



PROTECTION OF HUMAN RIGHTS



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I. PURPOSE

This directive:

- A. sets forth Department policy, procedures, and guidelines governing the human rights of all individuals;
- B. defines the responsibilities of Department members concerning applicable laws;
- C. identifies select federal and state law relative to human rights; and
- D. states the Department policy on the photographing and recording of Department members in the performance of their duties.

II. GUIDING PRINCIPLES

- A. As one of the world's largest cities, Chicago encompasses a variety of communities, each with its own distinctive cultures, lifestyles, customs and challenges. The cosmopolitan nature of the City is further manifested by the diverse ethnic and sociological background of its people. However, all persons in each area of the City share the common need for protection and service through objective and impartial law enforcement.
- B. The recognition of individual dignity is vital in a free society. Since all persons are subject to the law, all persons have the right to dignified treatment under the law. The protection of this right is a fundamental responsibility of the Department and its members. Every Department member is responsible for treating each person with respect, mindful that the person possesses human emotions and needs.
- C. The Chicago Police Department is committed to working with the communities of the City to serve and protect; to safeguard lives and property; to guarantee all persons fair and equal treatment under the law; and to ensure that all persons may enjoy their fundamental rights as human beings consistent with the Department directive titled "Vision, Mission Statement, and Core Values."
- D. The daily interaction of Department members with members of the community presents a unique opportunity to strengthen police-community relations and build trust. In all contacts with the public, members must inspire respect for themselves as individuals and as representatives of the Department by respecting the human rights of the members of the community.
- E. **Procedural Justice and Legitimacy**
 - 1. The Department is committed to the concepts of Procedural Justice and Legitimacy. Department members will, by being aware of their training in trauma-informed techniques, continue the practice of employing the four central principles of Procedural Justice and Legitimacy in all interactions with members of the community, with a focus on:
 - a. Giving others a voice (listening);
 - b. Neutrality in decision making;
 - c. Respectful treatment; and

- d. Trustworthiness.
2. When police officers give community members a voice (listen) and are objective and respectful in their decision making, police officers gain the trust of the community.
3. All interactions with members of the public will be conducted with the utmost respect and courtesy and be based on the concepts of Procedural Justice and Legitimacy. During each interaction, Department members will strive to attain the highest degree of ethical behavior and professional conduct at all times.

III. POLICY

- A. The Chicago Police Department is committed to observing, upholding, and enforcing all laws relating to individual rights. Department members will respect and protect each person's human rights and comply with all laws relating to human rights.
- B. 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:
 1. interact with all members of the public in an unbiased, fair, and respectful manner.
 2. treat all persons with the courtesy and dignity which is inherently due every person as a human being.
 3. act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.
 4. **not** exhibit a condescending attitude or direct any derogatory terms toward any person in any manner and will not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language.
 5. when requested, correctly identify themselves by providing their rank, name, and star number (or employee number for civilian members) to any member of the public.
- C. The Chicago Police Department will not tolerate abuse of law enforcement authority. While the Department does recognize the concept of discretion, that discretion must be reasonable, defensible and may not be for an improper purpose.
- D. Department members will adhere to the procedures outlined in the Department directive titled "[Investigatory Stop System](#)" when conducting a temporary detention and questioning of a person without an arrest.
- E. The Chicago Police Department prohibits Department members from engaging in any:
 1. illegal discrimination against an individual or group on the basis of any protected class under federal, state, and local law, including race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal record, or criminal history.
 2. racial profiling or other bias-based policing, consistent with the Department directive titled "[Prohibition Regarding Racial Profiling And Other Bias Based Policing](#)."
 3. intentional transporting, displaying, or leaving an individual in locations where known rivals or enemies live or congregate.
 4. form of retaliation against any Department member or member of the public, including those report misconduct or who cooperate with an investigation into misconduct, consistent with the Department directive titled "[Prohibition of Retaliation](#)."

- a. Department members are reminded that Illinois State Statute 775 ILCS 5/6-101 prohibits retaliation against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment, sexual harassment in elementary, secondary, and higher education, or discrimination based on arrest or citizenship status in employment because he or she made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act, or because he or she has requested, attempted to request, used, attempted to use a reasonable accommodation as allowed by this Act.
 - b. Department members are reminded that MCC 2-160-100 prohibits retaliation against any individual because such individual has opposed what he or she reasonably and in good faith believes to be an incident of unlawful discrimination or sexual harassment; made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding or hearing under this Chapter, or requested, attempted to request, used, or attempted to use a public accommodation as allowed in this Chapter.
- F. Department members will permit members of the public to photograph or record law enforcement officers, including sworn Department members, in the performance of their duties in a public place or in circumstances where the law enforcement officer has no reasonable expectation of privacy.
1. 720 ILCS 5/14-2(e) allows any individual, not a law enforcement officer, to record law enforcement officers in the performance of their duties in a public place or in circumstances in which the officer has no reasonable expectation of privacy. A public place includes areas on the public way and locations accessible to the public.
 2. However, Department members may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the safety of Department members or others.
- G. Consistent with the procedures outlined in the Department directive titled "[Complaint and Disciplinary System](#)":
1. 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 procedures outlined in the Department directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)."
 2. 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.

IV. INDIVIDUAL RIGHTS AND THE LAW

Department members will ensure compliance with the following laws, statutes, and ordinances:

- A. The First Amendment to the Constitution of the United States guarantees that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
- NOTE:** Department members will refer to the Department directive titled "[First Amendment Rights](#)" for the Department policy related to the First Amendment and members of the public engaged in First Amendment conduct.
- B. The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

- C. Under the United States Code, it is unlawful for any person who is acting under color of any law, statute, ordinance, regulation or custom to willfully subject any inhabitant of any state, territory or district to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or laws of the United States to different punishments, pains or penalties on account of such inhabitant being an alien or by reasons of his color or race. Violators can be subjected to a fine and/or imprisoned for a term of years or for life ([Title 18, United States Code Annotated, Section 242](#)).
- D. Along with the criminal sanctions mentioned in Item IV-B, violators can be liable to the party injured in civil proceedings ([Title 42, United States Code Annotated, Section 1983](#)).
- E. The Americans with Disabilities Act provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and provides enforceable standards addressing discrimination against individuals with disabilities. ([Public Law 101 - 336, Section 2 \[b\]](#)).

NOTE: *Department members will refer to the Department directive titled "[People with Disabilities](#)" for the Department policy on accommodations and interactions involving persons with physical, intellectual, and developmental disabilities.*

- F. The Illinois Human Rights Act secures for all individuals within Illinois the freedom from discrimination or retaliation because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations; prevents unlawful discrimination or sexual harassment in employment, elementary, secondary and higher education, discrimination based on citizenship status-employment, and discrimination in connection with real estate transaction based upon familial status. ([Illinois Compiled Statutes, Chapter 775 ILCS 5/1-102](#)).

G. Relevant Ordinances

The below listed provisions of the Chicago Human Rights Ordinance promote the mutual understanding and respect among all who live and work within the City of Chicago and provide that all persons of Chicago will have equal access to public services, including services of the Chicago Police Department, and will be protected in the enjoyment of civil rights. Any behavior which denies equal treatment to any individual because of his or her race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, or criminal record or criminal history undermines civil order and deprives persons of the benefits of a free and open society.

1. "Declaration of city policy" (Municipal Code of Chicago, Section [2-160-010](#)).
2. "Definitions" (Municipal Code of Chicago, Section [2-160-020](#)).
3. "Unlawful discriminatory activities designated" (Municipal Code of Chicago, Section [2-160-030](#)).
4. "Sexual harassment" (Municipal Code of Chicago, Section [2-160-040](#)).
5. "Religious beliefs and practices" (Municipal Code of Chicago, Section [2-160-050](#)).
6. "Discriminatory practices-Credit transactions" (Municipal Code of Chicago, Section [2-160-060](#)).
7. "Discriminatory practices-Public accommodations" (Municipal Code of Chicago, Section [2-160-070](#)).
8. "Exemptions for certain religious organizations" (Municipal Code of Chicago, Section [2-160-080](#)).
9. "Violation-Investigation by Commission on Human Relations-Prosecution" (Municipal Code of Chicago, Section [2-160-090](#)).

10. "Retaliation prohibited" (Municipal Code of Chicago, Section [2-160-100](#)).
11. "Construction of chapter provisions" (Municipal Code of Chicago, Section [2-160-110](#)).
12. "Violation-Penalty" (Municipal Code of Chicago, Section [2-160-120](#)).

V. LIMITED ENGLISH PROFICIENCY POLICY

- A. The Chicago Police Department will provide professional and courteous police service to all persons, equally and without prejudice and will take reasonable steps to provide timely and meaningful access to police services for all individuals encountered regardless of their ability to speak, read, write, or understand English.
- B. Individuals with limited English proficiency (LEP) or individuals with physical, emotional, or developmental disabilities, requiring a Department/police service will be provided interpretation services by the Department free of charge to ensure proper communication exists throughout the duration of the incident. Department members will provide the proper services consistent with the Department directives titled "Limited English Proficiency" and "People with Disabilities."

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 discrimination on the basis of any protected class under federal, state, or local law or as outlined in this directive.
 1. The administrative review will included documented Department data on discrimination, such as:
 - a. citizen's complaints and allegations of misconduct associated with discrimination or bias-based policing.
 - b. reports or allegations of violations of the Department's Equal Employment Opportunity (EEO) policy.
 - c. other actions associated with the protection of human rights and the prohibitions on discrimination and bias-based policing.
 2. 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

Limited English Proficiency - Designates an individual whose primary language is not English and who may have a limited ability to read, write, speak, or understand English. LEP designations are context specific and individuals may have sufficient English proficiency to function in certain types of communication (e.g., speaking, understanding) but lack the skills to function in other situations (e.g., reading, writing).

Racial Profiling or Other Bias-Based Policing — In making law enforcement decisions, including spontaneous law enforcement decisions, Chicago Police Department officers 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.

(Items indicated by italics/double underline have been added or revised.)

Authenticated by KC

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18-111 MJC/MWK

ADDENDA:

1. G02-01-01 - Criminal Investigations of Drug or Alcohol Abuse Patients
2. G02-01-02 - Testing for HIV Status, Disclosure of HIV Status, Discrimination Against Individuals Based on HIV Status
3. G02-01-03 - Interactions with Transgender, Intersex, and Gender Nonconforming (TIGN) Individuals
4. G02-01-04 - Homeless Bill of Rights