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CPD's proposed reforms fail to make use of force against civilians a last resort

CHICAGO – The Chicago Police Department's new proposed use of force guidelines "fall far short of remedying the systemic deficiencies that have long plagued the CPD," according to two civil rights law professors and critics of CPD's history of excessive use of force against civilians.

Several deficiencies in the proposed use of force guidelines are explained in comments submitted to CPD by Sheila A. Bedi, Associate Clinical Professor of Law, Northwestern Pritzker School of Law and attorney with the Roderick and Solange MacArthur Justice Center, and Craig Futterman, Clinical Professor of Law, University of Chicago Law School, and founder of the Civil Rights and Police Accountability Project at the Mandel Legal Aid Clinic.

"In April 2016, the Mayor's Task Force released its findings and concluded that the Chicago Police Department (CPD) has no regard for the sanctity of life when it comes to people of color and that CPD has long targeted communities of color with excessive force," according to the comments submitted by Bedi and Futterman. "Given the prevalence of unlawful force resulting in the death and injury to thousands of Chicagoans, there is an immediate, urgent need for CPD to overhaul its policies and practices related to the use of force."

Bedi and Futterman said CPD's solicitation of public comments on proposals is a good first step and that it should be followed by making all comments readily available to public and public hearings.

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Bedi and Futterman said the most critical deficiencies in proposed policy include:

- Failure to restrict physical interactions between police and civilians to a public safety emergency or probable cause to make an arrest and failure to place an obligation on the officer to use the minimum amount of force necessary to achieve a legitimate public safety-related goal.
- Failure “to state in clear, simple language that the use of deadly force should be a measure of last resort and is to be used only when necessary to protect imminent threat to life or great bodily harm.”
- Lack of transparency needed to inform the public about police shootings by releasing video and other relevant information within 48 hours.
- Failure to require notification of Civilian Office of Police Accountability (COPA) immediately after an officer discharges a weapon or uses a taser. The policy also should give COPA, not CPD, primary control over the scene of a police shooting or other significant use of force.
- Failure to protect the rights of protesters. The policy should make clear that force cannot be used solely because people are exercising their rights of free speech, protest and dissent. “The policy should ban the use of long range acoustic devices because of the threat these devices pose to the right to protest, ensure that no protester is subject to any use of force in the absence of an imminent threat to public safety and explicitly prohibit the use of batons, OC spray (pepper spray), and tasers on passively resisting protesters.”
- Failure to state clearly that tasers should only be used against a violent individual and when other methods of controlling that individual have failed. “The taser policy should also state affirmatively that the use of tasers on people who are unarmed but uncooperative is strictly prohibited.”

The complete text of the statement submitted by Bedi and Futterman is available on the MacArthur Justice Center’s website (<http://www.law.northwestern.edu/legalclinic/macarthur>).

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