

**RELIGIOUS INTERACTIONS**

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<b>CALEA:</b>			

**I. PURPOSE**

- A. defines Department policy regarding the proper treatment of all persons of any religion by Department members.
- B. ensures that the Department makes reasonable accommodations for religious beliefs of those with whom its members interact with in their official capacities.

**II. GENERAL INFORMATION**

- A. The First Amendment to the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The rights of assembly, protest, and free speech, as well as of religious expression, are ensured to all persons regardless of religion.
- B. As one of the world's great cities, Chicago encompasses a variety of communities, each with its own distinctive cultures, lifestyles, customs, and challenges. The cosmopolitan nature of the City is further manifested by the diverse religious background of its people. However, all persons in each area of the City share the common need for protection and service through objective and impartial law enforcement.
- C. The recognition of individual dignity is vital in a free society. Since all persons are subject to the law, all persons have the right to dignified treatment under the law. Respect for and protection of this right is a fundamental responsibility of the Department and its members. Every Department member is responsible for treating each person with respect, dignity, and mindful that the person possesses human emotions and needs.
- D. The daily interaction of Department members with community members presents a unique opportunity to strengthen police-community relations. In all contacts with the public, members must inspire respect for themselves as individuals and as representatives of the Department by respecting the constitutional rights and human dignity of all members of the community.
- E. The Illinois Human Rights Act secures for all individuals within Illinois the freedom from discrimination because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations; and prevents unlawful discrimination or sexual harassment in employment, elementary, secondary, and higher education, discrimination based on citizenship status employment, and discrimination in connection with real estate transaction based upon familial status. (Illinois Compiled Statutes, Chapter 775 ILCS 5/1-102).
- F. Houses of worship and other faith-based institutions are community assets. As businesses come and go and as demographics change in a neighborhood, houses of worship and faith-based schools often are the only permanent institutions. As such, they offer stability to neighborhoods and are unique networks among the residents.

**III. RELEVANT ORDINANCES**

- A. "Declaration of city policy" (Municipal Code of Chicago, Section 2-160-010).
- B. "Definitions" (Municipal Code of Chicago, Section 2-160-020).
- C. "Religious beliefs and practices" (Municipal Code of Chicago, Section 2-160-050).
- D. "Exemptions for certain religious organizations" (Municipal Code of Chicago, Section 2-160-080).

#### IV. GUIDING PRINCIPLES

The Department recognizes that:

- A. being respectful and treating people with courtesy and dignity are key factors in any interaction with people of faith.
- B. respect and tolerance for religious practices can be a key factor in de-escalating situations that are potentially hostile.
- C. religious head coverings, religious clothing, and religious articles are an expression or communication of the wearer's statement of faith and will be treated in a manner that is respectful and maintains the dignity of the person.
- D. in some religions, any form of physical touching by a person of opposite gender is a violation of a person's beliefs. Any interaction by the Department with people of faith will be done in a manner that is respectful and maintains the dignity of the person.
- E. houses of worship hold great meaning and often contain items viewed as sacred to adherents of that religious tradition. Any visit by the Department to a house of worship will be done in a manner that is respectful and maintains the sanctity of the institution both inside and outside the building itself.

#### V. POLICY

- A. Department members will:
  - 1. recognize that wearing religious head coverings, religious clothing, and religious articles is an expression or communication of the wearer's statement of faith and will treat all persons wearing these religious items in a manner that is professional, respectful, and maintains the dignity of the person.
  - 2. allow persons wearing religious head coverings, religious clothing, and religious articles to continue wearing them, except when removal or confiscation is reasonably required. Removal or confiscation is reasonably required in accordance with the standards set forth in this directive. Removal or confiscation is reasonably required when the Department member reasonably believes that removal is necessary to prevent physical harm or to render aid. Department members will treat items in a manner that is respectful at all times while in police possession and upon their return.

**NOTE:**

If safe and feasible, Department members will make every effort to not place or store these items on the ground or floor or treat these items in any manner that would demean or disrespect them. If these items must be treated differently and the person objects or shows signs of becoming reluctant or upset, members will verbally state the reason on their body worn camera.

- 3. allow persons with soft-cover religious texts (e.g. prayer book, Bible, Qur-an) to retain them except when removal or confiscation is reasonably required. Removal or confiscation is reasonably required when the Department member reasonably believes that removal is necessary to prevent physical harm or to render aid. Department members will treat items in a manner that is respectful at all times while in police possession and upon their return.

**NOTE:** If safe and feasible, Department members will make every effort to not place or store these items on the ground or floor or treat these items in any manner that would demean or disrespect them. If these items must be treated differently and the person objects or shows signs of becoming reluctant or upset, members will verbally state the reason on their body worn camera.

4. refer to Department document "Religious Interactions Definitions" when seeking guidance on faith-based terminology regarding religious head coverings, religious clothing, religious articles, places of worships, and religious leaders.
5. follow all rules and responsibilities outlined in the Department directive titled "[Prohibition Regarding Racial Profiling And Other Bias Based Policing](#)."
6. follow all rules and responsibilities outlined in the Department directive titled "[Body Worn Cameras](#)" when interacting with people of the religious community.
7. ensure that when entering a place of worship observe all customs and traditions with dignity and respect when safe and feasible to do so.
8. follow all rules and responsibilities outlined in Department directive "[Department Vehicles](#)" and not park Department vehicles directly in front of the entrance of a house worship unless responding to an emergency.
9. when looking for guidance on religious customs, traditions, holidays, and other faith based topics, refer to Department resources available to the member, including conferring with the faith based liaison in the district community policing office whose role is defined in the Department directive "The Community Policing Office."

B. Members will NOT:

1. stop, detain, pat-down, or search any person in whole or in part to call attention to the person's religion.

**NOTE:** The above limitation does not prevent a member from following the established Department procedure in General Order titled "[Processing Persons Under Department Control](#)" and Special Order titled "[Processing Persons Under Department Control](#)."

2. use language that a reasonable person would consider demeaning or derogatory, in particular, language aimed at a person's actual or perceived religious belief.
3. post, display, or transmit content that is disparaging to a person or group based on religion whether on or off duty on social media outlets as outlined in Department directive "[Social Media Outlet: Twitter](#)."
4. consider a person's religion as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime.
5. disclose an individual's religion to other arrestees, members of the public, or non-Department members, absent a legitimate law enforcement objective.
6. smoke or bring in outside food or beverages when permitted inside a house of worship.
7. unreasonably endanger themselves or another person to conform to this directive.

## VI. DOCUMENTATION OF PERSONS OF FAITH ON DEPARTMENT DOCUMENTS

- A. If different from what is expressed, clarified, or requested by the individual, Department members will document the person of faith's name and gender as it appears on the person's government issued identification card, in the alias or additional demographic fields.

**NOTE:** Department members will indicate on the report whether or not a document name or gender of the individual is "ID Verified," when appropriate.

- B. The narrative section of any reports will refer to the person of faith individual by the individual's chosen name and by the gender pronoun appropriate to the individual's gender identity as expressed, clarified, or requested by the individual.
- C. If a Department member finds a record of an individual (LEADS, NCIC, or any other law enforcement record) that lists a different name or gender from the person of faith is currently expressing, clarifying, or requesting or a member observes that a person of faith is expressing different than what appears on the individual's government-issued identification, the member will:
  - 1. ensure all documentation completed for this incident reflects the differing information consistent with Items VI-A and B of this directive.
  - 2. notify the lockup personnel before delivering the individual into their custody.
- D. If there is uncertainty regarding the appropriate documentation of a person of faith's name or gender, Department members will contact a supervisor for guidance.

## **VII. PROCEDURES FOR PERSONS WEARING RELIGIOUS HEAD COVERS, RELIGIOUS CLOTHING, AND/OR RELIGIOUS ARTICLES DURING INVESTIGATORY STOPS**

- A. Members will follow the procedures delineated in the Department directive titled "[Investigatory Stop System](#)" when conducting an investigatory stop on person wearing religious head coverings, religious clothing, and religious articles.
  - 1. Members may perform a Protective Pat Down of a religious head covering, religious clothing, or religious article if it is part of the outer garment of the person consistent with the directive titled "[Investigatory Stop System](#)."
  - 2. Members will not remove a religious head covering, religious clothing, or religious article unless the Department performing the protective Protective Pat Down plainly feels an item that, based upon that Department members' training and experience, the Department member believes to be a weapon, the Department member may seize that item and lawfully charge the person with any corresponding offense.
- B. If it becomes required to remove a person's religious head covering, religious clothing, religious article, and the person objects or shows signs of becoming reluctant or upset, members will inquire whether the person requires special accommodations for religious reasons (e.g. the Department member should ask, "Does your religion require you to wear this?" or "Are you able to remove your head cover/religious article?").
- C. If a person requests accommodations for religious reasons, the Department member removing the religious head covering, religious clothing, or religious article will:
  - 1. give the person the option of:
    - a. removing the religious head covering, religious clothing, or religious article themselves, or
    - b. having a Department member of the same gender as the person wearing the religious head covering, religious clothing, or religious article remove the item.
  - 2. conduct the removal in an area that is as private and practical as possible under the circumstances.
  - 3. ensure that all the steps are taken that are reasonably necessary to explain the situation and assure that persons of the opposite gender are not present during removal.

**NOTE:** If officer or public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement.

## VIII. ARRESTEE PROCESSING AND PROCEDURES

- A. Arrestees wearing religious head coverings, religious clothing, and religious articles shall be processed in accordance with General Order titled "[Processing Persons Under Department Control](#)" and Special Order "[Processing Persons Under Department Control](#)."
- B. Arrestees will be allowed to wear religious clothing in accordance with Department Special Orders "[Processing Property Under Department Control](#)" and "[Inventorying Arrestees' Personal Property](#)".
- C. In all cases, religious articles including but not limited to jewelry and weapons, will be confiscated and inventoried in accordance with Department Special Orders titled "[Inventorying Arrestees' Personal Property](#)" and "[Inventorying Jewelry](#)".
- D. Arrestees will be allowed to keep and wear their religious head cover for their booking photograph unless:
  - 1. there is reasonable suspicion that the arrestee has a distinguishing feature of investigative value that is not fully visible or is obscured by the religious head cover (ie. hair color, birth marks, or physical scars).
  - 2. there is reasonable suspicion the arrestee was not wearing a religious head covering when the offense took place or wearing the religious head cover during photographing would hinder identification.
  - 3. the religious head covering covers the arrestees' face, nose, cheek, or chin, blocks arrestees' hairline, or casts shadows on the arrestees' face.
  - 4. the religious head covering is of evidentiary value and will be processed in accordance with Department directive titled "[Processing Property Under Department Control](#)."

**NOTE:**

If it becomes necessary to photograph a female arrestee without her religious head covering for one of the above reasons, then a female arrestee will be photographed by a female detention aide while the arrestee is not wearing her head covering, to accommodate the arrestee's religious belief, if operationally feasible.

- E. Once the booking photos are taken, members will allow the arrestee to wear their religious head covering unless:
  - 1. the arrestee is reasonably considered to be a suicide risk and the religious head covering, could be used to aid in the commission of a suicide;
  - 2. the arrestee uses or attempts to use the religious head covering as a weapon against another;
  - 3. the Department member reasonably believes that the religious head covering may be used as a weapon against another; or
  - 4. the district station supervisor determines that there are exigent circumstances requiring that the arrestee not wear the religious head covering.
- F. Members will confiscate religious head coverings from arrestees that they reasonably believe could potentially be used to harm another person or the arrestee or is of evidentiary value and processed in accordance with Department directives "[Processing Property Under Department Control](#)" and "[Inventorying Arrestees' Personal Property](#)."
- G. If the arrestee objects to the confiscation of an item other than jewelry or a weapon, the member shall contact the district station supervisor who will determine if reasonable circumstances exist whether the item could be potentially used to harm another person, the arrestee, or is of evidentiary value.
- H. When arrestees are not allowed to wear their personal head covering, they shall be provided with a temporary head covering.

- I. Arrestees will be allowed to keep a soft cover religious text (e.g. prayer book, Bible, Qur-an) when entering lock-up as delineated in the Department directive "[Inventorying Arrestees' Personal Property](#)."

**NOTE:** Department members will make reasonable accommodations for arrestees conducting personal prayer when safe and feasible to do so.

- J. If the arrestee requires immediate medical care or medication, it will be provided in the same manner as any other person under Department control. The subject will be allowed to wear their religious head cover while being transported to the nearest approved emergency room, as delineated by the Department directive titled "[Approved Medical Facilities](#)" prior to any further arrest processing. If the circumstances of the arrestee wearing their head covering and/or article of faith is not reasonably safe, the arrestee will proceed to the emergency room without head covering or articles of faith.

## IX. POLICY REVIEW

The Department will review this directive periodically, at minimum every two years, to evaluate whether it provides effective guidance and direction to Department members and is consistent with the current law and the Department's vision, mission, objectives, and practices. When reviewing and revising this policy, the Department will seek input from members of the community and community-based organizations with relevant knowledge and experience through community engagement efforts.

Authenticated by KC

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