



CITY OF CHICAGO



COMMUNITY COMMISSION FOR
PUBLIC SAFETY AND ACCOUNTABILITY

VIA EMAIL

March 14, 2023

Lieutenant Michael Kapustianyk
Commanding Officer
Research and Development Division
Chicago Police Department
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RE: Comments from the Community Commission for Public Safety and Accountability in Response to CPD Draft General Order G08-03

Dear Lieutenant Kapustianyk,

Pursuant to 2-80-110 of the Municipal Code of Chicago, the Community Commission for Public Safety and Accountability (Commission) is submitting its comments and suggestions on CPD's draft amendments to General Order G08-03, "Prohibition on Associations with Criminal Organizations."

The Commission recognizes and appreciates the purpose behind the proposed changes. Police officers should not be involved in any way with the groups listed in the proposed new definition of "criminal organization." Prohibiting these associations is critical if CPD is to achieve its mission of protecting the lives and rights of all people in Chicago.

Commission's Comments and Suggestions

1. Rename the Order

The current name of the order incorrectly suggests that the prohibition on associations only applies to groups that are engaged in criminal activity as defined by law. Because the proposed changes to the order make clear that the prohibition applies to groups other than street gangs and related organized criminal entities, the Commission recommends that CPD change the name of G08-03 to accurately reflect the scope of the prohibition. Specifically, the name of

the order should not only refer to “criminal organizations.” The name should be consistent with the revised definition the Commission is recommending under Comment #2. CPD should also change the name to highlight the full scope of what the order prohibits. While the name of the order focuses on the prohibition against associations with certain groups, the order also prohibits officers from active participation in, membership in, or affiliation with those same groups.

2. Use a Broader Label than “Criminal Organizations” to Describe Prohibited Associations

The proposed definition of “criminal organizations” includes groups that do not necessarily engage in criminal activity. Groups that advocate for unlawful violence (III.A.3), advocate for systemic prejudice (III.A.4), or interfere with the performance of police duties (III.A.5) may not necessarily be committing violations of criminal code. Because the label “criminal organizations” does not accurately describe the full scope of groups covered by the order, the label may be unclear or misleading to officers subject to the order and to those tasked with enforcing it, as well as to the general public. CPD should use a term other than “criminal organization” to better capture the fact that it covers non-criminal activity. Alternatively, CPD could continue to use the phrase “criminal organizations” to characterize some prohibited associations while adding another category of organizations with a different label that better reflects the intended scope of the order.

3. Add a Section on Training Requirements

Currently, the order does not describe how CPD will train its members to follow the order. Incorporating a clear, structured, and transparent training section would instill more faith across communities in CPD’s process for implementing the order and its use of discretion while enforcing the order. CPD should determine the best methods and processes for training on this order and should detail the requirements in the order.

Monitoring and Assessment of the Order’s Impact and Efficacy

The proposed changes to G08-03 have the potential to greatly improve the effectiveness of CPD’s policy against inappropriate associations. The impact of the order ultimately depends on rigorous and equitable enforcement. To achieve effective enforcement, the Commission recommends that CPD agree to the following actions:

1. On a quarterly basis, share with the Commission and the public an updated list of groups included under each category of organizations subject to the order.

Sharing this data will facilitate more accountability for the reach and application of the order and foster public confidence that the new definition of prohibited groups is sufficiently broad, specific, and clear.

2. On a semi-annual basis, provide the Commission with sufficient information about the training program. This information will facilitate more accountability for the order's impact on officer conduct while creating greater transparency for communities on how well officers understand the listed prohibitions. The information could include training materials, data on the percentage of officers completing the training, and officer scores on post-training assessments, where applicable.
3. On a quarterly basis, share with the Commission data on complaints submitted under the order and violations of the order, the number of violations sustained, and the types of discipline issued. This information will create greater transparency and accountability over the real impact of the order and CPD's ability to address officer violations.

The Commission recognizes the vital importance of a well-designed and executed policy that prohibits officer involvement in hate groups, terrorist organizations, and criminal gangs. A strengthened prohibition policy has the potential to build public confidence in the police and foster trust and credibility with communities. The Commission looks forward to continuing productive collaboration with CPD in reviewing the next draft of the order and completing the policymaking process.

Sincerely,

Commissioner Yvette Loizon
Commissioner Remel Terry

CC:

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