

#### IV. SUPERVISION AND PROMOTIONS<sup>13</sup>

##### A. Supervisory Character, Duties, and Ratios

136. CPD Supervisors shall model appropriate conduct, including abiding by the highest standards of integrity; strictly adhering to the Constitution and other laws, CPD policy and the terms of this Agreement; and consistently demonstrating non-biased and least restrictive policing, a commitment to preserving the sanctity of life, professionalism, courtesy and respect towards all people with whom they interact. All individuals selected to serve in a supervisory capacity shall have a demonstrated record of conducting themselves in a manner that is consistent with these standards. Officers who have misconduct allegation(s) pending or who have had misconduct allegations relating to interaction with the public sustained within the previous 5 years shall be presumptively ineligible to be promoted to supervisor. No individual who has a disciplinary and or complaint history that reveals any indicia of bias and/or propensity for using unnecessary force shall be eligible for promotion to supervisor. (Ferguson ¶ 25).

137. CPD will ensure that supervisors provide close and effective supervision, and accordingly shall:

- r. Establish and enforce throughout CPD the expectation that officers will police in a manner that is consistent with the Constitution and other laws and CPD policy, and will at all times demonstrate non-biased and least intrusive policing;
- s. Provide leadership, counseling, direction, and support to officers as needed;
- t. Lead efforts to institutionalize non-biased and least intrusive policing;
- u. Respond to, document, review, and investigate stops, searches, citations, arrests, uses of force, and other officer conduct as required by CPD policy and this Agreement;
- v. Identify misconduct and ensure that it is adequately addressed through corrective action, training, or referral for discipline; and
- w. Identify training and professional development needs and opportunities on both an individual basis and on a unit- and department-wide level.  
(Baltimore ¶¶ 433-434 and Cleveland ¶ 322).

138. All officers shall be assigned on each shift to a primary, clearly identified first-line supervisor and shall also report to any other first-line supervisor within the chain of command. First-line supervisors shall be responsible for closely and consistently supervising all officers under their primary command. Supervisors shall also be responsible for supervising all officers under their chain of command on any shift to which they are assigned, so to ensure accountability across CPD. (Albuquerque Consent Decree ¶ 67).

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<sup>13</sup> Sources: Albuquerque, Cleveland, and Ferguson Consent Decrees; PATF.

139. CPD will ensure that first-line supervisors provide close and effective supervision of officers. This close and effective supervision includes meeting with subordinates on an ongoing basis to discuss their performance; providing consistent documentation of communications regarding officer performance challenges and areas of growth; responding to, investigating, and documenting force as required by this Agreement; ensuring that officers are engaging in non-biased and least restrictive policing; monitoring, commanding, and controlling incidents and calls for service; reviewing reports for compliance with law and this Agreement; identifying training and professional development needs; and providing leadership, counseling, redirection, and support to officers as needed. (Cleveland ¶ 74).

140. Supervisors shall work the same days and hours as the officers they are assigned to supervise absent unusual circumstance or when the supervisor is on vacation, in training, or ill. Investigative unit supervisors shall work generally the same days and hours as the officers they are assigned to supervise, taking into account that shift differences will not permit complete supervisory overlap. (New Orleans ¶ 78).

141. CPD's first-line supervisors will review all documentation, including video from body-worn, in-car, and other cameras as appropriate, of investigatory stops and detentions, searches, uses of force and arrests, for completeness and adherence to law and CPD policy. Supervisors will randomly review body-worn and in-car camera footage at least three times a month. (Ferguson ¶ 241; Newark ¶ 18).

142. Supervisors should be required to periodically inspect body-worn cameras and in-car video cameras for functionality. Supervisors shall immediately report any equipment problem to the CI. The City agrees to take all necessary steps to promptly repair equipment to ensure consistent availability of fully functioning body-worn and in-car cameras for all appropriate officers.

143. CPD's desk lieutenant or unit commander will document for review by their chain of command any police action that, while comporting with law and policy, indicates a need for corrective action or review of agency policy, strategy, tactics, or training to support non-biased and least intrusive policing. (Newark ¶ 18).

144. CPD supervisors will take appropriate action to address all apparent violations of CPD policy and/or the terms of this Agreement. Appropriate action may include recommending non-disciplinary corrective action for the involved officers, or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor will maintain a record of each apparent violation and any corrective action taken. The supervisor will document each violation in the officer's performance evaluations and CPD's EIS to identify officers needing repeated corrective action. (Newark ¶ 19).

145. Supervisory and commander performance evaluations will take into account the quality and completeness of supervisory and commander reviews of police interaction with the public, including uses of force, use of the diversionary programs established by this Agreement, and officer stops, searches, and arrests. Supervisor evaluations will also include assessment of the

supervisor's ability and effectiveness in conducting the supervisory reviews as required by this Agreement, including monitoring, deterring and addressing misconduct by officers they supervise. Supervisors who conduct high-quality reviews and supervision and who effectively deter misconduct and who encourage non-biased and least intrusive policing will receive preference for assignments and promotion. The failure to fulfill supervisory duties will result in corrective action, training, or discipline. (Baltimore ¶¶ 306-307, 434; Ferguson ¶ 301).

146. CPD leadership and supervising officers will reinforce to subordinates that discriminatory policing is an unacceptable tactic, and officers who engage in discriminatory policing will be subject to discipline. (Seattle ¶ 47).

147. If an individual affirmatively states that he or she is the subject of discriminatory policing, the officer's supervisor should, where reasonable, respond to the scene and determine if additional action, including a complaint to the CI, is warranted.

148. Within 180 days of the Effective Date, CPD agrees to develop and implement a staffing plan that enables close and effective supervision. This staffing plan will be developed in consultation with the Monitor, and consistent with best practices and the requirements of this Agreement. The staffing plan will ensure that CPD assigns a sufficient number of sergeants per shift so that the span of control in the field for sergeants is no more than eight officers and will ensure sufficient captains and lieutenants for close and effective supervision of sergeants. (Ferguson ¶¶ 256-58).

149. On-duty first-line patrol supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units. (Ferguson ¶ 257).

150. The City will ensure that all CPD officers are assigned to supervisors in a manner that provides consistency in policing practices from shift to shift and among geographic areas in the City. An officer will have no more than three total first-line supervisors, each of whom will be responsible for evaluating a group of officers they consistently supervise. (Cleveland ¶ 74; Ferguson ¶ 258).

151. CPD must examine and revise the responsibilities of supervisory staff at districts to allow supervisors to maximize time spent providing mentorship, oversight, and accountability of officer activities. This includes by shifting administrative tasks from sergeants to civilian administrative assistants, thus maximizing the time and opportunities for sergeants to communicate with and provide guidance to officers under their command. (Ferguson ¶ 258).

## **B. Performance Evaluations**

152. Within 180 days of the Effective Date, CPD will develop a revised system for evaluating police performance that is consistent with best practices to recognize and promote the importance of non-biased and least intrusive policing, problem-solving efforts, and community trust. Performance evaluations will identify areas where officers have excelled and areas that require further training and supervision to improve officer performance. (Ferguson ¶¶ 292).

153. As part of this revised performance evaluation system, the City will use a formalized system documenting annual performance evaluations of each officer and quarterly evaluations for probationary employees, by the officer's direct supervisor. When evaluating officer performance, CPD supervisors should consider:

- a. Positive outcomes, such as harm reduction, crime reduction, use of non-biased police practices, the use of the least intrusive police response, demonstrated integrity and ethical decision-making, respectful treatment of members of the public, and community satisfaction, rather than numerical outputs, such as arrest and citation quotas.
- b. Their findings from the regular reviews of officers' body-worn camera and in-car camera footage.
- c. Direct supervisory observation: Supervisors will regularly accompany subordinate on-duty officers and observe their activity in the field as a standard part of supervising and evaluating officer performance.
- d. Misconduct analysis: Supervisors will conduct an analysis of all use of forces, arrests, complaints, disciplinary actions and lawsuits filed against individual officer in evaluating officer performance and to identify potential patterns of misconduct and/or areas in need of improvement.
- e. Performance reviews: Performance reviews will focus more attention on individual officer behavior, particularly the quality of their interactions with members of the public.
- f. In employing the above methods to evaluate the performance of individual officers, supervisors will consider the following aspects of an officer's performance:
  - i. Officer's demonstrated ability to conduct policing activities in a non-biased manner while using the least intrusive response;
  - ii. Officer's communication and decision-making skills;
  - iii. The quality and accuracy of officer reports, search warrants and supportive affidavits or declarations;
  - iv. Success at implementing de-escalation strategies and tactical retreat, or otherwise safely avoiding the use of force;
  - v. Quality of the officer's interactions with and treatment of members of the public;
  - vi. Officer success in diverting individuals from the formal justice system;
  - vii. Success in handling routine incidents and calls for service, including non-aggressive contact and courteous and respectful treatment of all members of the public;
  - viii. Compliance with procedural justice principles, including giving reasons

for initiating contact with members of the public, and giving opportunities for people to explain the circumstances under which they are interacting with the police and;

- ix. A 360-degree evaluation of the officer that includes feedback from community members and co-workers of the same/lesser rank.

154. Performance evaluations will include a written discussion by the supervisor of any areas in which the officer's performance needs to improve and areas of particular growth and achievement during the rating period. As part of the annual performance review process, supervisors shall meet with the employee whose performance is being evaluated to discuss the evaluation. The above metrics will inform when an officer is recognized for positive job performance through rewards, promotions, and informal incentives. (Ferguson ¶¶ 292-297)

### **C. Promotions**

155. Promotions shall be based on a combination of interviews, recommendations, merit, and test scores, rather than relying exclusively on test scores.

156. CPD, in conjunction with the Monitor will, on a semi-annual basis, evaluate promotional policies and practices for the existence of any disparate impact on the basis of race, gender, ethnicity and/or LGBTQI identity. In the event that any policy or practice is found to have a disparate impact, CPD, in conjunction with the Monitor, will take immediate action to reform the policies and practices.

157. Within 240 days from the Effective Date, CPD agrees to ensure its promotional systems comport with best practices and establish clear criteria that prioritize constitutional, non-biased and least intrusive policing as factors in promotion. CPD will develop a promotional assessment process in which candidates for promotion demonstrate their qualifications, including knowledge, skills, ability, demeanor, and performance, by participating in a series of systematic, job-related, and realistic scenarios observed and reviewed by experts in areas including, but not limited to, de-escalation, crisis intervention, use of diversion programs, supervision and management. Factors to be considered in making promotional decisions will include, but not be limited to the factors described in paragraph 153. (Ferguson ¶¶ 298-299).

158. The City will incorporate into its written tests the metrics listed in paragraph 18 so that candidates for promotion demonstrate their qualifications, including knowledge, skills, ability, demeanor and performance. Officers will be asked to document instances in which they used problem-solving or de-escalation techniques in carrying out their law enforcement duties, describe ways in which they have engaged in unbiased and least intrusive policing, and convey knowledge of ethics and professional responsibility.

159. Factors such as an officer's respectful treatment of members of the public, and ability to demonstrate non-biased and least intrusive policing problem-solving techniques, will be primary considerations in distributing non-biddable assignments.

160. Superiors will use forms of informal recognition, such as private and public praise, to commend officers who exemplify unbiased and least restrictive policing. Superiors will also encourage subordinate officers to commend their peers for treating members of the public with respect and for handling situations, from the routine to those that are high-risk, according to principles of non-biased and least restrictive policing.

161. The Monitor will review the supervisor selection process and, if necessary, make recommendations on improving the match between the selection criteria to the requirements of the position as described in this consent decree.

#### **D. Early Intervention System**

162. Within six months of the Effective Date, the City and CPD agree to improve its Early Intervention System (EIS) to support the effective supervision and management of CPD officers and employees, including by the proactive identification of both potentially problematic and commendable behavior. CPD, with input from and approval of the Monitor, will develop and implement a system that will perform an immediate assessment of an officer's fitness for duty. The EIS system must capture all data and performance measures necessary to obtain a true 360-degree view of CPD officer conduct to ensure supervisory awareness and the early identification of problematic individual and department-wide conduct. CPD should build a system consistent with the principles put forward by the Police Accountability Task Force. Factors that shall be considered in determining whether an officer is fit for duty include: (1) the number of complaints filed against the officer; (2) any indicia of bias or inability to implement least intrusive policing; (3) the number of lawsuits naming the officer; and (4) the number and type of adverse findings made against the officer, either in federal or state court, that bear on credibility, training, or patterns of behavior.

163. The EIS will include a computerized relational database that will be used to collect, maintain, integrate, and retrieve CPD-wide data, as well as data for each officer. The City and CPD agree to maintain sufficient staffing to facilitate EIS data input and provide training and assistance to EIS users.

164. CPD shall implement rolling thresholds so that an officer who has received an intervention related to any use of force should not be permitted to carry a firearm.

165. The EIS relational database will capture all information necessary to ensure supervisory awareness and the early identification of problematic individual conduct and CPD-wide conduct. Data points and measures to be considered in this system should include:

- a. All uses of force, broken down by level and type, including but not limited to on-duty and off-duty, firearm and taser discharges, use of canines;
- b. Use of the diversion programs described in this Agreement;
- c. Indicia of bias;

- d. All injuries to persons in-custody, including in-custody deaths;
- e. All instances in which force is used and a subject is charged with obstructing or resisting an officer, assaulting an officer interfering with a law enforcement investigation, or similar charges;
- f. All instances in which an officer recants or amends a statement after being presented with video evidence;
- g. All instances in which an officer issues three or more citations during a single encounter;
- h. Violations of CPD's body-worn and in-car camera policies;
- i. All misconduct complaints (and their dispositions);
- j. Data compiled under the stop data collection mechanism;
- k. All criminal proceedings initiated against an officer, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City and/or its officers or agents, resulting from CPD operations or the actions of CPD personnel;
- l. All judicial proceedings where an officer is the subject of a protective or restraining order and/or has been accused of committing domestic violence;
- m. All allegations of witness intimidation;
- n. All vehicle pursuits and traffic collisions involving CPD equipment;
- o. All loss or theft of CPD property or equipment in the custody of the employee, including currency, firearms, force instruments, and identification cards;
- p. All interviews or interrogations in violation of CPD policy;
- q. All instances in which CPD learns of or is informed by a prosecuting or judicial authority that a declination to prosecute any crime was based upon concerns about the credibility of a CPD employee, or that a motion to suppress evidence or a confession or a motion to quash arrest was granted on the grounds of a constitutional violation by a CPD employee;
- r. All disciplinary actions including SPARS;
- s. All non-disciplinary corrective action required of employees;
- t. All awards and commendations received by employees;

- u. Overtime usage;
- v. Training history, including firearm qualification and other weapon certifications, for each employee; and
- w. Sick leave usage, especially in concert with regular days off and holidays.

166. The EIS program shall include community outreach efforts that provide public access to data generated by the EIS program and invite community stakeholders to Compstat-type meetings to discuss EIS data and outcomes.

167. The EIS program must facilitate monthly meetings with the State's Attorney, the Public Defender, the Presiding Judge of Criminal Division, the City Law Department and, separately, the Chief Judge of the Northern District of Illinois, for the purpose of determining any adverse findings against CPD officers that bear on credibility, training issues, or patterns of behavior. All information gathered through this process shall be factored into the EIS system.

168. The EIS program shall publish on a monthly basis aggregated data on the following: new and pending complaints by unit, disciplinary actions, missed court dates, new civil legal proceedings against officers, new criminal legal proceedings, vehicle pursuits, vehicle collisions, uses of force, employee commendations, uses of firearms, injuries to persons resulting from use of force, injuries to persons in custody, judicial proceedings where an officer is the subject of a protective or restraining order, adverse judicial credibility determinations, or disciplinary actions. The EIS program shall establish a quarterly community inclusive meeting to share data and insights from EIS.

169. The City and CPD agree to maintain sufficient and working computer hardware, including servers, terminals, and other necessary equipment, to permit personnel, including supervisors and commanders, ready and secure access to the EIS system, so to permit timely input and review of EIS data as necessary to comply with the requirements of the Agreement.

170. CPD agrees to provide in-service training to all employees, including officers, supervisors, and commanders, regarding EIS protocols, as required to facilitate proper understanding and use of the system. CPD supervisors shall be trained in and required to use the EIS system to ensure that each supervisor has a complete and current understanding of the employees under the supervisor's command. Commanders and supervisors shall be trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns of behavior.

171. Until such time as a meaningful and effective EIS system is in place, CPD must take immediate steps to review officers for issues of concern. These steps will include:

- a. CPD, with input from and approval of the Monitor, will develop and implement a system that will perform an immediate assessment of officer fitness for duty. Factors that shall be considered in determining whether an

officer is fit for duty include: (1) the number of complaints filed against the officer, with immediate identification of and follow-up regarding any officer with 10 or more complaint registers, whether or not an affidavit was completed; (2) officer patterns of missing court; (3) any indicia of bias or inability to implement least intrusive policing; and (4) whether the officer has been named in two or more lawsuits in the last six years.

- b. During this time, CPD should begin to conduct the monthly meetings with the State's Attorney, Public Defender, Presiding Judge of Criminal Division, City Law Department and, separately, Chief Judge of the Northern District of Illinois, for the purpose of determining any adverse findings against police officers that bear on credibility, training issues or patterns of behavior. All information gathered should be factored into the manual intervention system.
- c. Any officers identified through these methods should be assessed for placement in BIS, PC or some other form of individualized work plan that involves their chain of command.

(PATF at 111).