



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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February 7, 2022

SENT VIA EMAIL

City of Chicago Law Department
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**Re: S02-03-XX, Positive Community Interactions (PCI) – OAG Comments
Consent Decree, *Illinois v. Chicago*, 17-cv-6260 (N.D. Ill.)**

Dear Ms. Dixon,

On February 4, 2022, the Chicago Police Department (“CPD”) submitted a draft standard operating procedure (“SOP”), titled S04-01-02, *Positive Community Interactions (PCI)*, to the Office of the Illinois Attorney General (“OAG”) and the Independent Monitoring Team (“IMT”). The IMT and OAG previously provided informal feedback to CPD on January 23 and February 1, 2022, respectively, about the subject of S02-03-XX—in particular, CPD’s decision to triple its target number of positive community interactions (PCIs) between officers and community members to at least 1.5 million over the course of 2022. Below, OAG provides comments pursuant to Paragraph 627 of the Consent Decree on S02-03-XX and the PCI program.

As a preliminary matter, please note that S02-03-XX is subject to the review and comment process required by Paragraph 627 of the Consent Decree. We understand that the City believes otherwise. In particular, we understand that the City’s position is that no paragraph in the Consent Decree expressly requires the implementation or maintenance of a PCI policy, and thus the review requirements of Paragraph 627 do not apply to S02-03-XX. This argument is misplaced.

First, the City has waived any argument that policies related to PCIs are unreviewable under Paragraph 627. As you know, S02-03-XX addresses the definition of a PCI. CPD has already

defined the term PCI and described the operation of the PCI program in directive G02-03, *Community Policing Mission and Vision*. CPD submitted G02-03 for IMT and OAG review and comment at least five times¹ under the Consent Decree. Most recently, the City submitted G02-03 on November 12, 2021 and explicitly requested that OAG and IMT provide “no-objection notice[s],” and further described in its summary chart that the City provided G02-03 pursuant to the “review requirement” of paragraph 627.² As such, CPD has repeatedly treated and described G02-03—which, again, includes guidance related to PCIs—as a policy required to undergo Paragraph 627 review. Thus, the City has waived any argument now that other, newly-drafted policies and procedures about PCIs (such as S02-03-XX) are unreviewable.

Second, even if the City has not waived its argument about reviewability, S02-03-XX is clearly subject to review because it is required by Paragraphs 14, 21, and 22 of the Consent Decree. In particular, Paragraph 14 requires CPD to review and revise “all relevant policies” to “delineate the duties and responsibilities of the Office of Community Policing” and other offices and entities within CPD. A policy or procedure addressing PCIs as a component of community policing necessarily falls under the requirements of Paragraph 14, and consequently requires review by IMT and OAG prior to issuance. Likewise, S02-03-XX includes verbatim language from Paragraphs 21 and 22 about PCIs, including that CPD will “encourage and create opportunities for CPD members” to “have positive interactions with the community.” CPD cannot functionally effectuate these paragraphs’ requirements without drafting or revising policies or procedures—which is precisely what triggers the review and comment process of Paragraph 627 of the Consent Decree.³ Consequently, CPD must submit S02-03-XX to OAG and IMT for review and comment.

To be clear, OAG understands that CPD wishes to obtain an approved policy about PCIs on an expedited basis, faster than the typical 30-day timeframe for comments provided in Paragraph 627. As you know, Paragraph 627 specifically accounts for situations when CPD may submit a final draft less than 30 days before a policy or procedure is to take effect—but such a “shorter period of time” is to be agreed upon by the Parties and the IMT when it is “appropriate under the circumstances.”⁴ Here, in the spirit of collaboration, OAG is providing these initial comments on S02-03-XX within three days of receiving the policy. Please note, however, that CPD *must* subject S02-03-XX to the Paragraph 627 review process and that a failure to do so would be a violation of the Consent Decree. Therefore, please review OAG’s and IMT’s comments and revise S02-03-XX accordingly prior to finalizing it, as required by Paragraph 627. If CPD

¹ The City sent production letters regarding G02-03 to IMT and OAG on October 7, 2020; March 24, 2021; May 26, 2021; August 18, 2021; and November 12, 2021.

² It should also be noted that CPD posted G02-03 for fifteen days of public comment in June 2021 pursuant to paragraph 633, which requires such public postings of CPD policies and procedures where they are “required by” the Consent Decree.

³ Additionally, training on the PCI program will necessarily be subject to IMT and OAG review pursuant to Paragraph 641, because several paragraphs of the Consent Decree expressly call for training on positive interactions with community members. *See, e.g.*, Consent Decree, ¶¶ 32, 37(b), 37(d), and 529.

⁴ Consent Decree, ¶ 627.

requests an expedited review process, please contact our office and the IMT so that we might agree on a shorter period of time for review.

Finally, OAG also notes that if CPD fails to address the concerns we describe in our comments below and instead publishes S02-03-XX in its current form, then not only would CPD have violated the Consent Decree's policy review process, it will also likely fail to achieve compliance with the above-referenced paragraphs of the Consent Decree (i.e., Paragraphs 14, 21, and 22). As a result, CPD will have to make revisions to this SOP and related policies in the future, which may result in confusion and frustration on the part of officers, supervisors, and command staff. The better course, in our view, is to fully address OAG's and IMT's concerns now, prior to implementation.

OAG provides additional comments about CPD's plan to increase PCIs and the draft S02-03-XX, below.

General Comments:

1. As we have previously described in our February 1, 2022 letter, OAG requests that CPD suspend or at least pause any effort to record 1.5 million PCIs this year; at a minimum, CPD should immediately communicate that the PCI system will not to be used as a numerical performance measure for officers (even informally) at this time.

We understand that the goal of 1.5 million PCIs has been reported as a department-wide goal. News reports have also described this goal as a possible performance measure for command staff and supervisors. As you are likely aware, the use of quotas in law enforcement—whether described as goals, targets, performance standards, or activity metrics—is deeply problematic.⁵ Illinois has statutorily prohibited municipalities from instituting quotas for citations.⁶ Another sixteen states prohibit quotas for citations and traffic stops, and at least nine prohibit quotas for arrests.⁷ The Consent Decree prohibits assessing the effectiveness of CPD's crime reduction strategies by reference to the number of arrests, stops, or citations.⁸ Quotas in law enforcement have also generated significant litigation around the country—including the *Floyd* stop-and-frisk case in New York City—as well as labor disputes in departments nationwide.⁹ In short, quotas are controversial and can lead to significant pushback from officers and community members.

Although the use of a quota to encourage PCIs is arguably less detrimental than quotas for arrests and stops, many of the concerns around the use of law enforcement quotas apply to numerical targets for PCIs.

⁵ See, e.g., Shaun Ossei-Owusu, *Police Quotas* 96 NYU L. Rev. 529 (2021) (describing widespread use of quotas in law enforcement and why they are a pressing criminal justice issue).

⁶ 65 Ill. Comp. Stat. Ann. 5/11-1-12.

⁷ Shaun Ossei-Owusu, *supra* note 5, at 548–49.

⁸ Consent Decree, ¶ 17.

⁹ Shaun Ossei-Owusu, *supra* note 5, at 551–67.

First, the use of quotas to drive officer activity can lead to misconduct, fraud, and corruption. Quotas force officers to be concerned about obtaining a reward or avoiding a penalty, and thus some officers may engage in misreporting of their activities to comply with numeric requirements.¹⁰ Additionally, because supervisory systems shape overall organizational culture, supervisors that focus excessively on numeric targets might, in fact, wrongly encourage or tolerate misreporting, fraud, and other misconduct.¹¹

Second, quotas may distort officer behavior away from important, but more time-consuming activities. For example, the Consent Decree and best practices require officers to engage in problem-solving policing, including identifying problems, determining the causes of those problems, implementing solutions, and assessing the effectiveness of their actions. When officers are compelled by numeric targets to achieve more PCIs, they will be less likely to engage in more time-intensive efforts to carry out problem solving, let alone engage in community events and other important public safety activities. In short, a PCI quota carries the risk of shifting police activities away from a holistic approach to safety toward a singular focus on PCI numbers.

Third, a PCI quota can be arbitrary in the opposite direction, as well. Officers who are able to meet their goal for PCIs early could decide to “coast” for the rest of their shift (or whatever the relevant period of measurement is). Yet, the philosophy of community policing calls for officers to incorporate methods to positively interact with community members throughout their tour of duty.

Fourth, as the IMT has already pointed out, a PCI quota—without more—neglects any assessment of the quality of interactions between police officers and community members. In effect, a PCI quota risks having officers treat community members as statistics to be collected, and not as human beings with problems, concerns, and needs. Such an approach is antithetical to building genuine trust with the people that CPD serves.

Fifth, a failure to collect information about the quality of any reported PCIs under a quota system will likely provide a misleading and ultimately harmful picture of the work that CPD is doing toward building trust with Chicagoans. The IMT noted during our recent discussion on PCIs that other departments around the country have struggled in precisely this fashion; inconsistent reporting of PCIs by officers generated poor data quality, making it impossible to assess and learn how these departments can continue to improve.

Sixth, a PCI quota also risks exacerbating known disparities in trust levels between certain communities and CPD. In community policing bi-weekly calls, CPD has acknowledged that the department is struggling to engage key constituencies—especially young men of color—at beat meetings, District Advisory Council meetings, community dialogues, and other CAPS events. The IMT’s most recent community survey about trust levels of CPD

¹⁰ *Id.* at 575–78.

¹¹ *Id.*

in Chicago reveals the same disparities.¹² Absent careful program design and training, a PCI quota system will make it more likely that CPD officers (through implicit bias and other systemic factors) will continue to neglect interacting with members of the communities with the least trust in police—by privileging interactions with those residents that are “easier” to engage and more likely to talk to police officers.

Seventh, OAG has been unable to identify in its preliminary research *any* evidence that supports the use of quotas to encourage positive interactions between police and community members. There is one study—from 2019—that suggests that a brief, face-to-face interaction between a community member and officers in a non-enforcement capacity can improve people’s attitudes toward the police and increase trust in law enforcement.¹³ But that study did not involve a quota, included officers specifically selected by senior leadership, and used a standardized template for the interaction combined with training sessions to teach officers how to immediately disarm any potential anxiety within the first 20 seconds of the interaction, among other things.¹⁴ Research also suggests that, for some, such police interactions may actually cause harm. A review of 29 studies that examined the impact of police interactions on health outcomes for Black youth concluded that such interaction—even in situations where officers were providing assistance—may be detrimental to the health and well-being of Black youth, especially young Black men.¹⁵

In short, a quota system for PCIs is rife with significant downsides, especially without additional training, data, and accountability systems in place. Please eliminate any quota system for PCIs.

2. Please develop training materials about the definition of a PCI, about how officers should carry out a PCI, and about officers’ and supervisors’ responsibilities in recording and tracking PCIs. Such training materials are required under Paragraphs 37 and 529 of the Consent Decree.
3. Please continue to develop systems to collect data and analyze the “outcomes” of interactions between officers and community members through the use of contact surveys and other instruments. Without such data, PCIs will be measured solely by crude performance measures that exclude key metrics about the quality of interactions and the public’s perception of officers and the department.

¹² See Community Survey Report, *Illinois v. City of Chicago*, 17-cv-6260 (N.D. Ill. Aug. 26, 2020), ECF No. 885.

¹³ Kyle Peyton, Michael Sierra-Arevalo, and David G. Rand, *A field experiment on community policing and police legitimacy*, PNAS (Oct. 1, 2019), <https://doi.org/10.1073/pnas.1910157116>.

¹⁴ *Id.* Officers in the study were also instructed to provide their personal business cards to residents with their work cell phone number handwritten on it.

¹⁵ Monique Jindal et al, *Police Exposures and the Health and Well-being of Black Youth in the US: A Systematic Review*; JAMA Pediatr. 2022;176(1):78–88, <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2783637>.

4. Please develop a system to supervise and audit officers' reports of PCIs to ensure that there are sufficient mechanisms in place to eliminate fraud or abuse in the PCI system, especially under any quota approach.

Comments on S04-01-02, Positive Community Interactions (PCI)

1. In Part III.B.2, please consider revising the definition of positive community interaction to include a minimum amount of time spent during the interaction, *e.g.*, at least three minutes. Providing a minimum timeframe for a PCI will provide greater guidance to officers about the nature of a PCI, as well as a disincentive to officers to over-report very brief interactions.
2. In Part III.B.3, please consider revising the definition of positive community interaction to clarify under what circumstances a PCI is "self-initiated." In particular, as written, this SOP might discourage officers from certain community policing activities, *e.g.*, using the community concerns and city service requests system under S02-03-03, in favor of seeking out PCI opportunities. In a worst-case scenario, this draft SOP would seem to reward officers who pass by a motorist trying to wave them down for assistance with a flat tire in order to help a different person (who is not requesting assistance) with directions.
3. Please revise the language in Part III.C.4 to avoid possible confusion about whether an "individual that may be in distress" refers to an individual in crisis. Instead, consider a clearer example such as "Stopping to help someone carry their groceries or providing a similar physical service in a situation that does not rise to the level of a police emergency."
4. In Part IV.A.2., please provide additional guidance to officers about the information that they are required to provide to OEMC regarding any PCI to also include notification of the officer's identification and beat assignment and a brief description of the PCI. Please also provide guidance to officers that they must, at the conclusion of the PCI, inform OEMC as to the status and/or results of the PCI.
5. In Part IV.A, please add language instructing officers that, in situations where an attempted PCI leads to a law enforcement action involving the community member, they must inform OEMC and must document on any forms relating to the law enforcement action that it resulted from a PCI.
6. Please add language in this SOP stating that officers will leave a Department business card, which includes the officer's name and work cell phone number, with the community member at the conclusion of every PCI.
7. Please incorporate language in this SOP that makes clear that no officer or supervisor will be disciplined by the Department for failing to obtain a specific number of PCIs within a designated period of time, nor will the Department, for purposes of evaluating job

performance, compare the number of PCIs obtained by an officer to the number of PCIs obtained by any other officer who has similar job duties.


8. Please add language to this SOP that makes clear the Department is committed to working with all the diverse communities that it serves and that officers will continue to follow all requirements and policies related to nondiscrimination and prohibitions on bias-based policing.
9. Please include language in this SOP stating that “Department supervisors will 1. inform members under their direct command of this policy and ensure compliance and 2. be held accountable for identifying and responding to violations of Department directives by members under their direct command.”
10. Please consider adding language to this SOP stating that CPD will conduct training on this SOP’s requirements, *e.g.*, “The Training Division will provide Department members with training on this policy, including but not limited to the definition of a PCI, guidance about how to effectively carry out a PCI, and reporting requirements related to PCIs.”
11. Please add language either to this SOP or in a related CPD directive that the Office of Community Policing will be responsible for periodically (but no less than semiannually) reviewing reported PCIs to identify any trends, including any training or policy concerns.
12. Please add language in this SOP stating that the CPD Audit Division shall be responsible for creating an audit protocol to assess the reporting, tracking, and outcomes of PCIs, including outcomes where an attempted PCI leads to a law enforcement action by the officer.
13. Please add language to this SOP, consistent with CPD’s obligation to seek out community and stakeholder input on important policy revisions, stating that, “When reviewing and revising this policy, the Department will provide meaningful opportunity for Department members, members of the community, and community-based organizations with relevant knowledge and experience to provide input through community engagement efforts.”

Next Steps:

Please incorporate these changes into this SOP and resubmit the production to the IMT and OAG for final concurrence. Should the City disagree with any of the requested changes, please contact our office as soon as possible so that we may attempt to resolve any disagreements, as contemplated by Paragraph 627 of the Consent Decree.

Respectfully,

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