

Some of the Department’s leaders are inherently capable of the task before them. Others, however, may need support from senior leadership as they develop certain soft skills necessary to facilitate the Department’s long-term vision and goals from a supervisory position.

The Department is committed to better equipping supervisors with the training, tools, and resources necessary to hold roll calls in which information is shared, standards are enforced, and the Department’s principles are proactively fostered. This starts with a deliberate effort to identify best practices and provide in-service training to Department leaders on how to hold effective roll calls.

MASS ARREST

ANALYSIS:

At times, Department members found themselves making a relatively significant number of arrests while a continued police presence was necessary to ensure public safety. In those instances, the Incident Commander or highest-ranking, on-scene member of the Bureau of Patrol had the capability of declaring a “mass arrest” incident.

The Department has a substantial written procedure governing mass arrest incidents¹⁵ that works in theory but, during the Events, broke down in practice. This appeared attributable in part to the chaotic nature and unprecedented geographic scope of the Events. For example, Department members effecting arrests were required to complete “Mass Arrest Cards”—duplicate paper forms capturing limited information including, but not limited to, probable cause for arrest and the transporting unit’s information.

¹⁴ *Id.*

¹⁵ See *Mass Arrest Procedures*, Special Order S06-06 § II-B (September 27, 2018).

But many Department members lacked familiarity with formal mass arrest policies and processes as a result of limited (if any) involvement with actual, tangible applications of the procedure; not all incidents at which multiple arrests are effected are mass arrest incidents. Nor were many duplicate mass arrest forms immediately available during the Events where widespread criminal activity was occurring.

As a result, many of the individuals arrested during the Events were either released without charging (“RWOC”) or had charges filed against them dropped by prosecutors because the arresting officer or officers could not be identified. These individuals may have been involved in serious, criminal wrongdoing (e.g., looting, arson, violence, etc.) during the Events and may never be held accountable as a result.

ACTION:

Department members assigned to BIA and BOD worked in tandem to supervise and facilitate mass arrest processing during the Events. When it was determined that the completion of mass arrest cards was not feasible, Department leaders informed members to document similar information verbally on their Body-Worn Cameras (“BWC”). Even so, it remained tremendously burdensome for processing officers to review hours of BWC footage for the purposes of identifying, among other things, the complainant officer, appropriate charges, and/or the time and location of arrest.

The Department intends to thoroughly review its mass arrest procedures in light of the challenges faced during the Events. This remains an on-going process involving multiple cross-functional working groups.

TRACKING COMPLAINTS

ANALYSIS:

The Department invested in a complaint-specific Case Management System (“CMS”) that was activated in February 2019. As a result, unique log numbers are now generated as complaints are entered into the system. This system permits supervisors to attach files (e.g., documents, digital evidence, etc.) to an individual log number. However, the system does not include a method by which Department leaders can easily identify groups of complaints arising from a specific, identifiable major event.

ACTION:

Certain weaknesses can often be addressed by modifying existing processes, procedures, and technologies. For example, the Office of Emergency Management and Communications (“OEMC”) already generates and assigns unique tracking numbers to various events and calls-for-service. Here, the Department is considering modifying the complaint CMS to include a field incorporating similar event tracking numbers. Such a modification would facilitate later analyses of complaints initiated during or associated with specific, large-scale events.

Planning and Preparedness

This section delineates strengths and potential areas of improvement for operational capabilities aligned with the “Planning and Preparedness” objective.

- Strengths:**
- (1) Individual and collective experience
 - (2) Unified command center
 - (3) Open-minded leaders

- Weaknesses:**
- (1) Outdated, inflexible, and inefficient mass-mobilization plans
 - (2) Uncoordinated approach to securing the city’s retail corridors
 - (3) Reactive, ad hoc approach to emergency mobilization without training
 - (4) Too few body-worn cameras and antiquated protective equipment
 - (5) Equipment-related barriers to communication and transportation
 - (6) Department members were exhausted, stressed, and over-burdened

Improvements:

CITYWIDE ‘LEVELED’ RESPONSE

ANALYSIS:

To maintain constant preparedness, the Department identified the value of a citywide, coordinated, and ‘leveled’ response to planned and unplanned events.

This addressed a number of inefficiencies. For example, the Department’s response to large-scale emergencies has long been based on two plans: “Plan Red” (using available on-duty personnel in phases) and “Plan Blue” (requiring, among other things, the recall of off-duty personnel).¹⁶ In the event the Department activated a “Plan Blue,” off-duty personnel would be notified via radio and television announcements.

But with a modern, ‘leveled’ response, Department members can better anticipate whether their days off might be cancelled, hours extended, or areas of deployment shifted. Similarly, consistent ‘levels’ will enable the Department to scale an otherwise-consistent emergency response (whether localized or citywide) to any given incident.

ACTION:

To this end, the Department collaborated in the aftermath of the Events with public safety, infrastructure, transportation, regulatory, and other city

¹⁶ See *Special Response Plans*, General Order G05-02 § II (December 7, 2017).

agencies to develop a ‘leveled’ response plan. The levels and related responses are as follows:

Level 0: Daily Business – a steady state

Level 1: Partial Response – a localized response

Level 2: Full Response – a citywide response

Level 3: Sustained Response – a continuing response

Level 4: Mutual Aid/State Resource – a collaborative response

These levels were designed to be ‘activated’ in advance of planned events and as unanticipated emergencies unfold. The Department will continue to collaborate with local, state, and federal partners to implement the necessary collaborative response that large planned gatherings demand.

But the city’s response to any forthcoming, unanticipated emergency situation requiring a large-scale response will rest largely on the Department and OEMC, as both operate each second of every day.

The Department has since shared a video outlining and explaining this ‘leveled’ plan with its members.

RETAIL CORRIDOR PLANS

ANALYSIS:

The Department recognized that both planned, large-scale events and unanticipated incidents, such as civil unrest, adversely impacted our city’s business and retail communities.

Our city’s retail corridors are essential; the Department must endeavor to include its business and retail partners in conversations as unplanned, emergency incidents of civil unrest unfold—particularly with respect to asset allocation, short-term infrastructure changes, and post-incident investigative collaboration.

ACTION:

To ensure our city’s retail corridors are protected in the event of future unplanned, large-scale incidents of civil unrest, the Department worked with the Chicago Department of Transportation (“CDOT”), the Department of Water Management (“DWM”), and the Department of Streets and Sanitation (“DSS”) to formalize its collaborative approach to allocating, deploying, and mobilizing resources to retail corridors as a means of securing them and thereby mitigating any adverse impact. CDOT, DWM, and DSS resources were strategically positioned in neighborhoods throughout the city to deter organized criminal activity while facilitating the city’s ability to rapidly and efficiently enact closures. Individuals from these agencies had direct access

to the Command Post enabling them to monitor retail corridors and quickly report criminal activity.

Department leaders recognized that District Commanders have a unique, localized understanding of community concerns, neighborhood economic lifelines, and any businesses that may be vulnerable during incidents of civil unrest. As such, the Department tasked its District Commanders with obtaining input from their community partners and identifying those specific businesses and retailers in their districts. Our retail corridor protection plans now reflect this input. These plans include information for operational purposes (e.g., how to enact closures) along with a detailed list of key points of interest (e.g., public transit, historical and cultural monuments, etc.) and contact information for businesses, local chambers of commerce, and other key community partners.

EMERGENCY MOBILIZATION PLANS

ANALYSIS:

Implementing the Department's new citywide, coordinated, and 'leveled' response to incidents of civil unrest required revisions to existing Emergency Mobilization Plans ("EMP"). In the face of uncertainty, adaptability demands that written policies, procedures, and internal communications sustain a shared understanding of the Department's underlying strategy while allowing for flexibility in its execution.

Evidence-based decision-making can eliminate many of the inefficiencies, redundancies, and avoidable costs associated with a reactive, ad hoc approach to incidents of civil unrest.

ACTION:

To this end, the Department revised its EMPs to parallel the new citywide, coordinated, and 'leveled' strategy.

The Department consulted with each Bureau Chief to ensure its assets and resources were utilized most efficiently across the city. As the Department refines existing EMPs, its leaders continue to hold drills, table-top exercises, and other conversations to ensure any and all revisions are subject to on-going evaluation and tests of operational capability.

INDIVIDUAL EQUIPMENT

ANALYSIS:

Body-Worn Cameras ("BWC") have become an essential tool for law enforcement officers as they offer an audio and video-recorded, first-person point-of-view of certain (and at times adversarial) encounters. BWC videos have become as important for prosecutors at the Cook County State's Attorney's Office ("CCSAO") as they have been for investigators at the Civilian Office of Police Accountability ("COPA"). Officers often feel as protected by their BWC as individuals feel knowing that police-resident encounters are

now routinely recorded. However, at the time of the Events, BWCs were largely assigned to field units (i.e., patrol) and not to each of roughly 13,000 sworn officers in various roles throughout the Department due to cost. Thus, as this was a department-wide response, many field supervisors and police officers witnessed criminal activity and made arrests for which no BWC video exists.

There were a number of individual incidents where field supervisors and police officers found themselves targeted by assailants wielding various projectiles (e.g., frozen water-bottles, aluminum cans, bricks, rocks). As a result, there were a number of officers seriously injured. These injuries included, but were not limited to, broken bones, lacerations, burns, and abrasions. Similarly, police officers across the country found themselves, around the same time, targeted with lasers in an effort to obstruct and/or permanently damage their vision. The helmets previously purchased by police officers during the academy needed to be upgraded.

In addition, 2020 was a year of unprecedented violence against Department members. Aside from the many officers who were seriously injured during violent confrontations throughout the Events, there were seventy-nine (79) police officers shot or shot at over the course of the year.

ACTION:

Each member of the Department assigned to patrol duties—including those on the Critical Incident Response Team (“CIRT”) and Community Safety Teams (“CST”)—has been assigned a BWC. Members in the mass transit and traffic sections have also recently been assigned BWCs. This serves, as described above, a number of functions. BWCs allow for increased transparency, create digital evidence, protect Department members from false complaints, and offer a fair and impartial documentation of events for all of the parties involved.

In addition, the Chicago Police Memorial Foundation (“CPMF”) generously acquired and donated 1,650 ballistic helmets to front-line field supervisors and police officers, upgraded to include Kevlar protection and laser beam reflectors across the affixed face shield as part of its ‘Helmets for Heroes’ initiative. These helmets will undoubtedly protect field supervisors and police officers from blunt trauma, allowing them to stand confidently between law-abiding, peaceful demonstrators and those few hostile assailants willing to do harm to others.

DEPARTMENT
EQUIPMENT

ANALYSIS:

Since mid-2003, the Department has had the capacity to view and record activity occurring on the public way via remote-controlled cameras called Police Observation Devices (“PODs”). These cameras have gone through

phases of policy reviews, physical upgrades, and maintenance. These tools continue to be used with tremendous investigative utility today.

But Department leaders—many of whom watched the civil unrest unfold live from OEMC—could not effectively communicate their POD observations to field supervisors or officers because of radio communication challenges. Crowd noise alone precluded effective back-and-forth radio communication. Rogue transmissions over police radio frequencies interrupted on-going emergencies. At the same time, Department members unfortunately found themselves mobilized for so many consecutive hours that their radio batteries died in the field.

Similarly, field-deployed Department leaders and mid-level supervisors could not communicate effectively with the many law-abiding, peaceful individuals engaged in First Amendment-protected activities. It was simply too loud to open and facilitate an effective transparent dialogue about individual incidents, arrests, and/or decisions being made by Department leaders.

Even when Department members could receive information, various obstacles inhibited their ability to move around the central business district efficiently. Squad cars were destroyed (and often set ablaze) with an astounding, unanticipated frequency on the first few days and nights. This vandalism rendered the vehicles functionally useless. Similarly, when more Department members are working at a particular time (during, for example, twelve-hour shifts and/or cancelled days off) the Department simply lacked sufficient fleet capacity to provide all working officers with sufficient transportation.

ACTION:

A radio is, debatably, one of the most essential pieces of equipment that a police officer carries on a day-to-day basis. It is the primary means by which police officers are dispatched to calls and—perhaps more importantly—how they make emergency pleas for help. Following the civil unrest, Department leaders acknowledged a few ways which radio communications could be improved. Department members do not own the radios that they carry.

As such, the Department acquired additional Motorola 8000 series radios to make available at each of the five police areas and twenty-two districts when off-duty officers are deployed. Similarly, the Department began the process of upgrading to a secure, modernized radio system to ensure that the intensity of a given situation and/or rogue transmissions do not comprise a member's ability to communicate effectively.

In order to facilitate communication between Department leaders and the many law-abiding peaceful individuals engaged in First Amendment-protected activities, the Department recognized an urgent need to acquire megaphones (i.e., bullhorns). These hand-held devices allowed Department

leaders and mid-level supervisors to communicate with residents and police officers alike about what exactly was happening at any given time.

Department leaders also recognized the urgent need to identify alternate means of transportation for officers when more officers are working than squad cars are available. As a result, the Department assessed and developed a plan ensuring that each officer could be transported by relying on rented passenger vans and Chicago Transit Authority (“CTA”) buses. These alternate means of transportation mobilized small teams quickly and efficiently transported large platoons to pre-identified, ‘fixed’ foot posts.

PLANNING FOR OFFICER
WELLNESS

ANALYSIS:

Whether a Department member’s days off may be cancelled, hours extended, or area of deployment shifted invariably impacts his or her mental, emotional, and physical well-being. The Department relies on its field supervisors and police officers to make instinctual, split-second decisions and going forward, it cannot allow things like exhaustion and stress to impact decision-making.

ACTION:

The Department intends to better communicate with its members as far in advance as possible when they should anticipate disruptions to their personal lives as a result of large-scale, planned events and key holidays (e.g., Memorial Day, Father’s Day, Independence Day, and Labor Day). This is, of course, in addition to the Department’s on-going commitment to better support members as they navigate the unique demands of policing and its impact on mental, emotional, and physical health and well-being.

Command and Control

This section delineates strengths and potential areas of improvement for operational capabilities aligned with the “Command and Control” objective.

- Strengths:**
- (1) Existing Summer Operations Center (“SOC”)
 - (2) Intergovernmental relationships
 - (3) Investment in technology

- Weaknesses:**
- (1) Outdated, ad hoc incident management policies and procedures
 - (2) Inefficient method of tracking Department members and resources
 - (3) Department leaders lacked recent training on NIMS/ICS

Improvements:

COMMAND POST

ANALYSIS:

For years, the Department has adhered to the National Incident Management System (“NIMS”)/Incident Command System (“ICS”)—the national standard for domestic preparedness and incident management. But it takes time to establish a full Operations Center. Prior to the Operations Center being established for an unplanned event, the Department relies heavily on field supervisors at Forward Command Posts (“FCP”).

ACTION:

Considering the value and limitations of establishing multiple FCPs, the Department created an organized process to establish both a Central Command Post (“CCP”) and Area Command Posts (“ACP”). Both remained operational for the duration of the Events, even after the full-scale OC had been established at OEMC. This allowed Department leaders to more efficiently manage available resources and resolve incoming resource requests. It also prevented a duplication of effort among field supervisors and individuals at the OC who report to the Incident Commander.

In addition, the Department recognized the immense value of having already established the SOC at OEMC. Initially, the SOC was a strategic Department effort to proactively address a predicted seasonal increase in violent crime. Having a standing SOC reduced the amount of time, effort, and resources required to establish a full-scale OC as the civil unrest escalated.

ICS-211 REVISION

ANALYSIS:

The Department requires field supervisors to complete a standard ICS-211 form, on which they can document arrival times and initial locations of

personnel and equipment. In turn, the ICS-211 form supports demobilization. But its existing iteration was not sufficient given the sheer scale of the unique circumstances underlying the civil unrest.

ACTION:

In October, the Department revised the ICS-211 Incident Check-in and Response forms to better and more thoroughly account for where field supervisors and police officers (in squads and platoons) are deployed at any particular time. In addition, the modernized form allows supervisors to document equipment available, individual locations, and other miscellaneous notes. The Department is evaluating how to fully integrate its ICS-211 forms with its digital scheduling system.

Training

This section delineates strengths and potential areas of improvement for operational capabilities aligned with the “Training” objective.

- Strengths:**
- (1) In-service training
 - (2) Knowledgeable leaders
 - (3) Decentralized training

- Weaknesses:**
- (1) Insufficient field force training and lack of regular practice drills
 - (2) Officers inexperienced with civil unrest of this scale
 - (3) Co-occurring lawful demonstrations and criminal activity

Improvements:

DRILLS

ANALYSIS:

Officers relying upon in the Department’s new citywide, ‘leveled’ response to civil unrest and revised Emergency Mobilization Plans (“EMP”) need to know these plans, policies, and procedures in advance of any future spontaneous implementation.

ACTION:

The Department relies on its field supervisors and police officers alike to implement plans, policies, and procedures. Going forward, operational efficacy demands prompt training on changes to long-standing plans such as the new ‘leveled’ response and revised EMPs. As a result, Department leaders need to communicate to field supervisors and police officers the many considerations underlying the Department’s response.

Using the EMPs, the Department and intragovernmental partners conducted three practice drills, testing the Department’s downtown and neighborhood-specific, and retail corridor responses. These drills offered Department leaders, field supervisors, and police officers alike a tangible view of the practical implications of EMP implementation. In addition, the drills assisted the Department in refining the already-revised EMPs.

MOBILE FIELD FORCE

ANALYSIS:

Mobile Field Force (“MFF”) units are large contingents of police officers, field supervisors, and Department leaders assembled to provide rapid, organized, and disciplined response to civil unrest. They consist of formally-structured, modular ‘platoons’ and ‘squads’ trained to perform a variety of specialized policing functions (e.g., crowd control, perimeter maintenance, traffic control,

facility security, custodial escort) in an effort to maintain order and preserve peace amid civil unrest.

Notably, the Department was lauded following the 2012 NATO Conference for the efficacy with which it employed MFF units as a means of protecting peaceful protestors from agitators, inciters, and wrongdoers. But the 2012 NATO Conference took place nearly a decade ago. Many Department members upon whom the city relied during related demonstrations have since moved to different roles or retired.

As a result, the Department could not reliably rest on experience alone to guide police officers and field supervisors through this summer's civil unrest. Officers were either unfamiliar with or unprepared to employ MFF-specific tactics, techniques, and strategies. In addition, field supervisors could not immediately mobilize the coordinated, cross-functional response demanded by the many unique circumstances underlying the Events.

ACTION:

In mid-2020, the Department created the Critical Incident Response Team ("CIRT") and Community Safety Teams ("CST"). Members assigned to CIRT often respond first when a police presence becomes necessary at large-scale, lawful gatherings and demonstrations. As such, field supervisors and police officers assigned to those units primarily responsible for responding to large gatherings (e.g., 001st District, 018th District, CIRT, CST, Tactical Teams, etc.) have since begun to attend eight-hour 'refresher' trainings on MFF policies and tactics. In addition, the Education and Training Division started providing MFF-specific 'refresher' training department-wide on July 23, 2020. To date, over 1,300 Department members have received this refresher training.

By April 15, 2021, the Department will establish a Domestic Preparedness Unit ("DPU") within the Education and Training Division specifically tasked with developing and offering training specific to large-scale events including, but not limited to, First Amendment-protected demonstrations and incidents of widespread criminal activity.

FIRST AMENDMENT LAW

ANALYSIS:

Concerns and criticism emerged about how the Department responded as the line between 'lawful demonstrators' and 'criminal infiltrators' became increasingly blurred by people on the streets and attending mass gatherings. The Department recognizes the importance of ensuring its members can tell the difference, even under stressful and often fluid circumstances.

Few would downplay the difficulty of balancing individuals' First Amendment rights while simultaneously protecting communities from the various symptoms of violent civil unrest (e.g., physical attacks, arson, and looting).

ACTION:

On October 31, 2020, the Department issued a Training Bulletin (ETB #20-06 “Public Gatherings and the First Amendment”) providing members guidance on how to assist demonstrators in most safely and lawfully exercising their First Amendment rights. Then, the Department sent instructors from the Education and Training Division to provide First Amendment-specific training to officers across the Department—with a specific focus on those primarily responsible for protecting and serving the central business district.

Department members were reminded of the elements of Illinois’ “Disorderly Conduct” statute, 720 ILCS 5/26-1 *et seq.*, and Chicago’s similar “Disorderly Conduct” municipal ordinance, § 8-4-010(a)-(j).

In addition, the Department provided materials to executive staff informing them about the legal nuances underlying law enforcement-directed dispersal orders during First-Amendment-protected activities. These materials emphasized that police supervisors should exhaust any and all tools at their disposal (when safe and feasible) prior to issuing dispersal orders.

Communications

This section delineates strengths and potential areas of improvement for operational capabilities aligned with the “Communications” objective.

- Strengths:**
- (1) Community partnerships
 - (2) Existing SDSCs and ATCs

- Weaknesses:**
- (1) Information held in silos was not disseminated to field supervisors
 - (2) Business and retail community vulnerable to property crime
 - (3) Investigative units overwhelmed by widespread criminal activity

Improvements:

INTELLIGENCE CYCLE

ANALYSIS:

The process of distilling and sharing information relevant to criminal and/or national security investigations is typically referred to as the “intelligence cycle.” It is widely understood as a six-phase process: (1) requirements, (2) planning and direction; (3) collection; (4) processing and exploitation; (5) analysis and production; and (6) dissemination. Like any other law enforcement agency, the Department receives a tremendous amount of incoming information from various sources. These sources include, but are not limited to, calls-for-service, community conversations, and information submitted to CPDTip.org.

Strategic Decision Support Centers (“SDSC”) within each police district use this and other information to provide real-time, tactical analytic support to Department members while assisting with the strategic analysis of broader crime trends.¹⁷ Area Technology Centers (“ATC”) similarly use this information to support long-term criminal investigations conducted by BOD.

But the Department recognizes that SDSCs and ATCs were largely underutilized during the Events. Each lacked a formal role within the overall Command Post structure, so personnel assigned to them—with specialized training in emerging technologies and live access to POD cameras—contributed only extemporaneous intelligence products to Department leaders.

ACTION:

It is imperative the Department facilitate a bidirectional, multilateral information flow that ensures both internal and, wherever possible, external transparency. As such, the Department must evaluate where obstacles exist

¹⁷ See *Strategic Decision Support Center Initiative*, Special Order S03-02 § II (March 11, 2020).

within its own implementation of the intelligence cycle. This invariably involves revisiting and revitalizing the SDSCs and ATCs.

In an effort to ensure that SDSC and ATC personnel can distribute information quickly and efficiently, the Department has started to actively evaluate the process by which information is received, interpreted, processed, and disseminated. This is an on-going, cross-programmatic effort involving various units and the Department's local, state, and federal partners.

BUSINESS ENGAGEMENT

ANALYSIS:

The city's business and retail community may have known that large-scale demonstrations were planned, but it could not have anticipated falling victim to widespread, co-occurring criminal activity (e.g., looting, burglary, vandalism). The manner in which these businesses were systematically attacked and the geographic scale were unprecedented. The Department's support cannot merely be responsive. As a result, Department leaders—along with other city department including the Mayor's Office—began to proactively support the business and retail community by providing resources and information they might need to persist through and survive any subsequent incidents.

The Department similarly recognized that Department members assigned to BOD could not alone manage the sudden, dramatic increase in felony looting, burglary, property damage, and other investigations without additional personnel, resources and a coordinated means of communicating directly with business owners.

ACTION:

The Department continues to work collaboratively with various intergovernmental partners to better communicate with community residents and business partners. To this end, the Department has created physical fliers, videos, and social media content as a means of disseminating essential information related to on-going patterns, investigations, and/or public safety threats to the community.

One such flier offered a few steps that businesses can take to proactively prepare for large-scale civil unrest. For example, the Department informed business owners how to sign up for "ChiBiz Alerts," which is a text-based alert system created and operated by OEMC. ChiBiz Alerts sends out emergency communications citywide or to businesses located within a particular geographical area. To date, at least 9,059 businesses have signed-up to receive these alerts. Similarly, business owners were informed how to join Chicago's Public and Private Partnership Initiative ("CP3"). CP3 partners have access to an array of resource documents regarding general security measures and emergency planning.

In addition, the Department established a Looting Task Force to coordinate investigations related to burglary, looting, vandalism, and related property crimes that occur during civil unrest. This task force has released countless pictures and videos of potential suspects to the public through the local media. Community cooperation (including thousands of incoming tips) has enabled the team to arrest a substantial number of individuals, most of whom the United States Attorney's Office ("USAO") and CCSAO have since charged with various felony offenses.

CONCLUSION

The City of Chicago must continue to faithfully facilitate the safe, lawful, and free exercise of individuals' First Amendment rights. To this end, the Department remains committed to preventing those with nefarious intent from compromising others' exercise of their essential, Constitutionally-guaranteed rights. The Department will not stand by as local businesses are looted, vandalized, and destroyed alongside and/or under the guise of otherwise peaceful demonstrations and protests.

The facts included in this report are not exhaustive. This report is intended only to facilitate the Department's own understanding of its strengths and weaknesses with respect to the above-delineated core capabilities. As additional information emerges, the Department continues to partner with the Independent Monitoring Team ("IMT") and the Office of the Attorney General ("OAG") to review and modify procedures and responsibilities pertaining to crowds, protests, and civil disturbances in order to most effectively serve Chicago's residents and visitors.

In this effort, the Department greatly appreciates the on-going support of its many community, business, and intergovernmental partners.

Thank you.