



# PROHIBITIONS OF SEXUAL MISCONDUCT



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## I. PURPOSE

This directive:

- A. defines, identifies, and prohibits sexual misconduct by all Chicago Police Department members of any rank (sworn, civilian) on and off duty. This policy applies to volunteers and employees, whether paid or unpaid, of the Department, as well as applicants for employment with the Department.
- B. informs Department members that while on duty, all sex acts are prohibited and no sex acts on duty are considered consensual.
- C. delineates that consent will not be an affirmative defense for violations of this policy.
- D. defines criminal and non-criminal acts of sexual misconduct.
- E. outlines the Department's response, prevention, and accountability efforts regarding sexual misconduct.
- F. provides guidance to Department members on the importance of working with victim advocacy groups when acts of sexual misconduct are reported.

## II. POLICY

- A. The public demands that the integrity of the Chicago Police Department and all its members be above reproach. The conduct of a single Department member may threaten the integrity, community trust, legitimacy, and professionalism of the entire Department. The Department is committed to promoting an environment free of all forms of harassment. Sexual misconduct of any kind will not be tolerated and is strictly prohibited. The Department will make every effort to prevent such conduct and hold Department members accountable for any violations.
- B. Reports of sexual misconduct by a Department member will be thoroughly, promptly, fairly, and efficiently investigated in accordance with the Department directives, any applicable collective bargaining agreements, and all city, state, and federal laws by the Civilian Office of Police Accountability (COPA).
  - 1. However, when a report of sexual misconduct is criminal in nature, COPA will confer with the Department's Bureau of Internal Affairs (BIA) about the details of a criminal sexual misconduct investigation involving a Department member.
  - 2. Consistent with COPA's jurisdiction outlined above, after conferring about the details of a particular criminal sexual misconduct investigation involving a Department member, COPA and BIA may jointly determine that BIA may conduct the administrative investigation into a report of sexual misconduct when doing so avoids unnecessary disruption to the victim. The criminal investigation of sexual misconduct will be referred to the appropriate prosecuting agency, when charges are warranted.

- C. Any allegations of misconduct or violations of this policy, including failing to report misconduct, interfering with or undermining an ongoing Log Number investigation, or refusing to cooperate or answer questions during the investigation, will be reported, initiated, and investigated consistent with the procedures outlined in the Department directive titled "[Complaint and Disciplinary System](#)." Department members are reminded that discipline, up to and including separation from the Department, may be administered for any misconduct or violation of policy.
- D. A Department member who directly observes or has knowledge of another Department member's violation of this directive will, except in extraordinary circumstances, act to intervene and stop the policy violation. Such action may include, but is not limited to, verbally or physically intervening to try to stop the violation. A supervisor who observes a violation will issue a direct order to stop the violation.
- E. All Department members are required to report suspected violations of this policy consistent with the procedures outlined in the Department directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)." Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department is a violation of Rules 21 and 22 of the [Rules and Regulations of the Chicago Police Department](#).
  - 1. Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.
  - 2. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
- F. Consistent with the Department directive titled "[Prohibition of Retaliation](#)," the Department strictly prohibits all forms of retaliation, intimidation, coercion, or adverse action against any person, including a Department member or member of the public, who reports misconduct or cooperates with a Log Number investigation.
- G. Consent will not be an affirmative defense for a violation of this policy.
- H. This policy applies to volunteers and employees, whether paid or unpaid, of the Department, as well as applicants for employment with the Department.
- I. The Illinois State Archives requires the Department to collect and retain data and records by Department members consistent with the Department directive titled "[Records Management](#)."

### III. GENERAL INFORMATION

- A. [Title 18 of the United States Code, Section 242](#) (Deprivation of Rights Under the Color of Law) makes it a federal crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the United States. Under the color of law means the person doing the act is using power given to him or her by governmental agency (local, state, or federal).
- B. [Title 18 of the United States Code, Section 250](#) (Civil Rights Offenses Involving Sexual Misconduct) makes it unlawful for any person to, in the course of committing an offense under this chapter (Chapter 13-Civil Rights) or under section 901 of the Fair Housing Act (42 U.S.C. 3631), engage in, or cause another to engage in, sexual misconduct.
- C. **Prison Rape Elimination Act** "[Title 34 of the United States Code, Section 30301](#)" established a "zero-tolerance standard" for rape in prisons in the United States. Deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishment Clause of the Eighth Amendment.
  - 1. The federal statute defines "prison" as any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes **any local jail or police lock up facility, and any juvenile facility** used for the custody or care of juvenile inmates (emphasis added).

2. The federal statute defines "rape" as:
  - a. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will;
  - b. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or
  - c. the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

**NOTE:** See [Title 34 of the United States Code, Section 30309 \(Definitions\)](#) for further definitions of terms used in item III-C-2 of this directive. Prison Rape Elimination Act (PREA) standards for lockups and additional definitions can be found in the United States Department of Justice Final Rule under "[Lockup Standards](#)." PREA standards for juvenile facilities can be found in the United States Department of Justice Final Rule ([Juvenile Facility Standards](#)).

#### IV. DEFINITIONS

- A. **Sexual Misconduct:** any behavior by a Department member occurring on or off duty, that takes advantage of the Department member's position in law enforcement to misuse authority and power, including force, to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person; any sexual communication or behavior, occurring on or off duty, by a Department member that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of a Department member; or any attempted or completed act, occurring on or off duty, by a Department member of nonconsensual sexual conduct or nonconsensual sexual penetration, criminal sexual assault, or criminal sexual abuse as defined by this directive, [Title 2, Chapter 2-78-100 of the Municipal Code of Chicago](#), and Section [5/11-0.1 through 5/11-1.60 of the Illinois Criminal Code of 2012](#).
- B. **Sexual Conduct:** any knowing touching or fondling by the victim or the accused Department member, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused as defined in [720 ILCS 5/11-0.1](#).
- C. **Sexual Contact:** any intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. As defined by the [United States Code](#). (e.g., groping of individuals engaged in sex work during police interactions and investigations, including while working undercover or in sting operations).
- D. **Sexual Penetration:** any contact involving a Department member and the victim, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration as defined in [720 ILCS 5/11-0.1](#).

- E. **Acts Under "Color Of Law":** include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his or her official duties as defined by the [United States Department of Justice](#). (i.e., visiting a crime victim after work "to check on their welfare").
- F. **Criminal Sexual Assault:** a person commits criminal sexual assault if that person commits an act of sexual penetration and: uses force or threat of force; knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; is a family member of the victim, and the victim is under 18 years of age; or is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age according to [720 ILCS 5/11-1.20](#).
- G. **Aggravated Criminal Sexual Assault (a):** a person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of item IV-G-7, occur as part of the same course of conduct as the commission of the offense:
1. the person displays, threatens to use, or uses a dangerous weapon other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
  2. the person causes bodily harm to the victim, except as provided in item IV-G-10;
  3. the person acts in a manner that threatens or endangers the life of the victim or any other person;
  4. the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
  5. the victim is 60 years of age or older;
  6. the victim is a person with a physical disability;
  7. the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
  8. the person is armed with a firearm;
  9. the person personally discharges a firearm during the commission of the offense; or
  10. the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person, as defined in [720 ILCS 5/11-1.30](#).
- H. **Aggravated Criminal Sexual Assault (b):** a person commits aggravated criminal sexual assault if that person is under 17 years of age and:
1. commits an act of sexual penetration with a victim who is under 9 years of age; or
  2. commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act, as defined in Illinois law [720 ILCS 5/11-1.30](#).
- I. **Aggravated Criminal Sexual Assault (c):** a person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability, as defined in Illinois law [720 ILCS 5/11-1.30](#).

- J. **Predatory Criminal Sexual Assault of a Child:** a person commits predatory criminal sexual assault of a child if that person is 17 years of age or older and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and:
1. the victim is under 13 years of age; or
  2. the victim is under 13 years of age and that person:
    - a. is armed with a firearm;
    - b. personally discharges a firearm during the commission of the offense;
    - c. causes great bodily harm to the victim that:
      - (1) results in permanent disability; or
      - (2) is life threatening; or
    - d. delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes, as defined in Illinois law [720 ILCS 5/11-1.40](#).
- K. **Criminal Sexual Abuse (a):** a person commits criminal sexual abuse if that person:
1. commits an act of sexual conduct by the use of force or threat of force; or
  2. commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent, as defined in Illinois law [720 ILCS 5/11-1.50](#).
- L. **Criminal Sexual Abuse (b):** a person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age, as defined in Illinois law [720 ILCS 5/11-1.50](#).
- M. **Criminal Sexual Abuse (c):** a person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim, as defined in Illinois law [720 ILCS 5/11-1.50](#).
- N. **Aggravated Criminal Sexual Abuse (a):** A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist during the commission of the offense or for purposes of (7) as part of the same course of conduct as the commission of the offense:
1. the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
  2. the person causes bodily harm to the victim;
  3. the victim is 60 years of age or older;
  4. the victim is a person with a physical disability;
  5. the person acts in a manner that threatens or endangers the life of the victim or any other person;
  6. the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or

7. the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception, as defined in [Illinois law 720 ILCS 5/11-1.50](#).
- O. **Aggravated Criminal Sexual Abuse (b):** a person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member, as defined in Illinois law [720 ILCS 5/11-1.50](#).
  - P. **Aggravated Criminal Sexual Abuse (c):** a person commits aggravated criminal sexual abuse if:
    1. that person is 17 years of age or over and:
      - a. commits an act of sexual conduct with a victim who is under 13 years of age; or
      - b. commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or
    2. that person is under 17 years of age and:
      - a. commits an act of sexual conduct with a victim who is under 9 years of age; or
      - b. commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act, as defined in Illinois law [720 ILCS 5/11-1.50](#).

## V. SPECIFIC PROHIBITIONS

Any sexual misconduct, as defined in this directive, by a Department member is prohibited, including but not limited to the below listed prohibitions:

- A. **Any act of sexual misconduct**—as defined by Illinois law and this directive, including any criminal act of sexual assault, sexual abuse, sexual conduct, or sexual penetration as defined by [720 ILCS 5/11](#) of Illinois law is prohibited.

**NOTE:** Any act of sexual misconduct committed by a Department member may lead to disciplinary action up to and including separation from the Department and, based on the seriousness of the conduct, a criminal investigation and referral to the appropriate prosecuting agency, when charges are warranted.

- B. **All sexual activity**—sexually motivated activity and behaviors are prohibited and no sexual activity is considered consensual while a Department member is on duty.
- C. **All sexual contact**—with any juvenile, including any participant in a Department sponsored youth-based or school program. (e.g. Police Explorers, Drug Abuse Resistance Education (DARE), and Gang Resistance Education and Training (GREAT)), or between school resource officers and a student, is prohibited.
- D. **Sexual Shakedowns**—using a member's law enforcement authority or official position to coerce, persuade, force, initiate, or extort sexual contact or inappropriate sexual actions in exchange for not ticketing, arresting, or using other law enforcement powers (e.g., contacting other enforcement agencies, a landlord, employer, or any other entity or threatening to take any such action against a person's family) against any individual or not properly or equitably enforcing the law, when on or off duty, is prohibited.

**NOTE:** Department members will ensure their law enforcement authority and use of discretion is reasonable, defensible, and not used for an improper purpose (sexual misconduct) consistent with the Department directive titled "[Protection of Human Rights](#)."

- E. **Use of Official Position**—using an official Department identification card, star, shield, or badge to coerce, persuade, force, or initiate sexual contact or penetration with anyone, or to solicit sexual conduct, when on or off duty, is prohibited.

- F. **Gratuitous physical contact**—inappropriate, unnecessary, or unnecessarily invasive searches or pat downs of individuals and arrestees or unnecessary physical contact with members of the public is prohibited.
1. Department members will conduct Protective Pat downs consistent with the Department directives titled "[Investigatory Stop System](#)" and "[Interactions with Transgender, Intersex, and Gender Nonconforming \(TIGN\) Individuals](#)."
  2. Department members will conduct custodial searches consistent with the Department directives titled "[Restraining Arrestees](#)" and "[Conducting Strip Searches](#)."
- G. **Unlawful search to assign gender**—the search or pat down of a person for the purpose of viewing or assigning gender based on the person's anatomy or genitalia or for any demeaning or harassing purpose is prohibited. Further guidance on the respectful treatment of transgender, intersex, and gender nonconforming (TIGN) individuals can be found in the Department directive titled "[Interactions with Transgender, Intersex, and Gender Nonconforming \(TIGN\) Individuals](#)."
- H. **Sexual communications while on duty**—sexually degrading/offensive jokes and comments, insulting language or behaviors are prohibited (e.g., sexual flirtation or sexual intimidation, requesting dates whether during an officer-initiated or community member contact regardless of consent or actions of others) are prohibited.
- I. **Sexual contact while on duty**—any intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person is prohibited, as defined by the [United States Justice Department](#) (e.g., groping of individuals engaged in sex work during police interactions and investigations, including while working undercover or in sting operations).
- Department members will not expose their genitals/breasts, allow their genitals/breasts to be touched, touch the genitals/breasts of another, or engage in any sexual act to establish probable cause for arrest or convince others that they are not associated with law enforcement. If the individual being investigated makes sexual contact with a Department member, the Department member will immediately disengage from any such act and report the circumstances surrounding the incident to their immediate supervisor.
- J. **Sexual harassment**—There is a broad range of conduct which may, in certain circumstances, be considered sexual harassment either directly or indirectly and is prohibited. Examples of such conduct include, but are not limited to, sexually suggestive or offensive remarks, sexually suggestive pictures or graffiti, sexually suggestive gesturing, and verbal harassment. For more information on sexual harassment, Department members will refer to the Department directive titled "[Equal Employment Opportunity Policy](#)."
- K. **All sexual behavior**—All sexual behavior and activity is prohibited in a Department facility, Department vehicle, or on a Department device and includes, but is not limited to, consensual sexual relations, masturbation, viewing or distributing pornographic images, and sexting.
- L. **Voyeuristic actions that are sexually motivated**—voyeuristic acts committed against arrestees or members of the public that are unrelated to official duties are invasions of privacy and are prohibited (e.g., peering at an arrestee using the toilet to perform bodily functions; requiring an arrestee to expose their buttocks, genitals, or breasts; or taking images of all part of an arrestee's naked body or of a bodily function being performed for sexually motivated reasons).
- M. **Unnecessary contacts**—actions taken by Department members for personal or sexually motivated reasons including unwarranted call backs to crime victims and unnecessary law enforcement activity are prohibited (e.g., making a traffic stop or pedestrian stop without lawful justification to get a closer look at the driver for non-professional reasons).
- N. **Inappropriate and unauthorized use of Department resources or information systems** is prohibited. Department members will only use Department resources and information systems for legitimate law enforcement purposes, in accordance with existing directives.

## VI. PREVENTION, INTERVENTION, AND IDENTIFYING EARLY WARNING SIGNS

### A. Prevention

#### Applicant Screening

The Chicago Police Department hires individuals who demonstrate high standards of integrity and share the Department's mission and values by screening out those who do not share the Department's ethical and professional values. Information indicating that an applicant engaged in criminal conduct; exhibited behavior demonstrating a disregard for standards of conduct; shown disrespect for authority, the law, and its institutions; engaged in discriminatory or biased behavior; or engaged in conduct demonstrating a propensity for dishonesty or untruthfulness may result in an applicant being disqualified from the application process. Further information on the applicant screening process can be found at [www.chicagopolice.org](http://www.chicagopolice.org).

### B. Intervention/Peer Accountability

As affirmed in the Department directive titled "[Vision, Mission Statement, and Core Values](#)," all Department members will act in a unified manner to uphold the Vision and Mission Statements and Core Values of the Chicago Police Department. In that vein, it is the responsibility of all Department members to assist in the prevention of sexual misconduct by:

1. not participating in or encouraging in any action that could be perceived as unprofessional and or sexual misconduct or harassment.
2. encouraging any Department member who confides that they are being treated unprofessionally or harassed in violation of this policy to report those acts to a supervisor, the Civilian Office of Police Accountability (COPA), or the Bureau of Internal Affairs (BIA).
3. intervening in and or reporting acts of sexual misconduct consistent with this directive and the procedures outlined in the Department directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)."

### C. Early Warning Signs

1. In accordance with the Department's Vision statement "that all people in the City of Chicago are safe, supported, and proud of the Chicago Police Department," members will be mindful of the signs and behaviors that may lead to sexual misconduct, including past problematic behaviors such as misconduct allegations that are verbal or physical in nature. Early warning signs include, but are not limited to:
  - a. aggressiveness, abuse of power, and excessive or increasing use of force;
  - b. public or co-worker complaints regarding sexually suggestive comments and jokes or comments that are objectifying and degrading with respect to gender identity, sexual orientation, LGBTQI+ people, or survivors of sexual or domestic abuse;
  - c. excessive/unnecessary call-backs or visits to the homes or workplace of victims, witnesses, and suspects;
  - d. stalking or inappropriate surveillance activities or the misuse of police technology and information systems;
  - e. consistent patterns of time not accounted for, not answering calls for service, or patrolling or investigating out of assigned areas of responsibility;
  - f. suspicious patterns of enforcement and engagement activity, including traffic stops, ticketing, detentions, arrests (e.g., times, locations, race, gender, gender identity, age);
  - g. suspicious patterns of use or inconsistent use of in-car or body-worn cameras; or
  - h. rumors and reputation of possible violation of this policy.



2. Department members involved in youth-based and school programs (DARE, GREAT, Police Explorers, etc.) will uphold the Department's Vision Statement "that all people in the City of Chicago are safe, supported, and proud of the Chicago Police Department," particularly as it pertains to youth, by identifying the following warning signs and inappropriate behaviors:

**Grooming-** the process by which a perpetrator seeks to gain the trust of a potential child victim to normalize sexual contact over time. In general, perpetrators may engage in four stages of "grooming":

- a. targeting a potential victim (e.g., targeting a particular juvenile for personal attention or friendship).
- b. building trust and friendship (e.g., asking a juvenile to keep secrets or coercing a juvenile to confide in their problems).
- c. starting to isolate and control the juvenile.
- d. initiating sexual contact and securing the victim's secrecy.

**NOTE:** Department members are mandated reporters. A mandated reporter must report to DCFS any sexual misconduct by an adult against a student as well as any interactions or behaviors which suggest that an adult has or had an inappropriately intimate relationship with a child or may be grooming a child, even if the employee does not have reasonable suspicion that sex abuse is occurring or has occurred. A mandated reporter is required to immediately call the DCFS Hotline at 1-800-252-2873 (1-800-25-ABUSE).

#### D. **Supervisor Role in Prevention and Intervention**

Supervisors of all ranks are held accountable to prevent, identify, and correct adverse officer behavior directly observed or under their direct command. Department supervisors will:

1. perform random observations and in-person supervision and support at calls for service, traffic stops, field detentions, pat downs, and searches;
2. monitor the work environment for warning signs, patterns, or indicators that sexual misconduct may be occurring;
3. utilize all reasonable means to prevent a prohibited act of sexual misconduct from occurring when they know or suspect that an employee will or may perform such an activity;
4. upon observing or receiving information regarding conduct that may violate this policy, take immediate action to prevent further sexual misconduct, regardless of whether the complainant wants any action taken on the complainant's behalf; and
5. take immediate action to prevent retaliatory conduct toward the victim and witnesses and to eliminate the hostile, humiliating, demeaning, or sexually offensive environment where there has been a complaint of sexual misconduct.

### VII. **PROCEDURES FOR ACCEPTING, DOCUMENTING, AND SUBMITTING COMPLAINTS OF SEXUAL MISCONDUCT**

- A. All Department members are required to report suspected violations of this policy (including when a juvenile is involved) consistent with the procedures outlined in the Department directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)."
- B. Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department is a violation of Rules 21 and 22 of the [Rules and Regulations of the Chicago Police Department](#).

- C. Department members will not refuse to accept a complaint, discourage the filing of a complaint, or provide false or misleading information about filing a complaint to anyone requesting to file a complaint against a Department member.

**NOTE:** A complaint of sexual misconduct will be taken from any complainant, even if the complainant is a juvenile.

- D. When a Department member observes another Department member engaged in an act of sexual misconduct, knows of an allegation of sexual misconduct, receives a report of sexual misconduct from a victim, or becomes aware that a member of the public wants to submit a complaint of sexual misconduct, the member will, after intervening, promptly provide the victim with the Civilian Office of Police Accountability's (COPA's) contact information (as listed in item VII-H-3 of this directive) and notify his or her immediate supervisor of the complaint received and request he or she respond to the scene.

**NOTE:** If it is alleged that the responding supervisor authorized, engaged in conduct that led to, witnessed, or otherwise participated in the incident complained of, the reporting Department member will contact his or her next-level supervisor in the member's chain of command who will assign another supervisor to immediately document the complaint and submit it to the Civilian Office of Police Accountability (COPA). Department members may also contact a supervisor in the Bureau of Internal Affairs (BIA) to request an alternative reporting method when the accused is in the member's chain of command.

- E. Reporting Department members will prepare a To-From-Subject Report to their commanding officer and submit it to a supervisor before reporting off duty on the day the member becomes aware of the misconduct or has direct knowledge of the alleged misconduct, following the guidelines of the Department Directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)."

- F. Department members who have been a victim of sexual misconduct will immediately notify a Department supervisor, sworn or civilian, and prepare a To-From-Subject Report describing the incident or acts of misconduct. Department members may bring a report of sexual misconduct to any Department supervisor, including directly reporting the allegation to a supervisor in the Bureau of Internal Affairs (BIA.)

**NOTE:** If there is a juvenile involved in the sexual misconduct, Department members will also notify the juveniles parent or guardian.

- G. Responding supervisors will document the complaint, and submit it to the Civilian Office of Police Accountability (COPA) following the guidelines outlined in the Department Directives titled "[Complaint Initiation and Log Number Investigation Assignment](#)" and "[Special Situations Involving Allegations of Misconduct](#)."

- H. The Department provides numerous opportunities and methods, including anonymously and through third-party representatives, to submit complaints and report allegations of misconduct against Department members. Violations of this policy can be reported in the following ways:

1. in person, to any **Department supervisor**;
2. by mail, phone, or anonymously through an online complaint form to **the Office of The Inspector General (OIG)**. For more information visit the [OIG's website](#).

**NOTE:** Reports made anonymously on the OIG online complaint form will not relieve Department members of their duties to report under the Rules of Conduct 21 and 22 of the [Chicago Police Department Rules and Regulations](#).

3. in person, by mail, phone (311, 911, and 312-743-COPA) or online (anonymously or named) through the **Civilian Office of Police Accountability**. For more information visit the [Civilian Office of Police Accountability's](#) website.

4. in person or by phone to the **Bureau of Internal Affairs (BIA)** of the Chicago Police Department 312-745-6310.

## VIII. SUPERVISORY AND COMMAND STAFF RESPONSIBILITIES

When a supervisory Department member or command staff member observes a Department member engaged in misconduct or becomes aware that a member of the public or a Department member wants to submit a complaint of misconduct, the supervisor will:

- A. respond to the scene at the earliest opportunity the notified supervisor is available to respond.
  1. If the notified supervisor determines a response is delayed and unlikely prior to the scheduled conclusion of their tour of duty (e.g., continued management of an incident scene), the notified supervisor will:
    - a. request the Office of Emergency Management and Communications (OEMC) contact the complainant and notify them of the delay.
    - b. document the delay in the response and the reason for the delay on their Supervisor's Management Log ([CPD-11.455](#)).
    - c. notify the watch operations lieutenant of the delay in the response.

**NOTE:** The notified supervisor's tour of duty will not conclude until they respond to the scene as assigned or the event is reassigned by the watch operations lieutenant.

2. When notified of delayed supervisory response, the watch operations lieutenant will:
  - a. review the availability status of the notified supervisor to determine if reassignment is necessary.
  - b. if necessary, promptly reassign an available field supervisor to meet with the member of the public who is reporting a complaint, including the assignment of other district supervisory resources such as another field sergeant, the field lieutenant, or a tactical team sergeant.
  - c. if the response is required to be delayed until the on-coming watch, inform the on-coming watch operations lieutenant of the need to assign a supervisor to respond.

**NOTE:** The on-coming watch operations lieutenant will assign an available field supervisor from their watch to immediately respond to the scene.

- d. ensure the delay in response is documented on the Watch Incident Log ([CPD-21.916](#)).
3. The re-assigned supervisor will notify OEMC of the re-assignment and will immediately respond to the scene.
4. Watch operations lieutenants will monitor the Police Computer Aided Dispatch (PCAD) and dispatched radio assignments to identify any delays in supervisory responses and ensure the notified supervisors respond at the earliest opportunity they are available.

B. take immediate action to stop any misconduct and perform all duties consistent with any applicable Department directives including those outlined in the Department directive titled "[Complaint Initiation and Log Number Investigation Assignment](#)."

C. **will notify the Bureau of Internal Affairs (BIA) of the Chicago Police Department by calling:**

1. **312-745-6310 between the hours of 0800 and 1630, or**
2. **the Crime Prevention & Information Center (CPIC) at Pax 0100 or 0301 between the hours of 1630 and 0800.**

- D. when the Department member works in a detention facility, ensure the requirements established by the **Prison Rape Elimination Act**, as outlined in item III-C of this directive, are adhered to and followed.
- E. refrain from discussing specific details of any investigation regarding a complaint of sexual misconduct conducted by the Department to anyone except those directly involved with the investigation.
- F. thank the complainant or other reporting party for reporting the potential violation and assure them that the report will be taken seriously, remain confidential, and thoroughly investigated. The complainant will also be referred to a local sexual assault advocacy agency consistent with Sexual Assault Incident Notice ([CPD-23.404](#)).

#### **IX. ALTERNATE OPTION TO REPORT SEXUAL MISCONDUCT**

- A. Sexual harassment, assault, and misconduct by law enforcement are significantly underreported due to a victim's reluctance on reporting an offender who is a member of law enforcement. Therefore, victim advocacy groups may be critical in assisting victims to report sexual misconduct by a Department member by using a victim-centered approach (making decisions in support of the victim) and trauma-informed assistance (consideration is given to how trauma could interfere with the victims reporting of the incident).
- B. The Department will partner with victim advocacy groups to assist in the appropriate reporting of the incident, including eliminating barriers to reporting and providing victim support services.
- C. When notified of a report of sexual misconduct via a victim advocacy group, Department members will work with representatives from the organization and will receive such reports in compliance with Item VII of this directive.
- D. All victims can benefit from a variety of services that are offered from community-based agencies. For this reason, it is important that each victim of sexual misconduct by a Department member be given a referral to **The Chicago Rape Crisis Hotline at 888-293-2080**, ensuring that all victims have access to confidential and supportive services. The Chicago Rape Crisis Hotline offers victims of sexual misconduct the following services:
  - 1. Individual and group counseling for adults, teens, children, and non-offending significant others.
  - 2. Anonymous telephone counseling.
  - 3. Help with the investigative and courtroom process.

#### **X. RETALIATION**

- A. The Department prohibits all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. Department members will speak and conduct themselves in a professional manner and maintain a courteous attitude to minimize re-victimization.
- B. No Department member who is the subject of a misconduct complaint will intentionally contact, cause another to contact, or take any action against a victim or a witness involved in the misconduct complaint in retaliation for the victim or witness having filed or provided information in support of a misconduct victim. If the accused Department member makes such contact or takes such action, the victim or witness should immediately notify a supervisor.

**NOTE:** Supervisors who determine that alternative reporting or notification methods are necessary for officer safety or to prevent further retaliation or misconduct will contact a supervisor in the BIA for guidance and alternative methods as outlined in the Department directive titled "[Prohibition of Retaliation.](#)"

- C. Department members responding to and investigating reported violations of this policy will work with victims and service providers to address victim fears in the reporting process, conduct safety planning, and develop steps to prevent and address potential for retaliation.
- D. Retaliation is an egregious offense that will not be tolerated. Any Department member who retaliates against another member or member of the community will be subject to disciplinary action up to and including separation from the Department.

## **XI. SUPPORT FOR ALL VICTIMS OF POLICE SEXUAL MISCONDUCT**

Any victim of sexual misconduct by a Department member should be treated with professionalism and dignity. It is essential that the victim making reports or filing complaints are shown respect and that the reports are taken seriously throughout the investigative process. Department members will provide trauma-informed services and resources to best support the victim. More information on services available to victims can be found in the Department directive titled "[Crime Victim And Witness Assistance](#)." Victim assistance and resources include, but is not limited to, the following written information notices:

- A. Victim Information Notice ([CPD-11.383](#)).
- B. Sexual Assault Incident Notice ([CPD-23.404](#))
- C. Illinois Attorney General's Statement of Crime Victims' Rights ([OAG/CV-01/19](#)).
- D. Officer Involved Sexual Misconduct pamphlet

**NOTE:** The Employee Assistance Program (EAP) is available to Department members to help support them through the stress they may experience throughout the investigative process. Members seeking assistance and support as outlined in the Department directive titled "[Professional Counseling Division](#)" will be offered services at no expense to the member. A member's participation in a counseling service will be voluntary and confidential.

## **XII. DATA ANALYTICS**

- A. The Case Management System (CMS) maintains investigative files for sexual misconduct including the number, classification, status of the investigation, and administrative notifications from the intake process to the final disciplinary decision. Additionally files will be maintained if and through any grievance process, arbitration, Police Board proceeding, or appeals relating to the final disciplinary decision.
- B. Within ten days of receiving the final disciplinary decision of each complaint of sexual misconduct against a Department member reporting misconduct against a non-Department member, the Deputy Inspector General for Public Safety will be provided with the complete administrative investigative file, subject to applicable law. The Deputy PSIG will review and analyze each administrative investigative file and, on an annual basis, the Deputy PSIG will publish a report:
  - 1. assessing the quality of the sexual misconduct administrative investigations reviewed;
  - 2. recommending changes in policies and practices to better prevent, detect, or investigate sexual misconduct; and
  - 3. providing aggregate data on the administrative investigations reviewed, including;
    - a. the volume and nature of reports investigated, broken down by investigating agency;
    - b. the percentage of investigations referred to the Cook County State's Attorney's Office (CCSAO) or other prosecuting agency for criminal review;
    - c. the percentage of investigations criminally prosecuted;
    - d. the percentage of investigations closed after the preliminary investigation;
    - e. the percentage of investigations closed for lack of a signed complainant affidavit; and

- f. the investigative findings and recommendations, including a summary breakdown of discipline recommended for investigations with sustained findings.

**XIII. TRAINING**

All Department members will undergo regular and refresher training concerning sexual misconduct, prohibitions, and trauma-informed and victim-centered approaches to investigations of sexual misconduct, as defined in the policy.

David O. Brown  
Superintendent of Police

19-059 KLW/DMC/ASH

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