



PROHIBITION REGARDING RACIAL PROFILING AND OTHER BIAS BASED POLICING



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I. PURPOSE

This directive:

- A. defines Department policy regarding the proper treatment of all persons by Department members; and
- B. specifically prohibits racial profiling or other bias-based policing.

II. POLICY

- A. The Chicago Police Department expressly prohibits racial profiling or other bias-based policing.
- B. The Chicago Police Department is committed to observing, upholding, and enforcing all laws relating to the individual rights of all persons. Department members will respect and protect each person's human rights and comply with all laws relating to human rights. Department members will continue to follow the policies outlined in the Department directives titled "Protection of Human Rights" for the Department policy, procedures, and guidelines governing the human rights of all individuals.
 - 1. In addition to respect for those human rights prescribed by law, in all contacts and interactions with the public, Department members, both sworn and civilian, will:
 - a. interact with all members of the public in an unbiased, fair, and respectful manner within the context of their trauma-informed training techniques by maintaining a sensitive approach.
 - b. treat all persons with the courtesy and dignity which is inherently due every person as a human being.
 - c. act, speak, and conduct themselves in a courteous, respectful, and professional manner.
 - 2. Department members will not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language.
- C. It is a fundamental duty of every Chicago Police Officer to be vigilant in the investigation of unusual or suspicious occurrences, detect violations of the law, safeguard lives and property, guarantee all persons fair and equal treatment under the law, and ensure that the rights of all persons are protected. In meeting these duties, the Department remains committed to working actively with all communities within the City.
- D. Consistent with the procedures outlined in the Department directive titled "Complaint and Disciplinary System," any allegations of misconduct or violations of this policy will be reported, initiated, and investigated. Department members are reminded that discipline, up to and including separation from the Department, may be administered for any misconduct or violation of policy.

III. INDIVIDUAL RESPONSIBILITIES

- A. Members of the Chicago Police Department are expressly prohibited from engaging in racial profiling or bias-based policing activities.
- B. Members will adhere procedures outlined in the Department directives titled "Use of Social Media Outlets," whether on-duty or off-duty.
- C. When making routine or spontaneous law enforcement decisions, Department members **will not use**:
1. race, ethnicity, age, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, immigration status, homeless status, marital status, parental status, military discharge status, financial status, lawful source of income.
- EXCEPTION:** Department members may rely on age as a factor only when the individual's age is an element of the specific crime or ordinance that the individual is suspected of violating including but not limited to curfew, school absenteeism, and underage consumption of alcohol.
2. substitutes or stereotypes for the demographic categories listed above, such as manner of dress, mode of transportation, or language ability.
- EXCEPTION:** Department members may rely on the above-listed demographic categories only when such information is part of a specific description of a wanted person.
- D. Routine or spontaneous law enforcement decisions include, but are not limited to, responding to calls for service, interacting with witnesses, conducting investigatory stops, performing searches, initiating traffic stops, issuing citations, making arrests, or performing other law enforcement activities.
- E. When determining if reasonable articulable suspicion or probable cause exists for an investigatory stop, traffic stop, or arrest, Department members may consider the demographic categories, free from bias, listed in Item III-C of this directive when only one or more of those categories are part of the description of a known or suspected person wanted in connection with a criminal offense or an ordinance violation.
1. Department members are reminded that Reasonable Articulable Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observes and the rational inferences that are drawn based on the sworn member's training and experience. Reasonable Articulable Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion. Reasonable Articulable Suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person that is either witnessed or known by the officer.
 2. Department members are reminded that Probable Cause exists when an officer has knowledge of facts and circumstances based on reasonably trustworthy information that is sufficient to warrant a reasonable officer to believe that a crime has occurred and that an individual has committed it. A determination of probable cause requires stronger evidence and greater certainty than Reasonable Articulable Suspicion.
- F. Department members must be able to clearly articulate and document the specific police or public safety purpose of any traffic or investigatory stop, consistent with the Department directives titled "Investigatory Stop System" and "Illinois Traffic and Pedestrian Stop Statistical Study."
- G. Department members will not transport an individual for the purpose of intentionally displaying or leaving the individual in locations where known rivals or enemies live or congregate.

- H. Consistent with the procedures outlined in the Department directive titled "Complaint and Disciplinary Procedures," Department members have a duty to report allegations of misconduct and will immediately report any observed violations of the policies and procedures established in this directive, including any discrimination, racial profiling, or other bias-based policing, to a Department supervisor consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment."
- I. When interacting with individuals with limited English proficiency or individuals with physical, emotional, or developmental disabilities, Department members will provide the proper available services, including translation services and other accommodations, consistent with the Department directives titled "Limited English Proficiency" and "People with Disabilities."

IV. SUPERVISORY RESPONSIBILITIES

- A. Department supervisors will monitor the adherence to the policies and procedures established in this directive by all subordinates.
- B. Department supervisors will initiate an investigation, in accordance with the procedures established in the Department directives titled, "Complaint and Disciplinary Procedures" and "Complaint Initiation and Log Number Investigation Assignment," into all:
- violations of the policies and procedures established in this directive that are directly observed; and
 - allegations of a violation of the policies and procedures established in this directive received from any person, including other Department members.

V. TRAINING

- A. The Deputy Chief, Training and Support Group, will ensure that the policies and procedures established under this directive are fully incorporated into:
- the basic recruit training curriculum; and
 - all in-service training regarding courtesy and demeanor, determining reasonable suspicion, establishing probable cause for arrest, the rights of the accused, search and seizure, use of force, weapons training, and related courses.
- B. Designated unit supervisors will ensure that all roll call training is fully consistent with the policies and procedures established in this directive.

VI. ADMINISTRATIVE REVIEWS

- A. A documented administrative review of the policies and procedures established in this directive will be conducted by the Department biennially to ensure the Department prohibits bias-based policing on the basis of any protected class under federal, state, or local law or as outlined in this directive.
- The administrative review will include documented Department data on bias-based policing, such as:
 - citizen's complaints and allegations of misconduct associated with bias-based policing.
 - other actions associated with the prohibition on bias-based policing.
 - A final report will be submitted to the Office of the Superintendent with the findings and recommended actions, including recommendations for policy, training, or operational modifications.
- B. Policy Review

1. The Department will review this directive periodically, at minimum every two years, to evaluate whether it provides clear and effective guidance and direction to Department members and is consistent with the current law and the Department's vision, mission, core values, objectives, and practices.
2. When reviewing and revising this policy, the Department will:
 - a. provide a meaningful opportunity for review by the public and Department members, and
 - b. seek input from members of the community and community-based organizations with relevant knowledge and experience through community engagement efforts.

GLOSSARY

Racial Profiling or Other Bias-Based Policing — In making law enforcement decisions, including spontaneous law enforcement decisions, Chicago Police Department members will not use race, ethnicity, age, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, immigration status, homeless status, marital status, parental status, military discharge status, financial status, or lawful source of income to any degree, except that officers may rely on the listed characteristics in a specific suspect description. Routine or spontaneous law enforcement decisions include but are not limited to responding to calls for service, interacting with witnesses, conducting investigatory stops, performing searches, initiating traffic stops, issuing citations, making arrests, or performing other law enforcement activities. Department members may rely on age as a factor only when the individual's age is an element of the specific crime or ordinance that the individual is suspected of violating including but not limited to curfew, school absenteeism, and underage consumption of alcohol.

Reasonable Articulate Suspicion — is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable Articulate Suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion. Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation in regard to the suspect that is either witnessed or known by the officer. Accordingly, Reasonable Articulate Suspicion must be described with reference to facts or observations about a particular suspect's actions or the particular circumstances that an officer encounters. The physical characteristics of a suspect are never, by themselves, sufficient. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the suspect. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.

Probable Cause — is where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it. This differs from Reasonable Articulate Suspicion in that the facts supporting RAS do not need to meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight but instead should be considered from the perspective of a reasonable officer at the time that situation confronted him or her.

(Items indicated by italic/double underline were added or revised)

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