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Follow-up Inquiry on the Chicago Police

Department's Preparedness for Mass Gatherings

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Acronyms

AAR	After Action Report
ATC	Area Technology Centers
BIA	Bureau of Internal Affairs
BOP	Bureau of Patrol
BWC	Body Worn Camera
CAPS	Chicago Alternative Policing Strategy
CDOT	Chicago Department of Transportation
CMS	Case Management System
COPS	Community Oriented Policing Services
CPD	Chicago Police Department
CPIC	Crime Prevention and Information Center
CTA	Chicago Transit Authority
DNC	Democratic National Convention
DPU	Domestic Preparedness Unit
DSS	Department of Streets and Sanitation
DWM	Department of Water Management
ESIM	Elaborated Social Identity Model
ETD	Education and Training Division
FFO	Field Force Operations
FRB	Force Review Board
IACP	International Association of Chiefs of Police
IAP	Incident Action Plan
ICS	Incident Command System
IMT	Independent Monitoring Team
ISP	Illinois State Police
LAPD	Los Angeles Police Department
LRAD	Long Range Acoustic Device
MFF	Mobile Field Force
NATO	North Atlantic Treaty Organization
NIMS	National Incident Management Systems
NPI	National Policing Institute
NYPD	New York Police Department
OC	Oleoresin Capsicum (pepper spray)
OEMC	Office of Emergency Management and Communications

OIG	Office of Inspector General
PPD	Philadelphia Police Department
POD	Police Observational Device
RD	Records Division
SDSC	Strategic Decision Support Centers
TRED	Tactical Review and Evaluation Division
TRR	Tactical Response Report

I | Executive Summary

The Public Safety section of the City of Chicago Office of Inspector General (OIG) has completed a follow-up inquiry of its February 2021 review of “Chicago’s Response to George Floyd Protests and Unrest.”¹ In its February 2021 report, OIG found that despite advance information signaling the planning of large-scale public protest gatherings following the murder of George Floyd, the Chicago Police Department (CPD or the Department) was under-equipped and unprepared to respond to the scale of the protests and unrest in the downtown area and across Chicago’s neighborhoods from May 29 through June 7, 2020 (2020 protests and unrest). OIG identified failures within intelligence assessment, major event planning, field communication and operation, administrative systems, and, most significantly, from CPD’s senior leadership.

OIG’s February 2021 report presented the following findings on specific CPD operational failures and shortcomings in response to the protests and unrest:

1. Breakdowns in the mass arrest process resulted in CPD’s failure to arrest some offenders, the release of some arrestees without charges, and risks to officer and arrestee safety.
2. During the events at issue, CPD did not fulfill its force reporting obligations and did not provide clear and consistent guidance to officers on reporting obligations.
3. CPD’s operational response to the protests and unrest and gaps in its relevant policies crippled accountability processes from the start.

Also, in February 2021, CPD published an After Action Report (AAR) on the mass gatherings.² In it, CPD identified five areas for improvement:

- Accountability
- Planning and Preparedness
- Command and Control
- Training
- Communication

Within each area for improvement, CPD identified relevant strengths and weaknesses, and committed to specific action items to address the issues identified. These commitments included revising policies, increasing training, establishing new response teams, improving internal and external communications, and more.

OIG’s 2021 report did not include specific recommendations. In this follow-up inquiry, OIG examines the steps CPD has taken to address the deficiencies in its preparedness for mass gatherings as identified in the February 2021 OIG report and CPD’s AAR.

The objectives of this inquiry were to:

¹ City of Chicago Office of Inspector General, “Chicago’s Response to George Floyd Protests and Unrest,” February 18, 2021, accessed March 8, 2024, <https://igchicago.org/wp-content/uploads/2023/08/OIG-Report-on-Chicagos-Response-to-George-Floyd-Protests-and-Unrest.pdf>.

² Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” February 5, 2021, accessed April 10, 2024, https://home.chicagopolice.org/wp-content/uploads/2021/02/AAR_FINAL_2-4-21.pdf.

- Determine whether CPD has, independently and in collaboration with other entities, developed operational procedures for responding to mass gatherings and/or protests post-2020;
- Describe CPD's current mass arrest procedures and determine what changes, if any, have been made since 2020;
- Evaluate CPD's current policies and procedures for deploying force and reporting the use of force in mass gathering circumstances; and
- Assess the impact any such revisions and actions might have on the ability of stakeholders, including the Department, to enforce accountability throughout and following the response to mass gatherings.

To assess and understand CPD's policy changes made to enhance its mass protest response post-2020, OIG reviewed written statements and supportive documentation from CPD, including operational plans, examples of tabletop exercises, and training materials. Additionally, OIG reviewed CPD's publicly posted Coordinated Multiple Arrest Policy Suite of draft directives, including proposed directives on response to crowds, protests, and civil disturbances.

First, OIG found that the Department has developed formal guidance for its response to both planned and unplanned large-scale events and has included other City public safety and infrastructure agencies in both the plan development and evaluation phases. CPD has also periodically performed drills and tabletop exercises covering a range of complex scenarios. OIG found that CPD has audited and expanded its inventory of deployable equipment, including passenger vans and body worn cameras (BWC). The collaborative development of detailed operational plans and the reinforcement of such processes may help mitigate the confusion that was evident in the Department's response during the 2020 protests and unrest as well as strengthen CPD's response to future large-scale events.

OIG found that CPD has drafted extensive revisions to its policies governing coordinated multiple arrest incidents. Such revisions were informed by improvement areas identified as a result of CPD's response to the 2020 protests and unrest. In response to this follow-up inquiry, the Department reported to OIG that it has been working with the Independent Monitoring Team (IMT) charged with assessing compliance with the consent decree entered in *Illinois v. Chicago* and the Office of the Illinois Attorney General on a suite of coordinated multiple arrest policy updates.³ Such policy updates include measures that improve upon existing guidance for the documentation and processing of mass arrests, including explicitly instructing officers to activate BWC for arrests and processing, and requiring supervisors to review, approve, and maintain possession of Coordinated Multiple Arrest Reports prior to transporting arrestees. The policy updates are more specific and comprehensive about the reporting obligations for each tactical response in a multiple arrest context, and expand Department review beyond Tactical Response Reports (TRRs). Coordinated Multiple Arrest Reports that indicate a reportable use of force are now a part of the Department force review process. Such policy revisions may result in more complete arrest documentation and improved use of force reporting compliance, which could in turn strengthen any efforts to implement individual-level accountability for misconduct. Although the proposed policy changes are promising, there has not been time for meaningful Department training or inclusion of public input prior to their implementation ahead of the Democratic National Convention (DNC) in August 2024. Additionally, the proposed policy changes do not improve CPD's ability to assess all misconduct

³ Consent Decree, *State of Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019).

allegations stemming from a single large-scale event, hindering its ability to perform comprehensive after-action analyses that could contribute to policy and training improvement.

OIG found that CPD has not improved its guidance on roll call content and execution; oversight agencies and professional organizations in comparable large cities, such as New York, stress the importance of standardized messaging during roll calls to ensure that all members receive the same tactical information and constitutional reminders. The majority of roll call training materials CPD provided to OIG were developed in 2018 and 2019. While CPD's operational plans for pre-planned large-scale events include the time and place of roll calls, they do not address the content of such roll calls, which may differ in duration and detail depending on individual leaders. Further, it is unclear what controls CPD uses to ensure roll calls are held for large-scale spontaneous events. The materials CPD provided to OIG suggest they have not identified best practices for roll call content and execution and that the risk for inconsistent roll calls remains. Standardized messaging during roll calls aids in coordinating police behavior and preventing fragmentation during the course of a mass event. Without considerations to standardize and adopt best practices for roll calls, CPD may face the same internal communications challenges that occurred in 2020. Those challenges resulted in confusion among members over Departmental policy, with negative consequences for the protection of protestors' rights and the ability to hold Department members accountable for misconduct.

Finally, OIG found that CPD's trainings and policies on crowd management tactics—such as the use of encirclement and Oleoresin Capsicum (OC) spray—are insufficient and may increase the risk of infringement of lawful demonstrators' constitutional rights. For example, although CPD training materials on crowd control tactics mention the First and Fourth Amendments generally, they make no mention of the First Amendment right to peaceful assembly or the Fourth Amendment protections against unlawful search and seizure. Further, CPD's draft policy on response to crowds states that members ought to refrain from "kettling," but it does not specify conditions where such or similar containment tactics might be permissible. Additionally, CPD tactical trainings state that OC spray can be used against passive resisters and do not discuss circumstances in which its use may infringe constitutional rights. CPD's failure to appropriately educate members on demonstrators' rights may leave members ill-equipped to distinguish between lawful and unlawful demonstrators, potentially subjecting lawful demonstrators to unconstitutional policing tactics.

The 2020 protests and unrest exposed CPD's lack of preparedness to respond to a large-scale gathering that necessitated mass arrests. Since those events, CPD has drafted extensive policy revisions that improve mass arrest procedures as well as expand and clarify use of force reporting. CPD has engaged other City departments in formalizing operational responses for both planned and unplanned large-scale events. The Department has also taken steps to quantify and increase its inventory of deployable equipment, and periodically performed drills and exercises throughout the city. Such preparation may better equip Department members for responding to future large-scale events and as tense, unpredictable situations arise. Whether large-scale events are pre-planned or spontaneous, proper planning can help ensure the Department is prepared to respond effectively and appropriately.

Still, OIG's findings raise concerns that the quality of CPD's response to a large gathering may deteriorate in practice. Despite CPD's bolstering its operational planning and preparation for large-scale events, gaps remain in the Department's ability to effectively and uniformly communicate such plans and implement after-action accountability. Further, CPD's training on certain extreme tactical

responses to large crowds risks escalating tensions and violating constitutional rights of lawful demonstrators. Notably, improved plans without proper dissemination and training of said plans may not result in improved operations. Specifically, policies that do not address the constitutional right to peacefully protest and that do not ensure comprehensive after-action review risk outcomes that will undercut the Department's legitimacy and damage public trust in law enforcement. OIG presents these findings for consideration by the Department as it prepares for future large gatherings.

II | Background

The Public Safety section of the City of Chicago Office of Inspector General (OIG) has completed a follow-up inquiry of its February 2021 review of “Chicago’s Response to George Floyd Protests and Unrest.”⁴ In this follow-up report, OIG examines the steps the Chicago Police Department (CPD or the Department) has taken toward improving its preparedness for mass gatherings, reported to OIG as of February 2024.

In its February 2021 report, OIG found that despite advance information signaling the planning of large-scale public protests following the murder of George Floyd, CPD was underprepared and ill-equipped for the events that unfolded in May and June 2020. OIG identified failures within intelligence assessment, major event planning, field communication and operation, administrative systems, and, most significantly, CPD’s senior leadership. OIG found that during the response to these events, CPD rank-and-file members and front-line supervisors were at times left without adequate support or guidance. Further, OIG identified breakdowns in CPD operations including its procedures for mass arrest and use of force reporting. Finally, OIG found that post-event review and accountability were hindered by gaps in policy and failures to adhere to policy.

The response to the 2020 protests and unrest involved not only CPD, but also other City departments under the authority of the Mayor, such as the Chicago Department of Transportation (CDOT) and the Office of Emergency Management and Communications (OEMC), as well as non-City entities, including the Cook County State’s Attorney’s Office, the Cook County Sheriff’s Office, the Illinois State Police (ISP), the Illinois National Guard, the Illinois Emergency Management Agency, the Chicago Transit Authority (CTA), and the University of Chicago Police Department.

OIG’s February 2021 report presented the following findings on specific CPD operational failures and shortcomings in response to the 2020 protests and unrest:

1. Breakdowns in the mass arrest process resulted in CPD’s failure to arrest some offenders, the release of some arrestees without charges, and risks to officer and arrestee safety.
2. During the events at issue, CPD did not fulfill its force reporting obligations and did not provide clear and consistent guidance to officers on reporting obligations.
3. CPD’s operational response to the protests and unrest and gaps in its relevant policies crippled accountability processes from the start.

Also in February 2021, CPD published an AAR on its response to these events. In it, CPD identified five areas for improvement:

- Accountability
- Planning and Preparedness
- Command and Control
- Training
- Communication

⁴ City of Chicago Office of Inspector General, “Chicago’s Response to George Floyd Protests and Unrest,” February 18, 2021, accessed March 8, 2024, <https://igchicago.org/wp-content/uploads/2023/08/OIG-Report-on-Chicagos-Response-to-George-Floyd-Protests-and-Unrest.pdf>.

Within each area for improvement, CPD identified relevant strengths and weaknesses, and committed to specific action items to address the issues identified. CPD committed to revising policies, increasing training, establishing new response teams, improving internal and external communications, and more. In this report, OIG examines how CPD has addressed deficiencies in its preparedness for mass gatherings as identified in OIG's February 2021 report and CPD's 2021 AAR.

A | OIG-identified areas for improvement for CPD response following the 2020 protests and unrest

OIG found deficiencies in CPD's response to the events in May and June of 2020, including breakdowns in mass arrest procedures, inconsistent and noncompliant use of force reporting, and the hindrance of after-action accountability and oversight. Below, OIG's findings in each respective area are enumerated.

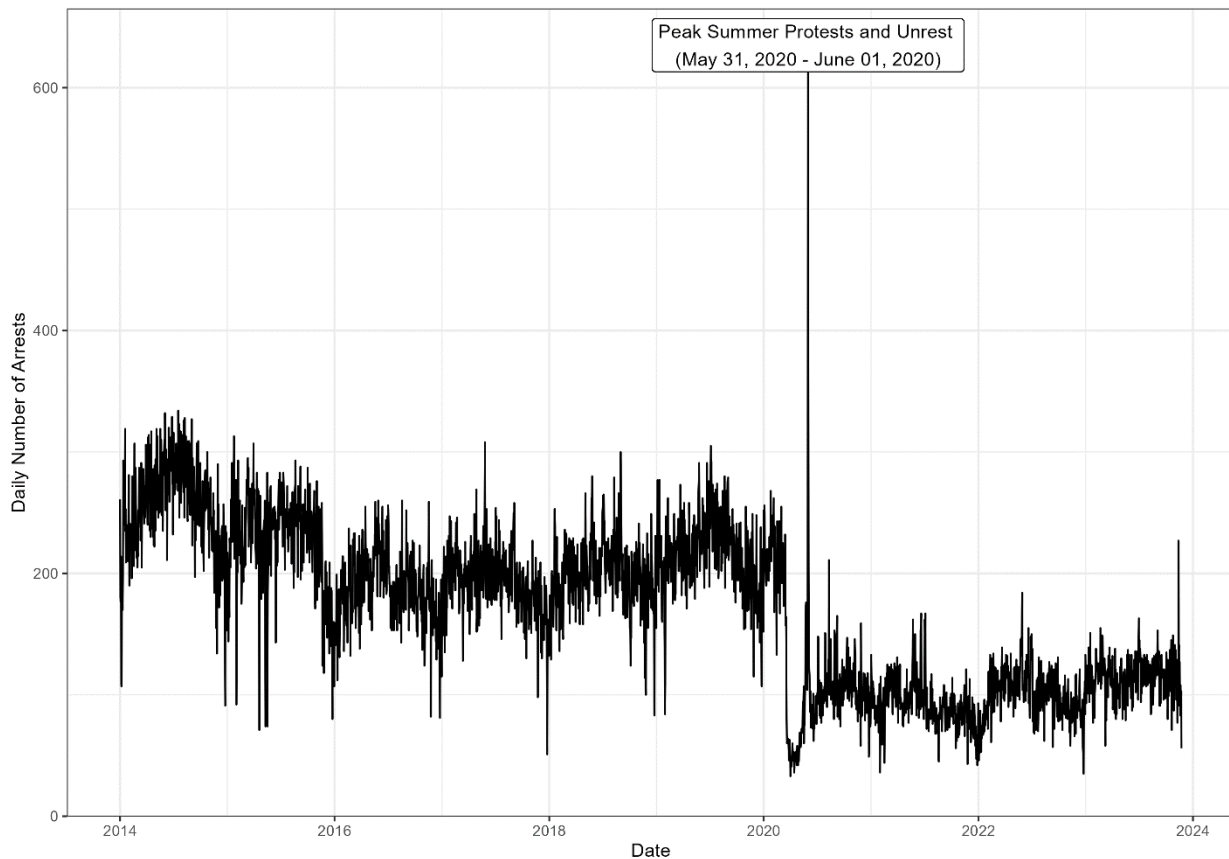
1. Mass Arrest Procedures

During large events, CPD may declare a mass arrest incident. Mass arrest incidents deviate from standard arrest protocol in which the arresting officer themselves typically completes the transport and processing of the arrestee and related reports. During mass arrest incidents, the transport and processing of arrestees is facilitated by units other than the arresting officer, enabling CPD to maintain a continuous police presence at the scene.

During the 2020 protests and unrest, CPD carried out mass arrests of protestors. Records show that from May 31, 2020, through June 1, 2020, CPD made nearly 1,000 arrests.⁵ These numbers are significantly higher than the daily average of arrests from 2014-2022, which is 177. Figure 1 shows that the number of arrests during the two-day period from May 31, 2020, to June 1, 2020, spiked in comparison to the total number of arrests that CPD typically makes in a day. The scale of protest activity was large both in terms of the number of people protesting and the geographic extent of protests. At that time, unrest occurred downtown and in various other neighborhoods throughout Chicago. The intensity of protest activity posed logistical challenges, particularly around transportation, for CPD in its processing of arrestees.

⁵ CPD made 614 arrests on May 31, 2020, and 373 arrests on June 1, 2020. Arrest records reported here do not include juvenile arrest records.

Figure 1: Daily Arrests from January 1, 2014–November 23, 2023



Source: OIG analysis

In its February 2021 report on the 2020 protests and unrest, OIG found that, during those events, arrest records were incomplete and that Department procedures were not strictly followed. At the time of the report, CPD directive “Special Order S06-06: Mass Arrest Procedures,” issued September 2018, empowered the Incident Commander or the highest-ranking on-scene member of the Bureau of Patrol (BOP) to declare a mass arrest incident, but did not define Incident Commander.⁶ OIG also identified confusion among members concerning the identity of the Incident Commander during the 2020 gatherings. CPD members—both officers and front-line supervisors alike—reported to OIG that they either did not know who the Incident Commander was or identified several different individuals as the Incident Commander, ranging from the Superintendent to the Commander of the 1st District (the District covering the downtown area). In February 2024, CPD posted a draft Coordinated Multiple Arrest Policy Suite for public comment which would replace and expand “Special Order S06-06: Mass Arrest Procedures” with a series of special orders. This draft policy suite includes a definition for Incident Commander (see Finding 2 for more information).⁷

⁶ Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section II.B., September 27, 2018, accessed March 18, 2024, <https://directives.chicagopolice.org/#directive/public/6318>.

⁷ As of this writing, the 2024 draft directives detailing CPD mass arrest procedures have not gone into effect, and the September 2018 directive remains in effect. See Finding 2 for more information on the draft policy suite.

Both the directive issued in 2018 and its proposed replacement require that the highest-ranking BOP supervisor or the Incident Commander:

- establish a command post;
- notify the OEMC dispatcher and the Department’s Crime Prevention and Information Center (CPIC) of “the incident, the declaration of a coordinated multiple arrest incident, and specific circumstances of the incident;”
- secure mass arrest kits;
- “evaluate the number of personnel and resources reasonably necessary to gain control of the multiple arrest incident and rapidly deploy sufficient personnel;”
- ensure that one Records Division (RD) number is prepared and used for all incidents related to the mass arrest.⁸

During the 2020 protests and unrest, OIG found that a single RD number was not assigned as required by policy at the time. As a result, a complete accounting of how many people were arrested during or because of activities related to those events is unclear. Additionally, some arrestees were held without proper processing, some were released without charges, and others were charged with crimes more or less serious than the initial arrest suggested. More broadly, OIG found that the safety of arrestees and CPD members was jeopardized due to delays in processing and transporting arrestees.

2. Use of Force Reporting

Typically, uses of force by CPD members must be reported in a TRR.⁹ TRRs are “used by the Department [to] document, investigate, and evaluate reportable use of force incidents” and to “identify any patterns, trends, or emerging concerns relative to the use of force incidents.”¹⁰

However, during declared mass arrest incidents, CPD members may use a Mass Arrest Card to document reportable uses of force against resisters. OIG found in its 2021 report that CPD policies in effect during the 2020 protests and unrest—provided that lower-level reportable uses of force (e.g., takedowns and diffused-pressure manual strikes) against resisters in a mass arrest context were to be documented on a Mass Arrest Card, while higher-level uses of force (e.g., focused-pressure manual strikes and use of impact weapons or discharge weapons) and all uses of force against assailants were required to be instead documented through a TRR.¹¹ “Special Order S06-06: Mass Arrest Procedures” lists several exceptions in which members should follow typical TRR use of force reporting in place of the Mass Arrest Card, including weapons discharges, canine use, Long Range Acoustic Device (LRAD) use, or if a subject alleges an injury, is injured, or dies.¹²

OIG found that CPD’s 11 directives related to use of force that were in place during 2020, combined with ambiguity regarding which policy’s reporting was controlling, led to uncertainty

Chicago Police Department, “DRAFT Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances,” Section II.D, February 8, 2024, accessed March 11, 2024, https://home.chicagopolice.org/draft_policy/coordinated-multiple-arrest-policy-suite/.

⁸ Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section III.A.

Chicago Police Department, “DRAFT Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident,” Sections IV.A, V.A-V.B, V.D, February 8, 2024, accessed April 10, 2024, https://home.chicagopolice.org/draft_policy/coordinated-multiple-arrest-policy-suite/.

⁹ Chicago Police Department, “General Order G03-02-02: Tactical Response Report,” Section III.A, June 28, 2023, accessed April 10, 2024, <https://directives.chicagopolice.org/#directive/public/6610>.

¹⁰ Chicago Police Department, “General Order G03-02-02: Tactical Response Report,” Section II.A.

¹¹ City of Chicago Office of Inspector General, “Chicago’s Response to George Floyd Protests and Unrest,” p. 95.

¹² Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section VIII.

among both command staff and rank-and-file members regarding their reporting obligations during a mass arrest incident. This widespread confusion contributed to the Department's non-compliance with force reporting obligations.¹³ CPD's other directives, when read together with "Special Order S06-06: Mass Arrest Procedures," created confusion for members regarding whether and how to report different uses of force. CPD members were left to discern whether to report their use of force on either a TRR, a Mass Arrest Card, or both.¹⁴ As a result, a complete accounting of uses of force during the 2020 protests and unrest is not available—and neither, therefore, is a comprehensive assessment of the proportionality or appropriateness of member use of force during those events. In November 2020, CPD clarified reporting requirements for baton use in a mass gathering setting in Department Notice D20-08, which states explicitly that focused pressure strikes—such as punches, kicks, and baton strikes—must always result in the completion of a TRR. Further, the February 2024 draft policy suite appears to expand and clarify use of force reporting (see Finding 2 for more detail).

3. Accountability

Systemic shortcomings in CPD's operational response to the 2020 protests and unrest undermined discipline and accountability for misconduct by individual members. The Department's inadequate accounting of mass arrests and uses of force prevented stakeholders—including oversight agencies and the Department itself—from conducting a comprehensive review to capture the full extent of arrests and uses of force. Specifically, OIG found significant gaps in mass arrest records, and that the Department did not comply with its policy to use a single RD number for all arrests related to a declared mass arrest incident. Even where uses of force were appropriately recorded in mass arrest forms, CPD lacked a mechanism for retrospective review of uses of force on any documents other than a TRR.¹⁵ Further, OIG found that in some cases, CPD members obscured badge numbers, failed to activate BWCs, or were deployed without BWC, leaving member-civilian interactions to go unrecorded or unreported. As a result, efforts to identify CPD members accused of misconduct or corroborate conflicting narratives about instances of alleged misconduct were severely compromised.

B | CPD-identified areas for improvement for its response following the 2020 protests and unrest

CPD, in alignment with other police agencies across the country, conducted a *post hoc* analysis of its response to the 2020 protest and unrest in "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020."¹⁶ The AAR outlined five core capabilities upon which CPD should improve, along with actions that the Department could take (or had already taken) to address shortcomings. The core capabilities

¹³ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest," p. 128.

¹⁴ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest," p. 95.

¹⁵ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest," p. 119.

¹⁶ Dallas Police Department, "George Floyd Protests After Action Report," accessed March 19 2024,

<https://v2.swagit.com/system/agendas/176020/original/8-18%20DallasPS.pdf>.

San Jose Police Department, "Police Department Preliminary After Action Report For The Public Protests, Civil Unrest, and Law Enforcement Response From May 29th – June 7th, 2020," accessed March 19 2024,

<https://sanjose.legistar.com/View.ashx?M=F&ID=8769493&GUID=3ED4A6F5-F069-4E7F-BADE-99421D9991B3>.

City of Cleveland, "May 30 City Unrest: After Action Review," accessed March 19 2024,

<https://www.policinginstitute.org/wp-content/uploads/2022/05/City-of-Cleveland-May-30-2020-Civil-Unrest-AAR.pdf>.

included accountability, planning and preparedness, command and control, training, and communication.¹⁷

Within these five core capabilities, the Department identified sixteen different improvement areas. For each improvement area, CPD detailed the action it had taken or intended to take to address the identified concerns.

1. Accountability

CPD found that its members had effected mass arrests without completely complying with the written procedures in its mass arrest directive. Further, the Department's Case Management System (CMS) does not allow for the grouping of misconduct complaints arising from the same specific event.¹⁸ Specifically, the Department found that difficulties in tracking uses of force that occurred during the 2020 protests and unrest were caused by inadequate and inconsistent provision of information at roll calls, incorrect logging of incidents on mass arrest cards, and difficulty matching groups of individual complaints to one unique incident. In light of those findings, the Department committed to identifying best practices and providing in-service training to Department leaders on how to hold effective roll calls, reviewing its mass arrest procedures, and modifying CMS to include a field incorporating similar event tracking numbers.

2. Planning and Preparedness

The Department identified the lack of planning documents, a shortage of necessary equipment, and inadequate notice of the cancellation of days off as areas for improvement. The Department committed to creating: plans that classify responses at different severity levels and protect retail corridors, revised Emergency Mobilization Plans, and associated practice exercises to ensure their smooth execution. The Department also committed to procuring sufficient numbers of helmets, BWCs, and encrypted radios. Finally, the Department committed to improving internal communication about mass events to create reasonable expectations about schedule changes to facilitate responses to mass events.

3. Command and Control

The Department found that its incident management policies were "ad hoc" and that its method for tracking members and resources to be deployed was inefficient.¹⁹ CPD also found that field supervisors were not trained on National Incident Management Systems (NIMS)/Incident Command System (ICS) standards, which provide the national benchmark for the management of planned incidents, emergencies, or disasters of various types and sizes.²⁰ The Department committed to revising ICS Incident Check-in Response forms, and to creating command posts, "a secure position within the outer perimeter from which the incident commander directs operations."²¹

¹⁷ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," February 5, 2021, https://home.chicagopolice.org/wp-content/uploads/2021/02/AAR_FINAL_2-4-21.pdf.

¹⁸ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020."

¹⁹ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 17.

²⁰ Federal Emergency Management Agency, "National Incident Management System," October 2017, accessed March 27, 2024, https://www.fema.gov/sites/default/files/2020-07/fema_nims_doctrine-2017.pdf.

²¹ Chicago Police Department, "Critical Incident Response Program," Section VIII.A., December 7, 2017, accessed May 7, 2024, <https://directives.chicagopolice.org/#directive/public/6230>.

4. Training

Although CPD had trained members in crowd management tactics, many members did not have practical field experience using those tactics. The only large event comparable to the 2020 protests and unrest, the 2012 North Atlantic Treaty Organization (NATO) Summit, had occurred eight years prior. Accordingly, many members responding to the 2020 protests and unrest had not been employed at the Department at the time of the NATO Summit. To improve its response, the Department committed to holding drills, training for crowd management, and training on the First Amendment.²²

5. Communications

The Department identified concerns about information being siloed, a lack of preparedness for property crime in the retail community, and the ability of its investigative units—including the Bureau of Detectives—to manage the volume of criminal activity. The Department committed to engaging retailers in order to better communicate with businesses. The Department also committed to improving the intelligence cycle—the process of distilling and sharing information across the Department—by incorporating its Area Technology Centers (ATC) and Strategic Decision Support Centers (SDSC) into mass event response.

C | Recent Large Gatherings in Chicago

Since the 2020 protests and unrest, Chicago has continued to see large-scale protests and gatherings requiring police presence. While these events have not matched the scale of the 2020 protests and unrest, they underscore the importance of CPD's preparedness and illuminate its capacity to respond to large-scale gatherings, both planned and spontaneous.

In June 2023, for example, pro-abortion rights and anti-abortion supporters demonstrated in Federal Plaza on the one-year anniversary of the overturning of *Roe v. Wade*.²³ Police cars and dozens of officers on bicycles separated the two groups.²⁴ In November 2023, residents of the Brighton Park community area protested at the proposed location of a tent shelter for migrants from the southern border, blocking construction trucks from entering the site and preventing construction crews from beginning work.²⁵ That same month, hundreds of demonstrators gathered at the Ogilvie Transportation Center in support of a ceasefire in the ongoing Israeli-Palestinian conflict; police arrested 106 individuals for trespassing.²⁶

²² The First Amendment to the U.S. Constitution reads, "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."

²³ Hank Sanders and Jenna Smith, "1-year anniversary of the end of *Roe v. Wade* brings dueling protests downtown," *Chicago Tribune*, June 24, 2023, accessed March 8, 2024, <https://www.chicagotribune.com/2023/06/24/1-year-anniversary-of-the-end-of-roe-v-wade-brings-dueling-protests-downtown/>.

²⁴ Sanders and Smith, "1-year anniversary of the end of *Roe v. Wade* brings dueling protests downtown."

²⁵ Michael Loria and Tyler LaRiviere, "Brighton Park migrant tent site construction blocked by protestors: 'Show me the permit; I'm ready to go to jail.'," *Chicago Sun-Times*, November 20, 2023, accessed March 6, 2024, <https://chicago.suntimes.com/2023/11/20/23969685/brighton-park-migrant-tent-site-construction-protests>.

²⁶ Chris Tye, Elyssa Kaufman, and Darius Johnson, "More than 100 arrested at downtown Chicago rally to demand ceasefire in Gaza," *CBS Chicago*, November 13, 2023, accessed March 6, 2024, <https://www.cbsnews.com/chicago/news/hundreds-protesting-near-chicago-israeli-consulate-calling-for-ceasefire-in-gaza/>.

CPD has faced criticism for its response to large spontaneous gatherings, such as street racing and “teen takeover” events. “Teen takeovers” are events coordinated through social media that result in large crowds of teenagers gathering at various locations throughout the city. In July 2023, a teen takeover in the South Loop resulted in some participants breaking convenience store windows, taking merchandise, and fighting. CPD made 40 arrests in connection with this incident.²⁷ During some street racing events, cars are used to block off entire intersections to create a “pit,” in which drivers take turns attempting stunts with their vehicles. In August 2022, one such event resulted in a man jumping on the windshield of an unmarked police car and shattering the glass, while other spectators threw bottles at police who were attempting to disperse the crowd.²⁸

The City and CPD have also faced criticism for shortcomings in responses to unsanctioned but regularly anticipated gatherings, such as weekend-long celebrations for Mexican Independence Day. In September 2022, the traffic caused by caravans of vehicles traveling downtown for such celebrations forced the City to close streets and expressway exits.²⁹ CPD was additionally criticized for its delayed responses to 911 calls, from calls that took up to five hours to receive a police response to calls being “code[d],” meaning that in some situations there was no response at all.³⁰ The September 2023 Mexican Independence Day celebration shut down traffic flow in and out of the Central Business District, and saw participants throwing objects at police officers, drag racing, and shooting fireworks; the associated events of the weekend resulted in 86 arrests.³¹

At a City Hall press conference detailing the planning for the August 2024 DNC, CPD Superintendent Larry Snelling acknowledged that CPD members were not “properly prepared” to respond to the unrest sparked by the murder of George Floyd.³² Snelling stated that, in preparation for the DNC, CPD has provided trainings focused on responses to large-scale gatherings, based on previous events such as the 2012 NATO Summit. Snelling also stated that the Department is working with the IMT, which is tasked with monitoring CPD’s compliance with the consent decree entered in *Illinois v. Chicago*, to review field tactics.³³

²⁷ Fran Spielman, “Mayor praises Chicago police restraint after teens trash South Loop convenience store,” *Chicago Sun-Times*, August 2, 2023, accessed March 6, 2024, <https://chicago.suntimes.com/city-hall/2023/8/2/23817839/mayor-praises-chicago-cops-for-restraint-after-teen-takeover-in-south-loop>.

²⁸ Manny Ramos and Mary Norkol, “Street takeovers throughout city devolve into clashes with police, arrests and car impoundment,” *Chicago Sun-Times*, August 27, 2022, accessed March 6, 2024, <https://chicago.suntimes.com/2022/8/27/23324646/chicago-street-takeovers-drifters-far-south-downtown-underground-stunts>.

²⁹ Tara Molina, “Why was there no plan to prevent public safety crisis during Mexican Independence Day celebrations?,” *CBS Chicago*, September 19, 2022, accessed March 7, 2024, <https://www.cbsnews.com/chicago/news/why-was-there-no-plan-to-prevent-public-safety-crisis-during-mexican-independence-day-celebrations/>.

³⁰ Molina, “Why was there no plan to prevent public safety crisis during Mexican Independence Day celebrations?”

³¹ Fran Spielman, “Congestion, chaos from Mexican Independence Day crowds must be addressed, City Council members say,” *Chicago Sun-Times*, September 18, 2023, accessed March 6, 2024, <https://chicago.suntimes.com/city-hall/2023/9/18/23879644/mexican-independence-day-chicago-crowds-traffic-downtown-arrests-police-assaulted-graffiti>.

³² Tom Schuba and Fran Spielman, “Protests & peace – Chicago ready for demonstrators at Dem convention, but police won’t ‘tolerate violence’,” *Chicago Sun-Times*, March 6, 2024, accessed March 8, 2024, <https://chicago.suntimes.com/2024-democratic-national-convention/2024/03/06/chicagos-top-cop-says-city-will-be-ready-for-protesters-at-dnc-but-were-not-going-to-tolerate-violence>.

³³ Schuba and Spielman, “Protests & peace – Chicago ready for demonstrators at Dem convention, but police won’t ‘tolerate violence’.”

III | Objectives, Scope, and Methodology

A | Objectives

The objectives of this inquiry were to:

- Determine whether CPD has, independently and in collaboration with other entities, developed operational procedures for responding to mass gatherings and/or protests post-2020;
- Describe CPD's current mass arrest procedures and determine what changes, if any, have been made since 2020;
- Evaluate CPD's current policies and procedures for deploying force and reporting the use of force in mass arrest circumstances; and
- Determine the impact any such revisions and actions may have on the ability of stakeholders, including the Department, to pursue individual accountability for actions taken during a response to mass gatherings.

B | Scope

OIG's analysis was limited to CPD plans, policies, and actions taken to improve its preparedness for mass gatherings. In this follow-up inquiry, OIG does not assess the Mayor's Office, public safety agencies such as OEMC, or other City departments involved in the City's response to mass gatherings.

C | Methodology

To assess and understand CPD's policy changes made to enhance its mass protest response post-2020, OIG requested written statements and supportive documents from CPD. In its request, OIG followed up on the findings from its February 2021 report and the core capability areas identified for improvement of the response for mass gatherings in CPD's AAR. In February 2024, CPD responded with over 900 documents, including plans and training materials. In addition to responsive material provided by CPD, OIG also reviewed CPD's publicly posted Coordinated Multiple Arrest Policy Suite of draft directives which includes proposed directives on response to crowds, protests, and civil disturbances. These directives were also referenced by CPD in its response to OIG's request.

To inform the findings of this follow-up inquiry, OIG reviewed and analyzed CPD's Coordinated Multiple Arrest Policy Suite posted for public comment in February 2024, including:

- Draft Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances
- Draft Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident
- Draft Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents
- Draft Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents

To inform the findings of this follow-up inquiry, OIG reviewed and analyzed the following plans:

- Operational plans for a comprehensive citywide response to unanticipated large-scale gatherings
- CPD's Emergency Mobilization Plan
- CPD's Retail Corridor Protection Plan

- Records for emergency mobilization drills
- Mass protest-related tabletop exercise scenario descriptions
- Incident Action Plans (IAPs) for Black Friday Protests in November 2023 and the National Association for Stock Car Auto Racing (NASCAR) Chicago Street Race in July 2023

To inform the findings of this follow-up inquiry, OIG reviewed and analyzed equipment acquisition records, including for:

- BWCs
- Transportation vans
- Ballistic helmets

To inform the findings of this follow-up inquiry, OIG reviewed and analyzed materials for the following trainings:

- Advanced Field Force Operations (FFO) 2-Day
- Constitutional Policing
- Crowd Control and Behavior Refresher – Field Force Operations
- FFO for Leaders
- First Amendment Rights eLearning
- Recruit Crowd Behavior and Civil Disorder
- Field Force Operations Public Order Public Safety (POPS) Supplemental
- Training for Sergeants pertaining to roll call, including:
 - Education and Training Bulletin (ETB) 03-03: Roll-call Firearm Inspection
 - District Field Sergeant Duties training
 - Pre-Service Sergeant Training – Automated Court Notifications and Deviations
 - Pre-Service Sergeant Training on-boarding document – Weapons Policy
 - District Station Supervisor Duties training
- Training for Lieutenants pertaining to roll call, including:
 - An Introduction to Lieutenant’s Duties in Use of Force Incidents, the Tactical Response Report, and Tactical Response Report Investigations
 - District Field Lieutenant Observation Guide
 - Education and Training Bulletin (ETB) 03-03: Roll-call Firearm Inspection
 - Weapons Policy Review / Roll Call Firearms Inspection – Pre-Service Training
 - Pre-Service Lieutenant - Watch Operations Lieutenant Field Observation Day

D | Standards

OIG conducted this review in accordance with the Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General found in the Association of Inspectors General’s *Principles and Standards for Offices of Inspector General* (i.e., “The Green Book”).

E | Authority and Role

The authority to perform this inquiry is established in the City of Chicago Municipal Code §§ 2-56-030 and -230, which confer on OIG the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, and to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations, and, specifically, to review the operations of CPD and Chicago’s police accountability agencies. The role of OIG is to review City operations and make recommendations for improvement. City management

is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity. Further, Paragraph 561 of the consent decree entered in *Illinois v. Chicago* requires OIG's Public Safety section to "review CPD actions for potential bias, including racial bias."³⁴

³⁴ Consent Decree ¶ 561, *State of Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019).

IV | Findings

Finding 1: CPD, in coordination with City departments, has formalized plans for citywide emergency response to large-scale events, and has expanded its inventories of certain assets and codified permissible use in policy.

In February 2021, CPD identified areas for improvement pertaining to planning and preparedness for large-scale events in its AAR. In it, CPD acknowledged that its mass-mobilization plans needed to be updated, and that Department members needed more routine, deliberate preparation for mass protests and other mass gathering events.³⁵

A | CPD has established procedures for a coordinated citywide response to large-scale gatherings through a series of formalized, inter-departmental plans.

Since the 2020 protests and unrest, CPD has collaborated with public safety, infrastructure, transportation, and other City departments to develop plans for coordinated responses to large-scale gatherings.³⁶ In August 2020, CPD—in conjunction with other City departments—created an operational plan for a multi-agency citywide response to large-scale gatherings.³⁷ The plan includes considerations for actions to be taken and communications to be made between CPD—the lead agency, OEMC—the coordinating agency, and supporting agencies including the Mayor’s Office, Chicago Fire Department (CFD), Office of Public Safety Administration, Department of Assets and Information Services, Department of Streets and Sanitation (DSS), Department of Water Management (DWM), the Chicago Public/Private Task Force, CTA, CDOT, Illinois Department of Transportation, ISP, Illinois Emergency Management Agency, and the Illinois National Guard. The plan formalizes a coordinated response for pre-planned and unplanned events related to unrest, including identifying the levels of response by public safety and infrastructure departments, each level’s associated response mechanisms, and the activation thresholds for each level. The plan specifies that only CPD or its designee will activate the levels of the plan, and details the

³⁵ Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” pp. 2, 6, 11.

³⁶ Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” pp. 11-12.

³⁷ This plan is designated for official use only and, per CPD, is not available for public dissemination. OIG offers high-level descriptions and general characterizations of its contents in this report and provided a draft of this report to CPD for review prior to publication.

involvement among public safety and infrastructure agency leadership at each activation level. CPD reported to OIG that the leveled structure of the plan allows for the scaling up or down of resources and personnel assigned to spontaneous or planned events.

The multi-agency citywide plan details operational coordination centers and staging locations, how each activation level plan is communicated, and how notifications should be made. The plan further details how many retail corridors are located in each CPD Area by District and Radio Zone and includes how many response assets would be necessary to protect the corridors for either a light or full deployment of resources. In addition to generally outlining the roles and responsibilities for each involved agency, the plan more specifically details CDOT and CTA assets, such as vehicles, and how they may be affected or utilized during a plan activation. Further, CPD provided OIG an inventory of how many CDOT, DWM, and DSS assets are available for deployment in each District.

In addition to developing the multi-agency plan, which provides a general framework for citywide responses to both pre-planned and unplanned large-scale events, CPD has also collaborated to create event-specific plans for gatherings for which the Department has advanced notice. In response to OIG's follow-up inquiry, CPD stated that it works with multiple City departments to complete IAPs for pre-planned large-scale events, such as for festivals or sporting events like the NASCAR race in downtown Chicago in the summer of 2023. IAPs are completed for pre-planned events, such as those that have received a permit through the City's event permit process.

Within an IAP, the date and location of the pre-planned event are identified in addition to the Incident Commander and the location of the Forward Command Post, or the secure location designated as a casualty collection point and support post for the protected area.³⁸ The IAP describes the pre-planned event, including the predicted number of attendees and the objective of the planned response. The plan also includes an extensive contact list, including contact information for various members of CPD leadership, event organizers, personnel from DSS and OEMC, the event's ambulance provider, and others as necessary. In addition to detailing what CPD resources will be utilized and where they can be accessed, IAPs include information on the resources (e.g., personnel, equipment) provided by other agencies for the event response. Finally, the plan explicitly specifies how many personnel will be assigned to the event from each of CPD's Bureaus.

However, as not all mass gatherings are pre-planned, completing event-specific IAPs may be impossible for some large-scale gatherings. To address the need for a strategic response to spontaneous mass gatherings, CPD has issued guidance to its BOP, which it refers to as the Downtown Emergency Mobilization Plan. The Downtown Emergency Mobilization Plan provides guidance for collaboration between the Department and other City departments for emergency responses in the Central Business District and in key retail corridors.³⁹ Materials provided to OIG as part of the Downtown Emergency Mobilization Plan detail where CPD assets are to be positioned in case of an emergency downtown, how many assets are necessary in each location or "post," and which District is responsible for providing assets to each post. CPD has issued training bulletins on each post, including information on the specific location's public safety access points, critical

³⁸ Chicago Police Department, "General Order G05-03: Critical Incident Response Program," Section VIII.A, December 7, 2017, accessed March 28, 2024, <https://directives.chicagopolice.org/#directive/public/6230>.

³⁹ The Central Business District includes the Magnificent Mile, the Loop, and parts of other downtown areas. City of Chicago, "Boundaries - Central Business District," accessed May 7, 2024, <https://data.cityofchicago.org/Facilities-Geographic-Boundaries/Boundaries-Central-Business-District/txsj-nvsw>.

facilities to note, nearest health providers, and photographs depicting how assets should be positioned. CPD further provided asset inventories detailing what other City assets are available in each location during a Downtown Emergency Mobilization.

In addition to its plans for emergency responses to downtown, CPD provided documents to OIG detailing its plans for emergency response to retail corridors throughout the city. Annually, a Retail Corridor Protection Plan is completed for each corridor, organized by CPD Area and District. CPD Districts are to conduct outreach to local businesses and community groups to compile and verify information, which is subject to an annual audit. The individual Retail Corridor Protection Plans identify key businesses and contact information, and lay out information to guide CPD's response to any unrest in the area. Such guidance includes the CPD beat assigned to the location, which Police Observational Device (POD) cameras cover the area, which type and number of CPD personnel and assets are necessary to protect the location, and how other City departments should respond to an emergency in that location.

The development of formalized general operation plans and procedures should facilitate a clear and common understanding across City departments of how to respond to mass gatherings, including each agency's respective responsibilities. Specifically, this end should be served by CPD's development of

- a multi-agency operational plan for a citywide response,
- CPD orders comprising the Downtown Emergency Mobilization Plan,
- the practice of completing event-specific response plans for pre-planned gatherings (such as IAPs),
- and location-specific response plans for unplanned gatherings (such as the Retail Corridor Protection Plan).

These plans directly address and improve upon the deficiencies identified in CPD's AAR under planning and preparedness for mass events.

Notably, however, the effective execution of such plans relies on consistent communications in advance, immediately prior to, and throughout its response to such gatherings, including during roll calls (for more information, see Finding 3). As mentioned, both OIG and CPD identified breakdowns in communications during CPD's response to the 2020 protests and unrest; the forward-going success of CPD's corrective efforts in this area will be dependent upon improved internal and external communication.

B | Since the 2020 protests and unrest, CPD has worked with supporting agencies to conduct operational tests of the City's planned response to mass gatherings.

The evaluation and testing of emergency preparedness plans are critical to ensure that agencies are prepared and have the operational capacity to execute necessary plans. In response to OIG's follow-up inquiry, CPD shared materials dating back to March 2021 which documented tabletop training exercises it has coordinated with relevant CPD units and City departments. According to those materials, CPD's objectives for tabletop training exercises include helping participants understand their job responsibilities, capabilities, and potential gaps in response to a fictional event scenario. During a tabletop exercise, updates to the scenario are provided which offer opportunities for dialogue on operational plans and public safety responses among participating agencies. In

such exercises, CPD has included District personnel; representatives from its Training Division, Legal Affairs Division, Risk Management, and Research & Development Division; and representatives from ISP, CFD, OEMC, and private security partners.

CPD's tabletop exercises have included hypothetical scenarios for spontaneous events such as public safety threats posed by extreme weather, an active shooter, an illegal street takeover event, and an unplanned protest. Likewise, those exercises have included hypothetical scenarios for pre-planned events such as the Pride Parade. Large-scale gatherings such as events originating from a 911 call and events that are discovered by CPD through social media intelligence are also included in the exercises. The simulated scenarios generally build in complexity throughout the course of the exercise, requiring participants to consider and discuss how new information or unfolding events might impact the responses of CPD and other agencies.

Additionally, CPD reported conducting emergency mobilization drills for incidents involving the CTA since 2022. Unlike the tabletop exercises, these CTA mobilization drills allow for applied testing of CPD's operational capacities, including communications and the deployment of teams and equipment. The drills conducted to date have been prearranged and held in various Districts. The drills have also included OEMC and specific CPD participants based on the location of the drill. For example, a drill in District 006 might include the District 006 tactical team, sworn Mass Transit Unit personnel, and District 006 Chicago Alternative Policing Strategy (CAPS) members. CPD also provided documentation of Downtown Emergency Mobilization Plan drills held to simulate the closure of streets in the Central Business District. According to CPD materials, CPD has held at least 40 CTA mobilization drills between July 2022 and March 2023.

C | CPD has audited and expanded its inventories of deployable equipment and codified asset use through policy revisions.

Perhaps CPD's most tangible preparation to strengthen its response to future large-scale gatherings is its acquisition of equipment and its auditing of the Department's inventory. In February 2024, CPD reported to OIG that it had "recently" completed an audit of its various Districts' deployable equipment, such as riot shields, coordinated multiple arrest kits with flex cuffs, and ballistic helmets. Notably, both OIG's February 2021 report and CPD's AAR found that, during the 2020 protests and unrest, some responding CPD members were deployed without BWCs.⁴⁰ This was either because CPD did not have enough BWCs or because some members' BWCs were docked at their assigned Districts and were not available at the central mobilization center from which they were deployed. In December 2023, CPD revised its directive governing the use of BWCs, "Special Order S03-14: Body Worn Cameras," to include "Flex BWC Assignment," or the use of BWCs strategically located at various Department facilities throughout the city to ensure that non-field unit assigned CPD members who are deployed during large-scale event responses have access to BWC.⁴¹ CPD provided a BWC inventory from May 2022 detailing the number of sworn members per unit and the numbers of assigned and Flex BWCs per unit. Both the inventory and revised Special Order confirm the availability of 1,370 Flex BWCs across locations such as Public Safety Headquarters, the Training Division, Homan Square Facility, Area Centers 1 through 5, and

⁴⁰ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest," p. 123. Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 14.

⁴¹ Chicago Police Department, "Special Order S03-14: Body Worn Cameras," Section IV.E, December 29, 2023, accessed March 13, 2024, <https://directives.chicagopolice.org/#directive/public/6120>.

Strategic Deployment Initiative deployment locations.⁴² CPD's acquisition of more deployable equipment and audit of its inventory is measurable progress toward improving the Department's readiness for large-scale event responses. However, absent internal or external benchmarks for the amount of inventory that constitutes operational readiness, OIG cannot assess whether CPD's inventory is adequate or sufficient.

OIG further found that CPD has improved technological security safeguards for its radio communications and expanded its fleet for the transportation of responding members. CPD members experienced radio communication challenges due to "rogue transmissions" over the police radio frequencies by non-CPD members during the 2020 protests and unrest.⁴³ OIG's report noted that CPD did not have enough radios during its deployment, occasionally forcing command staff to distribute one radio for every two deployed members. In its AAR following the events, CPD reported that it had acquired an unspecified number of additional radios to distribute to each District.⁴⁴ As of February 2024, CPD further reported that it had upgraded its radio system for dispatch zones to use digitally encrypted channels. In 2020, the destruction of CPD squad cars inhibited responding members' ability to move throughout the Central Business District. This resulted in CPD personnel traveling to approximately a dozen different locations around the state to rent passenger vans, costing a total of \$286,124.⁴⁵ As of February 2024, the Department reported an inventory of over 40 CPD-owned passenger vans for transporting members deployed to large-scale events.

⁴² Chicago Police Department, "Special Order S03-14: Body Worn Cameras," Section IV.E.

⁴³ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 15.

⁴⁴ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest." Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 15.

⁴⁵ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest."

Finding 2: CPD's proposed Coordinated Multiple Arrest Policy Suite improves on mass arrest procedures and related use of force reporting, but lacks certain considerations for implementation and does not meaningfully reflect community feedback.

CPD has drafted extensive revisions to its policies governing coordinated multiple arrest incidents, as part of work that has been ongoing since July 2021 and informed by improvement areas identified following the 2020 protests and unrest. In response to OIG's follow-up inquiry, the Department stated that it has been working with the IMT and the Office of the Illinois Attorney General on a suite of policy updates, including the following:

- Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances
- Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident
- Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents
- Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents

CPD also provided OIG a completed form "CPD-15.153: Task History," which documented that its Research & Development Division began revising the policies in July 2021. According to the form, representatives from the Bureaus of Detectives, Internal Affairs, and Patrol; the Training and Support Group; and various District supervisors and members were involved in several stages of the policy revision process. The form also indicated that CPD's then General Counsel met with representatives from the New York Police Department (NYPD) and the Los Angeles Police Department (LAPD) to discuss their respective mass arrest and First Amendment policies.

A | The proposed policy suite clarifies member roles and responsibilities for mass arrest and expands guidance for processing and transporting arrestees.

In February 2024, CPD posted its draft Coordinated Multiple Arrest Policy Suite on the Department's Policy Review Forum webpage for public review and comment.⁴⁶ As of this writing, the policies remain in draft form; therefore, the policies may change before taking effect. The draft policy "Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances" lays the

⁴⁶ Chicago Police Department, "Coordinated Multiple Arrest Policy Suite," February 8, 2024, accessed March 11, 2024, https://home.chicagopolice.org/draft_policy/coordinated-multiple-arrest-policy-suite/.

framework for the Department's response to crowds, protests, and civil disturbances by outlining the responsibilities for responding CPD members, including specific delineations of case reporting and after-action duties.⁴⁷ Draft policy "Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident" defines a coordinated multiple arrest incident, including the various possible classification levels, and all attendant required notifications and responsibilities.⁴⁸

In its 2021 report, OIG found that CPD's policies in effect during the 2020 protests and unrest did not clearly define "Incident Commander" or what constitutes a mass arrest, which may have contributed to the confusion in the field during those events.⁴⁹ The draft policy "Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances" now defines "Incident Commander," and draft policy "Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident" clarifies that a "coordinated multiple arrest incident" is one in which multiple arrests are anticipated or are occurring while a continued police presence is required at the scene of the incident to ensure public safety, meaning that arresting officers cannot be removed from the scene for arrestee processing.⁵⁰ While the draft does not offer specific criteria or thresholds such as a minimum volume of arrests, it provides the following considerations for when a mass arrest incident should be declared:

1. the availability of Department resources, including on-scene of the incident and for arrest processing as the designated detention facility;
2. if a continued police presence is necessary at the scene of the incident to ensure public safety;
3. the ability to promptly form coordinated multiple arrest teams with defined responsibilities and designated areas of assignment;
4. the total number of arrestees or potential arrestees;
NOTE: The incident commander should consider the number of specific individuals engaged in unlawful activity and the specific enforcement actions.
5. the probable charges to be placed against the arrestees;
NOTE: Department members will continue to determine specific individual charges for specific individual arrestees and arrest circumstances during the coordinated multiple arrest incident.
6. the capacity of the detention facilities;
7. the physical condition, gender, and age of the arrestees; and
8. the nature of the situation and circumstances surrounding the incident.⁵¹

The draft "Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident" policy also adds more specificity around which CPD members have the authority to declare a coordinated multiple arrest incident. The existing "Special Order S06-06: Mass Arrest Procedures" states that in the case of spontaneous events, the highest-ranking BOP supervisor or the Incident Commander at

⁴⁷ Chicago Police Department, "DRAFT Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances," Sections IV-VI.

⁴⁸ Chicago Police Department, "DRAFT Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident," Sections II.A-B, IV-V.

⁴⁹ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest," pp. 67-68, pp. 80-81.

⁵⁰ Chicago Police Department, "DRAFT Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident." Section II.A.

⁵¹ Chicago Police Department, "DRAFT Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident." Section II.A.

the scene will make the declaration. However, in the case of pre-planned events, the Incident Commander or the highest-ranking on-scene member of the BOP will make such a declaration.⁵² The draft “S06-06-01” gives that declaration authority solely to the “designated exempt-level incident commander of a pre-planned or spontaneous event.” Only in the absence of such a designated Incident Commander does that authority fall to the highest-ranking on-scene supervisory CPD member.⁵³ Although the draft policies “S06-06” and “S06-06-01” introduce clarifications that may help lessen confusion in the field, they still rely on the clear designation of an Incident Commander before planned or spontaneous large gatherings. Successful implementation of the new policy, then, would depend upon effective communication and standardized messaging about the designated Incident Commander and the declaration of a coordinated multiple arrest incident before any Department response to such gatherings. The effectiveness of these proposed policy revisions cannot yet be assessed, as their implementation is dependent upon operational improvements around effective communication during responses to mass events.

Additionally, the draft policy suite clarifies and expands mass arrest procedures such as processing and transporting arrestees. The draft policy “Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents” outlines the procedures for processing and transporting people who have been arrested during a declared coordinated multiple arrest incident.⁵⁴ The draft policy introduces several new measures. First, the existing policy “Special Order S06-06: Mass Arrest Procedures” does not mention the use of BWC, while the draft “S06-06-02” instructs arresting members to ensure their BWCs are activated to event mode during arrests and on-scene processing.⁵⁵ The draft “S06-06-02” also introduces the use of QR code stickers to help arrestees access their arrest report and property later. Arresting officers are instructed to affix these QR code stickers to the “CPD-11.433: Coordinated Multiple Arrest Report,” the arrestee’s flex cuff, the arrestee’s identification wristband, and any inventory and evidence bags, as applicable.⁵⁶ Additionally, under the proposed policy suite, the Coordinated Multiple Arrest Report replaces the use of the Mass Arrest Card.⁵⁷

The draft policy also adds new supervisory responsibilities. Whereas, “S06-06-02” requires the on-scene arrest processing supervisor to complete the “CPD-11.300: Coordinated Multiple Arrest – Transport Roster” form, the current “S06-06” only instructs a security officer—designated by the arrest processing supervisor—to maintain a log of each arrestee, the transporting officer and vehicle, and the date and time of transportation.⁵⁸ Additionally, the draft “S06-06-02” introduces and requires review and approval of the Coordinated Multiple Arrest Report by the on-scene

⁵² Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Sections III.A and III.B.

⁵³ Chicago Police Department, “DRAFT Special Order S06-06-01: Declaration of a Coordinated Multiple Arrest Incident,” Section III.A.

⁵⁴ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section I, February 8, 2024, accessed March 11, 2024, https://home.chicagopolice.org/draft_policy/coordinated-multiple-arrest-policy-suite/.

⁵⁵ Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures.”

Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section V.A.

⁵⁶ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section IV.C, Section V.4.

⁵⁷ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section 1.C.

⁵⁸ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section V.B.

Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section VI.E.

processing supervisor before an arresting officer can turn over an arrestee to the transporting personnel.⁵⁹ This expands the existing “S06-06” policy, which is less prescriptive, requiring only that the on-scene arrest processing supervisor ensure that a Mass Arrest Card has been completed for all arrestees.⁶⁰ Finally, the draft “S06-06-02” policy instructs arresting officers to provide the original and any non-Reporting Officer copies of the Coordinated Multiple Arrest Report to the on-scene arrest processing supervisor assigned to the arrestee transport vehicle, whereas the current “S06-06” policy instructs arresting officers to give the original Mass Arrest Card to arrestee transporting personnel.⁶¹

The measures introduced by draft policy “S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents”—including explicitly instructing members to activate BWC for arrests and subsequent processing and requiring supervisors to review, approve, and maintain possession of Coordinated Multiple Arrest Reports before arrestee transport—improve upon the existing guidance for the documentation and processing of mass arrests.

The proposed policy changes are promising, but due to the date of their posting, there has not been time for meaningful public input prior to their implementation in anticipation of the DNC in August 2024. Pursuant to Paragraph 52 of the consent decree, in developing or revising policies, “CPD will seek input from members of the community and community-based organizations with relevant knowledge and experience through community engagement efforts.”⁶² Through its “Community Engagement in Policy Development” pilot program, CPD has committed to posting draft Department-level directives on its “Draft Policy-Review & Comment” website for public review and feedback.⁶³ For example, in its development of a suite of search warrant policies and forms, CPD posted drafts of the search warrant policy suite for public comment on at least three separate occasions for a total of 225 days.⁶⁴ CPD also held two Community Conversations via Zoom for public input on the drafts.⁶⁵ By contrast, the Coordinated Multiple Arrest Policy Suite was posted for public comment on February 8, 2024, and the comment period closed on March 13, 2024; the draft policy suite was available for public comment for 34 days.⁶⁶ OIG is unaware of CPD conducting any Community Conversations for community input on the Coordinated Multiple Arrest Policy Suite.

⁵⁹ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section V.A.

Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section VI.B.

⁶⁰ Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section VI.B.

⁶¹ Chicago Police Department, “DRAFT Special Order S06-06-02: Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents,” Section V.A.

Chicago Police Department, “Special Order S06-06: Mass Arrest Procedures,” Section VI.A.

⁶² Consent Decree ¶ 52, *State of Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019).

⁶³ Chicago Police Department, “Department Notice D22-08: Community Engagement in Policy Development—Pilot Program,” Section III.B, December 31, 2022, accessed April 4, 2024, <https://directives.chicagopolice.org/#directive/public/6927>.

⁶⁴ Chicago Police Department, “Search Warrants Policy Draft,” June 8, 2022, accessed April 4, 2024, https://home.chicagopolice.org/draft_policy/search-warrants-policy-draft/.

Chicago Police Department, “Search Warrants Policy Review,” November 1, 2022, accessed April 4, 2024, https://home.chicagopolice.org/draft_policy/search-warrants-policy-review/.

Chicago Police Department, “Search Warrants – Draft Review – REVISED,” January 31, 2023, accessed April 4, 2024, https://home.chicagopolice.org/draft_policy/search-warrants-draft-policy-review-revised/.

⁶⁵ Chicago Police Department, “Public Posting Search Warrant August 2023 Update,” August 3, 2023, accessed April 4, 2024, https://home.chicagopolice.org/draft_policy/public-posting-search-warrant-august-2023-update/.

⁶⁶ Chicago Police Department, “Coordinated Multiple Arrest Policy Suite.”

CPD reported that its In-Service Training for Supervisors for Year 2024 began March 5, 2024, and instructs supervisors on provisions in the draft policy suite. CPD reported to OIG that in anticipation of the DNC, it prioritized training for members most likely to be deployed to a downtown incident, including tactical team supervisors, members of the Bureau of Patrol, and all members ranked Captain or higher. As such, CPD began training members on the draft policy suite while it remained open for public comment. Further, personnel with CPD's Education and Training Division (ETD) reported to OIG in April 2024 that an eLearning was already under development to train members on policy revisions included in the draft Coordinated Multiple Arrest Policy Suite. ETD personnel reported that, contrary to typical processes, development of the eLearning began prior to the policy taking effect due to the imminence of the DNC. ETD personnel further noted that the eLearning format was selected for this same reason, to most quickly train large numbers of members on policy revisions prior to the DNC.

It is unclear why the Department posted the draft for public comment almost four years after the 2020 protests, or why it has not engaged in more frequent and varied forms of community engagement as it has with its development of other policy suites. The proximity of the draft's posting for public comment in February 2024 to the occurrence of the DNC in August 2024 raises the risk that collecting meaningful community input on the draft Coordinated Multiple Arrest Policy Suite, and subsequently incorporating such input into the policy or trainings, will not be feasible by the time these policies are in place.

B | The proposed policy suite simplifies guidance on use of force reporting during mass arrest incidents and reduces the risk of members misinterpreting obligations and underreporting.

CPD's draft "Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents" outlines reporting requirements for the Department's tactical response to large-scale crowds, protests, and civil disturbances, including any necessary alternate tactical response reporting procedures for individual uses of force during coordinated multiple arrest incidents.⁶⁷ As noted in OIG's 2021 report, CPD had 11 distinct directives with use of force provisions in place at the time of the 2020 protests and unrest, which contributed to confusion and failures to comply with reporting requirements. Instead of having members cross-reference multiple different force reporting policies to understand their force reporting obligations in a mass arrest context, the draft "S06-06-03" clarifies that in any perceived conflict between its stated reporting procedures and other Department directives—particularly "General Order G03-02-02: Incidents Requiring the Completion of a Tactical Response Report"—the draft "S06-06-03" will take precedence.⁶⁸

Additionally, the draft "Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents" comprehensively lists reporting procedures for each contemplated tactical response. Supervisors overseeing responding Department members formed into "squads," are required to complete a "CPD-11.302: Incident Response" form any time members in their squad "physically respond to a crowd's actions or inactions... and make physical

⁶⁷ Chicago Police Department, "DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents," Section I, February 8, 2024, accessed March 12, 2024, https://home.chicagopolice.org/draft_policy/coordinated-multiple-arrest-policy-suite/.

⁶⁸ Chicago Police Department, "DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents," Section IV.B.

contact with a person or persons in the crowd.”⁶⁹ The draft policy then goes on to detail use of force reporting obligations for individual members. If a CPD member is “involved in an individual reportable use of force” outside of their squad’s coordinated physical response to the crowd, the member is to complete a “CPD-11.433: Coordinated Multiple Arrest Report” (Coordinated Multiple Arrest Report).⁷⁰ Additionally, the draft policy instructs members that uses of certain types of force require the completion of a “CPD-11.377: Tactical Response Report, ” or TRR, in addition to the completion of a Coordinated Multiple Arrest Report. These include deadly force, weapon discharge (e.g., firearm, Taser, Oleoresin Capsicum (OC) spray), impact weapon strikes, LRAD, and any force that results in a non-fatal major injury.⁷¹

The draft “S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents” provides guidance that is both more specific and more comprehensive on reporting obligations for contemplated tactical responses in a multiple arrest context. As a result, CPD and its individual members may be better equipped to meet force reporting obligations in future multiple arrest and large-scale gathering responses. Further, these policy changes could strengthen the Department’s efforts to implement individual-level accountability for misconduct, by facilitating more complete arrest documentation and improved force reporting compliance.

C | The proposed policy suite addresses some concerns for after-action accountability such as force review, but does not improve CPD’s ability to systematically evaluate misconduct to identify areas for operational improvements.

As discussed, CPD’s proposed Coordinated Multiple Arrest Policy Suite includes revisions that aim to address the breakdowns in mass arrest procedures and the inconsistent and incomplete use of force reporting which marked CPD’s response to the 2020 protests and unrest. These revisions should improve after-action accountability. For instance, the mandatory use of BWC during mass arrest incidents, expansion of supervisory review of mass arrest documentation, and consolidation of use of force reporting requirements in mass arrests promise to improve CPD’s post-response accountability, both institutionally and on an individual level. Further, the proposed policy suite makes changes responsive to OIG’s 2021 finding that, during the 2020 protests and unrest, there were no provisions in CPD’s use of force reporting policies that would trigger Department review of mass arrest cards that reported uses of force. Specifically, OIG found that the Department’s “General Order G03-02-08: Department Review of Use of Force” did not explicitly define the Force Review Division’s duty to review any forms reporting use of force during mass arrest situations.⁷²

⁶⁹ Chicago Police Department, “DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents,” Section III.A.

⁷⁰ Chicago Police Department, “DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents,” Section V.B.

⁷¹ According to the draft, “During a coordinated Multiple Arrest Incident, a non-fatal major injury is considered to be any visible injury requiring immediate medical attention.”

Chicago Police Department, “DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents,” Section V.C.

⁷² At the time of OIG’s report, CPD reported that the Force Review Division was responsible for “review[ing] individual reports of force and mak[ing] recommendations for training opportunities, refer[ring] incidents for accountability review if necessary.” The Force Review Division was later named the Tactical Review and Evaluation Division (TRED). City of Chicago Office of Inspector General, “Chicago’s Response to George Floyd Protests and Unrest.”

The draft “S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents” introduces Department review for Coordinated Multiple Arrest Reports indicating reportable uses of force. In such cases, the Tactical Review and Evaluation Division (TRED)—the new name of the Force Review Division—will conduct an incident-level review of the coordinated multiple arrest incident. TRED is then to prepare an incident summary report for the Force Review Board (FRB). The FRB will evaluate the member’s tactical response and issue any necessary recommendations for additional training or modifications to policies, tactics, equipment, or practices to the Superintendent.⁷³

The proposed policy changes may improve force reporting and force review, providing for improved accountability. However, they do not improve CPD’s ability to perform comprehensive after-action analysis that could contribute to ongoing policy and training improvement. For instance, CPD has not fully remedied its inability to identify complaints stemming from the same, specific mass event, a shortcoming identified by CPD in its 2021 AAR.⁷⁴

There may be some—albeit fractional—reduction in this risk because the draft policy “S06-06-01: Declaration of a Coordinated Multiple Arrest Incident” reduces the likelihood that multiple RD numbers would be created for a single mass event by designating that *only* the Incident Commander will obtain an event number and RD number for the coordinated multiple arrest incident. This policy change, however, only addresses CPD’s ability to label incidents with one RD number, not to comprehensively aggregate and analyze individual misconduct complaints related to the same event. CPD has not modified CMS, which tracks complaints under individual log numbers, to incorporate a field for event numbers by which complaints could be cross referenced or related, as it suggested in its AAR. Instead, CPD reported to OIG that the Department’s current solution to identifying complaints related to a single event involves using CMS to run a “Keyword Report.” This search combs allegation descriptions and categorizations and incident descriptions for keywords related to specific large-scale events. However, a word-based categorization system does not allow for systematic complaint identification and is susceptible to user errors, including typographical mistakes, data entry failures, and other human errors. It also does not account for subjective characterizations and word choices by the personnel completing each complaint intake.⁷⁵ CPD further reported to OIG that the Department plans to institute a more long-term and permanent solution that allows Bureau of Internal Affairs (BIA) investigators and supervisors to select from predefined keywords to group cases associated with large-scale events, which it expected to be implemented by the second quarter of 2024. However, in May 2024 CPD reported to OIG that in place of predefined searchable keywords, it was in development of a prompt on its intake form to select yes/no for whether a complaint is DNC-related. The Department did not provide any plans to group complaints from mass events aside from the DNC.

⁷³ Chicago Police Department, “DRAFT Special Order S06-06-03: Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents,” Section VIII.B.

⁷⁴ Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020.”

⁷⁵ OIG has previously identified recurring errors and inaccuracies in data warehouse queries and records searches in multiple investigations conducted by both BIA and the Civilian Office of Police Accountability (COPA). See City of Chicago Office of Inspector General, “Recommendations to Inform and Improve Disciplinary Investigations Conducted by COPA and CPD’s Bureau of Internal Affairs: Data Searches,” June 30, 2020, accessed April 30, 2024, https://igchicago.org/wp-content/uploads/2023/08/Recommendations-to-Inform-and-Improve-Disciplinary-Investigations-Conducted-by-COPA-and-BIA_Data-Searches-.pdf.

It is critical for the Department to have a comprehensive assessment of misconduct allegations stemming from its response to a large-scale event, both to understand the scale of alleged misconduct and to identify any trends that may be addressed through training or policy improvement. Absent modifications to CMS, the Department must rely on a keyword search system to aggregate complaints for large-scale analysis after the fact. However, as of this writing, CPD has not notified OIG whether the predefined keyword system has been implemented. It remains to be seen how CPD will ensure the keyword system is consistently implemented, given the potentially large volume of use of force and other complaints arising from a single large-scale event. Since the 2020 protests and unrest, CPD has not encountered a mass arrest incident of comparable size. Specifically, OIG found that the 2020 protests and unrest gave rise to at least 1,519 arrests.⁷⁶ By way of a comparison of scale, CPD's response to a November 2023 protest calling for a ceasefire in the Israeli-Palestinian conflict resulted in 106 arrests.⁷⁷

Given Chicago's size and status as a major city, it is reasonable to anticipate more major incidents that approximate the size and scale of the 2020 protests and unrest. For example, the City and CPD have stated publicly that they are preparing for the possibility of mass gatherings during the August 2024 DNC.⁷⁸ Whether CPD uses a keyword search approach or implements a modification to CMS to include event numbers, the efficacy of either solution is dependent on its implementation and use. Concerns remain for the procedural reality of cross-referencing all complaints stemming from a single mass gathering because CPD has not yet implemented a solution for identifying all complaints associated with a single mass arrest. Considering the passage of nearly four years since the 2020 protests, the draft status of all provisions within the policy suite, and the imminence of the DNC, CPD's ability to obtain and integrate meaningful community input, disseminate its new policies, educate members on new procedures, and create operational processes to ensure their implementation remains unclear.

⁷⁶ City of Chicago Office of Inspector General, "Chicago's Response to George Floyd Protests and Unrest."

⁷⁷ Tye, Kaufman, and Johnson, "More than 100 arrested at downtown Chicago rally to demand ceasefire in Gaza."

⁷⁸ Schuba and Spielman, "Protests & peace – Chicago ready for demonstrators at Dem convention, but police won't 'tolerate violence'."

Finding 3: CPD lacks comprehensive guidance for the content or execution of roll calls for mass events, despite identifying roll calls as a major deficiency in its 2020 response and as a critical tool for ensuring consistent messaging and procedural compliance.

In its 2021 AAR, under the area of accountability, CPD identified areas for improvement pertaining to roll calls during mass gatherings. Roll calls are conducted “at the start of [a] tour of duty,” and “will include, but are not limited to, ensuring...personnel properly report on duty...inspections of uniforms...designation of assignments and...unique or exceptional directed mission, location, and units assigned.”⁷⁹ Effective roll calls can help to ensure police accountability in two ways. First, roll call gives leaders an opportunity “...to cultivate a specific culture within and among their chain of command.” First, well-executed roll calls allow leaders to communicate specific plans and rationales, giving each member the same understanding of Department culture irrespective of who conducted their roll call. Second, roll call is an opportunity to inspect uniforms and ensure that members’ identifiers and BWC are present, unobstructed, and functional, thereby foiling any attempts by members to evade identification or accountability for their actions.

CPD’s AAR identified problematic variations in roll call duration and detail based on who briefed Department members. CPD further identified instances of supervisors’ failing to hold roll calls, which it attributed to the “chaotic nature” of the 2020 protests and unrest, and concluded that the lack of cohesive messaging from leadership gave rise to rumors among CPD members and contributed to a distrust of leadership. As such, CPD emphasized the need to “develop certain soft skills” among its leadership to enhance roll call effectiveness. CPD stated that an effort to improve roll calls “starts with a deliberate effort to identify best practices and provide in-service training to Department leaders on how to hold effective roll calls.”⁸⁰ OIG examined CPD’s emergency plans and training materials related to conducting roll calls and found that they do not meet best practices and that CPD has not developed trainings on how to conduct effective roll calls in a mass gathering context.

⁷⁹ Chicago Police Department, “Special Order S01-04: Watch Changes – Roll Call Training,” Section III.A.-B., July 5, 2017, accessed May 7, 2024, <https://directives.chicagopolice.org/#directive/public/6204>.

⁸⁰ Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” p. 9.

A | While CPD has adopted plans to ensure roll calls are held before deployment to pre-planned events, it lacks controls to ensure consistent roll calls occur before deployment to spontaneous events; CPD has not identified or trained on best practices to improve the quality and consistency of roll calls.

As mentioned in Finding 1, CPD has introduced the use of IAPs for the specific preparation for pre-planned large-scale events. OIG evaluated how CPD planned for coordinated roll calls by reviewing the IAPs for two recent events—the NASCAR Chicago Street Race in July 2023 and Black Friday Protests in November 2023. Both IAPs contained documented schedules for the time and place for roll calls. These included instructions reminding members to report in uniform with their assigned BWC. These schedules help to hold supervisors accountable for holding roll calls. However, the IAPs do not mention the content of roll calls outside of reminders about equipment. As identified in the AAR, roll calls conducted by individual leaders may differ in duration and detail, and there is no guidance in the documents about what information regarding mass gatherings should be communicated to members.

Whereas IAPs provide times and locations for roll calls to be held, they are completed only for events known to CPD in advance. As such, it is unclear what procedures, if any, CPD has in place to ensure that roll calls are held for large-scale spontaneous protest events as they occur. In its latest draft of “S06-06: Response to Crowds, Protests, and Civil Disturbances,” CPD states, “For a pre-planned event or spontaneous response to a crowd, protest, or civil disturbance, Department members will be briefed on their assignment, responsibilities, and specific expectations for the incident by their immediate supervisor prior to being deployed.”⁸¹ Despite committing to briefing members prior to deployment for mass protest events, CPD did not provide documentation on how this goal would be accomplished in the context of a spontaneous response. CPD also has not provided documentation demonstrating controls in place to ensure that members are briefed in a standardized fashion prior to deployment for spontaneous events.

OIG’s review of CPD’s roll call materials revealed that the Department has not identified or implemented best practices for roll calls to address mass gatherings. The majority of roll call training materials CPD provided to OIG were developed in 2018 and 2019. In May 2024, CPD provided OIG with the In-Service Supervisors Training for Year 2024. This 8-hour in-service training, which the Department began disseminating on March 5, 2024, focuses entirely on supervisor preparedness for the DNC. While the training provides supervisors with a list of topics which should be communicated to or inspections to be conducted with reports prior to deployment to a mass event, it does not demonstrate the Department’s “deliberate efforts to identify best practices” for roll calls or address the risk of inconsistency in communication across individual supervisors.⁸² This perpetuates the risk that CPD members responding to a mass event may be unevenly prepared to do so, depending on which supervisor conducts their pre-deployment roll call.

OIG reviewed audits from comparable cities and law enforcement materials to identify guidance for conducting roll calls during large-scale gatherings. New York City’s investigation into NYPD’s

⁸¹ Chicago Police Department, “DRAFT Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances.”

⁸² Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” p. 9.

response to protests following the murder of George Floyd stressed the importance of standardized messaging during roll calls to ensure that all members receive the same tactical information and constitutional reminders in order to coordinate behavior and prevent fragmentation during the course of a mass event.⁸³ In turn, this would bolster compliance with procedures for mass response and constitutional policing, safeguarding protestors' First Amendment rights. OIG found that CPD has not identified or implemented a process to ensure standardized messaging occurs, risking a scenario where officers receive different information based on their commanding officer, as identified in OIG's 2021 report. This is additionally concerning for accountability efforts, as consistent messaging may establish an effective protest response by ensuring "all officers understand that their role is to facilitate demonstrators' First Amendment rights while protecting public safety."⁸⁴

Overall, CPD's AAR identified two ways that its roll calls had been ineffective, where CPD lacked the ability to ensure roll calls were held prior to deployment of members to the scene and, when they were held, lacked the ability to standardize the instructions given. CPD committed to two actions to improve roll calls to ensure accountability during protests: identifying best practices and providing in-service training on roll call effectiveness. However, there is no evidence that CPD has identified best practices for roll calls during large-scale events, nor is there evidence of a plan to standardize communication through roll calls during mass protests or gatherings. While there have been actions, illustrated through IAPs, to hold roll calls before events to check uniforms and BWC, CPD lacks protocols to ensure that roll calls occur during unplanned large-scale events or that roll call content is standardized across supervisors.

As a result, CPD may face the same internal communications challenges that occurred during the 2020 protests and unrest, which resulted in disparate understandings of and compliance with orders across CPD members. Further, failure to consider roll call best practices to include reminders about protestors' First Amendment rights increases the risk that CPD members infringe upon those rights. OIG found further concerns regarding First Amendment considerations within CPD's tactical plans and trainings (see Finding 4).

⁸³ New York City Department of Investigation, "Investigation into NYPD Response to the George Floyd Protests," December 2020, accessed April 30, 2024, <https://www.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>.

⁸⁴ New York City Department of Investigation, "Investigation into NYPD Response to the George Floyd Protests."

Finding 4: CPD's crowd management trainings following the 2020 protests include outdated concepts and tactics, and its draft policy suite does not explain tactical restrictions or constitutional protections, jeopardizing lawful demonstrators' First Amendment rights.

OIG found that, despite an increased effort to train members on FFO tactics and First Amendment considerations for mass gathering response, CPD's trainings following the 2020 protests contained outdated tactics and vague descriptions of the limits against using particularly escalatory tactics. Specifically, CPD training materials relied on outdated and inaccurate psychological theories to instruct members that crowds "negatively affect" individual participants, encouraging violent behavior. OIG further found that CPD draft policy allows for the use of crowd control tactics which have, both in Chicago and other cities, been used indiscriminately, without distinguishing between peaceful demonstrators and individuals conducting criminal acts. Further, the draft policy does not describe clear limitations on these tactics. By both generalizing mass event participants' capacity for violence while also teaching tactics that may be used indiscriminately against demonstrators and those committing criminal acts alike, CPD's guidance may contribute to risks of escalating tensions and violations of constitutional rights.

In its AAR, CPD cited a lack of experience among members—and particularly supervisors—with field force tactics and techniques as a contributing factor to difficulties in crowd control during the 2020 protests and unrest.⁸⁵ Field force units are "large contingents of police officers, field supervisors, and Department leaders assembled to provide rapid, organized, and disciplined response to civil unrest." These members are organized into "platoons," which are further divided into "squads." These units are "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." CPD reported that many supervisors with field force experience from the 2012 NATO Conference had since moved to other roles or retired. Accordingly, in the AAR, CPD committed to providing educational instruction on crowd behavior by creating a Domestic Preparedness Unit (DPU).⁸⁶

OIG found that, since committing to corrective action in the AAR, CPD has in fact established the 13-member DPU (one Sergeant and 12 Police Officers), which has delivered various FFO-related trainings to many Department members including Field Force Operations for Leaders, Advanced

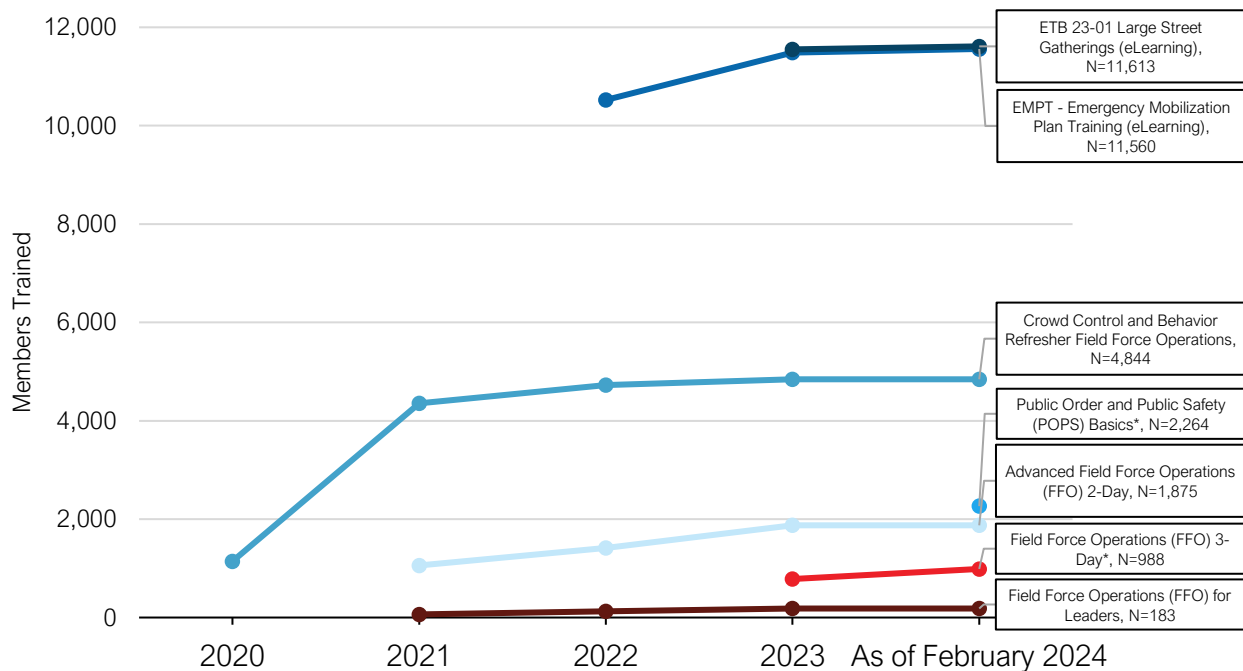
⁸⁵ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 20.

⁸⁶ Chicago Police Department, "After Action Report: The Chicago Police Department's Response to Civil Unrest between May 29, 2020 and June 12, 2020," p. 20.

Field Force Operations, and the Crowd Control and Behavior Refresher. By February 2024, CPD had created a new Field Force Operations Section staffed by one Captain, one Lieutenant, four Sergeants, and 23 Police Officers. CPD reported to OIG in response to this follow-up inquiry that section personnel had been detailed to the Education and Training Division on September 11, 2023, to provide trainings including a two-day training on Public Order Public Safety Basics (POPS) and a Field Force Operations 3-Day Course. Outside of the trainings conducted by these units, CPD has also issued eLearnings for its Emergency Mobilization Plan and Large Street Gatherings Education and Training Bulletin (ETB 23-01). Further, CPD reported that its newly hired members receive the Recruit Crowd Behavior and Civil Disorder training as part of their instruction.

Figure 2 shows the cumulative count of members trained in these topics by year since 2020. CPD’s eLearnings have had the broadest reach, with nearly all sworn members having completed the courses offered in that format on CPD’s Emergency Mobilization Plan and Large Street Gatherings training bulletin.⁸⁷ Additionally, nearly 200 supervisors have been trained in Field Force Operations for Leaders, and nearly 2,000 members have been trained in Advanced Field Force Operations.

Figure 2: CPD’s Dissemination of FFO-Related Trainings from April 2020 to February 2024⁸⁸



*Training developed by FEMA, not provided to OIG for review.

Source: OIG analysis

In addition to identifying concerns with FFO-readiness, CPD noted in its 2021 AAR the difficulty of calibrating the Department’s response to the 2020 protests and unrest. It appeared that “the line between ‘lawful demonstrators’ and ‘criminal infiltrators’ became increasingly blurred by people on

⁸⁷ As of March 2024, CPD had 11,684 sworn members. City of Chicago Office of Inspector General, “Sworn CPD Member Overview,” accessed March 26, 2024, <https://igchicago.org/information-portal/data-dashboards/sworn-cpd-member-overview/>.

⁸⁸ CPD did not provide training counts for the Recruit Crowd Behavior and Civil Disorder training, reporting that its dissemination is not separately tracked from the larger block of instruction in which that segment is held.

the streets and attending mass gatherings.” The Department stated that it was important for members to be able to distinguish between criminal and protected behavior, even when the circumstances were “stressful and often fluid.” Accordingly, CPD committed to training members through the Education and Training Division on the First Amendment.⁸⁹

OIG found that, since committing to correct action in the AAR, CPD has provided the following instruction related to First Amendment Rights: First Amendment Rights eLearning enrollments in 2022 and 2023, a training bulletin on Public Gatherings and First Amendment Rights, and a Constitutional Policing in-service course.⁹⁰ Additionally, CPD identified a few of its FFO-related tactical trainings as relevant to First Amendment rights. However, within CPD’s tactical trainings, OIG identified concerns regarding the lack of consideration of lawful demonstrators’ constitutional rights, both in the negative characterization of demonstrators and the failure to emphasize protections and restrictions for the use of certain tactics.

A | Descriptions of crowd behavior in CPD’s trainings following the 2020 protests relied on outdated crowd psychology concepts.

The National Policing Institute (NPI) and the Community Oriented Policing Services (COPS) have articulated the importance of incorporating current perspectives in crowd psychology into training and practice for the management of large crowds in order to protect the rights and safety of demonstrators.⁹¹ They discuss newer psychological approaches to crowd management, specifically the Elaborated Social Identity Model (ESIM), an empirically validated theory positing that members of a crowd are heterogenous, do not tend towards violence, and may become homogenous and oppositional to the police if treated as a single entity. The Federal Bureau of Investigations Law Enforcement Bulletin has called ESIM “the leading scientific theory of crowd psychology.”⁹²

In 2022, the Seattle Office of Inspector General published a report that examined the consequences of the Seattle Police Department’s failure to incorporate more recent theoretical concepts of group behavior.⁹³ The report’s key conclusion was that “outdated assumptions about crowd psychology are likely to feed poor operational decision making and increase the likelihood that force will be used indiscriminately.” It warned that “building police strategies and tactics around discredited theories of crowd psychology is at best complacent and at worst a recipe for conflict escalation.” The report explains that “scientific understanding of modern crowd psychology has

⁸⁹ Chicago Police Department, “After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020,” p. 21.

⁹⁰ As of February 2024, the Constitutional Policing in-service course had been administered to 9,908 members.

⁹¹ National Policing Institute and Community Oriented Policing Services, “21st Century Protest Response: Promoting Democracy and Advancing Community and Officer Safety,” 2002, accessed 3/28/2024, https://www.policinginstitute.org/wp-content/uploads/2022/09/e062201018_Protest_Response_v16_06sep22_final_508-1.pdf.

⁹² Mike Masterson, “Crowd Management: Adopting a New Paradigm,” August 1, 2012, accessed April 8, 2024, <https://leb.fbi.gov/articles/featured-articles/crowd-management-adopting-a-new-paradigm>.

⁹³ Seattle Office of Inspector General, “Crowd psychology, policing, and interactional dynamics: analyzing the early stages of the 2020 protests in the city of Seattle,” May 13, 2022, accessed April 8, 2024, https://www.seattle.gov/documents/Departments/OIG/Other/Final_Crowd_Psychology_Report_v1.pdf.

advanced ... and no longer takes the notion of ‘mob psychology’ seriously,” instead arguing that the modern scientific theory of crowd psychology is based on ESIM.

NPI and COPS explain how the ESIM can lead to more effective policing of crowds:

The ineffectiveness of undifferentiated, mass strategies for maintaining order and peace is supported by the elaborated social identity model (ESIM). ESIM helps explain how the experience of being in a crowd shapes individuals’ identities and provides a framework for understanding the escalation process that can occur when an outgroup, such as the police, treats a crowd in a homogenous manner. For example, if police officers take enforcement action toward the entire crowd for the unlawful actions of one group, instead of recognizing that different groups within a protest crowd may be engaging in different activities, the crowd as a whole will come together to resist the police because of a consequent shared sense of opposition toward them.⁹⁴

Additionally, police departments have begun incorporating ESIM in trainings on crowd management. For example, the Portland Police Bureau has incorporated these concepts into its trainings, stating, “The Bureau’s core leaders for crowd management and Training Division staff are continuing to research national standards and best practices related to public order and policing. Some of the main methods included in this are the...Enhanced Social Identity Model...”⁹⁵

CPD trainings on crowd management consider some, but not all, ESIM concepts. While CPD trainings acknowledge that a group contains multiple types of people, some peaceful and some potentially with criminal intentions, they assume the presence of bad actors. For example, the Crowd Behavior and Control Refresher states, “[m]ost protesters are peaceful law-abiding people who just want their issues to be heard, but there are a core group of people, such as anarchists, who can cause chaos in the streets.” Further, CPD trainings conflict with the ESIM perspective that a small number of bad actors in a crowd will not necessarily incite widespread chaos.⁹⁶ CPD’s trainings, Crowd Behavior and Civil Disorder, Advanced Field Force Operations (FFO), and Field Force Operations for Leaders state that “crowds have a tendency to affect individuals negatively,” and assert that perceived anonymity, along with the pressure to conform with crowd behavior, can lead individuals to “[act] violently when the individual would not normally do so.” CPD’s description of how crowds impact individual behavior mirrors classical crowd theories, which are grounded in the idea that crowds “tend to behave in anti-social and conflictual ways.” Notably, the academic research on crowd psychology that CPD cites in its training is from the 1960s and 1990s.⁹⁷ This perspective, foundational to CPD’s training, has been largely discarded by both psychologists and law enforcement agencies internationally due to the absence of empirical support for the

⁹⁴ National Policing Institute and Community Oriented Policing Services, “21st Century Protest Response: Promoting Democracy and Advancing Community and Officer Safety,” p. 38.

⁹⁵ Portland Police Bureau Training Division, “2023 Training Needs Assessment: Law Enforcement Response to Mass Demonstrations,” October 2023, accessed April 8, 2024, <https://www.portland.gov/police/divisions/documents/2023-training-needs-assessment-mass-demonstrations/download>.

⁹⁶ Seattle Office of Inspector General, “Crowd psychology, policing, and interactional dynamics: analyzing the early stages of the 2020 protests in the city of Seattle,” p. 9.

⁹⁷ CPD’s trainings cite to Mombousse, Raymond M. *Riots, revolts, and insurrections*. Springfield, Ill: CC Thomas, 1967; Cerrah, Ibrahim. *Crowds and public order policing: an analysis of crowds and interpretations of their behaviour based on observational studies in Turkey, England and Wales*. Routledge, 2018.

proposition that crowds “tend to affect individuals negatively,” leading to conflictual or criminal behavior.⁹⁸

Finally, and perhaps most critically, ESIM cautions that police responses to a group can influence the behavior of the group to become more resistant and disorderly when crowd control tactics are deployed indiscriminately. ESIM is premised on the notion that individuals belong to multiple different social groups and model their behavior based on which group membership of theirs is most salient at a given time; it is this momentary group identification, rather than a belief in anonymity or a susceptibility to bad influence, that can influence individual behavior. For example, individuals peacefully protesting might view agitators in the group as outsiders who are behaving anti-socially. However, upon observation of police behaving in a coercive or disproportionate manner towards both peaceful demonstrators and agitators alike, ESIM suggests that peaceful protestors may begin to identify more with the agitators than the police, and begin to resist police, escalating tensions.⁹⁹

CPD’s reliance on outdated crowd behavior theories, such as the belief that crowds may uniformly become violent, and its failure to appropriately consider how police response may impact crowd behavior risks inducing or escalating police response to crowds where constitutional rights are not appropriately considered.¹⁰⁰ OIG found further areas of concern regarding the lack of consideration of First Amendment rights in CPD trainings in the use of high-risk crowd control tactics against passive resisters, particularly the containment of protestors (encirclement or “kettling”) and the use of Oleoresin Capsicum (OC) spray, described below.

B | CPD trainings on crowd control tactics such as encirclement and the use of OC spray do not sufficiently address constitutional restrictions and protections.

Effectively calibrating police responses to distinguish peaceful protestors from individuals committing criminal acts is critical for both practical and legal reasons. Indeed, “[i]ndiscriminate crowd containment measures often result in lawsuits, costly civil settlements, and other undesirable outcomes.”¹⁰¹ Practically, failing to distinguish between criminal and peaceful behavior can lead to the indiscriminate restrictions on First Amendment rights and cause individual members of a crowd to become more resistant to police. Legally, deploying tactics such as containment or OC spray in a way that violates constitutional principles may leave the City vulnerable to litigation.¹⁰²

⁹⁸ Seattle Office of Inspector General, “Crowd psychology, policing, and interactional dynamics: analyzing the early stages of the 2020 protests in the city of Seattle,” p. 8.

⁹⁹ Seattle Office of Inspector General, “Crowd psychology, policing, and interactional dynamics: analyzing the early stages of the 2020 protests in the city of Seattle,” p. 9.

¹⁰⁰ Edward R. Maguire and Megan Oakley, “Policing Protests: Lessons from the occupy Movement, Ferguson, & Beyond: A Guide for Police,” January 2020, accessed March 28, 2024, https://www.hfg.org/hfg_reports/policing-protests-lessons-from-the-occupy-movement-ferguson-and-beyond/.

¹⁰¹ Edward R. Maguire and Megan Oakley, “Policing Protests: Lessons from the occupy Movement, Ferguson, & Beyond: A Guide for Police,” January 2020, accessed March 28, 2024, https://www.hfg.org/hfg_reports/policing-protests-lessons-from-the-occupy-movement-ferguson-and-beyond/.

¹⁰² Maguire and Oakley, “Policing Protests: Lessons from the occupy Movement, Ferguson, & Beyond: A Guide for Police.”

1. Containment of Lawful Demonstrators

Containment of demonstrators occurs when police surround protestors on all sides, and is often referred to as “kettling” in public discourse. The Center for Policing Equality refers to kettling as “any practice in which demonstrators are boxed in or guided to an area from which all avenues of egress are blocked.”¹⁰³ Some draw a distinction between kettling and “encirclement,” arguing that kettling is wider in scale whereas encirclement is limited to a smaller portion of a crowd.¹⁰⁴ Irrespective of scale, containment tactics involve surrounding a group with the goal to confine, meaning the individuals are surrounded and unable to move. The New York City Department of Investigations, in its assessment of NYPD’s response to events following the murder of George Floyd, found that encirclement tactics are, in practice, equivalent to what the public and media often call “kettling.”¹⁰⁵

OIG found that CPD’s tactical trainings disseminated since 2020 continued to instruct on “encirclement” techniques, which it states are used for “detaining, protecting identified groups, and isolation and containment.” However, CPD’s draft Coordinated Multiple Arrest Policy Suite advises that “Department members will avoid containment or corralling tactics known as ‘kettling’ and will provide specific egress directions for safe crowd dispersal.”¹⁰⁶ Although the draft CPD directive plainly states that containment tactics ought to be avoided, it does not specify conditions where the use of such tactics might be permissible. In a meeting with OIG on the findings of this report, CPD reported that it considers encirclement acceptable when there is probable cause to arrest all individuals in the confined group. CPD further asserted that encirclement of even one individual contained in an encircled group without probable cause would constitute a violation of that individual’s Fourth Amendment rights.¹⁰⁷ Yet, CPD trainings on containment tactics provided to OIG did not discuss demonstrators’ First and Fourth Amendment rights. CPD reported that it uses training developed by the Federal Emergency Management Agency (FEMA) to train members on the constitutionality of crowd control tactics such as encirclement; however, CPD did not provide such training materials to OIG for review. Additionally, as mentioned, CPD reported that it is prioritizing the dissemination of such training to members most likely to be deployed to a mass event during the DNC. For the Department at large, CPD reported that all members will complete an eLearning on the Coordinated Multiple Arrest Policy Suite upon its finalization. CPD’s lack of detail on acceptable use of containment tactics in the draft policy risks that members not prioritized to receive field training ahead of the DNC could indiscriminately contain both peaceful protestors and individuals engaging in criminal behavior, further risking the violation of the constitutional rights of lawful demonstrators. Such use of these tactics could also escalate police-crowd tensions. Indiscriminate use of containment tactics could trap both persons conducting crimes along with

¹⁰³ Center for Policing Equity, “Guiding Principles for Crowd Management,” accessed April 8, 2024, <https://policingequity.org/crowdmgt>.

¹⁰⁴ Dan Marcou, “Crowd control tactics: The difference between kettling and encirclement,” *Police1*, May 20, 2019, accessed March 28, 2024, <https://www.police1.com/crowd-control/articles/crowd-control-tactics-the-difference-between-kettling-and-encirclement-tJBZIUgvc1pmsf/>.

¹⁰⁵ The New York City Department of Investigations specifically noted “DOI reviewed records describing one disorder control formation as ‘encirclement,’ which appears to be what the public and media calls ‘kettling.’”

New York City Department of Investigation, “Investigation into NYPD Response to the George Floyd Protests.”

¹⁰⁶ Chicago Police Department, “DRAFT Special Order S06-06: Response to Crowds, Protests, and Civil Disturbances,” Section V.4.

¹⁰⁷ The Fourth Amendment to the U.S. Constitution reads, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

peaceful protestors, instigating resistant behavior from individuals who might have otherwise cooperated with police instructions.¹⁰⁸

CPD has faced criticism of its use of containment tactics in the past. In 2012, the City settled a lawsuit over CPD's use of containment tactics to detain Iraq War protestors in 2003, costing the City over \$6 million.¹⁰⁹ Then, in August 2020, ten elected officials, including five alderpeople and then Cook County Commissioner Brandon Johnson, criticized CPD for surrounding protestors during a demonstration that took place downtown and resulted in 24 arrests.¹¹⁰ Despite the criticism, CPD's training materials refer to the containment during the August 2020 event as a success.

"A group of protestors who had marched downtown was ordered to disperse following the march and did not. A CPD mobile field force (MFF) was on-scene and began to channel the group which had refused to disperse. Eventually some of the crowd engaged in violence toward officers on scene and a few body cams were taken from officers. The MFF encircled the group, arrested the assailants, and checked members of the crowd for the body cams, as the MFF dispersed the crowd in a controlled manner."

-Advanced FFO, Day 1

Further, the Advanced FFO training refers to said "encirclement techniques" as "very effective dismounted tactics." Despite financial costs to the City from its prior use of containment tactics and the public criticism it received, CPD does not address the potential consequences of improper containment tactics in its training.

Finally, researchers and police departments are moving away from the practice of encirclement techniques. The Center for Policing Equity calls for the prohibition of kettling, and in 2023, NYPD banned the use of kettling as part of the settlement for a lawsuit concerning its crowd control practices.¹¹¹ Further, the 8th Circuit Court of Appeals has found, in a case arising out of St. Louis, that encircling protestors may violate their Fourth Amendment rights against unreasonable seizures when done indiscriminately.¹¹² While CPD provides training on the First and Fourth Amendments, they are not mentioned in its training materials for crowd control tactics, even though the use of containment tactics is an important flashpoint for potential violations of constitutional rights.

2. The Use of OC Spray on Passive Resistors

Oleoresin Capsicum (OC) spray, commonly known as pepper spray, is a tool with which CPD members are equipped in their regular course of duty. OC spray, made from agents extracted from cayenne peppers, is intended to "increase control by disorienting the subject and interfering with

¹⁰⁸ Maguire and Oakley, "Policing Protests: Lessons from the occupy Movement, Ferguson, & Beyond: A Guide for Police."

¹⁰⁹ David Heinzmann, "City offers \$6.2 million to settle arrests at 2003 war protest," *Chicago Tribune*, February 9, 2012, accessed April 8, 2024, <https://www.chicagotribune.com/2012/02/09/city-offers-62-million-to-settle-arrests-at-2003-war-protest-3/>.

¹¹⁰ Justin Laurence, "At Tense Downtown Protest, Police 'Kettle' Activists – And Alderman Have Questions," *Block Club Chicago*, August 17, 2020, accessed April 8, 2024, <https://blockclubchicago.org/2020/08/17/at-tense-downtown-protest-police-kettle-activists-and-aldermen-have-questions/>.

¹¹¹ Daniel Trotta, "To settle suit, NYPD agrees to scale back enforcement of protests," *Reuters*, September 5, 2023, accessed April 8, 2024, <https://www.reuters.com/world/us/settle-suit-nypd-agrees-scale-back-enforcement-protests-2023-09-06/>.

¹¹² *Baude v. Leyshock*, 23 F.4th 1065 (8th Cir. 2022).

the subject's ability to resist arrest." According to CPD "General Order G03-02-05: Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents," the use of OC spray is prohibited against passive resisters, except when the subject is part of a noncompliant group and the Superintendent, or a designee, has authorized its use. The directive clarifies that "[t]he Superintendent will only authorize the use of Oleoresin Capsicum (OC) devices during a First Amendment assembly if there is a threat or attack against Department members, the public, or property."¹¹³ In another directive, "General Order G03-02-01: Response to Resistance and Force Options," it is clarified that "threats or attacks against Department members, the public, or property may include, but are not limited to, throwing objects at Department members, members of the public, or at storefront windows causing windows to break, or threatening to harm Department members or members of the public by driving erratically near or on designated protestor routes."¹¹⁴

In accordance with the above directives, CPD tactical trainings also state that OC spray can be used against passive resisters. However, as with its draft policy provisions concerning the use of containment tactics, CPD does not sufficiently engage in considerations of passive resisters' constitutional rights or make clear that the constitutional reasonableness of the decision to use pepper spray in a particular situation is highly context-specific.¹¹⁵ In fact, CPD's permitting the use of OC spray against passive resisters during assemblies—even in limited circumstances—may conflict with guidance from professional law enforcement associations and practices by other municipalities. The International Association of Chiefs of Police (IACP) model policy for crowd management states that during large events, "OC spray shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals."¹¹⁶ Further, for example, the Philadelphia Police Department (PPD) prohibits the use of OC spray against passive resisters during protests, stating that, "[w]henver protestors/demonstrators that are exercising their constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, OC Spray SHALL NOT BE USED [emphasis in original] to overcome the resistance."¹¹⁷ Instead, PPD instructs officers to disengage and seek a supervisor, and provides that additional officers may assist in overcoming the resistance.¹¹⁸

In its trainings and policies on the crowd management tactics which may risk infringement of lawful demonstrators' constitutional rights, CPD does not appropriately educate members on demonstrators' rights or provide detailed instruction on the circumstances in which these tactics may be appropriate or inappropriate. In a response to a mass gathering, therefore, CPD members

¹¹³ Chicago Police Department, "General Order G03-02-05: Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents," June 28, 2023, accessed April 8, 2024, <https://directives.chicagopolice.org/#directive/public/6576>.

¹¹⁴ Chicago Police Department, "General Order G03-02-01: Response to Resistance and Force Options," June 28, 2023, accessed April 8, 2024, <https://directives.chicagopolice.org/#directive/public/6605>.

¹¹⁵ *Abbott v. Sangamon Cnty., Ill.*, 705 F.3d 706, 724 (7th Cir. 2013) (describing the inquiry into the reasonableness of the use of pepper spray by police under the Fourth Amendment as "incapable of precise definition or mechanical application" and listing a number of factors to be considered).

¹¹⁶ International Association of Chiefs of Police, "Crowd Management," *Law Enforcement Policy Center*, April 2019, accessed April 8, 2024, <https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf>.

¹¹⁷ Philadelphia Police Department, "Directive 10.2: Use of Moderate/Limited Force," Section 4.C, July 11, 2022, accessed April 8, 2024, <https://www.phillypolice.com/assets/directives/D10.2-UseOfModerateLimitedForce.pdf>.

¹¹⁸ Philade *Id.*

may be ill-equipped to make well-informed tactical decisions and lawful demonstrators may be subjected to unconstitutional policing tactics.

V | Conclusion

The 2020 protests and unrest exposed CPD's lack of preparedness to respond to a large-scale gathering necessitating mass arrests. As reflected in both OIG's 2021 report and CPD's AAR on the 2020 protests and unrest, this lack of preparedness compromised all aspects of CPD's response to those events, from its arrest procedures to its efforts to implement individual-level member accountability.

During the intervening four years, CPD has drafted extensive policy revisions and engaged other City departments in formalizing plans for operational responses to both scheduled and spontaneous large-scale events. CPD has taken steps to audit and increase its inventory of deployable equipment, and periodically performed drills and exercises throughout the city. Such preparation may better equip Department members for responding to future large-scale events. For scheduled events, the Department has implemented formal event-specific plans. For spontaneous events, responses can be improved by timely intelligence; CPD's tabletop exercises, which provided detailed scenarios demonstrating the ways in which monitoring social media and current events can keep the Department informed of unfolding events, point to the role of a robust intelligence cycle in facilitating a well-prepared response. Continued efforts to bolster CPD's intelligence capacities are critical to its preparation for spontaneous events.

The Department's efforts since the 2020 protests and unrest bode for some significant improvements in the quality of its response to large-scale events, but OIG's findings suggest that those improvements may not be realized in practice. Improved plans without improved strategies for disseminating information and training on those plans may not result in improved operations. Similarly, the lack of opportunity for meaningful community engagement on the proposed policy revisions risks implementing solutions that are not responsive to public concern. CPD has worked to bolster its operational planning and preparation for large-scale events, but gaps remain in the Department's ability to effectively and uniformly communicate such plans and pursue after-action accountability. Further, CPD's training on certain tactical responses to large crowds risks escalating crowd tensions and violating constitutional rights of lawful demonstrators. Draft policy provisions that do not appropriately balance the public's constitutional right to peacefully protest nor ensure comprehensive after-action review, in combination with limited dissemination of its most up to date FFO trainings, undercut the Department's legitimacy and risk damage to public trust in law enforcement. OIG presents these findings in response to its February 2021 report and CPD's AAR for consideration by the Department as it prepares for the 2024 DNC and the possibility of large gatherings in the future.

Appendix A | CPD Response



Brandon Johnson
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry Snelling
Superintendent of Police

May 24, 2024

Tobara Richardson, JD, CIG
Deputy Inspector General for Public Safety
Office of the Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654-2996

Re: Follow-Up Inquiry on the Chicago Police Department's Preparedness for Mass Gatherings

Dear Deputy Inspector General Richardson:

I have received and had an opportunity to review the Office of Inspector General's ("OIG") 2024 Follow-Up Inquiry on the Chicago Police Department's Preparedness for Mass Gatherings Report ("Draft Report"). I note that the OIG makes no recommendations for improvements to the Chicago Police Department ("CPD" or "Department") and appreciate that the OIG has given the Department this opportunity to provide this response.

The Department notes that the OIG prepared the Draft Report based only on documents that the Department provided in response to OIG requests. The OIG neither conducted interviews nor sought to observe the training that Department members are taking on topics such as the First and Fourth Amendment, Law Enforcement Medical and Rescue Training, and Field Force Training in preparation for the Democratic National Convention. The Department received a draft copy of the report on May 10, 2024, and met with members of the OIG on Monday, May 20, 2024, to provide additional information concerning the Draft Report's findings. Following that meeting, the Department provided the OIG with written feedback and additional supporting documentation. The Department strongly encourages the OIG to undertake a more fulsome review of the Department's efforts, including training observation and interviews with Department personnel who have subject matter expertise on the topics addressed in the Draft Report.

As the Draft Report acknowledges, the Department has made considerable progress with respect to its response to Mass Gatherings since the events of 2020. The Department has prioritized comprehensive policy revision in partnership with the Independent Monitoring Team, the Office of Attorney General, and community partners. The Department thanks all of these partners for the many hours of time they have all invested in these efforts.

The Department's response to the Draft Report is categorized by finding.

Finding 1: CPD, in coordination with City departments, has formalized plans for citywide emergency response to large-scale events, and has expanded its inventories of certain assets and codified permissible use in policy.

Emergency and TTY: 9-1-1 · Non-Emergency and TTY: (within city limits) 3-1-1 · Non-Emergency and TTY: (outside city limits) (312) 746-6000

E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

The Department appreciates the OIG's acknowledgment of its progress with respect to Finding 1.

Finding 2: CPD's proposed Coordinated Multiple Arrest Policy Suite improves mass arrest procedures and related use of force reporting but lacks certain considerations for implementation and does not meaningfully reflect community feedback.

The Department appreciates the OIG's acknowledgment that the Coordinated Multiple Arrest Policy Suite improves mass arrest procedures and related use of force reporting but disagrees with the OIG's finding that the Coordinated Multiple Arrest Policy Suite lacks considerations for implementation and does not meaningfully reflect community feedback.

As discussed during the May 20, 2024, meeting between the Department and the OIG, since 2020 the Department has completed a comprehensive review of a number of policies related to the lessons learned during civil unrest in 2020. Throughout this process the Department worked with key stakeholders and the community to ensure that updated policies reflect the voice of the community. Community feedback included not only the posting of the draft policies online for public comment but also discussions with the coalition of community groups represented in the Consent Decree. Criticism of the Department's policies and procedures was often sharp but helped inform and guide the policies and procedures in place today.

In the direct aftermath of civil unrest in the summer of 2020, the Department worked with the subject matter experts with the Independent Monitoring Team ("IMT") to improve reporting mechanisms for CPD's field response to crowds and Department member physical responses when deployed in squads and platoons. A new directive, S03-22 "Reporting Responses to Crowds and Civil Disturbances" outlined these procedures and a new Incident Response form was developed and implemented in August 2020. This policy was once again revised in November 2020 to reflect further changes. This policy was issued under a new name, D20-08 "Reporting Responses to Crowds and Civil Disturbances."

The Department continued this work to include a comprehensive review of its First Amendment and use of force policies. The Department started with updating general orders which reflect the Department's core values and functions in responding to First Amendment assemblies. The Department worked with the IMT and Office of the Attorney General ("OAG") through the Consent Decree process to update General Order 02-02, "First Amendment Rights." The Department also engaged with community members represented by the Consent Decree Coalition to develop this policy. This process was overseen by Judge Dow and sought to address community feedback about experiences during the events of 2020. A final draft of this policy was posted and announced online for public feedback. This policy was updated on April 13, 2021, and again on December 19, 2022.

Also, during this time, the Department continued its work on revisions to its De-escalation, Response to Resistance, and Use of Force policies. These policies include the provisions governing the use of OC Spray, including in crowd environments and in response to protests containing passive and active resisters. The revisions published in 2021 and 2023 reflect CPD's work with the Community Use of Force Working Group as well as the previously agreed-upon First Amendment response provisions. The Community Use of Force Working Group held numerous monthly meetings over that time period with CPD and working group participants representing a broad cross-section of the Chicago community.

Following the work on the General Orders, the Department began work on the Special Orders which

reflect protocols and procedures. In July 2021, the Department started work on the Special Order 06 series. The S06 series focuses on the operations of Coordinated Multiple Arrests previously known as mass arrests. This series includes 4 distinct policies:

- S06-06 Response to Crowds, Protests, and Civil Disturbances
- S06-06-01 Declaration of a Coordinated Multiple Arrest incident
- S06-06-02 Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents
- S06-06-03 Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents

Again, the Department worked with the IMT's subject matter experts and completed the Consent Decree review and comment process prior to finalizing the drafts incorporating feedback from the IMT and OAG. The Department posted the draft policies in February of 2024 for public review and comment and received comments via the public website from the general public, the Civilian Office of Police Accountability, and the coalition of community groups represented in the Consent Decree. The Department is currently in discussions with the Coalition to finalize these draft policies and be responsive to community feedback under the supervision of Judge Pallmeyer.

With regard to these policies, the Draft Report states "... they do not improve CPD's ability to perform comprehensive after-action analysis that could continue to ongoing policy and training improvement." This is incorrect.

The S06-06 CMA policy series details individual member reviewing and reporting requirements, as well as Department-level reviewing and reporting requirements. S06-06-03XX, Alternative Tactical Response Reporting During Coordinated Multiple Arrests Incidents, Section VIII.B "*Department-level Review*" details the Department-level review that will be conducted after a coordinated multiple arrest event. Specifically, the TRED unit "*will conduct an incident-level review of all declared coordinated multiple arrest incidents where reportable uses of force were documented on Coordinated Multiple Arrest Reports*" (VIII.B.1.a). This report, which will include any recommendations, will be presented to the Force Review Board ("FRB") within 30 days.

Furthermore, the policy states:

3. *Within thirty days after the review of an incident, the FRB will issue recommendations, if appropriate, to the Superintendent or an authorized designee, regarding any need for additional training or modifications to policies, tactics, equipment, or Department practices.*
4. *Upon review and approval by the Superintendent or an authorized designee, the FRB will assign each approved recommendation to the appropriate exempt command staff member for prompt implementation (Section VIII.B)*

With respect to implementation, to ensure that the Department is prepared for the upcoming DNC, the Department has a multi-level approach that includes in-person in-service training, in-person exercises, computer-based e-learning, and streaming videos.

The Department's in-service training for 2024 prioritized training to prepare for the DNC.

The 2024 trainings include the following:

- **Public Order Public Safety (16-hours)** This 2-day FEMA Course provides basic understanding of national standards for crowd control/management. Addresses legal, sociological, and tactical concerns as well as including practical exercises.

--OR--

- **Field Force Operations(24-hours)** This 3-day FEMA course provides a more extensive integration of national standards for crowd control/management. Addresses similar legal, sociological, and tactical concerns as POPS, but includes a greater number of practical exercises and scenario-based training to more fully incorporate concepts. This training is delivered to front line DNC personnel.

--AND--

- **De-escalation, Response to Resistance, and Use of Force/Coordinated Multiple Arrests (8-hours)** This course focuses on the Sanctity of Life, De-escalation, Coordinated Multiple Arrest, Tactical Response Reports, Incident Response Form, First Amendment, Procedural Justice, Department directives, Duty to Intervene (ABLE), Body Worn Camera, Baton, O.C. Spray, Updated forms.
- **Law Enforcement Medical and Rescue Training (“LEMART”)/Officer Wellness (8-hours)** This course focuses on the Sanctity of Life, Tourniquets, Chest seals, Burns, Blast Injuries, Tactical Breathing, Hydration, Stress Management.
- **T-10 TASER (8-hours)** this course teaches officers how to use the new T-10 Taser and reinforces content about Sanctity of Life, De-escalation, Department directives, Tactics.

Training on the S06-06 CMA policies began on March 4, 2024, during the 8-hour De-escalation, Response to Resistance, and Use of Force/Coordinated Multiple Arrests course. Once the policies are approved, an e-learning will be issued to Department members to reinforce and address any changes that have occurred once these policies are finalized.

Following the in-service training for Department members, officers will also attend a one-day training exercise with the company they are assigned to during the DNC. This exercise will provide drilling on the lessons learned in the in-service training inclusive of the coordinated multiple arrest processes and procedures.

Finding 3: CPD has not improved guidance for the content or execution of roll calls for mass events, despite identifying roll calls as a major deficiency in its 2020 response and as a critical tool for ensuring consistent messaging and procedural compliance.

The Department acknowledges that effective roll calls are an important component of the Department’s ongoing training but disagrees with the Draft Report’s finding. This year’s one-day supervisor training has a section titled “Supervisor Preparedness & Observations.” This section includes content about roll calls and ensuring clear objectives are discussed with officers. This training focuses on the DNC; however, it reinforces good roll call habits for all supervisors. The section titled “Unrest Unveiled: Navigating Response to Crowds, Protests, and Civil Disturbances,” reinforces the importance of ensuring members have a clearly defined role, specific assignment, identified communications, and chain of command.

The Draft Report states that "[w]hile CPD has adopted plans to ensure roll calls are held before deployment to pre-planned events, it lacks control to ensure the roll calls occur before deployment to spontaneous events." This mischaracterizes how the Department has trained for such events.

Section III of Department Notice D19-03 "Large Street Gatherings" details the procedures for what happens when there is a large gathering that is spontaneous.

When critical incident teams or any other Department personnel are called for as an additional resource to a spontaneous event, the Department makes notification in multiple ways, including via radio, telephone, and/or PDT by CPIC, OEMC, or other designated Units. In practice, this transmission notifies members to report to a specific supervisor at a designated mobilization point for operational instructions. Members are also notified to switch their radios to the appropriate zone for unified communications.

Consistently, the Department undertakes engages in drills to test the response to a spontaneous event. These drills test the response to the emergency mobilization plan (EMP) or critical incident. During the EMP drills there is an all call read out over all radio zones accompanied by a PDT message which instructs officers to report to their predesignated location where a supervisor checks them in and can relay additional instructions as needed. The Department has found this notification and supervisor check-in more effective than conducting the same roll call in a Department facility. The Department provided the OIG with documentation of these drills in its original response to the OIG.

Finding 4: CPD's crowd management trainings include outdated concepts and tactics and do not explain tactical restrictions or constitutional protections, jeopardizing lawful demonstrators' First Amendment rights.

The Department disagrees with this finding, and again notes that the OIG neither attended Department training on these issues nor made a request to do so. As described more fully below, both since 2020 and specifically in preparation for the DNC, the Department has engaged in training approved by both the IMT and OAG, as well as most recently provided by the Federal Emergency Management Authority.

Each year the CPD conducts a comprehensive needs assessment for the upcoming year's Training Plan. This mixed-method approach is used to collect and analyze quantitative and qualitative data. Input was obtained through closed- and open-ended questions, surveys, input letters, reports, law, Department Policy, Consent Decree, CALEA, academic research, and evidence-based research.

The OIG's draft report prioritizes the importance of the Elaborated Social Identity Model (ESIM). Sources utilizing social identity theory in policing of protests, among other theories, were included in the Department's literature review. The FEMA Center for Domestic Preparedness' Public Order Public Safety course directly addresses the Elaborated Social Identity Model, and their Field Force Operations training addresses similar concepts regarding the psychology of crowd behavior. In preparation for the DNC approximately 9,500 officers have been trained in one of these two courses. This training began in November of 2023, and is ongoing.

The OIG's draft report states "... demonstrators' First and Fourth Amendment rights are not discussed in CPD's training materials for containment tactics." Department trainings are designed to reinforce concepts. While a particular training may not include a specific topic, it can be included in a different training. With that said, in

the FFO training there is a module on constitutional policing, which focuses on 1st and 4th amendment rights.

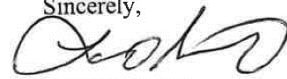
With respect to Finding sub-bullet point B about encircling, during training it is taught that encirclement shall only be used to surround those persons who will be arrested. For every person encircled, individual probable cause must have already been established prior to conducting the encirclement. This is different from “kettling”, which refers to police surrounding and detaining persons without the probable cause to do so. Moreover, the Department also uses encirclement to protect persons exercising First Amendment rights when those persons may be subject to physical attack by those who disagree with the message being conveyed. The Department’s use of encirclement under such circumstances serves to protect those exercising their First Amendment rights.

With respect to the draft report’s findings on the use of OC spray on passive resisters, the Department has revised its policies concerning De-escalation, Response to Resistance, and Use of Force to include provisions governing the use of OC Spray. The revisions include the use of OC spray in crowd environments and in response to protests containing passive and active resisters. The revisions published in 2021 and 2023 reflect CPD’s work with the Community Use of Force Working Group as well as the agreed-upon First Amendment response provisions.

The topic of OC spray and passive resisters is taught in the 2024 De-escalation, Response to Resistance, and Use of Force/Coordinated Multiple Arrests training course. Additionally, these topics are included every year in the Departments Use of Force course.

Again, I thank you for the opportunity to provide comments to this Report.

Sincerely,



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