



CPD  
Consent Decree:  
Community-Based Federal  
Court Oversight of the  
Chicago Police

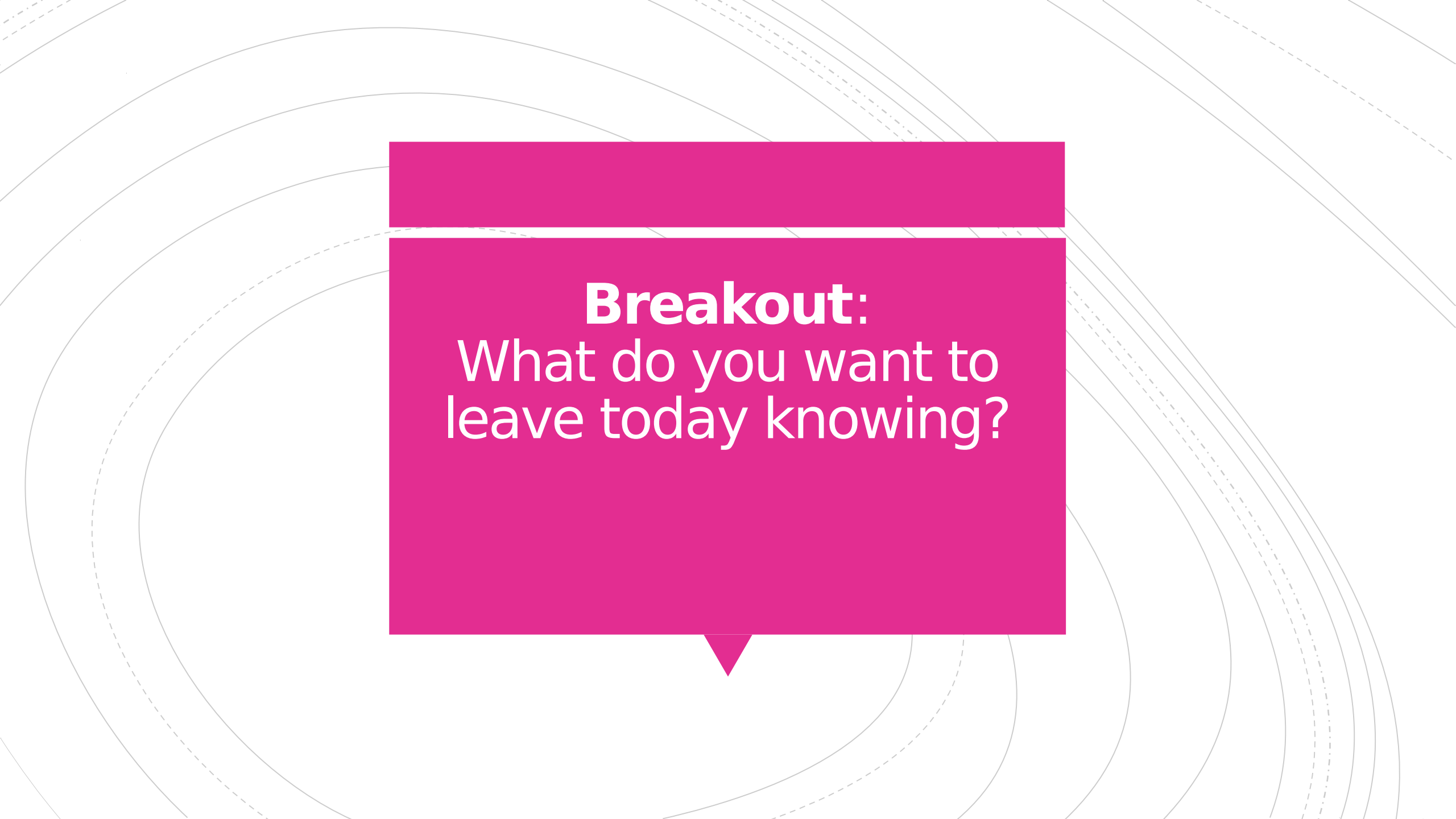
Spring 2020

# Purpose of Presentation

- To explain how consent decrees work;
- To review the history of the fight for CPD's consent decree;
- To inform you about Decree requirements and whether the CPD is complying with the mandates

\*Please note some of these slides include **sensitive material** about police violence\*



The background features several concentric circles of varying radii, some solid and some dashed, in a light gray color. A prominent pink callout box is centered on the page, containing white text. The callout box has a rectangular body and a downward-pointing triangular tail.

**Breakout:**  
What do you want to  
leave today knowing?

## What is a federal consent decree?

A negotiated federal court order that imposes requirements on an entity—like the Chicago Police Department.

## What makes these agreements powerful?

Federal consent decrees are approved, monitored, and enforced by a **FEDERAL COURT OF LAW**. That means a federal judge can punish the city if it violates the agreement.

# What is the Chicago federal consent decree?

It's a federal court order between the City of Chicago and the IL Attorney General intended to stop CPD's civil rights violations related to police violence and some forms of discrimination/racism.





So,  
how  
did  
we  
get  
here?

**2014:** Laquan McDonald is murdered by police.



**2015:** Court-ordered release of video of the 16 shots.



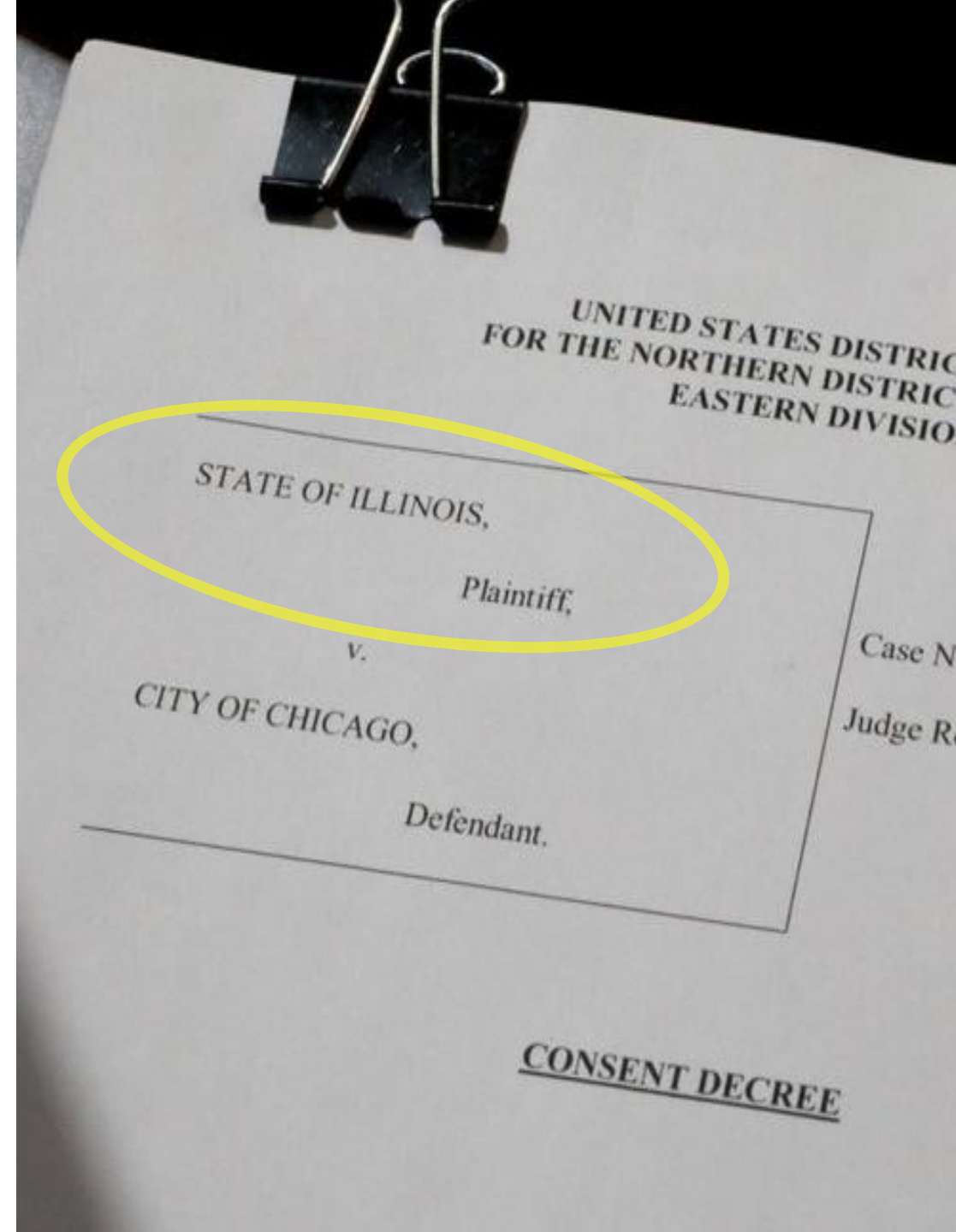
**Massive protests** lead to launch of U.S. DOJ investigation of the **Chicago Police Department.**





The Campbell plaintiffs filed their lawsuit when Trump's DOJ decided not to overhaul the Chicago Police Department.

The Illinois Attorney General's Office filed its own suit shortly after.





- **June 2017:** Campbell plaintiffs sue the Chicago police.
- Aug 2017: IL Attorney General (AG) sues the Chicago police.
- Fall 2017 - Spring 2018: Plaintiffs, IL AG, and the City of Chicago negotiate a Memorandum of Agreement to pause litigation while a federal consent decree gets drafted.
- Spring 2018: People's Consent Decree.

- Summer 2018: Murder of Harith Augustus / more protests / draft of official Consent Decree released / feedback process begins.
- Fall 2018: Official Consent Decree filed in federal court / Campbell's 87-page response.
- Feb 2019: Federal judge approves the final Consent Decree without the requested changes.
- Mar 2019: Appointment of a federal monitor to oversee reforms.



So...is our decree still a federal court order???

**YES!**

- ✓ Approved by a federal judge
- ✓ In a federal court
- ✓ Now overseen by a monitor appointed by federal court.

□ Federal Judge Robert Dow “entered” the Chicago Consent Decree in February 2019.



## What does federal enforcement mean?

If the City violates the agreement, Attorney General and/or the Coalition can file a motion in federal court. **The judge may then hold the City in contempt.**

## What does contempt mean?

The court could order the City to pay sanctions and take specific actions to end the violations.

**Ex: Sheriff Joe Arpaio** – convicted of contempt for ignoring federal court order requiring him to stop unlawful arrests of immigrants

## What's Next

The rest of the presentation involves a **true story** of police misconduct. We will review how the Federal Consent Decree requirements should change how Chicago police interact with communities.

## But First, a Group Exercise

What has been your experience with the police?

What specific topics or issues do you care strongly about when it comes to police accountability?

## Topics Included in the Decree:

- Community policing
- Impartial policing
- Crisis intervention
- Use of force
- Recruitment, hiring, and promotion
- Training
- Supervision
- Officer wellness and support
- Accountability and transparency
- Data collection, analysis and management



# True Stories - How the Chicago Consent Decree Should Change Police Interactions

1) Jessica Richards: beaten for filming police

2) Michael Elam: fatally shot after a traffic stop

3) Dnigma Howards: tasered at school

4) Quintonio LeGrier: killed during a crisis

A photograph of a red carpet event at night. The scene is illuminated by bright lights, creating a high-contrast environment. In the foreground, a thick red rope is strung between silver stanchions, forming a queue line. Several people are visible, some in dark suits and others in more casual attire. The background shows a building with arched windows and a wet cobblestone street reflecting the lights. A pink rectangular box is overlaid on the center of the image, containing white text.

Jessica Richards:  
Beaten for Filming Police

## Jessica Richards: Beaten for Filming Police



- Age 26, denied entry to club because she is black.
- Police arrive and push Jessica.
- **When she tries to film them, they block her, slam her into a wall, and handcuff her.**
- She was arrested without probable cause and was not read her Miranda rights.
- Officers filed charges to conceal their misconduct and the false arrest.
- **Jessica incurred bruising, abrasions, and pain.**
- While spending a night in lockup, she was mistreated, taunted, and harassed by the staff.
- Both officers had a history of misconduct and abuse of force allegations



# Jessica's Story: Consent Decree Requirements

**Officers are not allowed to stop you from taking pictures, audio, or video of them while they work in public.**

## **Officers are prohibited from:**

- using insulting language.
- making decisions based on **race/ethnicity**.
- **using force that is unreasonable and unnecessary for a legitimate law enforcement purpose.**

## **Officers are required to:**

- **call for medical aid after using force as soon as it is safe and practicable.**
- intervene and report when they witness another officer's excessive force.

# Jessica's Story: More Requirements

More annual training, **covering the history of racism in Chicago** and competency on race, LGBTQI, religions, immigrants, and disabilities.

Police department must address at-risk behavior displayed by officers.

**Must record information on uses of force, including officer, injuries, treatment offered, and perceived mental health/disability.**

Police will review use-of-force patterns against specific groups and take corrective action.



Michael Elam:  
fatally shot after  
routine traffic  
stop

## According to Police

Officers tried to pull Michael over for a traffic violation.

He drove into a parked car before coming to a stop.

An “armed confrontation” ensued after he exited his car; he tried to flee.

Officers pursued him and shot him several times.

## Witness's Video

17-year-old Michael was shot a few steps away from the car he was in.

Witness heard no confrontation or verbal warnings.

Officers huddled around Michael moments after the shooting.

# Michael's Story: Consent Decree Requirements

Police *must* use

the following  
de-escalation  
tactics to avoid  
and reduce the  
use of force  
“whenever safe  
and feasible”.

1. Slow the incident down.
2. Keep a distance, use barriers or cover.
3. Persuade, advise, warn before using force.
4. Acknowledge confusion and mistrust.



# Michael's Story: Requirements for Use of Force by the Police



- ✓ must be objectively reasonable, necessary, & proportional.
- ✓ not for punishment, retaliation, or fleeing.
- ✓ **must issue a verbal warning before using force or firearms.**
- ✓ must always respect sanctity of life.
- ✓ no denying or delaying medical aid unless it is not safe & practicable.
- ✓ **deadly force as a last resort and never against a fleeing subject.**
- ✓ Must ensure that their actions do not unreasonably limit access to information for families of the deceased.

A photograph of a school hallway with blue lockers on both sides. The hallway is brightly lit by fluorescent lights on the ceiling. A pink rectangular box is overlaid in the center of the image, containing white text. In the background, an 'EXIT' sign is visible on the ceiling.

Dnigma Howards:  
Repeatedly Tasered  
in School



# Dnigma Howards: Repeatedly Tasered in School

- Dnigma, a 16-year-old student with special needs, was repeatedly tasered by two police officers at her school.
- Happened as she was being escorted out of the Vice-Principal's office.
- Officers dragged her down the stairs.
- They continued punching and kicking her the entire time.



# Dnigma Howards' Story: Requirements by the Consent Decree

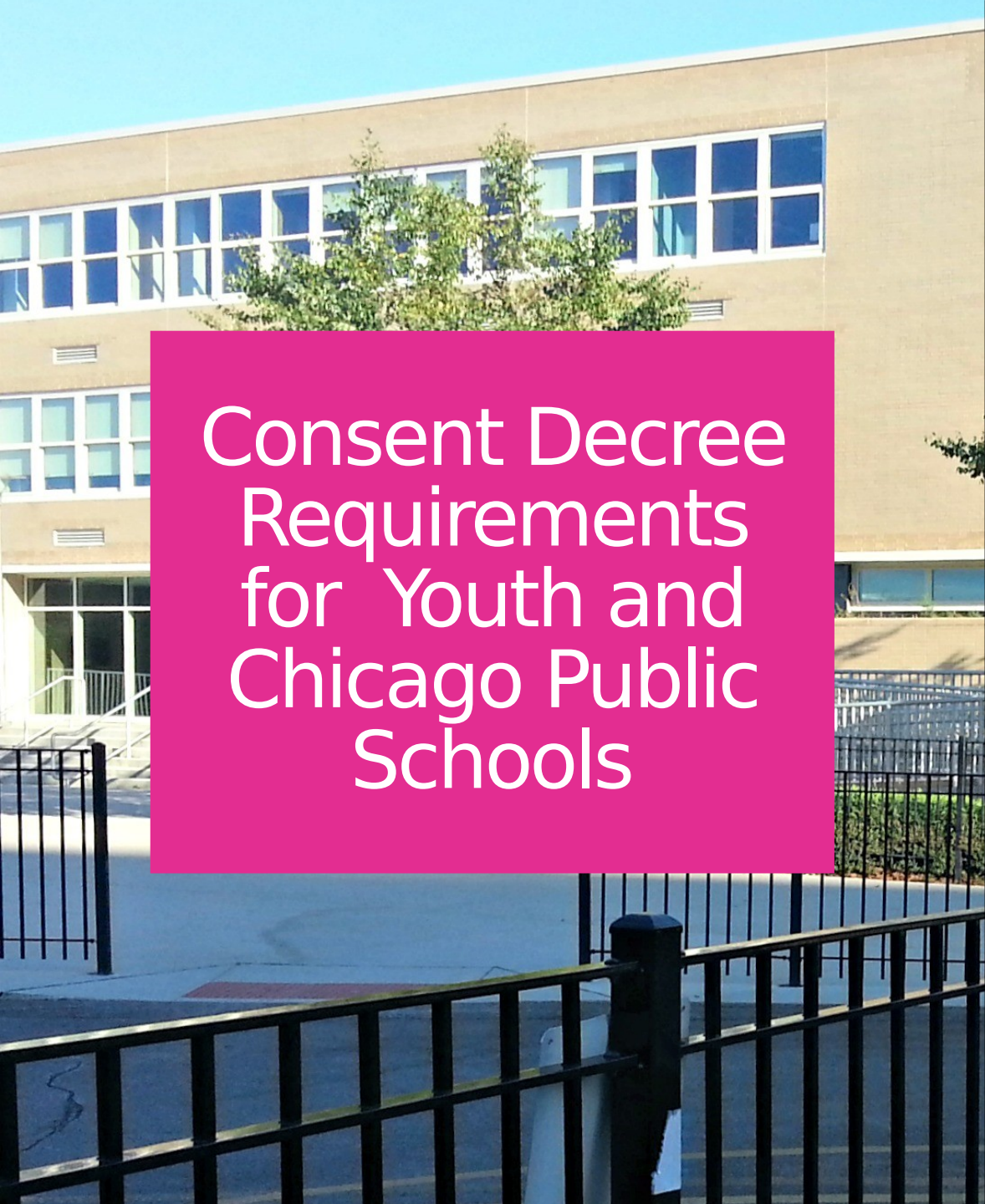
- Officers MUST use de-escalation to avoid force or reduce the amount used “whenever safe and feasible”.
- Stop using force as soon as the threat goes away.
- No using force to punish or retaliate.
- Only allowed to use force that is objectively reasonable, necessary, & proportional under the circumstances.
- Officers must immediately request medical aid once it is safe & practicable.

# Rules for Tasers



- Only use when necessary, objectively reasonable, proportional based on size, physical & mental condition, etc.
- Cannot use if a person is “reasonably perceived” as non-violent, unarmed, and suspected of low-level offenses.
- **Must give verbal commands and warnings.**
- **Must give “reasonable” time for the person to comply with a warning as long as it is “safe and feasible”.**
- Cannot use on someone who has a great risk of injury or death (like children and pregnant women).
  - Exception: if the person is the assailant OR other uses of force would not be effective.





## Consent Decree Requirements for Youth and Chicago Public Schools

- Families, students, school staff, community stakeholders, and CPS will help decide:
  - *Screening criteria for selecting officers.*
  - *Defining their role of officers in schools before the 2019-20 school year;*
  - *Policies and practices for officers in schools.*
- Before 2019-20 school year begins, Police will try to enter a legal agreement with CPS about police officers in schools.



Quintonio LeGrier:  
19-Year Old in a Crisis  
Situation Shot and Killed

Bettie Jones:  
Innocent Bystander  
Shot & Killed



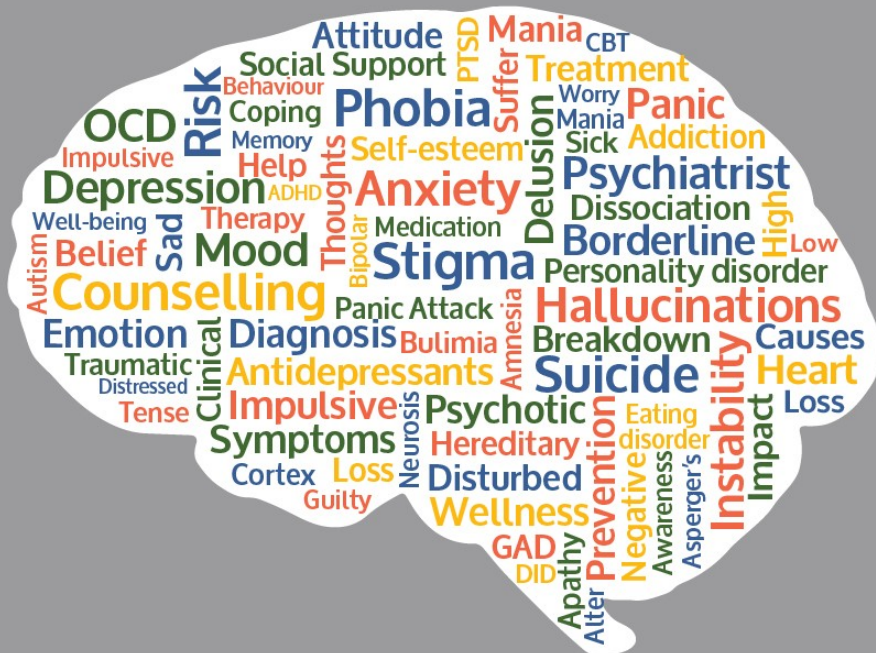
# Quintonio and Bettie's Story



- 19-year-old Black youth was in a crisis situation, pounding at his father's door with a bat.
- His father called the police to intervene but warned them that Quintonio had a history of emotional distress.
- The officers who responded to the call failed to de-escalate the situation and killed Quintonio by shooting him 7 times.
- **Bettie Jones, a 55-year-old neighbor, also Black, was accidentally shot and killed during the incident.**

# Individuals in Crisis:

“Behavioral or mental health conditions including mental illness, intellectual or developmental disabilities, or co-occurring substance use disorders”.



- Police must give officers the time and resources they need to handle a crisis.
- City and Police will develop a Crisis Intervention Team (CIT) Plan listing non-criminal justice responses.
- Police will develop policies and protocols to ensure individual's confidentiality.
- Police will seek input from the community to appropriately and respectfully address individuals in crisis
- OEMC call dispatch personnel will be trained for mental health and CIT awareness.
- **If you are in crisis and the police arrive, demand a Certified CIT Officer.**
- **Police will hire enough CIT Officers for the needs of every watch and district.**

# Transpare ncy

- **Annual report—includes stop and frisk and force data**
- Annual litigation report (settlement amounts and attorney's fees)
- COPA and BIA—quarterly and annual reports by April 2020 (on complaints, investigations, and officers with multiple allegations.
- Tracking and trend analysis
- **Video release consistent with 2016 policy**
- Police board—annual report tracking each case/meeting
- OIG---audits of COPA and accountability generally
- Annual report on bias from OIG
- Use of force data published monthly to public (no identifying info)
- **Plans related to decree implementation**



# Community Involvement

- Police will publish an annual report with its achievements, challenges, new programs, status of Consent Decree implementation, community engagement, use of force stats, crisis responses etc.
- Specifically regarding use of force, Police will publish data breaking down frequency/type/location of incidents on a publicly accessible, interactive, web-platform
- The Monitor will conduct regular surveys of the community to assess satisfaction with Police
  - This survey should ask for input to identify the community's areas of concern
  - The results will be given to the court and the public

# The Current Consent Decree is Missing Key Provisions from the People's Consent Decree

Creation of an all elected Civilian Police Accountability Board

Removal of all law enforcement from schools (but there is an opportunity to make that happen)

Reduction of Police Interaction

Creation of a Police Arrest Diversion Program addressing housing, substance abuse, mental health

Support for sexual assault survivors

Protecting the rights of survivors of police violence and their families

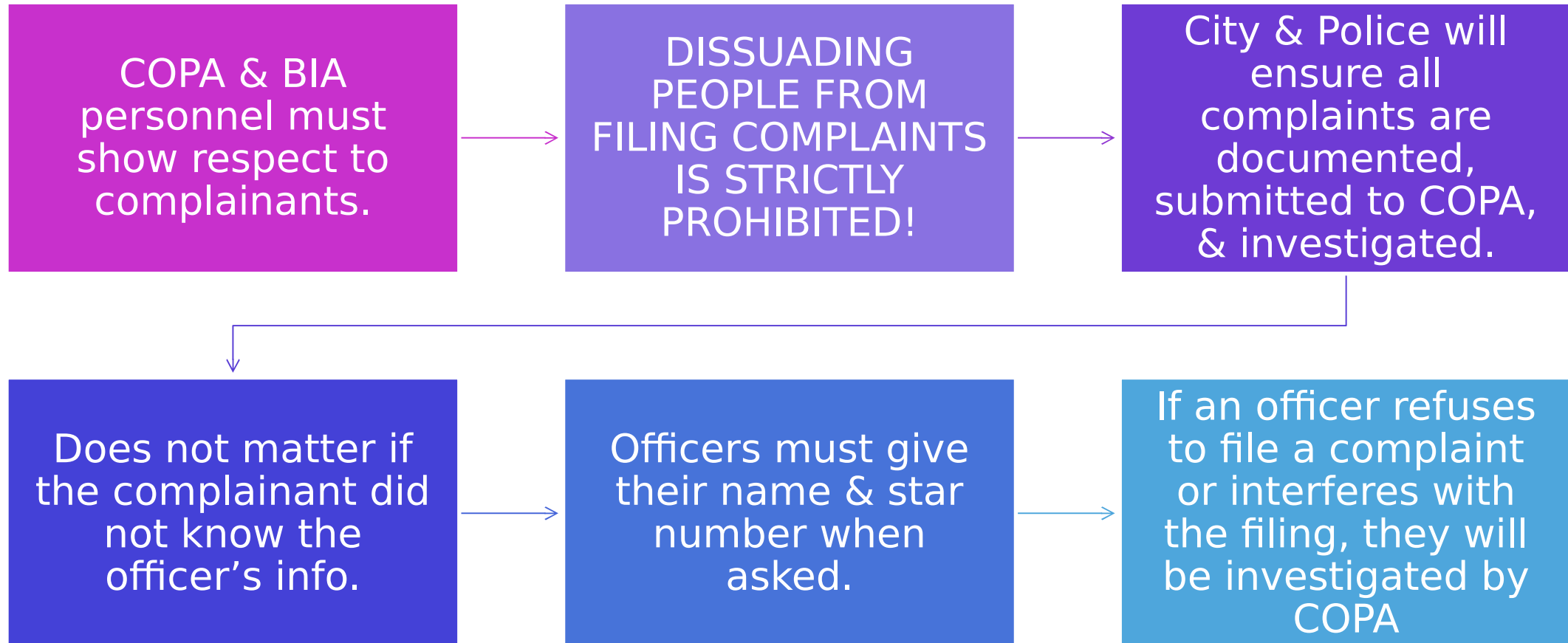
Creation of a Behavioral Health Unit

# Filing a Complaint



- Multiple ways to file complaints:
  - In person;
  - By telephone (312-745-COPA);
  - Online ([chicagocopa.org](http://chicagocopa.org))
  - Anonymously;
  - Through 3<sup>rd</sup> party.
- Police members must provide anyone who wants to file a complaint COPA's contact info and notify a supervisor.
- People submitting electronically will receive a copy of the complaint by e-mail.

# Filing a Complaint



# Filing a Complaint



**All complaints received by COPA will get a non-confidential unique tracking number:**

complaints made to police; or

By end of next business day for website and OIG complaints.



**All complainants receive this number within 5 business days from COPA or BIA, to be used:**

By **June 30, 2020** - online.



Each complainant will receive a copy of the administrative summary report **within 60 days of a final decision.**



# Who's Who with the Consent Decree

## **Campbell Plaintiffs and the Coalition**

Filed original lawsuit. They can:

- Review and give input on many decisions related to the Decree.
- Meet with the Monitor.
- File enforcement motions in federal court.



## **Independent Monitor Maggie Hickey**

Appointed to oversee Decree enforcement. She can:

- Review the decisions of the police department.
- Review progress in meeting the Decree requirements.
- Influence the consequences for violations.



Is the CPD meeting the requirements and deadlines of the Consent Decree?

# City's Semiannual Status Report

Issued 9/3/2019

## HOW DOES THE CITY THINK THEY ARE DOING?

- Emphasized the progress that CPD made before the Consent Decree was enacted.
- Emphasized what CPD **has** done, minimized what they **have not** done.
- “At this early state in the process, the City is encouraged by the progress made toward it’s ultimate goal and remains committed to achieving full compliance.”

# Independent Monitoring Report

March 1, 2019 – August 31,  
2019

## TIMING

- Report due: October 1, 2019
- Report filed: November 15, 2019

## COMPLIANCE

- CPD missed 38/50 deadlines
- “In compliance” with 15/67 requirements
  - 14 preliminary, 1 secondary, **0 full compliance**



# Monitoring Report

## KEY AREAS OF COMPLIANCE

- Community Policing: 3/5 (preliminary compliance)
- Impartial Policing: 0/1
- Crisis Intervention: 1/1 (secondary compliance)
- Use of Force: 6/25 (preliminary compliance)
- Recruitment, Hiring, and Promotions: 0/0
- Training: 1/5 (preliminary compliance)
- Supervision: 0/0
- Officer Wellness: 1/2 (preliminary compliance)
- Accountability and Transparency: 3/30 (preliminary compliance)
- Data Collection: 0/1

# Monitoring Report

## TONE OF THE REPORT

- “As we are still very much at the beginning of this long-term project, we continue to view it as a journey and stand ready to lean into curves in the road ahead.”
- Stressed the challenges and barriers faced by CPD, minimized their failures.

## CONCERNS EXPRESSED

- CPD’s failure to engage with the community.
- CPD was unwilling to collaborate on policy development and utilize IMT resources.

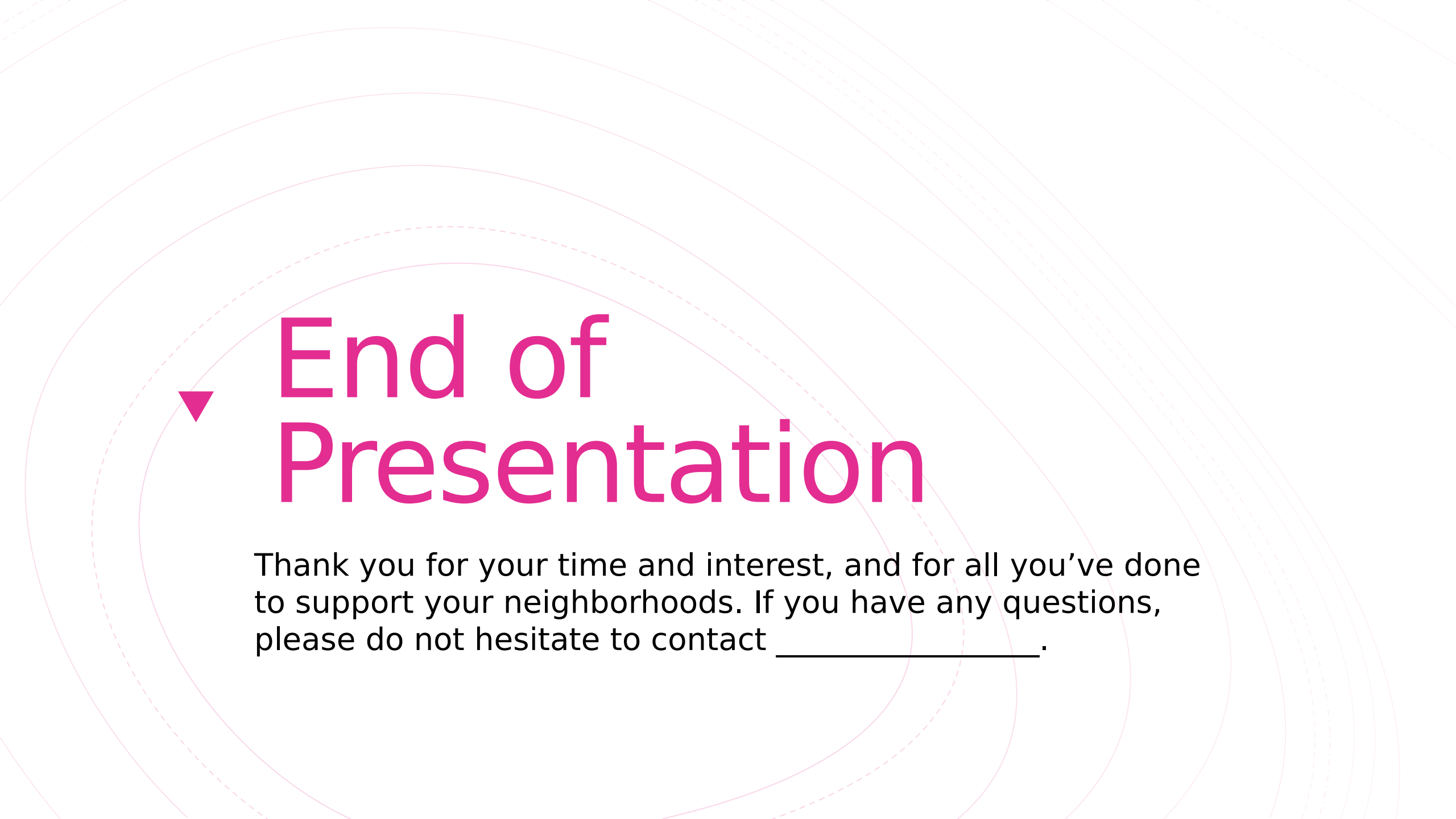
# What's Next?

## MONITORING

- Next IMT report will cover September 1, 2019 – February 29, 2020
- Due March 30, 2020
- 60 additional paragraphs will be under review

## CAMPBELL RESPONSE

- Filing written response to IMT report
- Laying the foundation for enforcement



# ▼ End of Presentation

Thank you for your time and interest, and for all you've done to support your neighborhoods. If you have any questions, please do not hesitate to contact \_\_\_\_\_.