

CHICAGO POLICE DEPARTMENT RESPONSE TO CROWDS



The Chicago Police Department's (CPD) Response to Crowds suite of directives, including Coordinated Multiple Arrests, was recently posted on CPD's website for public comment as part of CPD's Community Engagement in Policy Development process. This document is designed to provide updates on recent revisions to the new draft suite of directives, as well as answer questions presented during these previous community engagement efforts.

>>> Response to Crowds, First Amendment Assemblies, and Civil Disturbances <<<

Consistent with its core values, CPD's highest priority remains the sanctity of human life. Any CPD response to crowds, First Amendment assemblies, or civil disturbances will continue to be rooted in the protection of First and Fourth Amendment Rights, including the protection of the right to free expression. Below are some highlights of the new Response to Crowds directives:

- CPD **seeks to gain the voluntary compliance**, when consistent with personal and community safety.
- Expands upon CPD's existing procedures and protections outlined in the current CPD First Amendment Rights policy. **These new directives not eliminate any rights provided in any other CPD policy.**
- **Communication is an essential tool** in crowd management and response to crowd incidents.

REMINDER:

Expressions of courtesy, politeness, and understanding can be a valuable tool for de-escalation or in maintaining peace.

- Developing a **strong partnership with the public is essential**. Inappropriate or excessive responses can damage that partnership and diminish the public trust.
- The new Response to Crowds suite of directives reinforces the requirements of CPD officers to:
 - act with a high degree of ethics, professionalism, and respect for the public.
 - act in a manner that promotes trust between the Department and the communities that it serves.
 - remain **unbiased and opinion neutral** in any communication with individuals within the crowd while **affirming that the First Amendment rights of lawful participants are protected**.
 - not make comments or engage in verbal confrontations with participants about the views expressed.
 - maintain their **duty to preserve order and protect life and property**.
- **Protecting lawful behavior** within a crowd while identifying and isolating others within that same crowd that might be engaged in unlawful activities. CPD will:
 - first work to **obtain cooperation and voluntary compliance** with minimal enforcement actions.
 - seek to separate those engaged in lawful behavior and activities to **allow those activities to continue**.
 - **isolate specific individuals** engaged in unlawful activity for enforcement action (citations or arrest).
- **Officer wellness is essential** to provide for a professional and effective response. Supervisors will make decisions with officer wellness in mind and that value CPD officers as a vital and limited resource.
- To identify training and tactical improvement opportunities, **After-Action Reports will be conducted**, including an incident-level review of force during a Coordinated Multiple Arrest incident.

>>> Where can I find CPD's new Response to Crowds policy suite? <<<

- CPD's current "Mass Arrest" directive, Special Order S06-06, "Mass Arrest Procedures," is available on CPD's Department Directives System website located at <http://directives.chicagopolice.org/>.
- CPD's draft Response to Crowds directive suite and other policies that are posted for public comment are available on CPD's Transform website located at <https://home.chicagopolice.org/transform/>.



>>> What is a Coordinated Multiple Arrest (CMA) Incident? <<<

A Coordinated Multiple Arrest (CMA) Incident, formerly known as “Mass Arrest,” is an incident where **multiple arrests are anticipated or occurring** and a **continued police presence is required on the scene** of the incident to provide for public safety.

- Individual arresting officers cannot effectively be removed immediately from the scene for arrestee processing.
- Alternate CMA processes modify procedures and paperwork for arrests, not core values and responsibilities.
- The new CMA policies provide for increased supervisory review on-site, during transport, and at the detention facility for individual arrest processing.

NOTE:

- **The declaration of a CMA incident on its own does not authorize the arrest of or use of force against any individual or group of individuals.**
- **A CMA declaration only authorizes the use of alternate Department reporting and processing activities.**
- **CPD officers will continue to determine whether probable cause exists to charge specific persons with specific crimes.**
- **Force will only be used when it is objectively reasonable, necessary, and proportional.**

>>> How is a Coordinated Multiple Arrest (CMA) Incident initiated?

A **CPD supervisor** designated as the Incident Commander (in overall command) or Field Commander (in command of a specific location or function) **has the authority to declare a Coordinated Multiple Arrest**. **Factors considered** include but are not limited to:

- the **availability of Department resources**, including on the scene of the incident and for arrest processing.
- if a **continued police presence** is necessary at the scene of the incident to **provide for public safety**.
- the total number of potential arrestees, the nature of the situation, and circumstances of the incident.

>>> How does this policy protect my rights during an arrest?

The new Coordinated Multiple Arrest directives **increase supervision, documentation, and accountability** for on-scene arrest processing and transport.

- On-scene supervision is required for arrest processing and documentation review.
- Increased use of body-worn cameras, on-scene photographs, and accounting for transport and property.
- All reportable uses of force and assaults and batteries committed against CPD officers, including without an arrest, will be documented.

>>> What warnings and orders will be given to crowds?

- CPD will work to **obtain cooperation and voluntary compliance** with minimal enforcement actions, including giving **warning prior to arrest when circumstances allow**.
- **Crowd dispersal orders** (lawful commands for **all persons to leave a designated area**) will only be given under **very limited circumstances** (three or more persons are committing acts of disorderly conduct likely to cause substantial harm in the immediate vicinity) and with multiple opportunities to disperse.

>>> Will I be arrested if I protest? <<<

Mass arrests are a last resort. CPD will work to de-escalate and seek voluntary compliance and will attempt to peacefully resolve situations as they arise. If CPD needs to take enforcement actions, including arrests, they will be done professionally, constitutionally, and consistent with CPD policies.

- **Specific individuals** engaged in unlawful activity will be **identified and isolated** for specific enforcement actions, such as citations or arrest for specific offenses.
- The determination to begin large scale enforcement action, including physical arrests beyond the individual isolated incidents or individual offenses occurring, will be made by a **CPD supervisor designated as the incident commander or field commander**.



>>> Previous Efforts and Community Engagement <<<

CPD's current Response to Crowds policy suite is a culmination of work based on the review of a number of After-Action Reports, including those of CPD, the Independent Monitoring Team (IMT), the Office of the Inspector General, and Major City Chiefs, and lessoned learned and lived experiences from 2020.

- August 2020—November 2020: CPD collaborated with subject matter experts to create reporting mechanisms for field responses to crowds, including physical responses when deployed in squads. This included issuing D20-08, Reporting Responses to Crowds and Civil Disturbances, and the Incident Response Form (CPD-11.302).
- August 2020—December 2022: CPD prioritized updating General Order G02-02, First Amendment Rights, to reflect the core values and functions when responding to First Amendment assemblies, including supporting and protecting lawful First Amendment activity and prescribing use of force, crowd dispersal orders, enforcement actions, and after-action protocols for First Amendment assemblies. This included collaboration with the IMT and Office of the Attorney General (through the consent decree process) and engagement with community members.
- August 2020—June 2023: CPD continued to collaborate on revisions to its De-escalation, Response to Resistance, and Use of Force policies, including requiring de-escalation, communication with the crowd, and efforts to gain voluntary compliance. These policies also govern the use of batons and OC spray, including in crowd environments and in response to First Amendment assemblies.
- July 2021—Present: CPD developed a comprehensive Response to Crowds suite of directives, including Coordinated Multiple Arrest (CMA) incidents. These draft directives:
 - Include general crowd responses through large-scale arrest during a civil unrest incident and focuses on the expectations, operations, and accountability during these incidents.
 - Are informed by past efforts, review through the consent decree requirements, and in-person practical exercises, table-top discussions, and full-scale operational exercises with subject matter experts.

As part of CPD's ongoing mission to grow trust and build partnerships within the communities it serves, CPD posted the Response to Crowds directive suite beginning on February 8, 2024. The comment period was extended and closed on March 13, 2024.

Following the engagement period, CPD reviewed the feedback received from community members (including those involved in CPD's reform efforts and the consent decree), the Civilian Office of Police Accountability (COPA), the Office of the Inspector General, and CPD members (including through training observations).

In response to the comments, concerns, suggestions, and lived experiences of community members, CPD has developed a new suite of draft directives. The review of the feedback received informed the revisions now included in the draft directives.

CPD now invites the community to review the new draft Response to Crowds directives to provide additional feedback. CPD will consider these additional comments before finalizing the directives.

Special Order S06-06, "Response to Crowds, First Amendment Assemblies, and Civil Disturbances."

For ease of review, comprehension, reference, and training, CPD drafted its Response to Crowds directives as a suite of topic-specific directives, consisting of:

- **S06-06, Response to Crowds, First Amendment Assemblies, and Civil Disturbances** – outlines the overall response with an emphasis on voluntary compliance, de-escalation, communication, and professionalism.
- **S06-06-01, Declaration of a Coordinated Multiple Arrest (CMA) Incident** – outlines the considerations and responsibilities when declaring a CMA Incident.
- **S06-06-02, Alternate Arrest Procedures During Coordinated Multiple Arrest Incidents** – outlines the processing and accountability requirements for arrests during a Coordinated Multiple Arrest (CMA) incident.
- **S06-06-03, Alternate Tactical Response Reporting During Coordinated Multiple Arrest Incidents** – outlines the documentation and accountability requirements for reporting use of force during a Coordinated Multiple Arrest (CMA) incident.



>>> Draft Revisions to CPD's Response to Crowds Policies <<<

Below is an overview of the new revisions to the posted drafts of CPD's Response to Crowds policies:

Emphasizes Protections of Community Member Rights, including First Amendment Rights

- The directive title and additional references to "protest" were changed to "First Amendment assemblies" to ensure CPD's directive suite is in line with protecting individual First Amendment rights.
- Language was added to:
 - Confirm the protection of First Amendment rights, including actions upon the public way, limits on First Amendment activity, and authorized enforcement actions during First Amendment activities.
 - Ensure the prohibition of any and all forms of retaliation against any member of the public for engaging in protected lawful exercise of First Amendment rights.
 - Clarify that individuals with a disability, including those who are deaf or hard of hearing, have speech or cognitive disabilities, or are blind or visually impaired:
 - may not recognize or be able to immediately respond to law enforcement directions, and
 - have the right to be provided with reasonable accommodations, to the extent feasible under the circumstances, allowing them to effectively understand and respond to directions.
 - Ensure members of the media who display or tender their credential will not be required to disperse following the issuance of a crowd dispersal order issued during a First Amendment assembly.
- CPD specifically prohibited intentional use of containment or corralling tactics known as "kettling." CPD must also provide specific egress directions for safe crowd dispersal, including if a crowd becomes self-contained.

Clarifies Expectations for Warnings and Enforcement Actions:

- CPD will consider less intrusive options before issuing any crowd dispersal orders unless, under the circumstances at the time, they would result in an immediate risk of harm or would clearly be ineffective.
- CPD will work to obtain cooperation and voluntary compliance with minimal enforcement actions, including giving warning prior to arrest when circumstances allow.
- Clarified compliance with a crowd dispersal order is when a person is no longer on the public way within sight or hearing of the dispersal area or have taken meaningful actions to comply (such as walking away from the dispersal area or entering an open public transit station) within a reasonable amount of time.

Strengthens Body Worn Camera and Equipment Accountability:

- Provides for the monitoring and management of body worn cameras, documenting any efforts to replace low/inoperable batteries or any technical-related issues, when safe and feasible.
- Clarified that CPD officers will not hinder or prevent anyone from recording a CPD officer who is performing their duties in a public place or when there is no reasonable expectation of privacy (Illinois Officer-Worn Camera Act 50 ILCS 706/10).
- Clarified the proper use of BWCs in crowd management and crowd control situations, including ensuring any law-enforcement activities and adversarial interactions are recorded.
- Limits CPD officers from sharing or exchanging identifying uniform items, unless safety concerns arise.

Creation of Additional Definitions:

- For clarity and consistent application, definitions of "civil disturbance," "crowd management," "crowd control," and "First Amendment assembly" were added or revised.

Tactical Response and Use of Force Reporting:

- Clarified use of force actions during a response to crowds including: canines are not used in response to crowds; complete force documentation and supervisory review; and limiting delayed reporting to 48 hours, unless an extension is authorized.
- Aggregated and incident-level data regarding reportable use of force incidents will be made available via a publicly accessible, web-based data platform.