

VII. GENDER SPECIFIC PROVISIONS³⁰

A. General Principles

346. These provisions should be read in conjunction with those governing Non-Biased Policing (Section VI), Training (Section III) and Accountability (Section V).

347. The City shall ensure that all police-related complaints of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias are administratively investigated by the CI, and under no circumstances are to be investigated by CPD. Any supervisor who has a reasonable basis to believe an officer engaged in sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias shall be relieved of police powers and placed on desk duty pending the outcome of the Entity's investigation and any concurrent criminal investigation. Any police-related complaint of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias will be investigated, regardless of whether the survivor chooses to be interviewed by the CI.

348. In order to preserve the integrity of the criminal investigation, CPD shall request, in writing, that an outside law enforcement agency conduct the investigations when any officer is alleged to have committed a criminal offense that has a sexual component. The administrative and criminal investigations must be conducted simultaneously as separate, parallel investigations. Nothing in these provisions supersede the requirements of 18 U.S.C. § 922(g)(9) (the "Lautenberg Amendment"), which prohibits anyone convicted of a misdemeanor crime of domestic violence from possessing a firearm, including law enforcement officers.

349. Within 90 days of the Effective Date, CPD shall implement a policy on gender bias that will prohibit officers from engaging in sexual harassment, sexual abuse, and on-duty sexual activity, including specific prohibitions on the following: 1) verbal sexual harassment; 2) sexual harassment using physical gestures; 3) taking and/or transmitting sexually-motivated pictures or videos and transmitting sexually-motivated texts; 4) sexual humiliation; 5) sexually-motivated traffic stops, street stops, summonses or arrests; 6) sexual or romantic propositions; 7) gratuitous physical contact with suspects (*e.g.* over the clothing groping during frisks, inappropriate or unnecessary searches or frisks, etc.); 8) on-duty sexual activity; 9) any sexual activity with any person in CPD custody or in the custody of any law enforcement or correctional department; and 10) conducting cavity searches, including vaginal and/or rectal searches, of any person on the street and/or in an environment where the person being searched lacks sufficient privacy.

350. CPD Officers will treat LGBTI and gender nonconforming individuals with courtesy, professionalism and respect, and are specifically prohibited from using harassing, intimidating or derogatory language toward LGBTI and gender nonconforming individuals or regarding such individuals. This shall include addressing all individuals with their chosen name, title and pronoun. CPD Officers are prohibited from targeting LGBTI and gender nonconforming individuals for traffic stops, street stops, summonses or arrests based on their gender identity or

³⁰ Sources: New Orleans Consent Decree; International Associate Chiefs of Police, Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide; Recommendations from the Illinois Coalition Against Sexual Assault (ICASA).

expression. CPD Officers are prohibited from conducting searches of members of LGBTI and gender nonconforming individuals in order to demean, harass or punish the person, or call attention to the person's gender expression. Officers shall not frisk any person in order to determine that person's gender or to view or touch the person's genitals. For purposes of detention, CPD will house individuals according to their gender identity.³¹ Where the individual does not self-identify and the gender identity is not clear to a reasonable person or the officer is uncertain, the officer will take reasonable, non-invasive steps to determine the gender identity, such as asking the individual how the individual would like to be addressed.

351. CPD officers shall not consider a person's actual or perceived sexual orientation, gender identity, or gender expression as reasonable suspicion or probable cause that an individual is or has engaged in any crime, and officers shall not request identification from or otherwise initiate contact with an individual solely on the basis of actual or perceived sexual orientation or gender identity/expression.

352. Supervisors will ensure cross-gender searches are not conducted unless exigent circumstances exist; however, TIGN³² individuals will have the right to express a preference for the gender of the member who conducts the search. If the TIGN individual does not specify a preference, a member of the female gender should conduct the search. If the TIGN individual has a preference, a member of the gender requested will conduct the search absent exigent circumstances. The circumstances the officer believes justify relying on this exception must be documented in writing

353. Body Cavity Searches³³: Body cavity searches shall be conducted only upon receipt of a search and seizure warrant based on probable cause. CPD Officers shall consult with their immediate supervisors to determine whether probable cause exists to seek a search warrant for a body cavity search. If probable cause exists for a body cavity search, the CPD officer will prepare an affidavit for a search warrant. Body cavity searches based on a search and seizure warrant will be conducted in accordance with the following provisions:

- a. Body cavity searches shall be performed with due recognition of privacy rights and hygienic concerns. Such searches shall be conducted by a licensed

³¹ CPD should revise its policies to specifically provide: TIGN arrestees will be asked whether they feel safest housed with males, females, or alone. Such preferences shall be recorded and individuals should be housed consistently with their preference. TIGN arrestees shall be afforded the opportunity to switch housing preference for their safety and such a request for change in housing preference and its outcome shall be recorded. If an individual fails to express a preference, they will be housed according to their gender identity or with other transgender arrestees who have the same gender identity. An individual will not be placed in isolation or housed alone in individual cells merely because they are TIGN, unless it is their express preference for their safety. If there are no individual holding cells available for arrestees who ask to be housed alone, a supervisor will consult with Cook County State's Attorney's Office, and a designated community organization, and make arrangements for the TIGN suspect/prisoner to be reviewed for release on their own recognizance.

³² Transgender, Intersex and Gender Nonconforming individuals.

³³ A "Body Cavity Search" is defined as any search of an individual involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs, such as the stomach.

medical professional, of the gender requested by TIGN individuals, under sanitary conditions at a detention facility or other authorized medical facility in a room designated for this purpose. CPD officers shall not conduct the search. When possible, and with the approval of the individual being searched, the licensed medical professional will utilize X-ray technology to ascertain whether a physical cavity search is necessary.

- b. The medical professional conducting the body search will be under constant visual surveillance by a member of the gender requested by the TIGN individual until the body cavity search is finished. CPD Officers will respect the gender identity expressed by the individual for purposes of a search. Where the individual does not self-identify and the gender identity is not clear to a reasonable person or the officer is uncertain, the officer will take reasonable, non-invasive steps to determine the gender identity, such as asking the individual how the individual would like to be addressed.
- c. Body cavity searches on pregnant women will not be conducted unless exigent circumstances exist. If such circumstances exist, the search will be conducted by a medical professional trained in the field of obstetrics and gynecology, in an authorized medical facility, and outside the presence of any CPD officer.

354. The CI shall review all complaints for indications of bias and, if any indications of bias are present, shall investigate and issues findings regarding whether the officers' actions were motivated by animus and/or any implicit or explicit bias.

355. The CI shall publish on a quarterly basis a database that lists information for all submitted police-related complaints of sexual violence, domestic violence, intimate partner violence, sexual harassment and/or gender bias, including: 1) the officer's name; 2) the date of the incident; 3) a general description of the nature of the incident (*e.g.*, familial, acquaintance, stranger, on-duty, off-duty) that excludes identifying details of the complainant or victim; 4) disciplinary recommendation(s); 5) disciplinary outcome; 6) the outcome of any criminal investigation; and 7) the law enforcement agency that conducted/is conducting the criminal investigation.

356. CPD agrees to respond to and investigate reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias. CPD will revise its policies and training related to officer response to allegations of domestic violence and sexual assault to ensure that the law enforcement response is trauma-informed, survivor-centered, and not undermined by gender bias. To achieve these outcomes, CPD agrees to implement the requirements set forth below.

B. Sexual Assault Police Response

357. CPD will develop and implement clear policies and procedures governing its response to reports of sexual assault. CPD agrees to ensure its policies and procedures on sexual assault comply with applicable law and comport with best practices and current professional

standards. CPD agrees to clearly delineate in policy the respective duties of communications staff, patrol officers/first responders, Special Victims Unit detectives, and supervisors, and to provide clear and detailed guidelines for steps at each stage of CPD's response to a reported sexual assault, including dispatch response, initial officer response, and on-scene and follow-up investigation.

358. CPD will ensure sufficient gender and LGBTQI parity in staffing the Special Victims Unit so that detectives are available to respond to and investigate reports of sexual assault, as appropriate.

359. Patrol officers or other first responders shall document their observations and any actions taken, including any statements of survivors, witnesses, and reporting persons, in calls for service related to sexual assaults.

360. CPD protocols for conducting initial and follow-up survivor interviews shall reflect the special needs of survivors who may be in crisis or suffering from trauma.

361. CPD agrees to provide clear and detailed guidelines for on-scene and follow-up investigation, including as to identifying, locating, and interviewing witnesses and suspects; collaborating with survivor advocates, including rape and domestic violence center advocates; collecting evidence; special procedures for drug-facilitated sexual assaults; and documentation.

362. CPD agrees to establish protocols for forensic examinations of survivors and suspects, as well as evidence preservation and crime scene management in the sexual assault context. These protocols shall incorporate the recommendations of the National Protocol for Sexual Assault Medical Forensic Examination governing police procedure. These protocols will be in addition to any mandated by Illinois state law, including the Sexual Assault Survivors Emergency Treatment Act and the Sexual Assault Incident Procedure Act (SAIPA).

363. Through its on-going training, CPD agrees to keep officers apprised of, and shall inform survivors about, of services, referrals, or other assistance.

364. CPD agrees to track all CODIS hit outcomes with the CODIS Hit Outcome Program software provided by National Institute of Justice.

365. In addition to annual in-service training, CPD agrees to provide initial training for Special Victims Unit detectives of no fewer than 40 hours. This training will incorporate best practices in responding to incidents of sexual assault and working with survivors of sexual assault, and shall incorporate training curricula provided by the Illinois Coalition Against Sexual Assault (ICASA). Training shall also include:

- a. Realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting;
- b. Overcoming the perception of false/unfounded allegations to successfully investigate non-stranger sexual assault;

- c. Drug- and alcohol- facilitated sexual assault;
- d. Working with vulnerable populations, including homeless people, sex workers, people with behavioral health disabilities, and LGBTQI individuals;
- e. Skills-based training on interviewing, including taped mock survivor interviews;
- f. Report-writing;
- g. Discovery; and
- h. Collection, preservation, and submission of evidence in sexual assault cases, including selecting the evidence to be submitted for testing.

366. CPD agrees to provide detailed recruit training on responding to sexual assault for patrol officers and other first responders of no fewer than four hours, in addition to ongoing annual in-service training. CPD agrees to incorporate fact-based scenarios involving stranger and non-stranger sexual assault into recruit and in-service training on topics such as general investigation, crime scene preservation, and report writing. CPD's general training on sexual assault shall include:

- a. Realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting;
- b. Working with vulnerable populations, including homeless people, sex workers, people with behavioral health disabilities, and LGBTQI individuals;
- c. Report writing;
- d. Survivor interviewing; and
- e. Initial assessment of survivors/victims and the crime scene.

367. CPD agrees to train supervisors and detectives in the Special Victims Unit in the proper definitions and application of "unfounded," "false," and "baseless" classifications in the context of sexual assault investigations. An officer's immediate supervisor shall closely review and approve in writing any decision to classify a report as "unfounded," "false," or "baseless." The supervisor shall assess whether a comprehensive investigation has been conducted and whether appropriate follow-up has been completed.

368. CPD agrees to separately track all reports of felony sexual assault, including drug-facilitated sexual assault, sexual assaults involving persons with disabilities rendering them unable to consent, sodomy, and male victims of sexual assault. CPD agrees to collect data on the final disposition of sexual assault investigations, including whether an arrest was made and whether the Cook County State's Attorney charged the suspect or rejected the case and, if so, the reason for

the rejection, if the State's Attorney provides a reason. This data will be made public.

C. Domestic Violence Response

369. CPD agrees to delineate the respective duties of communications staff, patrol officers/first responders, detectives, and supervisors in its domestic violence policies and procedures and agrees to provide clear and detailed guidelines for steps at each stage of CPD's response to a report of domestic violence, including dispatch response, initial officer response, including entry procedures, and on-scene and follow-up investigation.

370. CPD agrees to prioritize survivor safety and protection at each stage of its response to a report of domestic violence and provide clear guidelines for on-scene and follow-up investigation, including as to identifying, locating, and interviewing suspects and witnesses; assessment of the crime scene; evidence collection, including documentation of survivor injuries; and seizure of weapons.

371. CPD agrees to discourage dual arrests of offenders and victims. CPD agrees to provide guidance on when dual arrests are permissible and require supervisory approval to effectuate a dual arrest. CPD training shall include how to identify the primary aggressor.

372. CPD agrees to offer training on domestic violence that incorporates IACP recommendations for VAW Law Enforcement Best Practices. CPD will annually update the training to reflect changes in policy, law, and developments in research and best practice.

373. CPD agrees to provide at least four hours of initial and recruit training on domestic violence for all officers, in addition to ongoing annual in-service training. CPD agrees to incorporate fact-based scenarios involving domestic violence into recruit and in-service training on such topics as general investigation, crime scene preservation, and report writing. CPD's training on domestic violence shall include:

- a. CPD's policies and procedures on domestic violence;
- b. Dynamics of domestic violence;
- c. Identifying the primary aggressor;
- d. Responding to and investigating strangulation in the context of domestic violence
- e. Interviewing survivors, witnesses and suspects;
- f. Report writing; and
- g. Discovery.

374. CPD agrees to provide all officers on the Domestic Violence Response team with initial training of no fewer than 40 hours, and ongoing annual in-service training, which incorporates best practices and the training curricula provided by the Illinois Certified Domestic Violence Professional Board (ICDVP), so that officers can receive ICDVP certification. This training shall include advanced, skills-based instruction in evidence collection; victim assistance; interviewing, including taped mock victim interviews; and other topics.