



# PROHIBITIONS ON CRIMINAL AND BIASED ORGANIZATIONS



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## I. PURPOSE

This directive establishes Department policy and provides guidelines relative to prohibiting Department members from active participation or membership in or affiliation with criminal or biased organizations and from association with known members of criminal or biased organizations.

## II. POLICY

- A. The presence of criminal or biased organizations, including, but not limited to, street gangs, poses a substantial threat to the community members of the City of Chicago and directly impedes the Department's efforts to provide for public safety.
- B. Active participation or membership in, or affiliation with, criminal or biased organizations, or association with known members of criminal or biased organizations is inconsistent with the oath administered to all sworn Department members and interferes with the mission of the Department to fairly and impartially enforce the law, maintain public order, serve our communities, and protect the lives, rights, and property of all people in Chicago.
- C. In order to uphold and achieve the Department's mission and ensure that public confidence is maintained, Department members are prohibited from:
  - 1. active participation or membership in or affiliation with criminal or biased organizations as defined in this directive.
  - 2. association with known members of criminal or biased organizations as defined in this directive.
- D. This directive will be construed as allowing conduct protected by the First Amendment. Nothing in this directive applies to the activities of Department members in organizations, associations, or groups having political, educational, cultural, philosophical, religious or scientific purposes, unless such affiliation involves the type of fraternizing or associating with criminal or biased organizations or known members which undermines the public's confidence in the Department.
  - 1. Only that conduct which is detrimental to the ability of the Department to achieve its stated mission is prohibited by this directive.
  - 2. Under no circumstances will a member be disciplined for engaging in activities involving the advocacy of any idea or the practice of any belief through lawful joint action on behalf of any idea or belief.

## III. CRIMINAL OR BIASED ORGANIZATION—DEFINITION

- A. Criminal or Biased Organization—A group of persons with an identified hierarchy or comparable structure that:
  - 1. engages in a course or pattern of criminal activity,
  - 2. is identified as a Street Gang as defined by the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147),

**NOTE:** Street Gang—"Street gang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity in accordance with the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147).

3. commits or advocates for acts of:
- a. unlawful force or violence to:
- (1) deny others their rights under the Constitution of the United States or the State of Illinois, or
- (2) to achieve goals that are political, religious, discriminatory, or ideological in nature.
- b. terrorism or others activities which seek to overthrow, destroy, or alter the form of government of the United States by unconstitutional means.

**NOTE:** This prohibition does not include lawful efforts to overturn, amend, or enact laws or lawful support of causes or organizations that engage in such efforts.

4. advocates for systematic illegal prejudice, oppression, or discrimination, including disparate treatment, against an individual or group on the basis of any protected class under federal, state, and local law, including race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal record, or criminal history, or

**NOTE:** This prohibition does not include discrimination that is authorized by law.

5. prevents or interferes with the performance of police duties or the Department's efforts to achieve its mission, policy, and goals.

B. Criminal or biased organizations will be identified on the basis of specific, documented, and reliable information, including but not limited to:

1. analysis of organization activity or crime pattern information.
2. observations by Department members.
3. witness interviews.
4. interviews of admitted criminal or biased organization members.
5. information received from informants who have proven to be reliable and whose information can be independently corroborated.

**NOTE:** These are merely examples, and information for identifying a criminal or biased organization, including, but not limited to, a street gang, may be gathered from a variety of law-enforcement sources or analyses.

C. The existence of such criminal or biased organizations will be identified by the Bureau of Counterterrorism and maintained internally by the Department.

#### IV. SPECIFIC PROHIBITIONS

The following activities are specifically prohibited by this directive and any violations by a Department member will subject the member to disciplinary action, up to and including termination:

- A. Active participation or membership in, or affiliation with any criminal or biased organization as defined by this directive and identified by the Bureau of Counterterrorism.

- B. Association with any member of a criminal or biased organization, provided that:
1. the Department member knew or should have known that the person with whom the member was associating was a member of a criminal or biased organization; or
  2. the Department member has previously received a specific order from the Department to refrain from associating with a person who has been identified by the Department as a member of a criminal or biased organization.

## V. DETERMINING AND SUBSTANTIATING VIOLATIONS OF THIS DIRECTIVE

- A. Active participation or membership in, or affiliation with a criminal or biased organization must be substantiated by specific, documented, and reliable information, including but not limited to:

1. the individual's admission of membership or affiliation.
2. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal or biased organization, but only when such emblems, tattoos or similar markings would not reasonably be expected to be displayed by any individual except a member of that specific organization.

**NOTE:** Membership may not be established solely because an individual is wearing specific items of clothing which are available for sale to the general public.

3. the use or display of paraphernalia, words, signals, or symbols indicative of a specific criminal or biased organization.
4. the identification of the individual as a member or affiliate of a specific criminal or biased organization by an individual who has provided reliable information to the Department in the past and whose information can be independently corroborated.
5. the identification of the individual as a member or affiliate of a specific criminal or biased organization by another member of the Department based on the criteria established in Item III of this directive.
6. recruiting, fundraising, or making other personal contributions to a specific criminal or biased organization with the intent to support the activities of the organization.
7. attending a meeting or activity, including demonstrations or rallies, hosted by a specific criminal or biased organization.
8. creating, organizing, or taking a leadership role in a criminal or biased organization.
9. posting, sharing, "liking," "following," or otherwise distributing or re-distributing content, including promotional materials or electronic content on social media, with the intent to promote, support, or otherwise endorse a specific criminal or biased organization or its activities.

- B. Association with a member of a criminal or biased organization requires a two-part determination:
1. **First**, it must be determined that the person with whom the Department member allegedly is associating is a member of a criminal or biased organization. That element must be substantiated by specific, documented, and reliable information such as described in Item III-B of this directive.
  2. **Second**, the Department member's association with such criminal or biased organization member must be substantiated by specific, documented, and reliable information, including but not limited to:
    - a. the Department member's admission of the association.

- b. the identification of the Department member as a person who associates with or has been associating with a specific criminal or biased organization member by an individual who has provided reliable information to the Department in the past and whose information can be independently corroborated.
- c. the identification of the Department member as one who associates or has been associating with a specific criminal or biased organization member, by another member of the Department.

## VI. RESPONSIBILITIES

### A. Department members:

1. will conform with the provision of this directive and will report violations consistent with the procedures outlined in the Department directive titled "[Complaint and Disciplinary System](#)," including but not limited to:
  - a. immediately notifying a supervisory member, and prepare a written report to the member's commanding officer of any alleged violation of Item IV of this directive.
  - b. if the member has command or supervisory responsibilities, initiating a Complaint Log Investigation whenever a violation of Item IV of this directive is observed, reported, alleged, or brought to their attention.
2. will, when in doubt about the status of an organization, contact the Bureau of Counterterrorism to determine if an organization is identified by the Department as a criminal or biased organization as defined in this directive.
3. are reminded that when using social media, whether on- or off-duty, members are prohibited from:
  - a. posting, displaying, transmitting, or otherwise disseminating:
    - (1) any communications that discredit or reflect poorly on the Department, its vision, mission, values, or goals.
    - (2) confidential information related to Department training, activities, or on-going investigations without express written permission.
    - (3) content that is disparaging to a person or group based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal record, criminal history, or any other protected class consistent with the Department directive titled "[Protection of Human Rights](#)."
  - b. posting, sharing, "liking," "following," or otherwise distributing or re-distributing content with the intent to promote, support, or otherwise endorse a criminal or biased organization or its activities.

**NOTE:** Department members will refer to the Department directive titled "[Use of Social Media Outlets](#)" for the guidelines and responsibilities of Department members using social media outlets.

- ### B. The Chief, Bureau of Counterterrorism, is the determining authority for the Department in the identification of criminal or biased organizations. The Chief, Bureau of Counterterrorism, will ensure:
1. the identification of criminal or biased organizations, consistent with the definition provided in Item III-A of this directive.
  2. current records are maintained identifying all organizations determined by the Department to be a criminal or biased organization.

**NOTE:** *These records should not be considered exhaustive and are subject to change as additional information becomes available.*

3. *the records of criminal or biased organizations are updated when necessary, but at minimum on a semi-annual basis, as additional information becomes available.*

**NOTE:** *The records identifying criminal or biased organizations determined by the Department will be disseminated to Department members when necessary, but at minimum on a semi-annual basis, via an appropriate mechanism, as determined by the Chief, Bureau of Counterterrorism.*

4. *assistance is available to Department members to determine whether a specific organization is or could be identified by the Department as a criminal or biased organization consistent with the definition provided in Item III-A of this directive.*

5. *any documentation related to an organization being identified by the Department as a criminal or biased organization is maintained within the Bureau of Counterterrorism.*

C. *Exempt* unit commanding officers will:

1. **order** any Department member under their command to refrain from membership in or affiliation with criminal *or biased* organizations or from associating with known members of criminal *or biased* organizations, when it comes to their attention that a member under their command *has become* a member of or is affiliated with a criminal *or biased* organization, or has associated with a known member of a criminal *or biased* organization. All such orders **will be in writing** and a copy of each such order will be sent to the Bureau of Internal Affairs.
2. *ensure a Log Number investigation is initiated for violations of this directive consistent with the procedures outlined in the Department directive titled "[Complaint and Disciplinary System](#)," including providing a notification and a completed Initiation Report (CPD-44.100) to the Civilian Office of Police Accountability (COPA).*

D. *The Deputy Chief, Training and Support Group, will ensure:*

1. *that the policies and prohibitions established in this directive are incorporated into:*
  - a. *the basic recruit training curriculum, and*
  - b. *in-service training.*
2. *all Department members, sworn and civilian, receive training on the policies and prohibitions established in this directive.*

(Items indicated by *italic/double underline* were added or revised.)

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