



PROHIBITION OF RETALIATION



ISSUE DATE:	10 December 2020	EFFECTIVE DATE:	10 December 2020
RESCINDS:			
INDEX CATEGORY:	Professionalism		

I. PURPOSE

This directive:

- A. prohibits all Department members from engaging in any form of retaliation against any Department member or member of the public,
- B. provides guidelines to Department members regarding retaliation, and
- C. outlines the responsibilities for reporting and investigating allegations of retaliation.

II. RELATED LAWS

- A. MCC 2-156-018 "Duty to Report Corrupt or Unlawful Activity"
- B. MCC 2-156-019 "Whistleblower Protection"
- C. MCC 2-160 "Human Rights"
- D. MCC 2-160-100 "Retaliation Prohibited"
- E. 775 ILCS 5/6-101(A) "Retaliation" (Illinois Human Rights Act)

III. POLICY

- A. Department members will:
 - 1. act with a high degree of ethics, professionalism, and respect for the public and in a manner that promotes trust between the Department and the communities that it serves.
 - 2. treat all persons with courtesy and dignity.
 - 3. act, speak, and conduct themselves in a professional manner and maintain a courteous attitude in all contacts with the public.
- B. The Department prohibits and does not tolerate any abuse of law enforcement authority by its members.
- C. The Department is committed to ensuring the actions of its members are lawful, ethical, and serve a proper law enforcement purpose knowing that the conduct or actions of a single Department member may impair public trust and confidence or cast suspicion and disrespect upon the entire Department.
- D. Department members have a duty to report allegations of misconduct, are required to cooperate with misconduct investigations, and will not interfere with or undermine any investigation into allegations of misconduct consistent with the policies outlined in the Department directive titled "**Complaint and Disciplinary Procedures.**"
- E. The Department strictly prohibits its members from:
 - 1. engaging in any form of retaliation against Department members or members of the public, as defined by the law or this directive or
 - 2. enlisting or directing any other Department member to engage in any form of retaliation against Department members or members of the public, as defined by the law or this directive

- F. For the purposes of this directive, retaliation is defined as any conduct, action, or inaction of a damaging, intimidating, or threatening nature, or any interference, intimidation, coercion, or other adverse action taken against any individual designed to serve as retribution that is intended to punish, cause harm or emotional stress, or improperly influence the individual's actions.
- G. Retaliation can include deliberate action or failure to take action as required of a Department member that involves an improper motive, including but not limited to:
1. physical conduct and direct or indirect actions, including arrests, issuance of citations, surveillance, and vehicle or street stops.
 2. deliberate inaction or denial of Department services including refusing to respond to a call for service, refusing to complete a report, denial of information, or refusing to perform a Department function.
 3. direct or indirect verbal, written, or electronic communications, including threats, intimidation, or communications meant to offend, ridicule, or embarrass.
 4. adverse employment actions by the Department or Department supervisors including providing unfavorable assignments, poor evaluations, or lack of consideration for special assignments.
 5. adverse workplace-related actions by Department members that impair the efficiency, safety, or effectiveness of that member, the Department, or both. including refusing to provide or intentionally delaying a request for assistance or back-up or creating an unsafe or hostile work environment (e.g., bullying, false accusations).
- H. **Specific Prohibitions.** The Department prohibits:
1. any and all forms of retaliation against any Department member or any member of the public for:
 - a. engaging in protected lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, observing or filming police activity, or criticizing the Department, a Department member, or a member's conduct).

NOTE: First Amendment rights are not absolute and are subject to reasonable time, place, and manner restrictions. Further guidance may be found in the Department directive titled "**The First Amendment and Police Actions.**"

 - b. filing a complaint, reporting an allegation of misconduct, or providing information regarding alleged misconduct.
 - c. supporting, participating in, or cooperating with any complaint or misconduct investigation, including providing witness statements, interviews, or evidence.
 - d. reporting criminal activity or calling for or requesting police services.
 - e. participating in any Department activities, including community engagement opportunities, strategic planning, or criminal or administrative investigations.
 - f. providing information to initiate or support any complaint or investigation by the Chicago Office of the Inspector General, Chicago Commission on Human Relations, or the Illinois Department of Human Rights.
 2. any and all forms of retaliation against any Department member or any member of the public based on any protected class under federal, state, and local law, including a person's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, lawful source of income, credit history, criminal record, or criminal history.

3. using force, consistent with the Department directive titled "**Use of Force**":
 - a. as punishment or retaliation (e.g., force used to punish or retaliate for fleeing, resisting arrest, or insulting a Department member), or
 - b. in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, observing or filming police activity, or criticizing a Department member or conduct).
 4. any and all forms of retaliation against any Department member for engaging in a collectively bargained right, making or filing internal or external charges or complaints of employment discrimination, or for cooperating with any internal investigation or mediation of a complaint, consistent with the Department directive titled "**Equal Employment Opportunity Policy.**"
- I. The Department considers retaliation and acts contributing to retaliation serious misconduct that could potentially include elements of criminal conduct. Therefore, any allegation of a Department member engaging in or supporting acts of retaliation will be thoroughly investigated consistent with the Department directive titled "**Complaint and Disciplinary Procedures.**" Department members may be disciplined up to and including separation from the Department for misconduct, including retaliation and acts contributing to retaliation.
1. If a supervisor determines that immediate action should be taken during the pendency of the investigation to prevent further retaliation or allegations, he or she will forward that information to the Bureau of Internal Affairs for further consideration.
 2. The Chief, Bureau of Internal Affairs, or designee, will monitor pending retaliation investigations and will forward requests for immediate action to the Legal Affairs Division for further consideration and response. These actions can include, but are not limited to, appropriate changes in assignments, details, or other nondisciplinary measures.
- J. Department members will continue to:
1. abide by the **Rules and Regulations** of the Chicago Police Department.
 2. be guided by principles as delineated in the Department directive titled "**Vision, Mission Statement and Core Values,**" and
 3. adhere to the policies for fair, unbiased, and respectful behavior as outlined in the Department directive titled "**Human Rights and Human Resources.**"

IV. RESPONSIBILITIES

- A. It is the responsibility of all Department members to prevent retaliation from occurring, identify and stop retaliation when it does occur, take allegations of retaliation seriously, and encourage individuals to come forward without delay to report acts of retaliation.
- B. Department supervisors will monitor the adherence to the policies established in this directive by all subordinates.
- C. When a Department member **directly observes an act of retaliation by a Department member or receives an allegation of retaliation**, the member will immediately notify a Department supervisor, sworn or civilian, and take any appropriate action to stop any continuing acts of retaliation.
 1. Department members need not first report the complaint to their immediate supervisor as delineated in the Department directive titled "**Complaint and Disciplinary Procedures**" and may bring an alleged complaint of retaliation to any Department supervisor, including directly reporting the allegation to a supervisor in the Bureau of Internal Affairs.
 2. The reporting Department member will prepare a To-From-Subject Report, containing the information received, observations made, and any action taken, and submit the report to his

or her unit commanding officer before reporting off duty on the day the member becomes aware of the retaliation.

NOTE: Department members may contact a supervisor in the Bureau of Internal Affairs to request an alternative reporting method to provide a written summary of the alleged incident.

- D. When a Department member **believes that he or she has been a victim of retaliation**, the member will immediately notify a Department supervisor, sworn or civilian, and prepare a To-From-Subject Report describing the incident or acts of retaliation.
1. Department members need not first report the complaint to their immediate supervisor as delineated in the Department directive titled "**Complaint and Disciplinary Procedures**" and may bring an alleged complaint of retaliation to any Department supervisor, including directly reporting the allegation to a supervisor in the Bureau of Internal Affairs.
 2. The reporting Department member will:
 - a. submit the report to his or her unit commanding officer before reporting off duty on the day the member becomes aware of the retaliation, or
 - b. contact a supervisor in the Bureau of Internal Affairs to request an alternative reporting method to provide a written summary of the alleged incident.
- E. When an act of retaliation by a Department member is directly observed or an allegation is received from any person, the notified supervisor will initiate an investigation, in accordance with the Department directive titled, "**Complaint and Disciplinary Procedures**," including, but not limited to:
1. obtaining a Log Number and preparing an initiation report,
 2. ensuring that a To-From-Subject Report is obtained from each Department member having knowledge of the circumstances surrounding the incident prior to the end of his or her tour of duty,
 3. notifying the Civilian Office of Police Accountability (COPA) of the alleged misconduct, and
 4. notifying the involved member's unit commanding officer, if the notified supervisor is not the member's unit commanding officer obtaining a Log Number.

NOTE: If a supervisor determines that alternative reporting or notification methods are necessary for officer safety or to prevent further retaliation or allegations, he or she will contact a supervisor in the Bureau of Internal Affairs for guidance and alternative methods.

David O. Brown
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