MARCH 2021

FOLLOW-UP INQUIRY ON THE CHICAGO POLICE DEPARTMENT'S "GANG DATABASE"

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

JOSEPH M. FERGUSON
INSPECTOR GENERAL FOR THE CITY OF CHICAGO

DEBORAH WITZBURG
DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY 5
II. BACKGROUND 8
A. APRIL 2019 REPORT 8
B. DEVELOPMENTS FOLLOWING OIG'S APRIL 2019 REPORT 10
III. OBJECTIVES, SCOPE, AND METHODOLOGY 16
A. OBJECTIVES 16
B. SCOPE 16
C. METHODOLOGY 16
D. STANDARDS 17
E. AUTHORITY AND ROLE 17
IV. FINDINGS 18
FINDING 1: CPD HAS MADE MINIMAL PROGRESS TOWARD AN OPERATIONAL CRIMINAL ENTERPRISE INFORMATION SYSTEM (CEIS) 18
A. LACK OF A TIMELINE FOR COMPLETION 19
B. NO CLEAR MANAGERIAL RESPONSIBILITY 19
C. CONFUSION WITHIN CPD OVER THE DRAFTING STATUS OF GENERAL ORDER G10-01-03 21
D. CRITICAL POLICY DECISIONS ABOUT THE FUNCTION OF THE CEIS REMAIN UNRESOLVED OR UNDERDEVELOPED 23
E. CPD CONTINUES TO RELY ON ITS OLD GANG DATA SYSTEM 26
FINDING 2: CPD HAS NOT CLEARLY AND SPECIFICALLY ARTICULATED THE STRATEGIC VALUE OF ITS PROPOSED SYSTEM FOR COLLECTING GANG AFFILIATION INFORMATION 29
FINDING 3: CPD HAS TAKEN SOME MEASURES TO ADOPT COMMUNITY FEEDBACK ON ITS GANG DATA COLLECTION, BUT BY LEAVING AN OUTDATED VERSION OF THE CEIS DIRECTIVE ON ITS WEBSITE FOR APPROXIMATELY EIGHT MONTHS AND FAILING TO MAKE ITS REVISION PUBLIC, CPD MAY HAVE MISLED THE PUBLIC WITH RESPECT TO A KEY POLICY CONCERN 32
A. MEASURES TO ADOPT PUBLIC FEEDBACK 32
B. CPD RISKS MISLEADING THE PUBLIC ON A KEY AREA OF CONCERN BY HAVING LEFT AN OUTDATED DRAFT OF ITS GENERAL ORDER ON ITS WEBSITE FOR APPROXIMATELY EIGHT MONTHS 34
V. CONCLUSION 37
APPENDIX A: CPD'S SEPTEMBER 2020 RESPONSE TO OIG'S FOLLOW-UP QUESTIONS 38
APPENDIX B: CPD'S NOVEMBER 2020 RESPONSE TO OIG'S FOLLOW-UP QUESTIONS 47
APPENDIX C: AUGUST 31, 2020 COURT FILING BY THE CITY OF CHICAGO IN *CHICAGOANS FOR AN END TO THE GANG DATABASE ET AL. V. CITY OF CHICAGO ET AL.* 49
APPENDIX D: APRIL 2019 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE DATABASE" 54
APPENDIX E: FEBRUARY 2020 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE INFORMATION SYSTEM" 62

APPENDIX F: JULY 2020 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE INFORMATION SYSTEM" 73

ACRONYMS

CCL	Concealed Carry License
CED	Criminal Enterprise Database
CEIS	Criminal Enterprise Information System
CLEAR	Citizen and Law Enforcement Analysis and Reporting
COPA	Civilian Office of Police Accountability
CPD	Chicago Police Department
ICE	U.S. Immigration and Customs Enforcement
ISD	Information Services Division
ISR	Investigatory Stop Report
OIG	Office of Inspector General
OLA	CPD Office of Legal Affairs
OPSA	Office of Public Safety Administration

City of Chicago
Office of Inspector General

Follow-Up Inquiry on the Chicago Police Department's "Gang Database"

In April 2019, OIG first reported on the Chicago Police Department's (CPD) maintenance of the "gang database," an extensive and deeply flawed collection of gang data, with poor quality controls and inadequate protections for procedural rights.

CPD promised to replace the old system with a new and better one, but has made minimal progress towards this goal and continues to access old gang data.

CPD HAS FAILED TO:

clearly assign managerial responsibility for the project or define a timeline for completing the new Criminal Enterprise Information System (CEIS).

CPD CONTINUES TO RELY ON ITS OLD, FLAWED SYSTEM:

even though the Department previously acknowledged that it "must improve" the policies, practices, and technology systems used by officers.

CPD HAS TAKEN SOME MEASURES TO ADDRESS PUBLIC CONCERNS REGARDING ITS COLLECTION AND USE OF GANG INFORMATION:

but the Department left an outdated version of its draft General Order on its website for approximately eight months leading up to the publication of OIG's follow-up report, which risked misleading the public on a key area of concern—the circumstances under which district law enforcement officers may enter an individual's information into the CEIS.

I. EXECUTIVE SUMMARY

In April 2019, the City of Chicago Office of Inspector General (OIG) published a report on the Chicago Police Department's (CPD) so-called "gang database." OIG reported that CPD captured, reported, and visualized gang data and gang affiliation designations in at least 18 different forms, records, and systems of records. OIG found that CPD's Gang Arrest Cards, one of the Department's largest repositories of gang information, evidenced wide-reaching data quality concerns. OIG also found in 2019 that CPD:

- had no mechanism for informing individuals that they had been designated as a gang member;
- did not have processes for individuals to contest or appeal gang designations;
- did not have processes to regularly review or purge outdated or faulty designations; and
- had no internal mechanism to amend inaccurate gang information.

OIG's analysis of Gang Arrest Card data found that Black or African American and Latinx persons comprised 95% of the 134,242 individuals designated as gang members during arrest, were designated at both younger and older ages, and were issued more Gang Arrest Cards per person than White gang designees.[1]

OIG issued 27 recommendations to CPD in its original report; CPD agreed to fully implement most, partially implement some, and declined to implement one. At the center of CPD's response was its proposal for a new system for storing gang information and gang affiliation designations; CPD published a new draft General Order to govern the administration of that system.

This follow-up report provides an update on the status of CPD's collection and maintenance of gang data, as well as CPD's progress on the commitments formally made in response to OIG's April 2019 recommendations. Specifically, the objectives of this report were:

- To determine the current status of CPD's planned gang intelligence database, now known in CPD's draft General Order G10-01-03 as the "Criminal Enterprise Information System" (CEIS).
- To assess CPD's progress toward fully articulating the strategic purpose and value of collecting and storing information on individuals presumed to be involved in gangs.
- To evaluate the extent of CPD's community engagement in planning the launch of the CEIS and the extent of CPD's responsiveness to community concerns.

[1] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" April 11, 2019, p. 4, accessed January 28, 2020, https://igchicago.org/wp-content/uploads/2019/04/OIG-CPD-Gang-Database-Review.pdf.

OIG reached three new findings herein:

- CPD has made minimal progress toward an operational CEIS.
- CPD has not clearly and specifically articulated the strategic value of its proposed system for collecting gang affiliation information.
- CPD has taken some measures to adopt community feedback on its gang data collection, but for eight months, it offered a public-facing description of the CEIS which may have been misleading with respect to a key policy concern.

CPD's lack of progress toward an operational CEIS may be measured on five separate metrics: the lack of a clear timeline for completion; the absence of clear managerial responsibility for its development; confusion within CPD over the drafting status of G10-01-03; critical policy decisions remaining unresolved or underdeveloped; and CPD continuing to rely on old systems and sources for gang data.

On the issue of the strategic value of CPD's gang information, in April 2019, OIG cited interviews in which CPD members observed that CPD's gang designation information often becomes inaccurate as soon as it is documented.[2] At that time, OIG made recommendations that would have clarified the strategic purpose and value of CPD's gang data collection efforts. Specifically, OIG recommended that CPD should add a clearly defined "purpose" section to its CEIS directive and "provide regular, formal refresher training updates to officers on the evolving nature of gangs in Chicago."[3] CPD agreed with both of these recommendations at the time. This follow-up report finds that, nearly two years later, CPD has not implemented these recommendations. Nor has CPD in any other way provided a clear statement of how its proposed system for collecting gang data will remain more up-to-date and accurate—and therefore, more useful for crime fighting purposes—than the prior version.

Finally, this report speaks to CPD's community engagement efforts from April 2019 to the present and how they have influenced the development of the CEIS. OIG finds that CPD's most significant community engagement effort took place immediately after the release of OIG's April 2019 report, when CPD held a public comment period on draft General Order G10-01-03 and received 421 public comments. CPD incorporated some of these comments into the two subsequent versions of the draft directive and conducted some in-person community meetings, although further scheduled meetings were derailed by the onset of the COVID-19 pandemic. The most significant failing of CPD's public engagement on the CEIS is that the Department left an outdated version of draft General Order G10-01-03 (from February 2020) publicly posted on its website for eight months after internally completing a successor draft (in July 2020). The more recent July 2020 draft, which was not posted publicly when it was drafted, significantly broadens the circumstances under which district law enforcement officers may enter an individual's information into the CEIS by eliminating the restriction that district law enforcement may only make an entry during the completion of an Automated Arrest Report. The prospect of individuals

[2] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 53.
[3] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 133, 137.

being identified as gang members without having committed any criminal offense was a concern for multiple community members who provided public comments. Therefore, the retention of the February 2020 version of draft General Order G10-01-03 on CPD's website for months after it was out of date, and the failure to post the July 2020 version, may have misled the public with respect to a key policy concern.

In sum, OIG concludes that CPD has fallen critically short of meeting the commitments it made in response to OIG's April 2019 findings and recommendations.

II. BACKGROUND

A. OIG'S APRIL 2019 REPORT

In April 2019, the City of Chicago Office of Inspector General (OIG) published a report on the Chicago Police Department's (CPD's) so-called "gang database."[4] OIG found that CPD had long been designating both individuals and geographic areas as gang-involved and that CPD had captured, reported, and visualized gang-related data in at least 18 different forms, records, and systems of records.[5] However, contrary to public understanding, the data was not combined into a unified, standalone "gang database," but rather, at least 18 separate forms, records, and systems of records containing gang-related information—of which CPD itself lacked a complete list or comprehensive accounting of all the various methods and locations in which gang information could be and had been recorded, reported, and visualized in the ten years prior. OIG also found that CPD shared gang information with over 500 external agencies, including immigration and criminal justice agencies, but had no agreements with those external agencies governing access to and use of the data. Instead, external agencies were bound only by the initial application for access to one of CPD's data systems, Citizen and Law Enforcement Analysis and Reporting (CLEAR), which only provided broadly that the information be used for "law enforcement purposes."[6] CPD did not have any oversight or accountability mechanisms to assure compliance with even that broad, undefined use.

OIG reported in 2019 that the largest repository of gang-related information was CPD's Gang Arrest Card system. Sworn personnel completed Gang Arrest Cards for individuals whom arresting officers believed to be gang members. According to CPD, data collected via Gang Arrest Cards was the Department's best-verified gang data. OIG's analysis of over 500,000 Gang Arrest Cards found that Black or African American and Latinx persons comprised 95% of the 134,242 individuals designated as gang members during arrest, with Black or African American and Latinx males accounting for 91.3% of all individuals designated as gang members.[7] OIG found evidence in these Gang Arrest Cards of both poor data quality and inadequate controls on the entry of information into CPD's systems in the first place and retained thereafter. OIG discovered the following:

[4] City of Chicago Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" April 2019, accessed March 4, 2021, https://igchicago.org/wp-content/uploads/2019/04/OIG-CPD-Gang-Database-Review.pdf.

[5] In the April 2019 report, OIG used the terms "gang designation," "gang information," and "gang-related data" instead of "gang database" because the evaluation determined that CPD did not have a single, unified database where such information resides. For the purposes of this report, "gang information" "gang data" or "gang-related data" refer to gang designations documented by CPD in Department forms and systems. This information may also appear in various Department reports and visualization tools. Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 3.

[6] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 25-26.

[7] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 35-36.

- 90 Gang Arrest Cards with dates of birth entered as prior to 1901, making these individuals over 117 years old, and 80 Gang Arrest Cards that listed an individual's age as zero.
- 21,380 individuals designated with multiple dates of birth (approximately 15.9% of all designated individuals).
- 15,174 individuals with no specific gang designation, despite being listed as gang members (approximately 11.3% of all designated individuals).
- 15,648 individuals designated as gang members without a reason provided for this designation on any Gang Arrest Card (approximately 11.7% of all designated individuals) and 24,151 Gang Arrest Cards with no reason provided for the designation.
- Individuals designated as gang members at ages as young as 9 years old and as old as 75, and the indefinite retention of designations.
- 4,029 individuals aged 50 or older who were, at the time of the analysis, still designated as gang members in CPD's systems.[8]

OIG also found that CPD:

- did not provide notification to individuals that they had been designated as a gang member;
- did not provide relevant training to sworn members;
- did not have processes for individuals to contest or appeal gang designations;
- did not have processes to regularly review or purge outdated or faulty designations; and
- had no internal mechanism to amend inaccurate gang information.

Designation as a gang member through CPD's Gang Arrest Card system could have profound and enduring negative consequences for an individual. In its April 2019 report, OIG documented several potential consequences of CPD's gang designations, including: (1) enhanced surveillance by CPD or other law enforcement; (2) an effect on an individual's bail and bond, sentencing, sanctions, probation, prison, and parole, as well as specific adverse consequences for criminal-justice-involved juveniles who have been designated as gang members; (3) obstacles for individuals seeking immigration relief through Deferred Action for Childhood Arrivals (DACA) or U-Visas; and (4) obstacles to employment.[9]

Further findings in OIG's April 2019 report addressed the lack of clarity or systematic quality control in CPD's use of gang information. Among these findings were: (1) CPD could not "ensure that all gang-related collection tools serve a legitimate law enforcement purpose" and (2) "CPD's practices and lack of transparency regarding its gang designations strain police-community relations."[10]

[8] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 38, 48-49.
[9] Office of Inspector General, "Review of the Chicago Police Department's "Gang Database," p. 28-31
[10] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 45-46, 49.

In its April 2019 report, OIG issued 27 recommendations to CPD and an additional three recommendations to the Mayor's Office and City Council. These recommendations covered a wide range of issues, from implementing procedural protections for juveniles to assessing the utility of collecting gang information. OIG also published CPD's response to the recommendations.

B. DEVELOPMENTS FOLLOWING OIG'S APRIL 2019 REPORT

CHICAGO POLICE DEPARTMENT

CPD agreed to fully implement 18 of OIG's 27 recommendations, stated that it would partially implement 8 others, and declined to implement 1 recommendation. Specifically, CPD did not concur with OIG's recommendation to "[e]stablish formal protection for juveniles," stating that CPD's "current investigation process inherently has greater protections for minors than adults." CPD also declined to purge gang information created prior to the implementation of the Criminal Enterprise Information System, as proposed in recommendation 19. CPD explained that it "cannot alter, delete, or destroy historical criminal arrest or investigative records that either have been or could become part of a court or administrative proceeding." Instead of purging old records, CPD stated that its members would receive a "disclaimer that these records are not to be used to determine gang membership or affiliation."[11]

The central pillar of CPD's response in 2019 was its proposal to launch a new Criminal Enterprise Database (CED) to replace its patchwork of old systems and databases storing gang information and gang affiliation designations. CPD's initial CED proposal focused on:

- a comprehensive, single gang intelligence system with clear standards for officers to use in determining gang membership or affiliation;
- required and ongoing refresher training for all Department members to access and use the system;
- review by supervisors and gang intelligence officers to ensure entry of accurate and properly supported information into the system;
- ongoing audits to ensure updated and accurate intelligence, including an automatic purge of stagnant gang information;
- a process for members of the general public to discover whether they are designated as a gang member or affiliate and the opportunity to appeal that determination; and
- limitations on sharing of gang information with third parties for certain purposes.[12]

In the nearly two years since CPD's response to OIG's 2019 report, the Department's proposed new system has evolved somewhat, through successive iterations of a draft directive.

Upon the release of OIG's report, CPD published a draft of the new General Order G10-01-03: "Criminal Enterprise Database." This initial draft outlined revised criteria to be used to identify

[11] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 142-144.
[12] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 124-125.

gang members and to designate those individuals as gang-affiliated in the CED, and an updated system for reviewing, auditing, and purging listings from the CED. Also in April 2019, CPD posted G10-01-03 to its online Policy Review Forum. CPD notified stakeholders that G10-01-03 was available for public comment and solicited community members to review the draft and submit comments and concerns online.[13] Over the two-month comment period, CPD received 421 public comments.

In July 2019, recently inaugurated Mayor Lori Lightfoot declared that CPD's proposal was a "nonstarter." As reported by *The Daily Line*, Lightfoot stated that "the data is flawed," and "We will come out with a new policy, but it is not going to be the one that was put out before I was sworn in."[14]

A revised version of draft General Order G10-01-03 was publicly released approximately ten months after the April 2019 version, in February 2020. At that time, CPD's Office of Community Policing held public meetings at City Hall to present the updated draft. The proposed CED was renamed the "Criminal Enterprise Information System" (CEIS). CPD Interim Superintendent Charlie Beck stated at the time that it would take six to twelve months to have the CEIS fully operational.[15] Beck's tenure at CPD ended less than two months later, in April 2020. The February 2020 draft of G10-01-03 remained posted on CPD's Policy Review Forum, along with a Fact Sheet, until mid-March 2021. Before those postings were taken down, CPD's Policy Review Forum website stated that "CPD has now incorporated substantial stakeholder feedback and public comments into its policy directive, and will begin implementation of its Criminal Enterprise Information System on February 27, 2020."[16] As discussed in detail in the findings below, CPD did not meet this commitment.

On October 29, 2020, CPD provided another public update on the CEIS' progress during the Department's 2021 budget hearing before the City Council. Superintendent David Brown stated then that the transition from the old "gang database" system to the new CEIS was still ongoing, and he named a senior official in the Department as the person overseeing its development. This senior official, who also spoke before the City Council at the budget hearing, stated that the construction of the database had been "scoped out to a vendor." In a later interview, the same senior CPD official elaborated that CPD was in the process of contracting out the technical work of building the operational system to be used by officers.

---

[13] Chicago Police Department, "Public Comment and Policy Review," accessed January 28, 2021, https://home.chicagopolice.org/reform/policy-review.

[14] Heather Cherone, "CPD's plan for new gang database 'a non starter:' Lightfoot." *The Daily Line*, July 15, 2019, accessed March 16, 2021, https://thedailyline.net/chicago/07/15/2019/cpds-plan-for-new-gang-database-a-non-starter-lightfoot.

[15] Annie Sweeney and John Byrne, "Chicago police announce new gang database as leaders hope to answer questions of accuracy and fairness," *Chicago Tribune*, February 26, 2020, accessed January 28, 2021, https://www.chicagotribune.com/news/breaking/ct-chicago-police-gang-database-overhaul-react-20200226-gisz55rytzbsdkyy4kmbb4jrou-story.html; Sam Charles, "Chicago police set to revamp controversial gang database," *Chicago Sun-Times*, February 26, 2020, accessed January 28, 2021, https://chicago.suntimes.com/2020/2/26/21155215/cpd-revamp-controversial-gang-database.

[16] Chicago Police Department, "Public Comment and Policy Review."

In the time since OIG's April 2019 report and CPD's release of the first draft of General Order G10-01-03, CPD has also undergone two significant organizational restructurings of particular significance to its work on developing the CEIS. The first of these occurred in January 2020[17] when CPD, under Interim Superintendent Beck, created the Office of Constitutional Policing and Reform as well as a Data Analytics Division, and eliminated CPD's Information Services Division (ISD). The first draft of General Order G10-01-03 designated ISD with several specific responsibilities in the management of the CED, and OIG learned in interviews that the Deputy Chief in charge of the Data Analytics Division had been given significant responsibilities for the project after that office was created.[18] The elimination of ISD from CPD's organization chart corresponded to the City's creation of a new Office of Public Safety Administration (OPSA).[19] As explained in further detail in Finding 1 below, according to CPD documents and interviews with CPD officials, the functions formerly assigned to ISD have migrated to the Information Services Division within OPSA. In a second organizational restructuring, this time under Superintendent David Brown in January 2021, CPD eliminated the Data Analytics Division.[20]

CHICAGO CITY COUNCIL

In the time since OIG released its April 2019 report, the City Council has taken procedural steps to act on the "gang database" several times but, as of March 25, 2021, has neither held a hearing dedicated to the topic nor adopted relevant legislation.

On July 24, 2019, the Chairman of the City Council's Public Safety Committee introduced to the Committee a resolution calling for a hearing on the topic of CPD's gang data collection in response to OIG's report.[21] The Chair, who had the power to call the hearing themselves, never did so. On November 20, 2019, twenty-five City Council members signed a letter to the Chairman of the Public Safety Committee to request a subject-matter hearing on the topic of CPD's gang

[17] CPD's organization chart from January 2020 is no longer posted on CPD's website. Contemporaneous news coverage of the change can be found at: Annie Sweeney and Jeremy Gorner, "Chicago police announce major restructuring, moving detectives and specialized cops to patrol districts to take on violence," *Chicago Tribune*, January 30, 2020, accessed January 28, 2021, https://www.chicagotribune.com/news/criminal-justice/ct-chicago-police-department-reorganized-20200130-hsu4mimclvhqrpqmt6h6vf5a4m-story.html.
[18] See Finding 1 for further details on both of these points.
[19] The Office of Public Safety Administration was announced in late 2019. The first Executive Director was announced by the Mayor's Office in July 2020 via a press release, which stated that "approximately 280 civilian staff from the finance, human resources, information technology and logistics divisions" would be reassigned from the existing City public safety agencies to OPSA. City of Chicago, Mayor's Office, "Mayor Lightfoot Announces Annastasia M. Walker as Executive Director of The New Office of Public Safety Administration," July 24, 2020, accessed January 28, 2021, https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/july/ExecutiveDirectorPublicSafetyAdministration.html.
[20] Chicago Police Department, "Organization for Command," accessed January 28, 2021, https://home.chicagopolice.org/about/organization-for-command.
[21] The Chairperson of the Committee does not, in fact, need a resolution to call for a hearing. If the Chairperson wants to hold a hearing, they are able to post notice of one. The Chairperson can also schedule a hearing in this manner at the request of anyone, including other aldermen. City of Chicago, Office of the City Clerk, "Call for hearing(s) on Chicago Police Department's classification of individuals as gang members and maintenance of gang database," July 24, 2019, accessed March 4, 2021, https://chicago.legistar.com/LegislationDetail.aspx?ID=4068789&GUID=DB1784D1-7E3E-4011-90A0-79505628B466&Options=Advanced&Search=.

data collection, invoking Municipal Code of Chicago § 2-56-245, which provides that "at the request of at least three aldermen, the Chairman of the City Council Committee on Public Safety shall request that the head of the department or agency in question, or their designee, appear at a hearing of the Committee on Public Safety to explain and respond to questions concerning [that department's] response [to OIG Public Safety Deputy recommendations]."[22] As of this writing, nearly two years after the publication of OIG's original report and 15 months since the formal letter request, no ordinance-mandated public hearing on CPD's gang data has been held by either the Public Safety Committee or the City Council.[23]

CIVIL LITIGATION

A federal civil suit initiated before the release of OIG's first report also bears upon developments in the post-release period. In June 2018, a coalition of individuals and community organizations filed a federal class action lawsuit challenging the constitutionality of CPD's collection and use of gang data, commonly referred to as the "Erase the Database" lawsuit.[24] In close association with this civil suit, Alderman Ricardo Muñoz proposed an ordinance on July 25, 2018, (shortly after the initial complaint was filed and before the public release of OIG's first report) with 43 co-sponsor signatures. The proposed ordinance was referred to the Public Safety Committee, chaired at that time by Alderman Ariel Reboyras. No action was taken on the proposed legislation. At its first regular meeting on May 29, 2019, the current City Council passed a technical measure that declared all pending legislation as of April 2019—essentially the last session of the prior Council—as having failed to pass. The proposed "gang database" ordinance was among that legislation.

The four individual plaintiffs involved in the civil suit reached a settlement with the City on September 4, 2020, two days after the organizational plaintiffs voluntarily dismissed their claims without prejudice. Shortly before the settlements and voluntary dismissal, the City of Chicago had filed a notice with the Court stating that CPD "plans to undertake certain initiatives associated with its implementation of the Criminal Enterprise Information System ('CEIS')." These initiatives included: (1) the repeal of Special Order S10-02-01: Criminal Street Gang Arrest Information;[25] (2) the suspension of the use of Gang Arrest Cards once the CEIS is populated and

[22] City of Chicago, Municipal Code, § 2-56-245, accessed March 4, 2021, https://igchicago.org/wp-content/uploads/2020/01/MCC-2-56-OIG-Ordinance-1-22-2020.pdf.

[23] On December 18, 2019, 15th Ward Alderman Raymond Lopez attempted to introduce a draft ordinance on the subject of CPD's management of gang data to the Public Safety Committee. A summary of the Public Safety Committee's December 14, 2020, meeting indicates that the ordinance was held in committee almost a year after it was first introduced; no other action has ever been taken on it. Several provisions of the draft ordinance were at variance with CPD's successive drafts of General Order G10-01-03. City of Chicago, Office of the City Clerk, "Call for Chicago Police Department and Department of Law to establish new gang database," December 18, 2019, accessed March 4, 2021, https://chicago.legistar.com/LegislationDetail.aspx?ID=4284891&GUID=63697F7E-E0AD-4F11-85C8-46EA4C068E01&Options=Advanced&Search=.

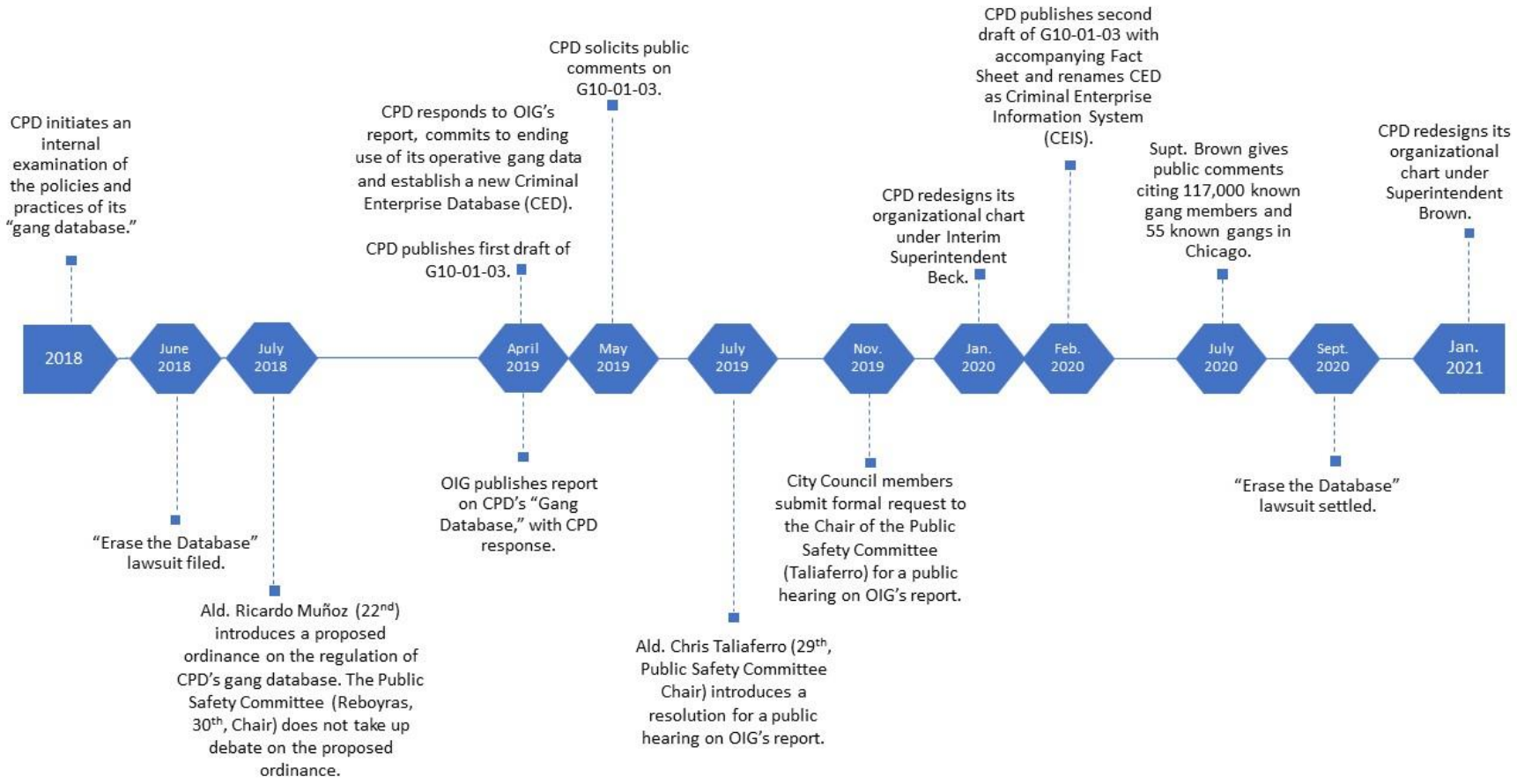
[24] *Chicagoans for an End to the Gang Database et al. v. City of Chicago et al.*, N.D. Ill., 1:18-cv-04242.

[25] Special Order S10-02-01 is a CPD directive that establishes the procedures for the creation and access of Automated Gang Arrest Cards by CPD members into the CLEAR system. As of January 28, 2021, S10-02-01 was still publicly available on in CPD's directive system with no indication of having been repealed. Chicago Police Department, "Special Order S10-02-01: Criminal Street Gang Arrest Information," June 17, 2015, accessed January

operational; (3) the addition of a disclaimer to the CEIS stating that the gang membership information contained therein is intended for law enforcement purposes only and that the information in these records is not necessarily independently verified; (4) a reaffirmation that CPD will require user agreements with outside agencies prior to permitting outside agency access to the CEIS; and (5) the creation of a public dashboard where CPD annually identifies the aggregate number of persons in the CEIS. The City's notice to the Court, however, also stated that "[t]he City reserves the unconditional right to modify these initiatives at any time" and that "[t]his Notice is not part of any settlement and creates no enforceable rights." CPD's filing with the court is included as Appendix C to this report.

28, 2021, http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a586-10288308dbafb745.pdf?hl=true.

FIGURE 1: Timeline of public developments relating to management and oversight of CPD's gang data



III. OBJECTIVES, SCOPE, AND METHODOLOGY

A. OBJECTIVES

The primary objectives of this follow-up inquiry are, first, to assess CPD's progress in implementing the recommendations contained in OIG's April 2019 report and in making good on the commitments the Department made in its response to that report. Second—given that the central pillar of CPD's stated strategy for reforming the collection and use of gang data is the creation of the Criminal Enterprise Information System (CEIS)—to evaluate CPD's progress toward building and implementing a fully functioning CEIS. Additional objectives are to assess CPD's progress toward articulating the specific strategic purpose and value of the CEIS, and the extent to which CPD has fulfilled its commitment to solicit and consider community perspectives in its planned revisions to its approach to the collection and use of gang information.

B. SCOPE

In July 2020, OIG submitted a set of detailed written questions to CPD, soliciting information on the implementation status of the "gang database" reform efforts CPD committed to in April 2019. OIG's written inquiry also included questions prompted by subsequent developments, including CPD's release of the February 2020 draft of General Order G10-01-03 and a public statement by Superintendent Brown in July 2020 in which he reported, apparently relying on the Department's collection of gang data, that there were 117,000 gang members among 55 gangs in Chicago.[26] As a follow-up to the April 2019 report, this report tracks CPD's progress toward implementing earlier recommendations and commitments but does not issue new recommendations. OIG's original report did not examine the efficacy of the Department's use of gang information after it is collected, including for investigative and other law enforcement purposes, and therefore neither does this follow-up inquiry.

C. METHODOLOGY

OIG evaluated CPD's July 2020 response to written questions regarding the implementation status of OIG's April 2019 recommendations and CPD's responsive commitments; those written questions and CPD's response are included in full in Appendices A and B of this report. OIG also analyzed three successive drafts of General Order G10-01-03 (two publicly released and one provided by CPD to OIG directly, included in Appendices D, E, and F), the publicly released Fact Sheet that accompanied the release of the February 2020 draft of G10-01-03, and the public comments submitted to CPD on G10-01-03 during the comment period of April and May 2019.

Finally, OIG conducted interviews with City and CPD personnel and community stakeholders, including the following:

[26] Matt Masterson, "'Put Your Guns Down,' Lightfoot, Police Implore After Tuesday's Mass Shooting." *WTTW News*, July 22, 2020, accessed January 28, 2021, https://news.wttw.com/2020/07/22/put-your-guns-down-lightfoot-police-implore-after-tuesday-s-mass-shooting.

- Personnel in the Mayor's Office
- Personnel in the Department of Law
- Personnel in CPD's Office of Community Policing
- Personnel in CPD's Office of Constitutional Policing and Reform
- Personnel in CPD's Office of Legal Affairs
- Personnel in CPD's Research and Development Division
- Plaintiffs' counsel in the civil suit *Chicagoans for an End to the Gang Database et al. v. City of Chicago et al.*

D. STANDARDS

OIG conducted this review in accordance with the Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General found in the Association of Inspectors General's *Principles and Standards for Offices of Inspector General* (i.e., "The Green Book").

E. AUTHORITY AND ROLE

The authority to perform this audit is established in the Municipal Code of Chicago §§ 2-56-030 and -230, which confer on OIG the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, and to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations, and, specifically, to review and audit CPD's policies, practices, programs, and training. The role of OIG is to review City operations and make recommendations for improvement. City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

IV. FINDINGS

FINDING 1: CPD HAS MADE MINIMAL PROGRESS TOWARD AN OPERATIONAL CRIMINAL ENTERPRISE INFORMATION SYSTEM

The creation of the new Criminal Enterprise Information System (CEIS) was the centerpiece of CPD's response to OIG's April 2019 report; CPD identified the CEIS and the associated directive, General Order G10-01-03, as the full or partial response to 20 of OIG's 27 recommendations directed to CPD.[27] The only measurable developments to date in CPD's implementation of the CEIS have been (1) the solicitation of public comments on the first publicly released draft of G10-01-03 from April 11, 2019 through May 11, 2019, and (2) the development of three successive drafts (April 2019, February 2020, and July 2020).[28] CPD has not provided evidence of steps toward construction or implementation of the CEIS, such as IT systems development progress or updated training curricula for Department members, beyond outlining the system's intended features in these successive drafts of G10-01-03. In fact, OIG found confusion at the highest levels of the Department regarding who is responsible for the development of the CEIS and the current status of its development.

The lack of substantial progress in building and implementing the CEIS has five distinct dimensions. First, CPD has not committed to a timeline for completion of the CEIS. Second, CPD has not clearly assigned managerial responsibility for the project. Third, OIG found confusion within CPD over the drafting status of General Order G10-01-03. Fourth, G10-01-03 as currently drafted leaves many ambiguities about how the system will work in practice. These ambiguities extend to substantive policy determinations which have significant bearing on the functioning of the new system—for example, which persons or unit will be responsible for applying the new criteria for database inclusion of CPD's old gang data, and what will be the criteria for data reliability.[29] Fifth and finally, OIG has found instances where CPD continues to collect and rely upon data that it has publicly acknowledged is seriously flawed.[30]

---

[27] City of Chicago, Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" April 2019, p. 128-150, accessed January 28, 2021, https://igchicago.org/wp-content/uploads/2019/04/OIG-CPD-Gang-Database-Review.pdf.

[28] The February 2020 draft was also posted to CPD's Public Comment and Policy Review website. However, CPD did not solicit public comments. Instead, the February 2020 draft was posted with a statement that "CPD has now incorporated substantial stakeholder feedback and public comments into its policy directive" and "the full policy [was] available for review." As the July 2020 draft has not been made public, no opportunity for public comment has arisen on that draft either. All three drafts of the directive are included in this report, as Appendices D, E, and F.

[29] See Appendix A, questions 8 and 12. Draft directive G10-01-03, section VI-A provides that: "Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to […] information received from informants who have proven to be reliable to the Department in the past."

[30] CPD acknowledged in April 2019 that it "must improve" the policies, practices, and technology systems used by officers to further reduce gang violence, requiring them to transition from the use of former "gang database" programs to the new CEIS, but has so far failed to take that step. This remains true even though CPD informed OIG in April 2019 that an internal examination of the "policies and practices governing the collection and management

A. LACK OF A TIMELINE FOR COMPLETION

Since CPD announced in April 2019 that it planned to build what it first called the Criminal Enterprise Database and subsequently renamed the Criminal Enterprise Information System, the Department has never committed to any concrete timeline for the development of the system. CPD published a Fact Sheet alongside the February 2020 draft of General Order G10-01-03, in which it estimated that it would take "[a] number of months for CPD to determine which individuals meet the criteria for inclusion in the CEIS [and] to build the CEIS…CPD will make further public announcements on the anticipated timeline." CPD's next public announcement on progress on the CEIS came in October 2020 during CPD's 2021 budget hearing with City Council, where Superintendent Brown confirmed that the Department was transitioning from the old mechanisms for storage and use of gang data to the new CEIS, and that work on the project was proceeding after delay due to pending civil litigation.

In the nearly two years since the publication of OIG's original report and CPD's response, CPD has not provided an updated timeline for the policy and practice changes it committed to in April 2019. In early 2021, personnel from CPD's Office of Community Policing reported to OIG that the CEIS directive was not scheduled as part of the 2021 policy plan and that no community meetings have been planned for 2021 to discuss it.

B. NO CLEAR MANAGERIAL RESPONSIBILITY

During CPD's October 2020 budget hearing before the City Council, Superintendent Brown identified a senior CPD official as the point person within CPD responsible for managing the development of the CEIS. When OIG interviewed that official about the CEIS' progress two months later, they had moved to a different role within CPD and reported that their role as primary manager for the development of the CEIS had been tied to their previous position; therefore, they were no longer responsible for managing the development. When asked who would be responsible going forward, the official reported that the responsibility might go to either the Superintendent's newly-appointed Chief of Staff or the Chief of the Bureau of Counter-Terrorism and Special Operations, but that CPD had not yet made that decision. The official further acknowledged that there were a lot of "balls up in the air," and that as of December 2020, leadership decisions were still being made with respect to managing the CEIS.

The repositioning of the senior official identified by Superintendent Brown as responsible for managing the development of the CEIS is not the only personnel change that seems to have slowed progress and created ambiguity. That senior official told OIG that CPD's Deputy Chief of Data Analytics had been the primary project lead for the "post-policy" development of the CEIS,

---

of gang information," which it purported to have started more than a year before the publication of OIG's review revealed "many of the same findings of the OIG's audit." After April 2019, the Superintendent has made public comments relying on flawed CPD gang data, as referenced in the "Scope" section above and described in detail below in the subsection titled "CPD continues to rely on its old gang data system."

with responsibilities for executing process and technology changes.[31] The Deputy Chief of Data Analytics left the Department in early December 2020. When asked if there were members of the former Deputy Chief's team who were carrying forward institutional knowledge of the work that was already been done on the CEIS, the CPD official with whom OIG spoke stated that the Deputy Chief had been handling most of the project directly and on their own. The official did not believe there were any members of the Deputy Chief's team still working on the project after the Deputy Chief's departure. Shortly after the Deputy Chief's departure, OIG requested an interview with the person who would take over the former Deputy Chief's responsibilities vis-à-vis the development of the CEIS, and CPD did not respond to that request. The January 2021 version of CPD's organization chart does not include the position of Deputy Chief of Data Analytics.

CPD has stated its intention to contract the building of the CEIS out to a vendor but has not clarified the timeline or accountability structure for the project. During CPD's October 2020 budget hearing, the official identified by the Superintendent as responsible for the CEIS stated that work on the CEIS had been contracted out to a vendor. During a December 2020 interview with OIG, that official reported believing that the vendor was Clarity Partners, a Chicago-based technology consulting firm, but was unable to say for certain.[32] When asked about the status of the contract, the official allowed that they "may have overreached" in statements during the City Council budget hearing by stating that the work was underway.

Even if the build-out of the CEIS is contracted out to a vendor, the maintenance of such a system is likely to require significant technical expertise within the City. Managing routine updates to the system, auditing information within the system, and ensuring that appropriate security is maintained around the information within the system are all tasks with technical components, for which CPD will have ongoing responsibility. In the first draft of General Order G10-01-03, in April 2019, some or all of the responsibility for these tasks was assigned to CPD's ISD. With the creation of Office of Public Safety Administration in 2019, ISD disappeared from CPD's organization chart as revised in January 2020 and as revised again in January 2021.[33] Successive versions of G10-01-03 in February 2020 and July 2020 assigned most of the responsibilities formerly given to ISD to "[CPD], in consultation with the Office of Public Safety Administration."[34]

---

[31] CPD's Research and Development Division is responsible for drafting policies, and the senior official designated by Superintendent Brown confirmed that the Division had led the drafting of the CEIS directive. The senior official did not give a date for the beginning of the "post-policy" phase of work.

[32] Clarity Partners, LLC, Firm Overview, accessed March 25, 2021, https://www.claritypartners.com/about/firm-overview.

[33] CPD's current organization chart can be found here: https://home.chicagopolice.org/about/organization-for-command.

[34] Specifically, the April 2019 draft of G10-01-03 includes the following clauses:
"IV.B: The Information Services Division will establish the Criminal Enterprise Database CLEAR application for use by authorized Department members. The Information Services Division will initially gather all existing Department gang-related information in conjunction with the appropriate Department personnel to apply the criteria delineated in Item VI of this directive to all existing Department gang-related information before entry into the Criminal Enterprise Database."

Cumulatively, these circumstances have resulted in CPD's making a public commitment to a system that has no timetable to completion and, at present, has no clear ownership within the Department.

In late March 2021, following informal notification of the planned publication date of this report, CPD's Office of Legal Affairs (OLA) reached out to OIG to provide an informational update on the status of the CEIS and managerial responsibility within the Department for the project. Specifically, OLA identified two CPD members as newly holding managerial responsibility for the project, identified Clarity Partners as the vendor contracted to build the CEIS, and described Clarity Partners' "build out" of the CEIS as nearly complete, noting that completion would permit CPD to begin vetting data.

C. CONFUSION WITHIN CPD OVER THE DRAFTING STATUS OF GENERAL ORDER G10-01-03

There was also a divergence of understanding over the drafting status of General Order G10-01-03 between the senior official designated by Superintendent Brown as responsible for overseeing CEIS development and the Research and Development Division. There have been two publicly released drafts of G10-01-03: an April 2019 version and a February 2020 version. The February 2020 version remained posted on CPD's website until mid-March 2021, shortly before the publication of this report. During their December 2020 interview with OIG, the senior official designated by Superintendent Brown, while examining copies of both the April 2019 and February 2020 versions of G10-01-03, stated definitively that the February 2020 version was the version of the directive that would be rolled out when the new CEIS was operational and that they were not aware of any additional policy changes still in progress at Research and Development. In CPD's September 2020 written response to OIG's follow-up inquiry, CPD

"IX.E: If the criteria is met, the Commander, Deployment Operations Section, will inform the Director, Information Services Division, who will ensure the individual's name, other identifiers, and records indicating street gang or criminal enterprise membership or affiliation are removed from the Criminal Enterprise Database."
"X.C.3: The Deployment Operations Section will inform the Director, Information Services Division when it is appropriate to remove eligible individuals from the Criminal Enterprise Database and when a criminal street gang or criminal enterprise has been eliminated from 'active' status."
"X.D: The Director, Information Services Division, will (1) maintain the Criminal Enterprise Database, (2) perform a review and purge of listings in the Criminal Enterprise Database every five years, (3) upon consultation with the Commander, Deployment Operations Section, remove information for individuals who have not committed a new qualifying criminal offense or have not had a documented incident in furtherance of gang or criminal-enterprise-related activity within the past five years, (4) remove eligible information when requested by the Commander, Deployment Operations Section, (5) create an online website that provides general information to the public about the Department's Criminal Enterprise Database policy and the process to access and remove a person's gang/criminal enterprise membership or affiliation status within the Criminal Enterprise Database, and (6) create and monitor the gangstatusinquiry@chicagopolice.org email address and establish a protocol to respond to emails from the general public with general information about how to access and remove a person's gang/criminal enterprise membership or affiliation status from the Criminal Enterprise Database."
"XI.A: The Information Sciences Division will create a user's guide outlining the procedure for utilizing the Criminal Enterprise Database." Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Database," April 11, 2019. See Appendix D (April 2019) and contrast Appendices E and F.

likewise gave no indication that a new draft of G10-01-03 was forthcoming or that the February 2020 version had been superseded. But in CPD's November 2020 written response to OIG's follow-up inquiry—the second of two response letters, sent six weeks before the senior official's interview with OIG—CPD indicated that some policy language for G10-01-03 was still with Research and Development in its draft form. Specifically, CPD stated in its November 2020 letter that policy statements on the process for engaging at-risk individuals, including at-risk youth, had been "submitted to Research and Development for review and inclusion in the final CEIS order."[35]

When speaking with OIG in December 2020, a civilian manager in Research and Development indicated that a later draft of General Order G10-01-03 existed, dated July 2020. According to this person, most of the changes between the February and July 2020 versions were procedural changes, including additions for entering information into the database, an additional level of review of database entries at the Lieutenant level, and an email address that subjects could contact to request removal from the system.[36] After learning in this interview that a more recent draft of G10-01-03 existed, OIG requested and received from CPD a copy of the July 2020 draft. As stated by the manager in Research and Development, the July 2020 version includes a provision for a Lieutenant to review each record entered into the database of an individual as a gang member "for completeness and accuracy." In the language of G10-01-03, record entries in the CEIS are known as "Status Identification Reports."[37] The Lieutenant review of Status Identification Reports proposed in the July 2020 version of G10-01-03 is a higher-level review than is provided for in the February 2020 version. The July 2020 version also changes the provisions by which Department members assigned to district law enforcement may make a Status Identification in the CEIS. The implications of this change are discussed further below. The July 2020 version does not, however, include any additions to describe the process for engaging at-risk individuals, the topics that CPD's November 2020 letter indicated Research and Development was reviewing for inclusion in the final CEIS order.

In the course of civil litigation in the case of *Chicagoans for an End to the Gang Database et al. v. City of Chicago et al.*, the Department of Law and CPD provided the Court with a copy of the February 2020 draft of General Order G10-01-03 on February 27, 2020. In a subsequent filing with the court in August 2020, counsel for the City and CPD directly referenced the February 2020 draft of G10-01-03 as an outline of the initiatives CPD plans take with the implementation of the CEIS (see Appendix C). This filing makes no mention of the existence of the July 2020 draft of G10-01-03.

[35] See Appendix B, questions 3 and 5.
[36] The February 2020 version of the directive already made provision for an email address gangstatusinquiry@chicagopolice.org and a process for CPD "to respond to emails from the general public with general information about how to access or appeal a person's Status Identification."
[37] Draft directive G10-01-03 defines "Status Identification" as "The identification of a person as a member of a criminal enterprise or street gang in the Criminal Enterprise Information System."

D. CRITICAL POLICY DECISIONS ABOUT THE FUNCTION OF THE CEIS REMAIN UNRESOLVED OR UNDERDEVELOPED

Many policy decisions about how the CEIS will work remain undeveloped. In some cases, OIG has received conflicting accounts of the policies that will govern the CEIS through interviews with involved personnel and review of the multiple drafts of General Order G10-01-03. In other cases, CPD has stated directly that its policy plans have not yet been resolved.

1. Plans for At-Risk Youth Engagement

As noted above, in November 2020 CPD informed OIG that updated policy statements on its process for engaging at-risk individuals, including at-risk youth, had been "submitted to Research and Development for review and inclusion in the final CEIS order."[38] The changes included: (1) "custom notifications" to inform juveniles of when they have been included on the CEIS, and (2) providing at-risk youth with access to outreach agencies and clergy. However, in an interview the following month, personnel from the Research and Development Division did not identify this as one of the policy areas that had been recently developed. They further stated that they did not anticipate any further policy changes to draft General Order G10-01-03.

2. Plans for Training on the Use of the CEIS

All three versions of General Order G10-01-03 establish that CPD members will receive annual training on the use of the CEIS via an eLearning module.[39] The July 2020 draft would require that "[m]embers must complete the eLearning module and remain current with all training requirements before entering, retrieving, approving, or reviewing information in the Criminal Enterprise Information System."[40] CPD's Fact Sheet published online in February 2020 further stated that "the criteria to determine criminal street gang membership is going to be clearly outlined in the training" and "only CPD officers and designated Department members who are trained and authorized" would be able to input information into the CEIS.

In its follow-up inquiry, OIG inquired about training materials and the breadth of training to be provided to CPD members on use of the CEIS. When asked when members would start to receive training and which members would be trained, CPD stated that it "cannot answer this question until such time as the CEIS is built."[41] In response to a request to provide any training materials

[38] See Appendix B, questions 3 and 5.
[39] In its April 2019 report, OIG found that incoming CPD members received six hours of training regarding gangs, comprised of two modules. The first, simply titled "Gangs," addressed gang-related history and gangs in Chicago. The second, titled "Gang Violence Reduction Strategy," addressed CPD's policies and programs relating to gangs and the technological tools available for policing gangs. OIG found there was no refresher course or updated trainings offered to sworn members after their graduation from the Academy. OIG found that even CPD teams specializing in gang-related activity, such as the Gang Enforcement and Gang Investigation Teams, received no additional in-service gang-related trainings. Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 15.
[40] Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Database," July 2020, XI.B.
[41] See Appendix A, questions 32 and 33.

on the proper collection and use of gang-related data since April 2019, CPD replied, "CPD has not yet developed such training materials."[42]

3. Due Process Protections and Communication with Individuals Identified as Gang Members

In written inquiries, OIG asked how CPD will attempt to provide notification to individuals who are entered into the CEIS as members of a criminal enterprise or street gang if and when they prove difficult to contact. In CPD's September 2020 written response, CPD wrote, "CPD has not yet determined how it will notify persons who prove difficult to contact in person."[43]

Aspects of due process rights of appeal also remain undeveloped; General Order G10-01-03 states that the Police Board shall be the venue for appeals of Status Identification and that appeals shall "[utilize] the procedures promulgated by the Police Board."[44] As of this writing, however, the Police Board has not yet publicized what those procedures will be.

4. Audit Plans

The February 2020 draft of G10-01-03 provides for two types of audits: (1) "Gang Audits" to be conducted by district intelligence officers in coordination with area Gang Investigation Teams and other designated personnel, and (2) "random audits" to be conducted by the Deployment Operations Center.[45] In response to OIG's inquiries into the scope of these audits and the differences between the two types, CPD replied, "CPD has not yet determined what will be included within the scope of a gang audit. These criteria will be determined as the CEIS is built." CPD further reported that it "has not yet determined what will be included within the scope of random audits. These criteria will be determined as the CEIS is built."[46]

5. Plans for Management of Third-Party Access

Questions about CPD's policy for managing third-party access have yielded conflicting accounts. In both interviews and written questions, OIG inquired about access for external partner law enforcement agencies and CPD's planned audits and controls to regulate how partner agencies use the database. In an interview in February 2020, a CPD OLA representative stated that access to the CEIS would likely include all the law enforcement agencies that were data sharing partners under the former system, excluding U.S. Immigration and Customs Enforcement (ICE).[47] The

[42] See Appendix A, question 34.
[43] See Appendix A, question 41.
[44] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, IX.C.2.b.
[45] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, X.A.3 and X.C.1.
[46] See Appendix A, questions 38–39.
[47] OIG spoke to the use of CPD's gang data for immigration enforcement in its 2019 report. Specifically, OIG recommended that the City "[c]onsider legislative amendments to the Welcoming City Ordinance that would remove exceptions based on the individual being 'identified as a known gang member either in a law enforcement

most recent publicly available draft of General Order G10-01-03 (February 2020) and the most recent version provided to OIG (July 2020) both provide for external agency access, with identical language: "the Criminal Enterprise Information System is available for use only by Department members and other law enforcement agencies with authorized access acting in furtherance of a legitimate law enforcement purpose."[48] In the Fact Sheet posted with the February 2020 draft of G10-01-03, the Department explicitly stated that "CPD will execute new user agreements with partner law enforcement agencies that wish to access the CEIS." In December 2020, personnel from the Research and Development Division confirmed that CPD was working on non-disclosure agreements with all partner agencies with which it would share the database.

However, in CPD's September 2020 written response to OIG, CPD stated that the agency had not begun drafting agreements for third-party use because "the CEIS has not yet been implemented and CPD has not yet determined whether third party agencies will have access to the CEIS."[49]

6. Provisions for Making Entries into the Database

An effective system for making entries into CPD's planned CEIS requires clear policy provisions as well as robust training and field supervision for CPD members who will be responsible for making entries. Clear policy provisions are essential to protect potential subjects' procedural rights, while training and field supervision are necessary to minimize the risk of erroneous database entries that might result from officers' unrecognized implicit biases, inadequate understanding of the safeguards in policy, or inadequate preparation to execute on the policy. As noted above, CPD's relevant training for members, including those in gang-specialized units, amounts to only six hours offered in the Academy, and no new trainings have been developed since April 2019. As for policy provisions around how CPD members may make entries to the CEIS, CPD made significant changes across each of the three successive versions of the directive. The policy change from the February 2020 version to the July 2020 version (the most recent) was in the direction of providing *less* procedural protection for potential subjects, not more.

In the February 2020 draft of the CEIS directive, section VII covers "Procedures for Entering Persons into the Criminal Enterprise Information System." This section describes the procedure as follows: "Information will only be entered into the Criminal Enterprise Information System during the completion of an Automated Arrest Report unless otherwise delineated in Item VII-E of this directive." Item VII-E then provides that "Departmental units with follow-up or long-term-investigative authority and capabilities outside of district law enforcement can enter Status Identification Information in the Criminal Enterprise Information System upon the initial approval of his or her immediate supervisor and final approval of his or her unit commanding officer." These provisions in the February 2020 draft of General Order G10-01-03 placed a limiting

agency's database or by his own admission.'" This provision was among those removed in a January 2021 amendment to the ordinance.

[48] Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, XII.A. Appendix E.

[49] See Appendix A, questions 29–31.

principle on how individuals might be entered into the database: officers in district law enforcement would *only* be able to make an entry when effecting an arrest and completing an Automated Arrest Report.[50] Previously, any sworn CPD member could designate an individual as a gang member under various circumstances, through different sources of gang-related data collection including Investigatory Stop Reports and Gang Arrest Cards, as long as the CPD member had probable cause substantiated by their experience and knowledge of criminal street gangs and corroborated by criteria such as the individual's admission of membership; the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal street gang; or the use of signals or symbols distinctive of a specific criminal street gang as enumerated in Special Order S10-02-03.[51]

The corresponding section in the more recent July 2020 version of the CEIS directive drops the provision that district law enforcement officers may only enter individuals into the database when completing an Automated Arrest Report. In the July 2020 draft, Department members assigned to district law enforcement are instructed to "enter all information as delineated in Item VI-B of this directive through the CLEARNET Status Identification Report."[52] In other words, the July 2020 draft of the CEIS significantly expands the scope of authority of district law enforcement officers to identify individuals as gang members and enter them into the database, by allowing this to be done outside of the context of an arrest. This is a critical, substantive change of particular concern to community members who commented on the April 2019 version of G10-01-03.[53] Yet, before OIG was provided with a written copy of the July 2020 directive, personnel from the Research and Development Division characterized the changes between February 2020 and July 2020 versions of drafts of G10-01-03 as "mostly procedural."

E. CPD CONTINUES TO RELY ON ITS OLD GANG DATA SYSTEM

Notwithstanding CPD's April 2019 commitment to transition away from the use of its old "gang database" systems, OIG has confirmed several instances in which CPD has continued to rely upon data collected and stored in those systems—which it has acknowledged to be flawed—to inform public statements or support public safety operations. In July 2020, Superintendent Brown made a public statement after a mass shooting indicating that there were 117,000 gang members in Chicago, comprising 55 known gangs.[54] When OIG asked CPD to identify the source of those numbers, CPD reported that the Superintendent had received the figures from the Commander of the Crime Prevention and Information Center/Deployment Operations Center, based on

[50] The Item VII-E provision for "Departmental units with follow-up or long-term-investigative authority and capabilities" means that CPD units such as the Bureau of Detectives or the Gang Investigation Team would, provided they had supervisory authority, not be limited to entering individuals into the CEIS only in the context of an arrest.
[51] Special Order S10-02-03: Gang and Narcotics-Related Enforcement," January 1, 2016, accessed March 4, 2021, http://directives.chicagopolice.org/directives/data/a7a57be2-12a5752b-27112-a586-d845218c69a1f912.html.
[52] Item VI-B does not establish an arrest as a precondition for identifying an individual as a gang member.
[53] See Finding 3 below for further detail on community concerns regarding this point.
[54] Matt Masterson, "'Put Your Guns Down,' Lightfoot, Police Implore After Tuesday's Mass Shooting." *WTTW News*, July 22, 2020, accessed November 5, 2020, https://news.wttw.com/2020/07/22/put-your-guns-down-lightfoot-police-implore-after-tuesday-s-mass-shooting.

information maintained in the Deployment Operation Center's computer system.[55] In a December 2020 interview, the senior CPD official identified by the Superintendent as the point person responsible for managing the development of the CEIS related that they had independently inquired within CPD about the sourcing of those numbers. The senior official reported to OIG that they had spoken with the Deputy Chief of Data Analytics after the Superintendent's July 2020 statement.[56] By the senior official's account, the Deputy Chief told them that the numbers cited were too high and that the actual universe of individuals who might meet the criteria for inclusion in the CEIS as a member of a criminal enterprise or street gang as outlined in G10-01-03 was much smaller, in the range of 54,000 to 55,000. The Deputy Chief's figure was an estimate of the number of records that might, pending further vetting, qualify for entry into the CEIS. The senior official confirmed that the 54,000 to 55,000 estimate represented the number of gang-related records going back five years that CPD currently holds and still must go through to determine whether they meet the criteria for inclusion in the new CEIS.[57]

During this same period, CPD used gang affiliation designations to object to the State of Illinois' granting of concealed carry licenses (CCL). In one case of which OIG is aware, an individual's CCL application was denied on the grounds, among others, that "the applicant is listed in the Chicago Police Gang Member Data Base as a member of [Gang]." The applicant applied for a CCL and CPD subsequently submitted its objection to the application in 2020. The application was then denied by the State. CPD submitted three arrest reports to support its objection to issuing this applicant's CCL. One of the applicant's arrest reports, from a 2006 juvenile misdemeanor arrest, indicated that the applicant had self-identified as a gang member. Two more recent arrest records were also for misdemeanor offenses, one from 2010 and one from 2014. Charges were eventually dismissed in both cases. Neither of these two more recent arrests indicate that the applicant was at that time identified as a gang member, and the 2010 arrest report notes that the applicant expressly denied any gang affiliation. In sum, CPD accessed a gang identification for a juvenile, recorded in its database 15 years ago, and then shared that information with the State of Illinois, *after* the publication of OIG's April 2019 report and CPD's acceptance of most of the recommendations contained therein.

In the course of OIG's ordinance-mandated review of closed CPD and Civilian Office of Police Accountability (COPA) disciplinary cases, OIG has also identified arrest reports in which arrestees' alleged gang affiliations were recorded after CPD's April 2019 commitment to transition from its

[55] CPD's September 2020 Response Letter was sent on behalf of Superintendent Brown from the Office of the Superintendent. See Appendix A.
[56] As noted above, this person has since resigned from CPD, and the position no longer appears in CPD's most recent organization chart.
[57] One of the limiting principles of the system for collecting and maintaining gang data described in draft directive G10-01-03 is that a person's Status Identification will be removed from the CEIS "when he or she has not committed any act in furtherance of gang or criminal enterprise-related activity or has not been arrested, charged, convicted, petitioned for delinquency, or been found delinquent of a qualifying criminal offense within the past five years." Both February and July 2020 versions of the draft directive contain this provision in identical language. See VIII-A.

old, flawed gang data system to a new system.[58] In the first incident, reporting officers included the individual's documented gang membership in the arrest report incident narrative. The arrest report narrative does not make it clear whether the arrestee's alleged gang affiliation was voluntarily disclosed, nor does it indicate other evidence marshalled in support of making the gang identification. In the second incident, the CLEAR arrest report included the individual's Gang Arrest Card, which listed their gang membership and disclosed that the affiliation was not self-admitted. Neither arrest took place in the course of a gang-related crime.

Finally, in the period since the publication of OIG's report and CPD's response, CPD has also made some gang affiliation information, traceable to identifiable individuals, publicly available and downloadable on CPD's website. In October 2020, after CPD published recent Investigatory Stop Report (ISR) data to the public via the Statistics and Data section of its website, OIG formally notified Superintendent Brown that the newly published data included gang affiliation designations which were connected with certain identifiers that could be used elsewhere on CPD's website to identify individuals by name and photograph. ISR data is collected when officers conduct an investigatory stop and complete the required form (CPD-11.910), which includes space for the recording of gang information "if incident/subject has gang involvement."[59] The data was posted on CPD's website, apparently without any of the structural or procedural protections in place that are planned for the CEIS. CPD replied to OIG's October 2020 letter declining to remove the gang affiliation data from its website, on the grounds that ISR data is subject to public access under the Illinois Freedom of Information Act. The Department's reply letter did not specifically address whether the gang affiliation information currently collected on ISRs met CPD's proposed standards for verification and privacy protection of gang affiliation information outlined in the draft CEIS directive.[60]

[58] The Municipal Code of Chicago § 2-56-230(a) establishes OIG's mandate to conduct these closed disciplinary investigation reviews. See: https://igchicago.org/wp-content/uploads/2020/01/MCC-2-56-OIG-Ordinance-1-22-2020.pdf.

[59] CPD-11.910, "Investigatory Stop Report," accessed January 28, 2021, http://directives.chicagopolice.org/forms/CPD-11.910.pdf.

[60] OIG's letter is available here: https://igchicago.org/wp-content/uploads/2021/03/Letter-from-IG-Ferguson-10.02.2020_Redacted.pdf and CPD's response is available here: https://igchicago.org/wp-content/uploads/2021/03/CPD_Response_Letter_on_ISR_data.pdf.

FINDING 2: CPD HAS NOT CLEARLY AND SPECIFICALLY ARTICULATED THE STRATEGIC VALUE OF ITS PROPOSED SYSTEM FOR COLLECTING GANG AFFILIATION INFORMATION

CPD has consistently maintained that its collection of gang information is critical to its crime fighting strategy but has not yet clearly articulated the specific strategic value of the data to be collected in the planned CEIS. In CPD's September 2020 written response to OIG's questions, CPD stated that its specialized units rely on "information about gang members' affiliations, current gang conflicts that can become a catalyst for potential violent retaliation, and peripheral gang information for both short-term and long-term investigations." CPD also stated that "gang information is used at all levels of police operations…Understanding gang-conflicts, gang-territories, and gang-affiliations allows officers to anticipate and potentially prevent violence crime occurring."[61]

Even if CPD is correct in stating that gang conflicts are catalysts for violent crime, it does not necessarily follow that collecting data in the manner proposed in the draft CEIS directive will serve the strategic goal of reducing violent crime or other types of gang crime. Contemporary research on Chicago gangs identifies an important complicating factor: Chicago's gang factions are smaller than they used to be and are involved in a set of complex, constantly shifting alliances and conflicts.[62] A "gang database" that does not remain up-to-date, that cannot effectively track the shifting alliances and conflicts across many small gang factions, or that cannot distinguish gang members at high risk of becoming victims or perpetrators of violence from those at low risk, might be of little or no value.

---

[61] See Appendix A, question 2.

[62] Aspholm, Roberto. *Views from the Streets: The Transformation of Gangs and Violence on Chicago's South Side*. New York: Columbia University Press, 2020. Aspholm's study of South Side Chicago gangs describes how the dominant gang factions of earlier years—including major gang organizations such as the Black Disciples (BDs), Gangster Disciples (GDs), Latin Kings, and Mickey Cobras (MCs)—have now splintered into many smaller block-level affiliate groups. While the names and legacies of the major gang organizations may still be influential, the splinter groups do not necessarily maintain either the traditional alliances or the traditional conflicts of the parent organizations. Aspholm paraphrases his conversations with some of the young men involved in contemporary gang conflicts in Chicago: "My early conversations with some of the guys involved in this developing conflict...challenged everything I thought I knew about gangs and violence in Chicago. So you guys are Mickey Cobras, but your closest allies are Black Disciples? Yup. And you guys are into it with the other MCs from right up the street, who have historically been your closest allies? Yup. Because your BD friends are into it with them? Yup. And the MCs you're beefing with have Gangster Disciples in their set as well? Yup. So it's MCs and BDs at war with MCs and GDs? Yup. And you guys are getting into it with the big homies from your own neighborhood now as well, because they sided with the other MCs? Yup."(pp. 87–88).
Other academic studies corroborate Aspholm's account of gang factionalization in Chicago. See, for example, Forrest Stuart, *Ballad of the Bullet: Gangs, Drill Music, and the Power of Online Infamy*. Chicago: University of Chicago Press (2020); and John Hagedorn et al., The Fracturing of Gangs and Violence in Chicago: A Research-Based Reorientation of Violence Prevention and Intervention Policy. Chicago: Great Cities Institute, University of Illinois at Chicago (2019). https://greatcities.uic.edu/wp-content/uploads/2019/01/The_Fracturing_of_Gangs_and_Violence_in_Chicago.pdf, accessed March 4, 2021.

If CPD is to persist in the collection of gang data, it should do so in a manner that reflects an appropriate weighing of the potential costs to individuals, against the actual benefits to law enforcement operations. The challenge presented by gang factionalization was recognized by CPD members in 2019 and highlighted in OIG's 2019 report: OIG cited interviews in which CPD members observed that gang designation information often becomes inaccurate as soon as it is documented.[63] The CEIS draft directive does not introduce any innovations in data collection, maintenance, or analysis that would seem likely to address that weakness.

CPD referred OIG to two additional written sources for understanding its strategic purpose in collecting gang information: (1) General Order G10-01: Gang Violence Reduction Strategy,[64] and (2) a strategic plan, which was described by CPD as "includ[ing] the development, institution and enhancement of the strategies set forth in G10-01[: Gang Violence Reduction Strategy]."[65]

G10-01 was last updated in February 2019, before the release of OIG's April 2019 report and CPD's first draft of directive G10-01-03. In response to OIG's inquiry into what steps, if any, CPD has taken to evaluate the implementation and effectiveness of the strategies set forth in G10-01, CPD responded, "CPD has not yet undertaken this evaluation. CPD will do so once the reorganization [of the Department's structure] is complete and CEIS has been implemented."[66] By taking the position that CPD will not begin to evaluate the effectiveness of the gang violence reduction strategies contained in directive G10-01 until the CEIS has been implemented, CPD risks wasting considerable time and expense by building a system that is not optimized for an updated violence reduction strategy.

On the issue of tailoring training, OIG recommended in April 2019 that CPD should "provide regular, formal refresher training updates to officers on the evolving nature of gangs in Chicago."[67] In its September 2020 written response to OIG's questions, the Department stated that, "CPD has not yet developed such training materials [on the proper collection and use of gang-related data], but expects such materials to incorporate the evolving nature of gangs in Chicago."[68] Developing officer training on the evolving nature of gangs in Chicago is, like revising G10-01: Gang Violence Reduction Strategy and providing a strategic purpose statement within G10-01-03, an avenue through which CPD could have clarified and articulated the strategic value of its gang data collection plans. By neither developing training nor revising G10-01 or G10-01-03 with tailored statements on the strategic value of the proposed CEIS, CPD has foregone several opportunities to make a clearer affirmative case for the necessity of its proposed model of gang data collection.

---

[63] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 53.
[64] Chicago Police Department, "General Order G10-01: Gang Violence Reduction Strategy," February 8, 2019, accessed January 28, 2021, http://directives.chicagopolice.org/directives/data/a7a57bf0-136d1d31-16513-6d1d-382b311ddf65fd3a.pdf.
[65] See Appendix A, Attachment #2
[66] See Appendix A, question 20.
[67] Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" p. 137.
[68] See Appendix A, questions 34–35.

In sum, CPD maintained in April 2019, and still maintains, that collecting and accessing gang data is essential to its crime fighting strategy.[69] But CPD has now spent nearly two years relying on data that the Department itself has publicly recognized to be deficient. Over that period, CPD has not developed any new statement, in either policy or training, of the specific strategic value of the gang information it proposes to collect in the CEIS.

[69] See Appendix A, questions 1–2.

FINDING 3: CPD HAS TAKEN SOME MEASURES TO ADOPT COMMUNITY FEEDBACK ON ITS GANG DATA COLLECTION, BUT BY LEAVING AN OUTDATED VERSION OF THE CEIS DIRECTIVE ON ITS WEBSITE FOR APPROXIMATELY EIGHT MONTHS AND FAILING TO MAKE ITS REVISION PUBLIC, CPD MAY HAVE MISLED THE PUBLIC WITH RESPECT TO A KEY POLICY CONCERN

OIG finds that CPD has been partially responsive to some concerns raised by the public with respect to General Order G10-01-03 but is not in a position to fully address those concerns until it makes further progress on operationalizing the CEIS. Furthermore, on a key policy question of significant public concern—clarification of the criteria by which individuals could be entered into the database—CPD risks misleading the public with respect to its most recent policy position. By leaving the outdated February 2020 draft of General Order G10-01-03 up on its website for approximately eight months—between July 2020, when a revised version was completed, and March 2021, when the outdated version was finally removed from CPD's website—CPD failed to render transparent its evolving position on the circumstances under which an individual may be entered into the prospective CEIS.

A. MEASURES TO ADOPT PUBLIC FEEDBACK

CPD had a formal, two-month public comment period after the release of its first draft of General Order G10-01-03 in April 2019, yielding 421 comments. The changes in the next two versions of G10-01-03 reflected some, but not all, of the community concerns raised during the comment period.

In CPD's September 2020 response to OIG's written inquiries, CPD stated it had "conducted a series of meetings with public stakeholders to discuss the CEIS, its changes, and the new controls meant to address issues…held after the feedback period" to review the proposed creation of the CEIS.[70] In a December 2020 interview with OIG, personnel from CPD's Office of Community Policing acknowledged that some community meetings discussed the topic of the "gang database," but no community meetings had been scheduled specifically on that topic between April 2019 and early February 2020.

In association with the release of the revised draft General Order G10-01-03, CPD hosted two public community meetings at City Hall in late February 2020. A senior advisor in the Mayor's Office and a civilian manager in CPD's Office of Community Policing both stated that further in-person community meetings being considered on the subject of the CEIS were derailed by the

[70] See Appendix A, question 47.

onset of the COVID-19 pandemic in March 2020. The civilian manager stated in December 2020 that CPD was continuing to hold community engagement meetings online, and they were hoping to do some small, in-person focus groups in the future. The civilian manager further stated that they "believe[d] CPD was committed to continuing community conversations" about the new system as it rolls out and becomes operational.

Personnel in the Office of Community Policing identified three elements of draft General Order G10-01-03 that they believed most directly reflected CPD's responsiveness to community concerns: (1) a more accessible appeals process; (2) the inclusion of a "sunset period" of five years on the database, after which individuals' gang identifications could be eligible for removal; and (3) clarification of the criteria by which people could be entered into the database. OIG's independent review of the public comments received in April and May 2019 confirms that each of these three issues were significant concerns for community members. OIG identified at least 11 public comments addressing the appeal and/or removal processes and at least 12 public comments questioning the validity of CPD's proposed criteria for inclusion.[71] On the first two of these topics, CPD has been partially responsive to public concerns in its drafting of successive iterations of General Order G10-01-03.

The first area of community concern identified by personnel in the Office of Community Policing, as addressed by draft General Order G10-01-03, is the accessibility of the appeals process. In the April 2019 draft of G10-01-03, in order to access or appeal their Status Identification, a person would have to "make a request at the Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays."[72] In the February 2020 and July 2020 drafts of G10-01-03, CPD expanded the times and locations where people could request their Status Identification to include, in addition to Public Safety Headquarters, the City Clerk's Office, or one of five CPD district stations, the latter of which are open 24 hours a day and 7 days a week.[73] This change is a significant improvement in accessibility of information about one's status, a prerequisite to being able to make an appeal. As for accessibility of the appeals process itself, in the February 2020 and July 2020 drafts of G10-01-03, CPD transferred the responsibility for managing the appeals process to the Police Board, and along with it, the responsibility of determining rules governing the appeals process.[74] CPD's Fact Sheet, published in February 2020, states that "procedures for how to appeal to the Chicago Police Board, and how those appeals will be handled by the board,

[71] Other topics of high interest in the public comment period included: access to the proposed CEIS database by third parties entities, in particular ICE (at least six comments); the prospect of CPD's continued reliance on its old gang data (at least three comments); and the questionable strategic value of CPD's gang data collection plan (over 90 comments, many employing template language suggested by the plaintiffs in *Chicagoans for an End to the Gang Database et al. v. City of Chicago et al.*).
[72] See Appendix D. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Database," April 11, 2019, IX.C.1.a.
[73] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, IX.B.1.
[74] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, IX.C.2.b.

are being developed now." Since then, neither CPD nor the Police Board has publicly released further information on the rules or procedures that will govern that appeals process.

The second area of community concern identified by personnel in the Office of Community Policing, as addressed by draft General Order G10-01-03, is the long retention of gang identifications in CPD's database. In the first iteration of G10-01-03, released in April 2019 at the start of the public comment period, CPD already included a five-year "sunset period" provision. That first draft of G10-01-03 provides, "An individual is eligible for removal when he or she has not committed any act in furtherance of gang or criminal-enterprise-related activity or has not been arrested, charged, petitioned for delinquency, found delinquent, or convicted of a qualifying criminal offense within the past five years."[75] The successive drafts of G10-01-03 from February 2020 and July 2020 strengthen this language by modifying the passage to read, "A person's Status Identification and other records pertaining to the person *will be removed* from the Criminal Enterprise Information System…when he or she has not committed any act in furtherance of gang or criminal enterprise-related activity or has not been arrested, charged, convicted, petitioned for delinquency, or been found delinquent of a qualifying criminal offense within the past five years." (Emphasis added.)[76] With this five-year "sunset period" provision in the draft policy, CPD has proposed a mechanism for limiting its retention of outdated gang identification information.

However, the public comments raised important questions about how the "sunset period" provision will work in practice, which CPD is not yet equipped to answer. One public commenter posed the question, "What happens if a person is removed from the proposed gang database but this information is not communicated to other law enforcement agencies in situations where they may have been involved in a case or investigation?" Others asked what use might be made of the "historical records" that G10-01-03 notes "will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws."[77] As noted above in Finding 1, CPD has not yet made progress on its plans for auditing the information in the CEIS or its plans for managin internal or external access. Until those processes are worked out, questions will remain open as to whether the "sunset period" provision will provide meaningful protections.

B. CPD RISKS MISLEADING THE PUBLIC ON A KEY AREA OF CONCERN BY HAVING LEFT AN OUTDATED DRAFT OF ITS GENERAL ORDER ON ITS WEBSITE FOR APPROXIMATELY EIGHT MONTHS

The third and final area of community concern identified by personnel in the Office of Community Policing was clarification of the criteria by which people could be entered into the

[75] See Appendix D. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Database," April 2019, VIII.A.
[76] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, VIII.A.
[77] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, IX.C.6.

database. As noted above in Finding 1, the provision for how district law enforcement officers may make an entry into the database has changed across each of the three successive drafts of General Order G10-01-03. The February 2020 draft narrowed the conditions under which an individual could be entered into the CEIS by district law enforcement officers by limiting entry to the completion of an Automated Arrest Report. By introducing this change between April 2019 and February 2020, CPD moved toward responding to an area of community concern.[78] One commenter spoke directly to this issue: "I am hesitant about a government entity such as the CPD recording individuals associated with a particular gang that have not yet participated in a crime[.] I believe that serious constitutional issues that we have seen from the TSA's No[Fly]/Watch lists will also come up if such people are included in the database." Critically, however, this limiting provision was eliminated in the July 2020 version of the directive, which CPD did not make public upon its drafting. Instead, the February 2020 version remained publicly available for approximately eight months after July 2020, with no indication that it had been superseded by a new draft.

Finally, it should be noted that CPD's responsiveness to community concerns is in all respects highly provisional, because as mentioned above in Finding 1, CPD has made minimal progress toward an actual operational system. All policy provisions in draft General Order G10-01-03 are subject to change, particularly when the system has not yet been built. Along with the issue of the Automated Arrest Report requirement for entry into the database discussed above, a second example pertains to the draft directive language about external agency access—another major area of concern during the public comment period. Commenters expressed worry over which agencies would be able to see the data and whether CPD could exercise any effective oversight over what external agencies might do with it. In the April 2019 draft of G10-01-03, the clause on "Authorized Use" provided that, "The Criminal Enterprise Database is available for use only by Department members with authorized access acting in furtherance of a legitimate law enforcement purpose."[79] In the February 2020 and July 2020 drafts of G10-01-03, CPD changed this provision to read, "The Criminal Enterprise Information System is available for use only by Department members *and other law enforcement agencies* with authorized access acting in furtherance of a legitimate law enforcement purpose." (Emphasis added.)[80] By expanding the contemplated scope of authorized access in the later drafts, CPD instituted a change in direct

[78] Although the provision in the February 2020 draft of G10-01-03 was one step toward addressing community concerns, it is important to note that predicating entries into the CEIS upon an arrest is not equivalent to predicating entries into the CEIS on a criminal prosecution or a criminal conviction. The fact of an arrest, and the generation of an Automated Arrest Report, does not necessarily mean that the subject faced charges filed against them, much less that they were convicted of a crime. Nor would the provision have ensured that individuals would only be entered into the CEIS if there were probable cause to arrest them for gang-related crime. An arrest that precipitates an entry into the CEIS could exist for an issue totally unrelated to gang activity. For example, under the provisions of the February 2020 draft directive G10-01-03, a district law enforcement member could submit a Status Identification following a shoplifting arrest, if the arrestee met the other criteria outlined in the draft directive for identification as a gang member.

[79] See Appendix D. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Database," April 2019, XII.

[80] See Appendix E. Chicago Police Department, "General Order G10-01-03: Criminal Enterprise Information System," February 2020, XII.

contravention to the wishes expressed in the public comment period. But more concerning than that is just how open-ended and ungrounded CPD's policy plans for the CEIS still appear to be. As noted above, the Department's written response to OIG in September 2020 stated that, "CPD has not yet determined whether third party agencies will have access to the CEIS."[81] This written response came *after* CPD had expressly revised General Order G10-01-03 to allow for the possibility of external agency access. The drafting history of G10-01-03 therefore may not be a complete or reliable guide to the policy plans CPD has for the CEIS.

[81] See Appendix A, question 29.

V. CONCLUSION

In conclusion, CPD has fallen critically short in meeting the commitments it made in response to OIG's April 2019 findings and recommendations. The Department has failed to make significant progress toward the operational development of the CEIS; since February 2020—when Interim Superintendent Charlie Beck estimated completion within six to twelve months—CPD has not committed to a timeline for completing the CEIS or issuing the final version of General Order G10-01-03. For nearly two years, CPD failed to maintain clear managerial responsibility for the project through staff departures and restructuring, and several critical policy issues relating to the operation of the CEIS remain unresolved or underdeveloped. Meanwhile, CPD continues to use old, flawed systems for gang data. Finally, while CPD has taken some measures to adopt public feedback into its gang data collection, its maintenance of the outdated February 2020 draft of G10-01-03 as the public-facing version of record for eight months—without making public that it had been superseded or the fact that circumstances under which an individual may be entered into CPD's records as a designated gang member may have been changed—could have misled the the public on a matter of high concern.

APPENDIX A: CPD'S SEPTEMBER 2020 RESPONSE TO OIG'S FOLLOW-UP QUESTIONS

Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

September 4, 2020

VIA ELECTRONIC MAIL

Ms. Deborah Witzburg
Deputy Inspector General
Public Safety Section
City of Chicago Office of Inspector General
740 N. Sedgwick, Suite 200
Chicago, Illinois 60654
dwitzburg@igchicago.org

Re: CPD's Response to Follow-Up to OIG's Review of CPD's "Gang Database"

Dear Deputy Inspector General Witzburg:

The Chicago Police Department ("CPD") has prepared the following responses to the questions contained in the July 27, 2020 Follow-Up to OIG's Review of CPD's "Gang Database" ("OIG Review"). As the OIG is aware, the Criminal Enterprise Information System ("CEIS") is a work in progress. The answers below are based on knowledge and assumptions made as of the date of this response. These answers are likely to evolve as CPD undertakes community engagement, develops orders and standard operating procedures, and addresses technology limitations. As such, these answers may change as CPD continues to develop and implement the CEIS.

Question 1: *In CPD's April 2019 response to Recommendation 1, CPD noted that it had "identified several operations where gang information is essential to its operations, particularly for violent and gun crime suppression efforts." Please describe those operations.*

Response: CPD maintains specialized units whose primary focus is to conduct violent crime and gun crime interdiction with a nexus to gang affiliation. Units that particularly identify potential gang conflicts, such as the Crime Prevention and Information Center ("CPIC"), Deployment Operations Center, Gang and Intelligence Units, whose mission it is to anticipate and thwart gang-related crimes. This requires information about gang members' affiliations, current gang conflicts that can become a catalyst for potential for violent retaliation, and peripheral gang information for both short-term and long-term investigations.

Question 2: *How is gang information used to further the goals of these operations?*

Response: Gang information is used at all levels of police operations, from an officer on the street, to district intelligence officers, to commanders using this information to deploy resources to prevent violent gang-related crime. Patrol officers use this information for personal safety, as well as when conducting investigations or interacting with members of the public. Understanding gang-conflicts, gang-territories, and gang-affiliations allows officers to anticipate and potentially prevent violent crime occurring. An example of this is officers quickly determining the presence of gang-members in rival territory, my conducting lawful stops and identifying

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000
E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

gang-member affiliations of subjects within a rival gang territory that have a historical or active gang-conflict.

Question 3: *In CPD's April 2019 response to Recommendation 4, CPD referred to an in-process "system and policy overhaul for implementation of [at risk youth] interventions." Please provide an update on the progress of this overhaul.*

Response: CPD will provide a response to this question in follow up correspondence.

Question 4: *What steps has CPD taken to change its policies and strategies related to identifying youth for social intervention services?*

Response: CPD will provide a response to this question in follow up correspondence.

Question 5: *In CPD's April 2019 response to Recommendation 4, CPD noted that "the current process for engaging at-risk individuals, known within the Department as a 'custom notification,' is also currently being re-evaluated for improvement and implementation." What steps have been taken, if any, to evaluated and change the custom notification process for engaging at-risk youth?*

Response: CPD will provide a response to this question in follow up correspondence.

Question 6: *Does CPD anticipate that gang designations will be an important component of the revamped custom notification process?*

Response: CPD will provide a response to this question in follow up correspondence.

Question 7: *Which personnel and/or units are tasked with gathering information on criminal enterprises and gangs?*

Response: The following units, a nonexclusive list of which includes the Intelligence Unit; Bureau of Counterterror; Crime Prevention and Information Center; Deployment Operations Center; District Intelligence Officers; Gang Investigations Division; Narcotics Division; Task Force Officers assigned to FBI, ATF, and DEA; and Personnel assigned to FBI HUMINT and JTTF.

Question 8: *Has CPD determined which personnel and/or units will be tasked with applying the criteria to existing information before it is entered into the new Criminal Enterprise Information System (CEIS) provided for in draft directive G10-01-03?*

Response: CPD has not yet made this determination.

Question 9: *What will be the role of the Office of Public Safety Administration, if any, in evaluating existing gang information and transferring it to the new CEIS?*

Response: OPSA-IT will provide technical support to any unit identified in response to Question 8, including the deprecation of data tables once such data tables have been reviewed by such designated unit(s).

Question 10: *If external agencies designate individuals as members of a criminal enterprise or street gang and, subsequently, CPD uses that information to create a status designation, will CPD request from the external agency any documentation supporting the designation?*

Response: At this time CPD does not intend to rely on external agencies' designation of individuals as

members of a criminal enterprise or street gang.

Question 11: *The current draft of G10-01-03 provides that "information received from informants who have proven to be reliable to the Department in the past" is one possible criterion for the identification of criminal enterprises and street gangs. When an entry is made into the CEIS based on information received from an informant, who will be responsible for determining if that informant "has proven to be reliable to the Department in the past"?*

Response: The immediate supervisor of personnel in those specialized units that will be allowed to use that qualifying factor allowing such information to be entered into the CEIS.

Question 12: *Please provide written guidelines, if any exist, that guide CPD's determinations of whether informants have "proven to be reliable."*

Response: CPD has not yet developed such written guidelines, but will provide the guidelines should they be adopted.

Question 13: *Section X of the current draft of G10-01-03 outlines the responsibilities of District commanders, Gang Investigation teams personnel, and the Deployment Operations Center in auditing and verifying the information contained in the new CEIS. How will the auditing and verification processes described here take account of the "current landscape of gangs in Chicago"?*

Response: The purpose of the audit is to take into account the current landscape of gangs in Chicago.

Question 14: *In July 2020, you stated publicly that there are 117,000 gang members in Chicago, comprising 55 known gangs. From where was that information drawn?*

Response: This information came from the commander of CPIC/DOC based on information maintained in the DOC's computer system.

Question 15: *Has CPD carried out a formal inventory of all gang-related data collection and reporting systems since April 2019?*

Response: With respect to Questions 15 and 16, CPD has completed a gang information review that provides a system architecture map of all applications collecting gang-related data, and the locations where such data is stored.

Question 16: *Has CPD carried out a formal inventory of all electronic records containing gang information since April 2019?*

Response: Please see CPD's response to Question number 15.

Question 17: *In its April 2019 response to Recommendation 7, CPD noted that the Information Services Division "has gained an understanding of CPD's gang information source data systems and how they interrelate." Please provide an updated model showing the relationships between the various data systems.*

Response: Please see Attachment #1 to this Response.

Question 18: *In CPD's April 2019 response to Recommendation 9, CPD referred to "a new strategic plan, which includes the development, institution and enhancement of the strategies set forth in G10-01: Gang Violence Reduction Strategy." Please provide the text of this strategic plan.*

Response: Please see Attachment #2 to this Response.

Question 19: *Has CPD made, or planned to make, any changes to G10-01 since April 2019?*

Response: As the OIG is aware, CPD underwent a reorganization in February of 2020. Supt. Brown has made additional organizational changes, and upon completion of those changes, directives such as G10-01 will be amended as appropriate.

Question 20: *What steps, if any, has CPD taken to evaluate the implementation and effectiveness of the strategies set forth in G10-01?*

Response: In light of the current reorganization and ongoing work on the CEIS, CPD has not yet undertaken this evaluation. CPD will do so once the reorganization is complete and the CEIS has been implemented.

Question 21: *Are further changes planned to the Gang Violence Reduction Strategy and G10-01 in light of the planned launch of the CEIS?*

Response: CPD has yet to determine whether it will make further changes to the Gang Violence Reduction Strategy and G10-01 in light of the planned launch of the CEIS.

Question 22: *In CPD's April 2019 response to Recommendation 9, CPD indicated that it "will add a clearly defined purpose section to its Criminal Enterprise Database directive that aligns with its current anti-gang violence goals." Does CPD plan to make additional edits to draft directive G10-01-03 in furtherance of this commitment? If so, please share any draft language that is being planned for inclusion in G10-01-03.*

Response: CPD has not taken steps to revise G10-01-03 at this time.

Question 23: *Has CPD altered the terms of its Record Retention Schedule to ensure that all forms featuring gang-related data are included on it?*

Response: CPD has taken no steps to alter its Records Retention Schedule. However, due to the Consent Decree, CPD permanently retains all information except as required by law, such as expungements.

Question 24: *In CPD's April 2019 response to Recommendation 11, CPD committed to "execut[ing] data sharing agreements with law enforcement partners who have access to the Criminal Enterprise Database in accordance with 28 CFR Part 23." Has CPD created the data sharing agreements to which it referred in its April 2019 response to OIG's original report?*

Response: CPD has not created these agreements yet because the CEIS has not yet been implemented, and CPD has not yet determined whether third party agencies will have access to the CEIS.

Question 25: *What requirements for use are or will be set forth in the data sharing agreements?*

Response: CPD has not determined the requirements because the agreements have not yet been drafted, and CPD has not yet determined whether third party agencies will have access to the CEIS.

Question 26: *How will CPD determine that external agencies are compliant with 28 CFR Part 23?*

Response: CPD is unaware of any method of ensuring an agency complies with 28 CFR Part 23 in the

context of any data sharing agreements. Moreover, CPD has not yet determined whether third party agencies will have access to the CEIS.

Question 27: *What will be the consequences if CPD determines that a law enforcement partner has been non-compliant?*

Response: A law enforcement agency that is not in full compliance with 28 CFR Part 23 will lose access to all CPD computerized information systems. In addition, a member of a law enforcement agency that violates the law enforcement agency's 28 CFR Part 23 policy will be subject to penalties under federal law, as well as any disciplinary action for a violation of that law enforcement agency's policy.

Question 28: *What will be the scope of CPD's external agency audits?*

Response: CPD has not determined whether it will use external agency audits.

Question 29: *The current draft of G10-01-03 provides "it is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police." Will U.S. Immigrations and Customs Enforcement (ICE) have access to the CEIS as a law enforcement partner agency?*

Response: CPD has not yet determined whether third party agencies will have access to the CEIS. Furthermore, CPD does not intend to allow access to the CEIS for purposes of enforcement of civil immigration law.

Question 30: *If ICE is not granted access to the CEIS as a law enforcement partner agency, will the City of Chicago and CPD have any ability to control whether, and under what conditions, other federal partner agencies with access to the CEIS (for example, FBI and ATF) share CEIS database information with ICE?*

Response: A law enforcement partner seeking access to any CPD database is bound to an agreement that will comply with, among other requirements, 28 CFR Part 23, which limits the extent to which such information can be disseminated. A violation of this agreement will result in loss of access to CPD databases.

Question 31: *More generally, how do the City of Chicago and CPD propose to prevent law enforcement partner agencies with authorized access from sharing information with a non-authorized entity?*

Response: See answer to Question 30.

Question 32: *When will CPD members start to receive the training necessary to enter, retrieve, or approve information in the CEIS?*

Response: CPD cannot answer this question until such time as the CEIS is built and a timetable is established for the CEIS to go live.

Question 33: *Which CPD members will receive the training?*

Response: CPD cannot answer this question until such time as the CEIS is built. Different levels of training will be provided according to the access needs of a particular CPD member.

Question 34: *Please provide any training materials that have been developed since April 2019 on the proper collection and use of gang-related data.*

Response: CPD has not yet developed such training materials.

Question 35: *How will the trainings address the evolving nature of gangs in Chicago?*

Response: CPD has not developed such training materials, but expects such materials to incorporate the evolving nature of gangs in Chicago.

Question 36: *Section VII of the current draft of G10-01-03 provides that CPD personnel may enter information into CEIS only during the completion of an automated arrest report or by those with "long-term investigative authority and capabilities." What controls will the CEIS include to ensure that CPD personnel cannot enter information into the CEIS other than under those specified circumstances?*

Response: CPD will develop and/or modify the appropriate controls as the process of building the CEIS system continues.

Question 37: *Will third party agencies with access to the CEIS be able to create status designations? If so, what controls will be in place to ensure the quality and reliability of those status designations?*

Response: CPD has not yet determined whether third party agencies will have access to the CEIS.

Question 38: *Section X.A of the current draft of G10-01-03 provides that the scope of gang audits remains in the sole discretion of the Department. What will be included within the scope of a gang audit?*

Response: CPD has not yet determined what will be included within the scope of a gang audit. These criteria will be determined as the CEIS is built.

Question 39: *Section X.C of the current draft of G10-01-03 provides that the Deployment Operations Center will conduct "random audits" of the data entered into the CEIS. What will be the scope of the Deployment Operations Center's "random audits"? How will they differ from the gang audits described in Section X.A?*

Response: CPD has not yet determined what will be included within the scope of random audits. These criteria will be determined as the CEIS is built.

Question 40: *In CPD's April 2019 response to Recommendation 20, CPD stated it would "undertake efforts to create a system in which in-person notification is provided to subjects, informing them of the process to appeal a determination of gang membership or affiliation." What is the status of this effort?*

Response: CPD continues to work with community advocates to determine the best way to conduct such in-person notification.

Question 41: *What measures will CPD have in place to notify persons who prove difficult to contact in person?*

Response: CPD has not yet determined how it will notify persons who prove difficult to contact in person.

Question 42: *Has CPD updated its current language access policies and procedures as it committed to do in its response to OIG's April 2019 report?*

Response: The Language Access Directive was updated after Research and Development received the January 2020 comments provided by the Independent Monitoring Team.

Question 43: *OIG recognizes that CPD has recently hired a language access coordinator. What will the duties of this person be, specifically as related to Recommendation 22 of OIG's April 2019 report?*

Response: Research and Development is working with the new Language Access Coordinator to add roles and responsibilities to the Language Access Directive.

Question 44: *Section IX.B.3. of the current draft of G10-01-03 provides that "within 90 days of receipt of a completed Criminal Enterprise Information System Access form, the Access and Review Unit will communicate in writing to the requester the results of the Status Identification request." How and why did CPD arrive at 90 days as the time limit for the Access and Review Unit to provide the results of a status identification inquiry?*

Response: CPD determined that 90 days was appropriate because of operational considerations.

Question 45: *Will external agencies be notified when a status designation, or group of status designations, have been removed from the CEIS? If so, how soon after the removals? If not, why not?*

Response: The role of third party agencies with respect to the CEIS, if any, is still being developed, and therefore CPD has no plans to notify external agencies of any such status changes.

Question 46: *Since OIG's April 2019 report and CPD's response, what steps has CPD taken to build partnerships with community-based organizations in order to foster "collaborative solutions to violence"?*

Response: Strategic planning process in all 22 districts from 2018-20, numerous public policy conversations, continue to conduct beat and district advisory council meetings in real life and virtually, multiple public policy conversations with the Coalition, numerous public policy groups in compliance with the Consent Decree, and weekly 40-60 engagements throughout the city. We are anxious to continue building and expanding these partnerships.

Question 47: *What has CPD done, if anything, to address the following concerns raised during the May 2019 public feedback period on draft directive G10-01-03:*

- *CPD's lack of engagement with community members, other than the public comment period, about the CEIS.*
- *The accessibility (for department members and external agencies) of old databases, reports, visualization tools, and other records containing gang information.*
- *Whether the CEIS and CPD's gang-collection activities are the proper tools for combatting crime and violent gang activity.*
- *The appropriateness or utility of inclusions of persons in the CEIS even though they have not committed any criminal activity.*

Response:

- When first announcing the change, we conducted a series of meetings with public stakeholders to discuss the CEIS, its changes, and the new controls meant to address issues. This was not only during feedback period, but in community meetings held after the feedback period where we reviewed the proposed creation of the CEIS.
- CPD engaged Berkeley Research Group to review this data to help develop a map of current and former data systems that contains gang-related data.
- CPD relies on the information contained in these databases. Without this information, it becomes significantly more difficult to build cases, interdict gang-related crimes and activity, and protect the safety of officers and the public.

- CPD relies upon this data to identify active gang members, notwithstanding that such gang members may not have been convicted of any criminal activity.

Question 48: *In CPD's April 2019 response to Recommendation 27, CPD stated it would "publicly report aggregate data within the Criminal Enterprise Database [now CEIS], but has not yet decided what level of specificity is appropriate." Since April 2019, has CPD come to any conclusions about what specific information about gang information will be publicly reported?*

Response: At this time, CPD has determined that it will report basic level aggregate data within the CEIS system and is still working through details on other information that these reports will include.

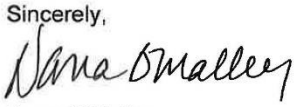
Question 49: *How soon after the launch of the CEIS does CPD anticipate it will begin to report this information?*

Response: CPD intends to immediately provide a mechanism for reporting that may take the form of a dashboard.

Question 50: *Please provide the names of all CPD members who contributed to answering the above questions so that OIG may follow up with interview requests as necessary.*

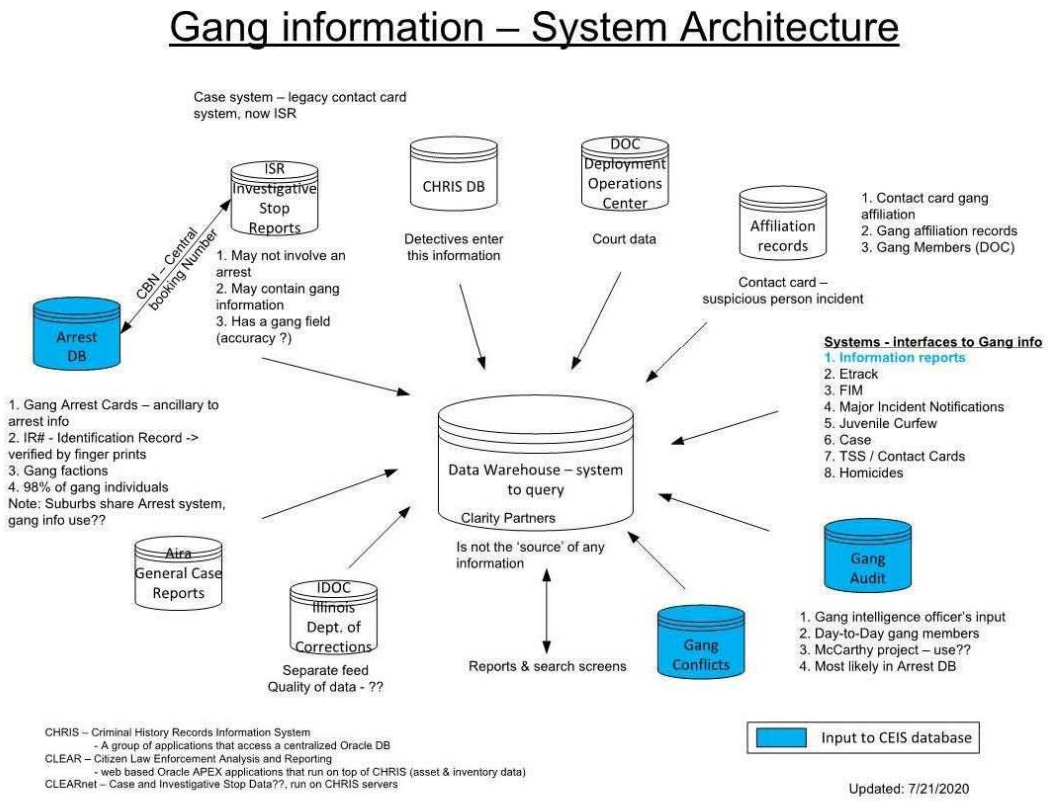
Response: Sabih Khan, Karen Conway, and Glen Brooks.

Sincerely,



Dana O'Malley
General Counsel
Office of the Superintendent
Chicago Police Department

ATTACHMENT #1 AS REFERENCED IN RESPONSE TO QUESTION 17:



ATTACHMENT #2 AS REFERENCED IN RESPONSE TO QUESTION 18:

CPD's Strategic Plan, which can be found here: https://home.chicagopolice.org/wp-content/uploads/2019/01/Chicago-Police-Department-Strategic-Plan-Plan-2019-January.pdf.

APPENDIX B: CPD'S NOVEMBER 2020 RESPONSE TO OIG'S FOLLOW-UP QUESTIONS

Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

November 5, 2020

VIA ELECTRONIC MAIL

Ms. Deborah Witzburg
Deputy Inspector General
Public Safety Section
City of Chicago Office of Inspector General
740 N. Sedgwick, Suite 200
Chicago, Illinois 60654
dwitzburg@igchicago.org

Re: CPD's Response to Follow-Up to OIG's Review of CPD's "Gang Database"

Dear Deputy Inspector General Witzburg:

The Chicago Police Department ("CPD") has prepared the following responses to the remaining questions contained in the July 27, 2020 Follow-Up to OIG's Review of CPD's "Gang Database". As the OIG is aware, the Criminal Enterprise Information System ("CEIS") is a work in progress. The answers below are based on knowledge and assumptions made as of the date of this response. These answers are likely to evolve as CPD undertakes community engagement, develops orders and standard operating procedures, and addresses technology limitations. As such, these answers may change as CPD continues to develop and implement the CEIS.

Question 3: *In CPD's April 2019 response to Recommendation 4, CPD referred to an in-process "system and policy overhaul for implementation of [at risk youth] interventions." Please provide an update on the progress of this overhaul.*

Response: CPD prepared draft revisions that it submitted to Research and Development for review and inclusion in the final CEIS order. This draft is still with Research and Development.

Question 4: *What steps has CPD taken to change its policies and strategies related to identifying youth for social intervention services?*

Response: CPD has created a system of custom notifications to identify at-risk youth, and to notify and provide outreach agencies to address those at-risk youth.

Question 5: *In CPD's April 2019 response to Recommendation 4, CPD noted that "the current process for engaging at-risk individuals, known within the Department as a 'custom notification,' is also currently being re-evaluated for improvement and implementation." What steps have been taken, if any, to evaluated and change the custom notification process for engaging at-risk youth?*

Response: CPD prepared draft revisions that it submitted to Research and Development for review and

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000
E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

inclusion in the final CEIS order. This draft is still with Research and Development. CPD has also incorporated a shooting review to go over shootings that have happened throughout the City in various districts to identify juveniles involved in, or the victim of, a crime, including custom notifications and providing access to outreach agencies and clergy.

Question 6: *Does CPD anticipate that gang designations will be an important component of the revamped custom notification process?*

Response: Yes, this designation is an integral part of CPD's Gang Violence Reduction Strategy.

Question 50: *Please provide the names of all CPD members who contributed to answering the above questions so that OIG may follow up with interview requests as necessary.*

Response: Sabih Khan, Karen Conway, Glen Brooks, Lt. Roderick Watson, and Sgt. John Cleggett.

Sincerely,

Scott Spears
Assistant General Counsel
Office of the Superintendent
Chicago Police Department

APPENDIX C: AUGUST 31, 2020 COURT FILING BY THE CITY OF CHICAGO IN *CHICAGOANS FOR AN END TO THE GANG DATABASE ET AL. V. CITY OF CHICAGO ET AL.*

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHICAGOANS FOR AN END TO THE GANG DATABASE: BLACK YOUTH PROJECT 100 CHICAGO, BLOCKS TOGETHER, BRIGHTON PARK NEIGHBORHOOD COUNCIL, LATINO UNION, MIJENTE, and ORGANIZED COMMUNITIES AGAINST DEPORTATION, as well as DONTA LUCAS, JONATHAN WARNER, LESTER COOPER, and LUIS PEDROTE-SALINAS, on behalf of themselves and a class of similarly situated persons, Plaintiffs, v. CITY OF CHICAGO, SUPERINTENDENT EDDIE JOHNSON, and CHICAGO POLICE OFFICERS MICHAEL TOMASO (#6404), MICHAEL GOLDEN (#15478), PETER TOLEDO (#2105), JOHN DOES 1-4, and JANE DOES 1-2, Defendants.	Case No. 18-cv-04242 Hon. Andrea R. Wood

NOTICE OF INITIATIVES ASSOCIATED WITH CRIMINAL ENTERPRISE INFORMATION SYSTEM

Defendant City of Chicago ("City"), by and through its counsel, Mark A. Flessner, Corporation Counsel, hereby notifies the Court that the Chicago Police Department ("CPD") plans to undertake certain initiatives associated with its implementation of the Criminal Enterprise Information System ("CEIS").

As background, the City informed the Court on February 27, 2020, that CPD had publicized a General Order ("Order") describing the CEIS, and the City submitted the Order to

the Court. See Dkt. No. 69. As the City explained, the CEIS will be the tool by which CPD vets, maintains, and utilizes criminal enterprise and street gang membership information, which it uses as a law enforcement tool. See id.

The additional initiatives associated with the CEIS are listed below:

- Following implementation and population of the CEIS, CPD will rescind Special Order S10-02-01 ("Criminal Street Gang Arrest Information"), and will no longer use that order or the current interface known as a "gang arrest card" as the basis for identifying whether a person is a member of a street gang. After the CEIS is populated and operational, historical gang arrest cards contained in CPD's CLEAR database will be "walled off" and will generally not be available to other agencies or CPD users.
- A disclaimer will appear to CPD and outside agency users accessing the CEIS stating that gang membership information in the CEIS is intended for law enforcement purposes only, including intelligence, investigation, planning, and response purposes.
- A disclaimer will appear to CPD and outside agency users accessing non-CEIS records in the CLEAR system stating that gang membership information in those records is not necessarily independently verified, and that CPD makes no representations regarding the current accuracy of the information, and the information, standing alone, is not necessarily indicative of current criminal street gang membership.
- CPD will require other law enforcement agencies to enter into user agreements prior to permitting access to CEIS. The user agreements will require that

agencies not disclose gang information to any third party for immigration, employment, education, non-law enforcement-related licensing, or housing purposes, including to United States Immigration and Customs Enforcement ("ICE").

- On an annual basis, CPD intends to identify, via a public dashboard, the aggregate number of persons included in the CED as of the date of the report, including by race, ethnicity, age, and criteria used for designation, as well as, for the preceding 12 months, the number of: persons added to the CED; persons removed from the CED; appeals filed; appeals granted; and appeals denied.

By announcing and pursuing these initiatives, which the City is undertaking voluntarily, the City does not intend to create, and in fact does not create, any binding obligation on the part of the City to pursue or implement these initiatives, or any enforceable right or legal or equitable claim of any kind whatsoever against the City (including any claim seeking to require the City to pursue or implement these initiatives or seeking damages based on a failure to pursue or implement these initiatives), whether asserted by Plaintiffs, any one or more of them, or any other person or entity. The City reserves the unconditional right to modify these initiatives at any time. This Notice is not part of any settlement and creates no enforceable rights.

Dated: August 31, 2020

Respectfully submitted,

MARK A. FLESSNER,
Corporation Counsel for the City of Chicago

By: /s/ Andrew Worseck
Chief Assistant Corporation Counsel

Andrew W. Worseck
Jordan Rosen
City of Chicago, Department of Law
Constitutional and Commercial Litigation Division
30 North LaSalle Street, Suite 1230
Chicago, Illinois 60602
(312) 744-7129 / 744-9018

CERTIFICATE OF SERVICE

I, Andrew Worseck, an attorney, hereby certify that on August 31, 2020, I caused the foregoing **Notice of Initiatives Associated With Criminal Enterprise Information System** to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system, which will send notifications of such filing to all parties that have appeared in this action.

/s/ Andrew Worseck

APPENDIX D: APRIL 2019 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE DATABASE"

Chicago Police Department

General Order G10-01-03

CRIMINAL ENTERPRISE DATABASE

ISSUE DATE:	11 April 2019	**EFFECTIVE DATE:**	11 April 2019
RESCINDS:			
INDEX CATEGORY:	Gang and Narcotic Abatement		

I. PURPOSE

This directive introduces:

A. the Criminal Enterprise Database.

B. a revised criminal enterprise and gang affiliation identification criteria.

C. procedures for entering persons into the Criminal Enterprise Database.

D. responsibilities for reviewing, auditing, and purging listings from the Criminal Enterprise Database.

E. the Criminal Enterprise Database Access form (CPD-31.615) and the Criminal Enterprise Database Appeal form (CPD-31.625).

II. ILLINOIS COMPILED STATUTES (ILCS):

Illinois Compiled Statutes, 740 ILCS 147 — Illinois Street Gang Terrorism Omnibus Prevention Act.

740 ILCS 147/5(b) — The General Assembly finds that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by streetgangs. The General Assembly finds that there are now several hundred streetgangs operating in Illinois, and that while their terrorism is most widespread in urban areas, streetgangs are spreading into suburban and rural areas of Illinois.

III. SCOPE

The purpose of the Criminal Enterprise Database is to collect and manage criminal and gang intelligence information to prevent, detect, and investigate criminal activity.

IV. CRIMINAL ENTERPRISE DATABASE

A. The Criminal Enterprise Database is a CLEAR application used for the entry of information based on an individual's membership in or affiliation with a criminal enterprise or street gang.

B. The Information Services Division will establish the Criminal Enterprise Database CLEAR application for use by authorized Department members. The Information Services Division will initially gather all existing Department gang-related information in conjunction with the appropriate Department personnel to apply the criteria delineated in Item VI of this directive to all existing Department gang-related information before entry in to the Criminal Enterprise Database.

C. Only Department members who have completed the new user and any required continuing education training will have access to the Criminal Enterprise Database.

D. Upon supervisory approval, all information entered into the Criminal Enterprise Database will be reviewed by the appropriate district intelligence officer and by the designated members of the Gang Investigation Division and the Deployment Operations Section. The Deployment Operations Section has final authority to review, remove, and manage information within the Criminal Enterprise Database, unless as otherwise delineated in Item IX-D of this directive.

V. DEFINITIONS

DRAFT

A. **Criminal Enterprise —** A group of individuals with an identified hierarchy or comparable structure engaged in a course or pattern of criminal activity.

B. **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).

C. **Street Gang Member —** "Street gang member" or "gang member" means any person who actually and in fact belongs to a gang and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself or herself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity in accordance with the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147).

D. **Hierarchy —** an organized chain of command or leadership structure, whether formal or informal, with leadership that can be interchangeable.

E. **Membership —** knowingly belonging to a criminal enterprise or street gang by whatever means or methods such enterprise or street gang uses to indicate membership.

F. **Affiliate —** knowingly establishing a close connection as an accessory or associate with a criminal enterprise or street gang, knowingly promoting the criminal activity of the criminal enterprise or street gang, or knowingly performing any act or knowingly failing to take action which furthers the criminal, economic, or recruitment objectives of the criminal enterprise or street gang.

G. **Criminal Activity —** The commission, attempted commission, or solicitation, in association with or with intent to promote criminal conduct by criminal enterprise or street gang members, of two or more acts of the following offenses, at least one of which occurred within the last five years: murder; drug-induced homicide; kidnapping; forcible detention; aggravated assault—discharging firearm; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; home invasion; aggravated criminal sexual assault; robbery; armed robbery; burglary; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosives or incendiary devices; unlawful use of weapons; unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; mob action—violence; bribery; armed violence; manufacture or delivery of cannabis; cannabis trafficking; calculated criminal cannabis conspiracy and related offenses; illegal manufacture or delivery of a controlled substance; controlled-substance trafficking; calculated criminal drug conspiracy and related offenses.

H. **Qualifying Criminal Offense —** any offense that involves force or the threat of force against another individual, the use or possession of a firearm or other deadly weapon, any offense that requires registration as a sex offender, a violation of an order of protection or civil no contact order, stalking, a violation of the Controlled Substances Act or Cannabis Control Act, or any offense that involves gang membership, intimidation, solicitation, association, or recruitment as an element of the offense.

VI. CRIMINAL ENTERPRISE AND GANG AFFILIATION IDENTIFICATION CRITERIA

A. Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to:

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

© Chicago Police Department, April 2019

B. Membership in or affiliation with a criminal enterprise or street gang must be substantiated by specific, documented, and reliable information received by the Department within the past five years, and in accordance with the following:

1. The individual's own admission of membership or affiliation on lawfully captured electronic or video recorded communications, such as body-worn camera, in-car video system recordings, electronically recorded interview, electronic communications, or a consensual overhear device; or

2. Two or more of the following:

a. an unrecorded or non-intercepted statement provided voluntarily by the individual, or if a statement is made pursuant to a custodial interrogation, a statement provided by the individual following a knowing, intelligent, and voluntary waiver of his or her constitutional rights.

b. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, 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 criminal enterprise or street gang.

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.

c. the use of signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that specific criminal enterprise or street gang.

d. the identification of the individual as a member or affiliate of a specific criminal enterprise or street gang by an individual who has provided reliable information to the Department in the past and whose information can be independently corroborated.

e. the identification of the individual as a member or affiliate of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution.

f. a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design.

NOTE: Determinations regarding an individual's membership in or affiliation with a criminal enterprise or street gang will not be based solely on an individual's race, gender, religion, ethnicity, culture, socioeconomic status, or other protected classes consistent with G02-04 "**Prohibition Regarding Racial Profiling and Other Bias Based Policing**."

VII. PROCEDURES FOR ENTERING PERSONS INTO THE CRIMINAL ENTERPRISE DATABASE

Following the positive identification of a person with membership in or affiliation with a criminal enterprise or street gang:

A. Department members will:

1. ensure information and all supporting documentation is entered into the CLEAR Criminal Enterprise Database accurately.

2. locate and make notation of any visible scars, marks, or tattoos, if applicable.

© Chicago Police Department, April 2019

3. ensure all evidentiary electronic media, including body-worn camera and in-car video system recordings, is properly attached or saved, if applicable.

4. notify a supervisor that the data entry is complete and available for review.

B. Upon receiving notification of data entry, the reviewing supervisor will:

1. ensure that the data entry is in compliance with Item VI and Item VII-A of this directive; and

2. approve data entry that is in compliance with Item VI and Item VII-A of this directive and forward the data entry to the appropriate district intelligence officer and designated members of the Gang Investigation Division for review.

REMINDER: All information entered into the Criminal Enterprise Database will be reviewed and managed by the Deployment Operations Section.

VIII. CRITERIA FOR REMOVAL FROM THE CRIMINAL ENTERPRISE DATABASE

A. An individual is eligible for removal when he or she has not committed any act in furtherance of gang or criminal-enterprise-related activity or has not been arrested, charged, petitioned for delinquency, found delinquent, or convicted of a qualifying criminal offense within the past five years. If an arrest, charge, petition for delinquency, finding of delinquency, or conviction was part of the determination that led to the person's entry into the Criminal Enterprise Database, this five-year period begins following the date of release or discharge from custody, probation, supervision, incarceration, or parole for that offense, whichever is later.

B. An individual can also have his or her information removed from the Criminal Enterprise Database if the information is not substantiated by specific, documented, and reliable information to establish membership or affiliation in a criminal enterprise or street gang in accordance with Item VI-B of this directive.

IX. ACCESS AND REMOVAL OF CRIMINAL ENTERPRISE DATABASE INFORMATION

A. Any person may obtain general information about the access and removal process through a link provided on the Department's website or by sending a general inquiry email to gangstatusinquiry@chicagopolice.org.

B. An individual who is identified in the Criminal Enterprise Database may appeal and seek removal of his or her information to the designated units delineated in Item IX-D of this directive on the following grounds:

1. the information is not substantiated by specific, documented, and reliable information to establish membership or affiliation in a criminal enterprise or street gang in accordance with Item VI-B of this directive; or

2. the individual has not committed an act in furtherance of gang or criminal-enterprise-related activity or been arrested, charged, petitioned for delinquency, found delinquent, or convicted of a qualifying criminal offense within the past five years, and the information is eligible for removal consistent with Item VIII of this directive.

C. Any person may seek to access or appeal the status of his or her own street gang or criminal enterprise membership or affiliation in the Criminal Enterprise Database. A parent or legal guardian of a minor under the age of eighteen may make a request for access or appeal on behalf of his or her child.

1. To access the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database, a person must:

a. make a request at the Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays;

© Chicago Police Department, April 2019

b. complete the Criminal Enterprise Database Access form (CPD-31.615) provided by the Department; and

c. submit valid government identification.

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

2. To appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database, a person must:

a. make a request at the Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays;

b. complete the Criminal Enterprise Database Appeal form (CPD-31.625) provided by the Department;

NOTE: The requestor may also submit any supporting documentation or references that he or she deems relevant for the Department's consideration.

c. submit valid government identification; and

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

d. cooperate with a background investigation conducted by the Chicago Police Department.

D. Upon receipt of the completed request from the Records Division, the Deployment Operations Section, the Gang Investigation Division, and the district intelligence officer of the affected district will consult with the Office of Legal Affairs to determine if the criteria is met and the information will be deleted from the Criminal Enterprise Database.

NOTE: The Office of Legal Affairs will have the final authority to determine if the criteria has been met for removal and if the information will be deleted from the Criminal Enterprise Database.

E. If the criteria is met, the Commander, Deployment Operations Section, will inform the Director, Information Services Division, who will ensure the individual's name, other identifiers, and records indicating street gang or criminal enterprise membership or affiliation are removed from the Criminal Enterprise Database.

NOTE: Individuals who meet the criteria for removal will have their information removed from the Criminal Enterprise Database **only**. Historical records will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws. Department members and law enforcement personnel will rely solely upon the Criminal Enterprise Database to determine an individual's active gang affiliation, as retained historical records may contain outdated or unsubstantiated gang intelligence information.

F. Upon request to access or appeal the status in the Criminal Enterprise Database, an individual who is not identified in the Criminal Enterprise Database or who has had his or her information removed following a successful appeal may request and obtain a letter from the Department indicating his or her current status in the Criminal Enterprise Database.

© Chicago Police Department, April 2019

X. RESPONSIBILITIES

A. District commanders will:

1. ensure the district intelligence officer reviews:

   a. data entered into the Criminal Enterprise Database and that the determination of a person's gang/criminal enterprise membership or affiliation is substantiated by specific, documented, and reliable information consistent with Item VI-B of this directive; and

   b. requests to appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database consistent with Item IX-D of this directive.

2. annually, in coordination with the Gang Investigation Division and other designated Department personnel, perform a gang audit in accordance with G10-01-01 "**Gang Audits**," updating information for accuracy in the Criminal Enterprise Database.

3. inform the Commander, Gang Investigation Division, if appropriate, before requesting to remove eligible individuals from the Criminal Enterprise Database.

4. inform the Commander, Deployment Operations Section, to review requests to remove eligible individuals from the Criminal Enterprise Database.

5. make general information about the access and removal process associated with the Criminal Enterprise Database available to the general public at the district station.

B. The Gang Investigation Division will:

1. in addition to entry and review of information in the Criminal Enterprise Database, when possible, assist Department members with the identification of individuals as members and affiliates of criminal enterprises or street gangs.

2. review requests to appeal the status of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database consistent with Item IX-D of this directive.

3. coordinate with district intelligence officers to perform an annual gang audit and review and confirm information for accuracy in the Criminal Enterprise Database.

4. when appropriate, provide information to remove eligible individuals from the Criminal Enterprise Database.

C. The Deployment Operations Section will:

1. finalize and update the Criminal Enterprise Database:

   a. of all criminal street gangs and criminal enterprises identified during the district gang audit;

   b. upon successful appeal of gang/criminal enterprise membership or affiliation in the Criminal Enterprise Database; or

   c. upon request of the Commander, Gang Investigation Division, or a district commander.

2. publish in the Daily Bulletin any newly identified street gangs or criminal enterprises or when a criminal street gang or criminal enterprise has been eliminated from "active" status.

3. inform the Director, Information Services Division, when:

   a. it is appropriate to remove eligible individuals from the Criminal Enterprise Database; and

   b. when a criminal street gang or criminal enterprise has been eliminated from "active" status.

DRAFT

D. The Director, Information Services Division, will:

1. maintain the Criminal Enterprise Database.
2. perform a review and purge of listings in the Criminal Enterprise Database every five years.
3. upon consultation with the Commander, Deployment Operations Section, remove information for individuals who have not committed a new qualifying criminal offense or have not had a documented incident in furtherance of gang or criminal-enterprise-related activity within the past five years.
4. remove eligible information when requested by the Commander, Deployment Operations Section.
5. create an online website that provides general information to the public about:
   a. the Department's Criminal Enterprise Database policy; and
   b. the process to access and remove a person's gang/criminal enterprise membership or affiliation status within the Criminal Enterprise Database.
6. create and monitor the gangstatusinquiry@chicagopolice.org email address and establish a protocol to respond to emails from the general public with general information about how to access and remove a person's gang/criminal enterprise membership or affiliation status from the Criminal Enterprise Database.

XI. TRAINING

A. The Information Services Division will create a user's guide outlining the procedures for utilizing the Criminal Enterprise Database.

B. The Education and Training Division, in consultation with the Deployment Operations Section, the Gang Investigation Division, and the Bureau of Patrol, will establish an eLearning module on the use of the Criminal Enterprise Database.

1. Members will receive this training on an annual basis.
2. Members must complete the eLearning module before gaining authorization to enter, retrieve, or approve information in the Criminal Enterprise Database.

XII. AUTHORIZED USE

The Criminal Enterprise Database is available for use only by Department members with authorized access acting in furtherance of a legitimate law enforcement purpose. Information will not be disclosed to any third party for employment, education, licensing, or housing purposes.

REMINDER: It is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police. Department members will continue to follow the procedures outlined in S06-14-03 "**Responding to Incidents Involving Citizenship Status**," including compliance with the provisions of the City of Chicago's Welcoming City Ordinance.

XIII. RECORD RETENTION

Any record maintained in the Criminal Enterprise Database must comply with local, state, and federal law. The Commander, Youth Investigations Division, will ensure juvenile records that are part of the Criminal

DRAFT

Enterprise Database are retained and expunged in accordance with the Juvenile Court Act and any applicable local, state, or federal law.

Eddie T. Johnson
Superintendent of Police

18-013 RCL/DK/RWN

DRAFT

APPENDIX E: FEBRUARY 2020 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE INFORMATION SYSTEM"

Chicago Police Department

General Order G10-01-03

CRIMINAL ENTERPRISE INFORMATION SYSTEM

ISSUE DATE:	To Be Determined	**EFFECTIVE DATE:**	To Be Determined
RESCINDS:	S10-02-01, 17 June 2015 Version		
INDEX CATEGORY:	Gang and Narcotic Abatement		

Not in Effect

I. PURPOSE

This directive introduces:

A. the Criminal Enterprise Information System;

B. revised criminal enterprise and gang membership identification criteria for use in making entries into the Criminal Enterprise Information System;

C. procedures for entering persons into the Criminal Enterprise Information System, and for reviewing, auditing, and purging listings from the Criminal Enterprise Information System; and

D. the Criminal Enterprise Information System Access form (CPD-31.615) and the Criminal Enterprise Information System Appeal form (CPD-31.635).

II. ILLINOIS COMPILED STATUTES (ILCS)

Illinois Compiled Statutes, 740 ILCS 147 — Illinois Street Gang Terrorism Omnibus Prevention Act.

A. 740 ILCS 147/5(a) — The General Assembly finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or disability, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Act to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

B. 740 ILCS 147/5(b) — The General Assembly finds that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by street gangs. The General Assembly finds that there are now several hundred street gangs operating in Illinois, and that while their terrorism is most widespread in urban areas, street gangs are spreading into suburban and rural areas of Illinois.

III. SCOPE

The purpose of the Criminal Enterprise Information System is to collect and manage intelligence on criminal enterprises and street gangs to prevent, detect, and investigate criminal activity.

IV. CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. The Criminal Enterprise Information System is a CLEAR application used for the entry of information based on evidence of a person's membership in a criminal enterprise or street gang.

B. The Department will:

1. in consultation with the Office of Public Safety Administration, establish the Criminal Enterprise Information System CLEAR application for use by authorized Department members; and

2. initially gather existing Department information on criminal enterprises and gangs in conjunction with the appropriate Department personnel, and will apply the criteria delineated

© Chicago Police Department, February 2020

in Item VI of this directive to that information before entry into the Criminal Enterprise Information System. It is within the Department's sole discretion to determine which information to gather and use for this purpose.

C. Only Department members who have completed the new user and any required continuing education training will have access to the Criminal Enterprise Information System. Department members will not identify an individual as a member of a criminal enterprise or a street gang in the Criminal Enterprise Information System unless the individual meets the criteria for inclusion set forth in this Directive.

D. Upon initial approval of the appropriate watch operations lieutenant of the district of entry, all information initially approved for entry into the Criminal Enterprise Information System will be reviewed by the appropriate district intelligence officer for accuracy and submitted to the watch operations lieutenant's work queue for final approval or rejection.

E. The Deployment Operations Center has final authority to audit, remove, and manage information within the Criminal Enterprise Information System, unless as otherwise delineated in Item IX-C of this directive.

V. DEFINITIONS

A. **Criminal Enterprise** — A group of persons with an identified hierarchy or comparable structure engaged in a course or pattern of criminal activity.

B. **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).

C. **Criminal Activity** — The commission, attempted commission, or solicitation, in association with or with intent to promote criminal conduct by criminal enterprise or street gang members, of two or more acts of the following offenses, at least one of which occurred within the last five years: murder; drug-induced homicide; kidnapping; forcible detention; aggravated assault—discharging firearm; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; home invasion; aggravated criminal sexual assault; robbery; armed robbery; burglary; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosives or incendiary devices; unlawful use of weapons; unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; mob action—violence; bribery; armed violence; manufacture or delivery of cannabis; cannabis trafficking; calculated criminal cannabis conspiracy and related offenses; illegal manufacture or delivery of a controlled substance; controlled-substance trafficking; calculated criminal drug conspiracy and related offenses.

D. **Status Identification** — The identification of a person as a member of a criminal enterprise or street gang in the Criminal Enterprise Information System.

E. **Qualifying Criminal Offense** — Any offense that involves force or the threat of force against another individual or the use or possession of a firearm or other deadly weapon; requires registration as a sex offender (including human trafficking); involves violation of an order of protection or civil no contact order or stalking; involves the illegal manufacture, trafficking, delivery, or possession with intent to distribute a controlled substance; or involves gang membership, intimidation, solicitation, association, or recruitment as an element of the offense. Qualifying criminal offenses include the specific offenses listed in the preceding definition of Criminal Activity.

VI. CRIMINAL ENTERPRISE AND GANG MEMBERSHIP IDENTIFICATION CRITERIA

A. Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to:

1. analysis of crime pattern information;

© Chicago Police Department, February 2020

Not Effect

2. observations by Department members;
3. witness interviews;
4. interviews of admitted criminal enterprise or street gang members; and
5. information received from informants who have proven to be reliable to the Department in the past.

B. This section concerns identification of a person in the Criminal Enterprise Information System as a member of a criminal enterprise or street gang ("Status Identification"). The lack of a Status Identification as to any person does not establish and is not evidence that the person is not a member of a criminal enterprise or street gang. The criteria for making a Status Identification in the Criminal Information System have been derived solely for that purpose, and not for any other purpose, and do not limit in any way the facts that are or may be relevant to proving membership in a criminal enterprise or street gang in any other forum or context, including in court. If the Department does make such a Status Identification, it must be substantiated by specific, documented, and reliable information received by the Department within the past five years, except as delineated below in Item VI-B-2-c of this directive, and in accordance with the following:

1. The person's own voluntary admission of membership on lawfully captured electronic or video recorded communications, such as (without limitation) body-worn camera, in-car video system recordings, electronically recorded interview, electronic communications, or a consensual overhear device; or
2. Two or more of the following criteria, provided, however, that a Status Identification may not be based solely upon a combination of criteria (b) and (d):

   a. an unrecorded or non-intercepted statement provided voluntarily by the person, or if a statement is made pursuant to a custodial interrogation, a statement provided by the person following a valid waiver of his or her constitutional rights.

   b. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, 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 criminal enterprise or street gang.

      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.

   c. the identification of the person as a member of a specific criminal enterprise or street gang by a person who has provided reliable information to the Department in the past, provided, however, that such identification occurred within the past two years.

   d. the use of distinctive signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang.

      NOTE: Department members must document the distinctive nature of any signals or symbols used and its association with a specific criminal enterprise or street gang identified.

   e. the identification of the person as a member of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution.

   f. a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design or motive.

Not In Effect

NOTE: Determinations regarding a person's membership in a criminal enterprise or street gang will not be based solely on that person's race, gender, religion, ethnicity, culture, socioeconomic status, or other protected classes consistent with G02-04, "**Prohibition Regarding Racial Profiling and Other Bias Based Policing**."

VII. PROCEDURES FOR ENTERING PERSONS INTO THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. Following obtaining information to be approved for a Status Identification into the Criminal Enterprise Information System, Department members will:

1. enter all information to make a Status Identification into the CLEAR Criminal Enterprise Information System in accordance with the established criteria as delineated in Item VI-B of this directive through an Automated Arrest Report;

   NOTE: Information will only be entered into the Criminal Enterprise Information System during the completion of an Automated Arrest Report unless otherwise delineated in Item VII-E of this directive.

2. make notation of any visible scars, marks, or tattoos, if applicable, and that the information is readily available;
3. confirm that all evidentiary electronic media relied upon in making the referenced identification is properly attached or saved, if applicable; and
4. submit the Automated Arrest Report including the preliminary entry of a Status Identification into the Criminal Enterprise Information System to the district station supervisor for review.

B. Upon receiving notification of an Automated Arrest Report containing information to be approved for a Status Identification in the Criminal Enterprise Information System, the district station supervisor of the district of entry will:

1. review the information submitted for entry into the Criminal Enterprise Information System for completeness; and
2. forward the Automated Arrest Report containing information for a Status Identification to the watch operations lieutenant for approval.

C. Upon receiving notification of an Automated Arrest Report containing information to be approved for a Status Identification in the Criminal Enterprise Information System, the watch operations lieutenant of the district of entry will review the information submitted for entry into the Criminal Enterprise Information System for completeness, accuracy, and to confirm that the information submitted for a Status Identification is in accordance with the established criteria delineated in Item VI-B of this directive. Upon review, the watch operations lieutenant will:

1. submit the initial approval of the entry of information into the Criminal Enterprise Information System based on established criteria and supporting documentation to the district intelligence officer for review or reject the entry into the Criminal Enterprise Information System based on the provided entry information; and
2. submit final approval or rejection of the entry for a Status Identification in the Criminal Enterprise Information System based on the review of the information by the district intelligence officer.

Not in Effect

NOTE: Watch operations lieutenants will be responsible for periodically reviewing their work queue to ensure the timely processing of information for final approval or rejection into the Criminal Enterprise Information System. Upon final approval of a Status Identification, an email will be automatically generated and sent to the district intelligence officer in the district of entry and the designated members of the area Gang Investigation Teams in the area of entry for notification purposes.

D. Upon receiving notification of information to be reviewed for entry into the Criminal Enterprise Information System, the district intelligence officer will:

1. review and confirm the accuracy of the information initially approved for a Status Identification into the Criminal Enterprise Information System;
2. indicate the results of the review and add any additional or supporting information to the entry for a Status Identification; and
3. submit the entry for a Status Identification into the Criminal Enterprise Information System to the watch operations lieutenant's work queue for final approval or rejection.

NOTE: District intelligence officers will be responsible for periodically reviewing their work queue to ensure the timely review of information to be entered into the Criminal Enterprise Information System.

E. Departmental units with follow-up or long-term-investigative authority and capabilities outside of district law enforcement can enter Status Identification information in the Criminal Enterprise Information System upon the initial approval of his or her immediate supervisor and final approval of his or her unit commanding officer.

NOTE: The individual must be positively identified before the information for a Status Identification can be submitted for approval.

VIII. CRITERIA FOR REMOVAL FROM THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. A person's Status Identification and other records pertaining to the person will be removed from the Criminal Enterprise Information System, as delineated in Item IX of this directive, when he or she has not committed any act in furtherance of gang or criminal-enterprise-related activity or has not been arrested, charged, convicted, petitioned for delinquency, or been found delinquent of a qualifying criminal offense within the past five years. If an arrest, charge, petition for delinquency, finding of delinquency, or conviction was part of the determination that led to the person's entry into the Criminal Enterprise Information System, this five-year period begins following the date of favorable release or discharge from custody, probation, supervision, incarceration, or parole for that offense, whichever is later.

B. A person's Status Identification and other records pertaining to the person will be removed from the Criminal Enterprise Information System, in accordance with Item IX of this directive, if the information underlying the Status Identification does not meet the criteria delineated in Item VI-B of this directive.

IX. ACCESS AND REMOVAL OF INFORMATION FROM THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. Any person may obtain general information about the access and removal process through a link provided on the Department's website or by sending a general inquiry by email to gangstatusinquiry@chicagopolice.org.

B. Any person or his or her counsel may seek to access his or her own Status Identification in the Criminal Enterprise Information System. A parent or legal guardian of a minor under the age of

Not in Effect

eighteen may make a request for access to the Status Identification of a minor person for whom he or she is legally responsible.

1. To access the referenced Status Identification, a person must:

   a. make a request at the at the City Clerk's Office located at 121 North LaSalle Street, #107; at the Department's Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays; or at the following Chicago Police Department district stations which are operational on a 24 hours a day, 7 days a week basis, including holidays:

      (1) the 002nd district located at 5101 South Wentworth Avenue;

      (2) the 005th district located at 727 East 111th Street;

      (3) the 020 district located at 5400 North Lincoln Avenue;

      (4) the 011th district located at 3151 West Harrison Street;

      (5) the 025th district located at 5555 West Grand Avenue;

   b. complete the Criminal Enterprise Information System Access form (CPD-31.615) provided by the Department; and

   c. submit valid government identification (including the City of Chicago Municipal Identification Card also known as the "CityKey") sufficient to ensure that the individual is seeking the information only as to his or her own Status Identification. Department and the City Clerk's Office will accept, in their discretion, alternative forms of identification for those who do not have a government ID, such as two of the following: credit cards, court documents, school ID, a notarized statement of identification or mail addressed to the individual from a government entity.

      NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide sufficient legal documentation to verify that he or she is the parent or legal guardian. These documents would include birth certificates and guardianship papers. An attorney making a request on behalf of a person must present proof of licensure as an attorney, as well as an affidavit executed by the person on whose behalf the request is made stating that the person has authorized counsel to make the request.

2. Upon receipt of an appropriately completed Criminal Enterprise Information System Access form:

   a. Department members will verify the requestor's identification in accordance with Item IX-B-1-c of this directive;

   b. District law enforcement personnel will forward the request and any related supporting documentation to the Access and Review Unit, Records Division;

   c. Access and Review Unit personnel will review all received requests to access the Status Identification in the Criminal Enterprise Information System and inquire into the Status Identification of the person.

3. Within 90 days of receipt of a completed Criminal Enterprise Information System Access form, the Access and Review Unit will communicate in writing to the requester the results of the Status Identification request indicating that at the time of request and review, the person:

   a. does not currently have a Status Identification in the Criminal Enterprise Information System based upon the criteria delineated in Item VI-B of this directive. In such a case, the communication will also state: "Notwithstanding any other Departmental records that may or may not exist, gang membership or affiliation information in

Not in effect

Departmental records is not necessarily independently verified. The Chicago Police Department makes no representations regarding the current accuracy of this information;" or

b. currently has a Status Identification in the Criminal Enterprise Information System. If the person has a Status Identification, the letter will also include:

(1) the criteria delineated in Item VI-B of this directive that was used for the person's entry into the Criminal Enterprise Information System;

(2) copies of the records, photographs and/or recordings upon which the Status Identification was made, provided, however, that the Department may choose not to release such information to the person if it would risk revealing or compromising confidential sources, impede or risk impeding law enforcement activities, or risk endangerment of a person. If information is so withheld and the person pursues an appeal of his or her Status Identification, the Department will, upon request of the appellant, provide the withheld information to the Police Board for its confidential consideration.

(3) the date and time of entry of the person's Status Identification;

(4) the process to appeal the person's Status Identification.

C. Any person or his or her counsel may seek to appeal his or her Status Identification. A parent or legal guardian of a minor under the age of eighteen, or his or her counsel may file such a Status Identification appeal on behalf of a minor person for whom he or she is legally responsible.

1. Such an appeal may be based only on the following grounds:

a. the person shows that he or she has satisfied the provisions delineated in Item VIII-A of this directive. If the person has an arrest, charge, conviction, petition for delinquency, or finding of delinquency for a qualifying criminal offense within the past five years that would otherwise prevent the person from satisfying the provisions delineated in Item VIII-A of this directive, those provisions will nonetheless be deemed satisfied if:

(1) the person demonstrates that the arrest, charge, conviction, petition for delinquency, or finding of delinquency has been expunged, or a certificate of innocence has been issued; or

(2) where the qualifying criminal offense is solely for the use of force or the threat of force against another, the person demonstrates that the offense took place during school hours on the grounds of a primary or secondary school where the person was enrolled as a student, and that the offense did not involve use of a weapon or serious physical injury.

b. the person shows that information supporting his or her Status Identification does not satisfy the criteria delineated in Item VI-B of this directive.

NOTE: Provided, however, that if a person's Status Identification in the Criminal Enterprise Information System is substantiated in accordance with Item VI-B of this directive by information additional to that contained in said information system, the appeal will be denied and said information system will be updated accordingly.

Not Final Draft

2. To appeal one's Status Identification, a person must:

   a. complete the Criminal Enterprise Information System Appeal form (CPD-31.635) provided by the Department;

      NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

   b. file an appeal at the Chicago Police Board, utilizing the procedures promulgated by the Police Board.

3. Upon receipt of a completed Criminal Enterprise Information System Appeal form, individuals uninvolved in the initial decision to designate from the Deployment Operations Center, Gang Investigation Team personnel of the affected area, and the district intelligence officer of the affected district will review the submission and consult with the Audits and Inspections Division, to determine if the criteria for removal from the Criminal Enterprise Information System is met.

   NOTE: The Deployment Operations Center has the final authority to determine if the criteria has been met for removal.

4. If the Deployment Operations Center determines that the criteria for removal have been met, the Department, in consultation with the Office of Public Safety Administration, will remove the person's Status Identification and other records pertaining to the person from the Criminal Enterprise Information System. The Department will further provide the individual with the written document including the disclaimer described in Item IX-B-3-a of this directive.

5. If the Department determines to contest the appeal, the Legal Affairs Division, will be responsible for presenting the Department's position and all relevant supporting information to the Police Board, utilizing the procedures promulgated by the Board.

6. If the appeal is granted by the Police Board, the Department, in consultation with the Office of Public Safety Administration, will remove the person's Status Identification and other records pertaining to the person from the Criminal Enterprise Information System. The Department will further provide the individual with the written document including the disclaimer described in Item IX-B-3-a of this directive.

   NOTE: Persons who meet the criteria for removal of their Status Identification will have their Status Identification and other records pertaining to the person removed only from the Criminal Enterprise Information System. Historical records will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws.

X. RESPONSIBILITIES

A. District commanders will:

   1. require that the district intelligence officer:

      a. reviews and confirms the accuracy of information initially approved for a Status Identification into the Criminal Enterprise Information System and that the making of a Status Identification is consistent with Item VI-B of this directive;

      b. follows all additional provisions delineated in Item VII-D of this directive; and

      c. reviews all requests to appeal the status of gang/criminal enterprise membership in the Criminal Enterprise Information System consistent with Item IX-C of this directive.

Not in Effect

2. ensure that district watch operations lieutenants follow the provisions delineated in Item VII-C of this directive.

3. annually, in coordination with the area Gang Investigation Teams personnel and other designated Departmental personnel, perform a gang audit in accordance with G10-01-01, "**Gang Audits**," updating information for accuracy in the Criminal Enterprise Information System accordingly. The scope of Gang Audits remains in the sole discretion of the Department.

4. inform the Commander, Gang Investigation Division and the area Gang Investigation Teams supervisory personnel, if appropriate, before requesting to remove a Status Identification and other records pertaining to the person from the Criminal Enterprise Information System.

5. inform the Commander, Deployment Operations Center, to review requests to remove a Status Identification and other records pertaining to the person from the Criminal Enterprise Information System.

6. make general information about the access and removal process associated with the Criminal Enterprise Information System available to the general public at the district station.

B. The appropriate area Gang Investigation Teams personnel will:

1. when possible, assist Department members with Status Identifications.

2. review requests to appeal Status Identifications consistent with Item IX-C of this directive.

3. coordinate with district intelligence officers in the performance of audits in accordance with Item X-A-3 of this directive.

4. when appropriate, provide information to remove Status Identifications and other records pertaining to a person from the Criminal Enterprise Information System.

C. The Deployment Operations Center will:

1. conduct random audits of the data entered into the Criminal Enterprise Information System and to ensure compliance with the authorized use of the Criminal Enterprise Information System by other law enforcement agencies in accordance with 28 CFR Part 23 and established agreements.

2. finalize and update the Criminal Enterprise Information System:

a. with all criminal street gangs and criminal enterprises identified during the district gang audit;

b. upon the results of any conducted random audits when the removal of a Status Identification is appropriate;

c. upon successful appeal of Status Identifications; or

d. upon request of an area deputy chief, the Commander, Gang Investigation Division, or a district commander.

3. publish in the Daily Bulletin any newly identified street gangs or criminal enterprises or when a criminal street gang or criminal enterprise has been eliminated from "active" status.

4. inform the designated Departmental unit, when:

a. it is appropriate to remove Status Identifications and other records pertaining to a person from the Criminal Enterprise Information System; and

b. when a criminal street gang or criminal enterprise has been eliminated from "active" status.

D. The Department, in consultation with the Office of Public Safety Administration, will:

1. maintain the Criminal Enterprise Information System.

2. perform a review and removal of Status Identifications in the Criminal Enterprise Information System every five years, according to the criteria delineated in Item VIII-A of this directive.

Not in Effect

3. upon consultation with the Commander, Deployment Operations Center, remove a Status Identification and other records pertaining to the person in accordance with Item VIII-A of this directive.

4. create an online website that provides general information to the public about:

   a. the Department's Criminal Enterprise Information System policy; and

   b. the process to access and appeal a person's Status Identification.

5. create and monitor the gangstatusinquiry@chicagopolice.org email address and establish a protocol to respond to emails from the general public with general information about how to access or appeal a person's Status Identification.

XI. TRAINING

A. The Department, in consultation with the Office of Public Safety Administration, will create a user's guide outlining the procedures for utilizing the Criminal Enterprise Information System.

B. The Training Division, in consultation with the Deployment Operations Center, the Gang Investigation Division, and the Office of Operations, will establish an eLearning module on the use of the Criminal Enterprise Information System.

1. Members will receive this training on an annual basis.

2. Members must complete the eLearning module before gaining authorization to enter, retrieve, or approve information in the Criminal Enterprise Information System.

XII. AUTHORIZED USE

A. The Criminal Enterprise Information System is available for use only by Department members and other law enforcement agencies with authorized access acting in furtherance of a legitimate law enforcement purpose. Information will not be disclosed to any third party for immigration, employment, education, licensing, or housing purposes. Nothing in this directive prevents disclosure of information when required by federal or state law. All access to the Criminal Enterprise Information System by other law enforcement agencies will follow the provisions delineated in G09-01-01 "**Access to Computerized Data, Dissemination and Retention of Computerized Data**."

EXCEPTION: This directive or any associated agreements on data usage will not prohibit the Illinois State Police from using information contained in the Criminal Enterprise Information System for investigative purposes associated with a Concealed Carry License (CCL).

B. Department members are reminded that it is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police. Department members will continue to follow the procedures outlined in S06-14-03, "**Responding to Incidents Involving Citizenship Status**," including compliance with the provisions of the City of Chicago's Welcoming City Ordinance.

XIII. RECORD RETENTION

Any record maintained in the Criminal Enterprise Information System must comply with applicable local, state, and federal law. The Commander, Youth Investigations Division, will ensure juvenile records that are part of the Criminal Enterprise Information System are retained and expunged in accordance with the Juvenile Court Act and any applicable local, state, or federal law.

XIV. NO CLAIMS CREATED HEREUNDER

A. The Criminal Enterprise Information System is solely a law enforcement tool. The procedures set forth in this directive are the internal procedures of the Department, voluntarily undertaken by the Department, regarding the gathering of certain information relevant to law enforcement. The

© Chicago Police Department, February 2020

Not in Effect

Department has legitimate discretion concerning the gathering of law enforcement information; such information, for example, need not meet standards of evidence for admissibility in court, comply with evidentiary rules, or be sufficient for conviction of a crime or a finding of liability. While these procedures provide certain persons with input into their Status Identifications as set forth in this directive (including the right to review of such Status Identifications by the Police Board), the procedures do not create any right to review of Police Board decisions and do not create any other rights or claims by such persons, or anyone else, including legal or equitable claims for relief of any kind whatsoever (including claims for damages or attorney's fees).

B. The Department reserves the right to modify or eliminate any of the foregoing procedures.

Charlie Beck
Interim Superintendent of Police

18-013 RCL

Not in Effect

APPENDIX F: JULY 2020 DRAFT DIRECTIVE G10-01-03, "CRIMINAL ENTERPRISE INFORMATION SYSTEM"

Chicago Police Department

General Order G10-01-03

CRIMINAL ENTERPRISE INFORMATION SYSTEM

ISSUE DATE:	20 July 2020	**EFFECTIVE DATE:**	20 July 2020
RESCINDS:	S10-02-01		
INDEX CATEGORY:	Gang and Narcotic Abatement		

DRAFT

I. PURPOSE

This directive introduces:

A. the Criminal Enterprise Information System;

B. restrictions on the disclosure of criminal enterprise or gang status to any third party for immigration, employment, education, licensing, or housing purposes;

C. revised criminal enterprise and gang membership identification criteria for use in making entries into the Criminal Enterprise Information System via the Status Identification Report CLEARNET application;

D. procedures for entering, reviewing, auditing, and removing information from the Criminal Enterprise Information System; and

E. the Criminal Enterprise Information System Access form (CPD-31.615) and the Criminal Enterprise Information System Appeal form (CPD-31.635).

II. ILLINOIS COMPILED STATUTES (ILCS)

Illinois Compiled Statutes, 740 ILCS 147 — Illinois Street Gang Terrorism Omnibus Prevention Act.

A. 740 ILCS 147/5(a) — The General Assembly finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or disability, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Act to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

B. 740 ILCS 147/5(b) — The General Assembly finds that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by street gangs. The General Assembly finds that there are now several hundred street gangs operating in Illinois, and that while their terrorism is most widespread in urban areas, street gangs are spreading into suburban and rural areas of Illinois.

III. SCOPE

The purpose of the Criminal Enterprise Information System is to collect and manage intelligence on criminal enterprises and street gangs to prevent, detect, and investigate criminal activity.

IV. CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. The Criminal Enterprise Information System contains information related to membership in criminal enterprises and street gangs.

© Chicago Police Department, July 2020

B. The Department will:

1. in consultation with the Office of Public Safety Administration, establish the Criminal Enterprise Information System application for use by authorized Department members; and

2. initially gather existing Department information on criminal enterprises and gangs in conjunction with the appropriate Department personnel and will apply the criteria delineated in Item VI of this directive to that information before entry into the Criminal Enterprise Information System. It is within the Department's sole discretion to determine which information to gather and use for this purpose.

C. Only Department members who have completed the required training will have access to the Criminal Enterprise Information System. Department members will not identify an individual as a member of a criminal enterprise or a street gang in the Criminal Enterprise Information System unless the individual meets the criteria for inclusion set forth in Item VI of this directive.

D. The Deployment Operations Center has final authority to audit, remove, and manage information within the Criminal Enterprise Information System, except as provided in the appeals process described in Item IX-C of this directive.

V. DEFINITIONS

A. **Criminal Enterprise** — A group of persons with an identified hierarchy or comparable structure engaged in a course or pattern of criminal activity.

B. **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).

C. **Criminal Activity** — The commission, attempted commission, or solicitation, in association with or with intent to promote criminal conduct by criminal enterprise or street gang members, of two or more acts of the following offenses, at least one of which occurred within the last five years: murder; drug-induced homicide; kidnapping; forcible detention; aggravated assault—discharging firearm; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of a child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; home invasion; aggravated criminal sexual assault; robbery; armed robbery; burglary; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosives or incendiary devices; unlawful use of weapons; unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; mob action—violence; bribery; armed violence; manufacture or delivery of cannabis; cannabis trafficking; calculated criminal cannabis conspiracy and related offenses; illegal manufacture or delivery of a controlled substance; controlled-substance trafficking; calculated criminal drug conspiracy, and related offenses.

D. **Status Identification** — The identification of a person as a member of a criminal enterprise or street gang in the Criminal Enterprise Information System.

E. **Qualifying Criminal Offense** — Any offense that involves force or the threat of force against another individual or the use or possession of a firearm or other deadly weapon; requires registration as a sex offender (including human trafficking); involves violation of an order of protection or civil no contact order or stalking; involves the illegal manufacture, trafficking, delivery, or possession with intent to distribute a controlled substance; or involves gang membership, intimidation, solicitation, association, or recruitment as an element of the offense. Qualifying criminal offenses include the specific offenses listed in the preceding definition of Criminal Activity.

VI. CRIMINAL ENTERPRISE AND GANG MEMBERSHIP IDENTIFICATION CRITERIA

© Chicago Police Department, July 2020

A. Criminal enterprises and street gangs will be identified on the basis of specific, documented, and reliable information, including but not limited to:

1. analysis of crime pattern information;
2. observations by Department members;
3. witness interviews;
4. interviews of admitted criminal enterprise or street gang members; and
5. information received from informants who have proven to be reliable to the Department in the past.

B. This section concerns identification of a person in the Criminal Enterprise Information System as a member of a criminal enterprise or street gang ("Status Identification"). The lack of a Status Identification does not establish and is not evidence that a person is not a member of a criminal enterprise or street gang. The criteria for making a Status Identification in the Criminal Enterprise Information System have been derived solely for that purpose, and not for any other purpose, and do not limit in any way the facts that are or may be relevant to proving membership in a criminal enterprise or street gang in any other forum or context, including in court. If the Department does make such a Status Identification, it must be substantiated by specific, documented, and reliable information received by the Department within the past five years, except as delineated below in Item VI-B-2-c of this directive, and in accordance with the following:

1. The person's own voluntary admission of membership on lawfully captured electronic or video recorded communications, such as (without limitation) body-worn camera, in-car video system recordings, electronically recorded interview, electronic communications, or a consensual overhear device; or
2. Two or more of the following criteria, provided, however, that a Status Identification may not be based solely upon a combination of criteria (b) and (d):

   a. an unrecorded or non-intercepted statement provided voluntarily by the person or, if a statement is made pursuant to a custodial interrogation, a statement provided by the person following a valid waiver of his or her constitutional rights.

   b. the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, 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 criminal enterprise or street gang.

      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.

   c. the identification of the person as a member of a specific criminal enterprise or street gang by a person who has provided reliable information to the Department in the past, provided, however, that such identification occurred within the past two years.

   d. the use of distinctive signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang.

      NOTE: Department members must document the distinctive nature of any signals or symbols used and its association with a specific criminal enterprise or street gang identified.

   e. the identification of the person as a member of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution.

DRAFT

f. a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design or motive.

NOTE: Determinations regarding a person's membership in a criminal enterprise or street gang will not be based solely on that person's race, gender, religion, ethnicity, culture, socioeconomic status, or other protected classes consistent with the Department directive titled "**Prohibition Regarding Racial Profiling and Other Bias Based Policing**."

VII. PROCEDURES FOR ENTERING INFORMATION INTO THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. No Department member will submit a Status Identification Report in the Criminal Enterprise Information System absent the criteria delineated in Item VI-B of this directive.

B. To make a Status Identification in the Criminal Enterprise Information System, Department members assigned to district law enforcement will:

1. enter all information as delineated in Item VI-B of this directive through the CLEARNET Status Identification Report;
2. confirm that all electronic media relied upon in making the referenced identification is properly attached or saved, if applicable; and
3. submit the Status Identification Report for approval.

C. Sergeants will review Status Identification Reports for completeness and accuracy regarding the criteria delineated in Item VI-B of this directive. Sergeants will:

1. give preliminarily approval of Status Identification Reports that meet the required criteria; or
2. return to the submitting Department member's report management queue or reject any Status Identification Report that does not meet the required criteria using the narrative field to describe any deficiency.

D. District intelligence officers will:

1. review Status Identification Reports that are in a preliminarily approved status;
2. verify that the criminal enterprise or gang indicated in the Status Identification Report is active;
3. indicate the results of the review and add any additional information to the Status Identification Report; and
4. submit the Status Identification Report for final approval.

E. Lieutenants will review Status Identification Reports for completeness and accuracy regarding the criteria delineated in Item VI-B of this directive. Lieutenants will:

1. review Status Identification Reports that have been reviewed by district intelligence officers as described in Item VII-D of this directive and:
   a. give final approval to Status Identification Reports for entry to the Criminal Enterprise Information System; or
   b. return to the submitting Department member's report management queue or reject any Status Identification Report that does not meet the required criteria using the narrative field to describe any deficiency.

DRAFT

F. Department members assigned or detailed to Department units with investigative duties will submit Status Identification Reports for preliminary approval by a sergeant and final approval by a lieutenant without the review of a district intelligence officer.

NOTE: Supervisors will reject entries that do not meet the criteria delineated in Item VI-B of this directive and use the narrative field to describe any deficiency.

G. Status Identification Reports submitted by Department members outside of district law-enforcement but without investigative duties require preliminary approval by a sergeant within his or her unit of assignment Once in a preliminarily approved status, the Status Identification Report must then be reviewed by a district intelligence officer from a district where the submitting Department member had contact with the person who is the subject of the Status Identification Report before final approval by a lieutenant from the submitting member's unit.

NOTE: Supervisors will reject entries that do not meet the criteria delineated in Item VI-B of this directive and use the narrative field to describe any deficiency.

VIII. CRITERIA FOR REMOVAL FROM THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. A person's Status Identification and other records pertaining to the person will be removed from the Criminal Enterprise Information System, as delineated in Item IX of this directive, when he or she has not committed any act in furtherance of gang or criminal enterprise-related activity or has not been arrested, charged, convicted, petitioned for delinquency, or been found delinquent of a qualifying criminal offense within the past five years. If an arrest, charge, petition for delinquency, finding of delinquency, or conviction was part of the determination that led to the person's entry into the Criminal Enterprise Information System, this five-year period begins following the date of favorable release or discharge from custody, probation, supervision, incarceration, or parole for that offense, whichever is later.

B. A person's Status Identification and other records pertaining to the person will be removed from the Criminal Enterprise Information System, in accordance with Item IX of this directive, if the information underlying the Status Identification does not meet the criteria delineated in Item VI-B of this directive.

IX. ACCESS AND REMOVAL OF INFORMATION FROM THE CRIMINAL ENTERPRISE INFORMATION SYSTEM

A. Any person may obtain general information about the access and removal process through a link provided on the Department's website or by sending a general inquiry by email to gangstatusinquiry@chicagopolice.org.

B. Any person or his or her counsel may seek to access his or her own Status Identification in the Criminal Enterprise Information System. A parent or legal guardian of a minor under the age of eighteen may make a request for access to the Status Identification of a minor person for whom he or she is legally responsible.

1. To access the referenced Status Identification, a person must:

a. make a request at the at the City Clerk's Office located at 121 North LaSalle Street, #107; at the Department's Access and Review Unit, Records Division, located at Public Safety Headquarters, 3510 South Michigan Avenue, 1st floor, Monday through Friday, 0800–1500 hours, excluding holidays; or at the following Chicago Police Department district stations which are operational on a twenty-four hours a day, seven days a week basis, including holidays:

(1) the 002nd district located at 5101 South Wentworth Avenue;

(2) the 005th district located at 727 East 111th Street;

© Chicago Police Department, July 2020

(3) the 020 district located at 5400 North Lincoln Avenue;

(4) the 011th district located at 3151 West Harrison Street;

(5) the 025th district located at 5555 West Grand Avenue.

b. complete the Criminal Enterprise Information System Access form (CPD-31.615) provided by the Department; and

c. submit valid government identification (including the City of Chicago Municipal Identification Card also known as the "CityKey") sufficient to ensure that the individual is seeking the information only as to his or her own Status Identification. The Department and the City Clerk's Office will accept, in their discretion, alternative forms of identification for those who do not have a government ID, such as two of the following: credit cards, court documents, school ID, a notarized statement of identification, or mail addressed to the individual from a government entity.

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide sufficient legal documentation to verify that he or she is the parent or legal guardian. These documents would include birth certificates and guardianship papers. An attorney making a request on behalf of a person must present proof of licensure as an attorney, as well as an affidavit executed by the person on whose behalf the request is made stating that the person has authorized counsel to make the request.

2. Upon receipt of an appropriately completed Criminal Enterprise Information System Access form:

a. Department members will verify the requestor's identification in accordance with Item IX-B-1-c of this directive;

b. District law enforcement personnel will forward the request and any related supporting documentation to the Access and Review Unit, Administrative Support Division;

c. Access and Review Unit personnel will review all received requests to access the Status Identification in the Criminal Enterprise Information System and inquire into the Status Identification of the person.

3. Within 90 days of receipt of a completed Criminal Enterprise Information System Access form, the Access and Review Unit will communicate in writing to the requester the results of the Status Identification request indicating that at the time of request and review, the person:

a. does not currently have a Status Identification in the Criminal Enterprise Information System based upon the criteria delineated in Item VI-B of this directive. In such a case, the communication will also state: "Notwithstanding any other Departmental records that may or may not exist, gang membership or affiliation information in Departmental records is not necessarily independently verified. The Chicago Police Department makes no representations regarding the current accuracy of this information;" or

b. currently has a Status Identification in the Criminal Enterprise Information System. If the person has a Status Identification, the letter will also include:

(1) the criteria delineated in Item VI-B of this directive that was used for the person's entry into the Criminal Enterprise Information System;

(2) copies of the records, photographs and/or recordings upon which the Status Identification was made, provided, however, that the Department may choose not to release such information to the person if it would risk revealing or compromising confidential sources, impede or risk impeding law enforcement activities, or risk endangerment of a person. If information is so

DRAFT

withheld and the person pursues an appeal of his or her Status Identification, the Department will, upon request of the appellant, provide the withheld information to the Police Board for its confidential consideration.

(3) the date and time of entry of the person's Status Identification;

(4) the process to appeal the person's Status Identification.

C. Any person or his or her counsel may seek to appeal his or her Status Identification. A parent or legal guardian of a minor under the age of eighteen, or his or her counsel, may file such a Status Identification appeal on behalf of a minor person for whom he or she is legally responsible.

1. Such an appeal may be based only on the following grounds:

a. the person shows that he or she has satisfied the provisions delineated in Item VIII-A of this directive. If the person has an arrest, charge, conviction, petition for delinquency, or finding of delinquency for a qualifying criminal offense within the past five years that would otherwise prevent the person from satisfying the provisions delineated in Item VIII-A of this directive, those provisions will nonetheless be deemed satisfied if:

(1) the person demonstrates that the arrest, charge, conviction, petition for delinquency, or finding of delinquency has been expunged, or a certificate of innocence has been issued; or

(2) where the qualifying criminal offense is solely for the use of force or the threat of force against another, the person demonstrates that the offense took place during school hours on the grounds of a primary or secondary school where the person was enrolled as a student, and that the offense did not involve use of a weapon or serious physical injury.

b. the person shows that information supporting his or her Status Identification does not satisfy the criteria delineated in Item VI-B of this directive.

NOTE: Provided, however, that if a person's Status Identification in the Criminal Enterprise Information System is substantiated in accordance with Item VI-B of this directive by information additional to that contained in said information system, the appeal will be denied and said information system will be updated accordingly.

2. To appeal one's Status Identification, a person must:

a. complete the Criminal Enterprise Information System Appeal form (CPD-31.635) provided by the Department; and

NOTE: A minor's parent or legal guardian making a request on behalf of a minor must provide legal documentation to verify that he or she is the parent or legal guardian.

b. file an appeal at the Chicago Police Board, utilizing the procedures promulgated by the Police Board.

3. Upon receipt of a completed Criminal Enterprise Information System Appeal form, individuals uninvolved in the initial decision to designate from the Deployment Operations Center, Gang Investigation Team personnel of the affected area, and the district intelligence officer of the affected district will review the submission and consult with the Audits and Inspections

DRAFT

Division, to determine if the criteria for removal from the Criminal Enterprise Information System is met.

NOTE: The Deployment Operations Center has the final authority to determine if the criteria has been met for removal.

4. If the Deployment Operations Center determines that the criteria for removal have been met, the Department, in consultation with the Office of Public Safety Administration, will remove the person's Status Identification and other records pertaining to the person from the Criminal Enterprise Information System. The Department will further provide the individual with the written document including the disclaimer described in Item IX-B-3-a of this directive.
5. If the Department determines to contest the appeal, the Legal Affairs Division will be responsible for presenting the Department's position and all relevant supporting information to the Police Board, utilizing the procedures promulgated by the Board.
6. If the appeal is granted by the Police Board, the Department, in consultation with the Office of Public Safety Administration, will remove the person's Status Identification and other records pertaining to the person from the Criminal Enterprise Information System. The Department will further provide the individual with the written document including the disclaimer described in Item IX-B-3-a of this directive.

NOTE: Persons who meet the criteria for removal of their Status Identification will have their Status Identification and other records pertaining to the person removed only from the Criminal Enterprise Information System. Historical records will be maintained in source data systems, as appropriate, and subject to federal, state, and local laws.

X. RESPONSIBILITIES

A. District commanders and other unit commanding officers will:

1. require that district intelligence officers:
   a. review and confirm the accuracy of information initially approved for a Status Identification into the Criminal Enterprise Information System and that the making of a Status Identification is consistent with Item VI of this directive;
   b. follow all additional provisions delineated in Item VII of this directive; and
   c. review all requests to appeal the status in the Criminal Enterprise Information System consistent with Item IX-C of this directive.
2. ensure that supervisors follow the provisions delineated in Item-VII of this directive including periodically reviewing submitted Status Identification Reports.
3. annually, in coordination with the area Gang Investigation Teams personnel and other designated Departmental personnel, perform a gang audit in accordance with the Department directive titled "**Gang Audits**," updating information for accuracy in the Criminal Enterprise Information System accordingly. The scope of Gang Audits remains in the sole discretion of the Department.
4. inform the Commander, Gang Investigation Division, and the area Gang Investigation Teams supervisory personnel, if appropriate, before requesting to remove a Status Identification and other records pertaining to the person from the Criminal Enterprise Information System.
5. inform the Commander, Deployment Operations Center, to review requests to remove a Status Identification and other records pertaining to the person from the Criminal Enterprise Information System.

© Chicago Police Department, July 2020

6. make general information about the access and removal process associated with the Criminal Enterprise Information System available to the general public at the district station.

B. The appropriate area Gang Investigation Teams personnel will:

1. when possible, assist Department members with Status Identifications.
2. review requests to appeal Status Identifications consistent with Item IX-C of this directive.
3. coordinate with district intelligence officers in the performance of audits in accordance with Item X-A-3 of this directive.
4. when appropriate, provide information to remove Status Identifications and other records pertaining to a person from the Criminal Enterprise Information System.

C. The Deployment Operations Center will:

1. conduct random audits of the data entered into the Criminal Enterprise Information System to ensure compliance with the authorized use of the Criminal Enterprise Information System by other law enforcement agencies in accordance with 28 CFR Part 23 and established agreements.
2. finalize and update the Criminal Enterprise Information System:
   a. with respect to all criminal street gangs and criminal enterprises identified during the district gang audit;
   b. upon the results of any conducted random audits when the removal of a Status Identification is appropriate;
   c. upon successful appeal of Status Identifications; or
   d. upon request of an area deputy chief, district commander, or the Commander, Gang Investigation Division.
3. publish in the Daily Bulletin any newly identified street gangs or criminal enterprises or when a criminal street gang or criminal enterprise has been eliminated from "active" status.
4. inform appropriate Department units, when:
   a. removing Status Identifications and other records pertaining to a person from the Criminal Enterprise Information System; and
   b. when a criminal street gang or criminal enterprise has been eliminated from "active" status.

D. The Department, in consultation with the Office of Public Safety Administration, will:

1. maintain the Criminal Enterprise Information System.
2. perform a review and removal of Status Identifications in the Criminal Enterprise Information System every five years, according to the criteria delineated in Item VIII-A of this directive.
3. upon consultation with the Commander, Deployment Operations Center, remove a Status Identification and other records pertaining to the person in accordance with Item VIII-A of this directive.
4. create an online website that provides general information to the public about:
   a. the Department's Criminal Enterprise Information System policy; and
   b. the process to access and appeal a person's Status Identification.
5. create and monitor the gangstatusinquiry@chicagopolice.org email address and establish a protocol to respond to emails from the general public with general information about how to access or appeal a person's Status Identification.

XI. TRAINING

© Chicago Police Department, July 2020

A. The Department, in consultation with the Office of Public Safety Administration, will create a user's guide outlining the procedures for utilizing the Criminal Enterprise Information System.

B. The Training Division, in consultation with the Deployment Operations Center, the Gang Investigation Division, and the Office of Operations, will establish an eLearning module on the use of the Criminal Enterprise Information System.

1. Members will receive this training on an annual basis.

2. Members must complete the eLearning module and remain current with all training requirements before entering, retrieving, approving, or reviewing information in the Criminal Enterprise Information System.

XII. AUTHORIZED USE

A. The Criminal Enterprise Information System is available for use only by Department members and other law enforcement agencies with authorized access acting in furtherance of a legitimate law enforcement purpose. Information will not be disclosed to any third party for immigration, employment, education, licensing, or housing purposes. Nothing in this directive prevents disclosure of information when required by federal or state law. All access to the Criminal Enterprise Information System by other law enforcement agencies will be consistent with the Department directive titled "**Access to Computerized Data, Dissemination and Retention of Computerized Data**."

EXCEPTION: This directive or any associated agreements on data usage will not prohibit the Illinois State Police from using information contained in the Criminal Enterprise Information System for investigative purposes associated with a Concealed Carry License (CCL).

B. Department members are reminded that it is the policy of the Chicago Police Department that, pursuant to federal law, the enforcement of immigration law generally rests with the federal government and not with the state or local police. Department members will continue to follow the procedures consistent with the Department directive titled "**Responding to Incidents Involving Citizenship Status**."

XIII. RECORD RETENTION

Any record maintained in the Criminal Enterprise Information System must comply with applicable local, state, and federal law. The Commander, Youth Investigations Division, will ensure juvenile records that are part of the Criminal Enterprise Information System are retained and expunged in accordance with the Juvenile Court Act and any applicable local, state, or federal law.

XIV. NO CLAIMS CREATED HEREUNDER

A. The Criminal Enterprise Information System is solely a law enforcement tool. The procedures set forth in this directive are the internal procedures of the Department, voluntarily undertaken by the Department, regarding the gathering of certain information relevant to law enforcement. The Department has legitimate discretion concerning the gathering of law enforcement information; such information, for example, need not meet standards of evidence for admissibility in court, comply with evidentiary rules, or be sufficient for conviction of a crime or a finding of liability. While these procedures provide certain persons with input into their Status Identifications as set forth in this directive (including the right to review of such Status Identifications by the Police Board), the procedures do not create any right to review of Police Board decisions and do not create any other rights or claims by such persons, or anyone else, including legal or equitable claims for relief of any kind whatsoever (including claims for damages or attorney's fees).

© Chicago Police Department, July 2020

B. The Department reserves the right to modify or eliminate any of the foregoing procedures.

David O. Brown
Superintendent of Police

18-013 RCL/JJR

DRAFT

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and human resources activities and issues of equity, inclusion and diversity by its Diversity, Equity, Inclusion, and Compliance Section.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

PROJECT TEAM

Lauren Buscato, Performance Analyst
Mark Griffin, Assistant Inspector General
Robert Owens, Chief Performance Analyst

PUBLIC INQUIRIES

Communications: (773) 478-0534 | communications@igchicago.org

TO SUGGEST WAYS TO IMPROVE CITY GOVERNMENT, VISIT OUR WEBSITE

igchicago.org/contact-us/help-improve-city-government

TO REPORT FRAUD, WASTE, AND ABUSE IN CITY PROGRAMS

Call OIG's toll-free hotline: (866) 448-4754 / TTY: (773) 478-2066
Or visit: igchicago.org/contact-us/report-fraud-waste-abuse/

Cover image courtesy of Wikimedia Commons.
Alternate formats available upon request.