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February 11, 2021

Deborah Witzburg  
Deputy Inspector General for Public Safety  
Office of Inspector General  
740 North Sedgwick Street, Suite 200  
Chicago, Illinois 60654

**Re: Report on Chicago's Response to George Floyd Protests and Unrest**

Dear Deputy Inspector General Witzburg:

I have received the Office of Inspector General's Draft Report on Chicago's Response to George Floyd Protests and Unrest (Report) and I appreciate the opportunity for the Department to provide comments. As a preliminary matter it should be noted that the title of this Report refers to the City of Chicago's response to these events, but the analysis and findings are limited to the actions taken by the Chicago Police Department. The incidents that occurred during the time frame of the Report deserved a more comprehensive approach – one that encompassed an extensive review of **all** city agencies.

This Report covers the unprecedented events that occurred during May 29, 2020 through June 7, 2020. As you know, this was an incredibly difficult time both in Chicago and throughout the nation, especially as it compounded on restrictions and concerns caused by the COVID-19 outbreak. As a result of the outbreak, the Department was faced with circumstances beyond its control, which were not fully understood and which at the time called for restraints on enforcement characterized by distance and cautious pacing, a relaxing of consequences, and a sense that tolerance was prudent. Notwithstanding being faced with unprecedented civil unrest and an unknown virus, Department patrol officers continued to respond to calls for service throughout the City. Detectives still conducted criminal investigations. The Bureau of Internal Affairs investigated complaints. The men and women of the Chicago Police Department continued to carry out their duties and responsibilities even as resources were severely taxed due to civil unrest and a reduction in available personnel due to COVID. Moreover, the most important resource in the Department, the men and women who proudly serve this city were burdened beyond anything they had previously experienced. Many worked long hours without days off due to staffing shortages and despite what was asked of them, many served without issue. The Report focuses on the shortcomings of the Department, but it is just as important to acknowledge the successes of the Department as well.

While the Department struggled with certain aspects of its response, as noted by in the Report, even during this brief time span, the Department was able to address these shortcomings and improve its response. As you also mention in the Report, the Department undertook its own self-critical review of its response to these events, which culminated in an After Action Report. The Department recognized that it was imperative that it self-evaluate, and where it saw shortcomings it evaluated the steps needed to improve, and in some instances, correct its response to such protests and civil unrest. It is important to note that self-critique is not a

one-time event but is rather a process by which we continue to review our response to incidents to see where we need to improve, whether that be a policy change, training or structural organization. The Department appreciates your review and intends to use these findings as an additional tool to self-evaluate and move forward to be a better Police Department for the City of Chicago.

Following review of this Report, the Department identified several areas where the Reports fails to include certain facts in its analysis or fails to include remedial measures already taken by the Department. These matters are discussed in more detail below. The Department has categorized these comments by finding, and includes the findings made by OIG in this letter for ease of reference.

**Finding 1: Breakdowns in the mass arrest process resulted in CPD's failure to arrest some offenders, the release of some arrestees without charges, and risks to officer and arrestee safety.**

Given the unexpectedly quick escalation of protests and civil unrest in response to George Floyd's death, the Department understands the criticism of its preparedness for implementing its mass arrest protocol. That said, although the Department did not follow the Mass Arrest Order in every respect, it did quickly adapt its response to effectively address the need for mass arrests. The Bureau of Internal Affairs (BIA) and Bureau of Detectives (BOD) worked expeditiously to staff the Areas and transport vehicles to ensure that mass arrests could be facilitated. There was daily communication between a BIA Commander and a BOD Deputy Chief to coordinate assignments and ensure that posts were appropriately staffed. This information was included in BIA rosters, which also designate a Lieutenant as team leader for each Area. Further, there were ongoing communications with Central Detention personnel as to deployments of prisoner transport vehicles. To further facilitate staffing needs, the Chief of BIA was granted direct authority to cancel days off as necessary for mass arrest staffing, independent of other CPD decision makers. Additionally, as time went on there was a directive from the First Deputy Superintendent to the Area Deputy Chiefs that a Body Worn Camera (BWC)-equipped officer should partner with a BIA mass arrest Sergeant for all transports as a stop gap measure to ensure that necessary information to effectuate the arrest was received by the arresting officers.

While the Department had not engaged in formal training on mass arrest procedures for some time before the events of 2020, several units, including those in BIA, took it upon themselves to do roll call training for members as these events unfolded in order to reinforce the requirements of the mass arrest and use of force orders.

With respect to the delays in transport, the Report fails to consider the circumstances that existed at the time of the mass arrests. Many streets were blocked by protesters, rioters and looters. This limited access to these locations, and when transport vehicles did arrive on scene, they were subject to attack and in some cases destroyed. During the course of the interviews, at least one Commander related circumstances where they<sup>1</sup> were driving down a street to respond to a call and were attacked in their vehicle. The Commander was surrounded by people, unable to move the car, its windows were broken, and the Commander expressed fear that they would be killed. Streets were blocked by protesters, and in several cases protesters abandoned vehicles in the street. The Department presented evidence of the hundreds of its vehicles damaged or destroyed during the course of these events, which should be considered in a critique of response time to pick up arrestees and transport them to a District or Area for processing.

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<sup>1</sup> To mirror the Report the gender-neutral pronouns "they" and "them" are used in place of "he/him" and "she/her."

**Finding 2: CPD did not fulfill its force reporting obligations and did not provide clear and consistent guidance to officers on reporting obligations.**

These events occurred during a time when the Department was working to revise its use of force orders in its efforts to comply with the Consent Decree. Often as a result of amending one order, other orders are affected, and such was the case here. The amendments made to the order on Tactical Response Reports were not reflected in the mass arrest order and vice versa, which caused ambiguity. Once such ambiguities were identified, the Department worked swiftly to mitigate. For example, in response to one such issue, as noted in the Report, the Department issued S03-22, in consultation with the Consent Decree's Independent Monitoring Team (IMT). While this happened after the events addressed in the Report, it is an example of the efforts taken by the Department.

Further, in November 2020 the Department issued Department Notice D20-08, "Reporting the Response to Crowds, Protests, and Civil Disturbances." The Report quotes the relevant portion of this notice, which states "the Department has determined extraordinary circumstances demand an immediate revision or clarification to this policy. The Department will work collaboratively with the Independent Monitoring Team (IMT) and the Office of the Attorney General (OAG) to review and modify the procedures and responsibilities established by this directive, as appropriate." The Report, however, does not acknowledge that the Department worked at length with the IMT and the coalition of organizations involved in the Consent Decree (Coalition) to create this notice. The Department took the Coalition's criticism into consideration as it drafted this notice. The Department also shared drafts of this directive with the IMT. Furthermore, the Department continues to work toward amending its orders and directives with input from the Coalition and other groups.

**Finding 3: CPD's operational response to the protests and unrest and gaps in its relevant policies crippled accountability processes from the start.**

The Department refers to the remedial measures identified above that it took to mitigate the breakdowns in the mass arrest procedure, including assigning an officer equipped with a BWC to accompany sergeants assigned to transport vehicles. The use of BWC in those instances acted as a back-up for missing paperwork. An officer could relay the necessary information verbally and be recorded on BWC, which could be reviewed, if necessary, for processing. It should also be noted that once the Department declared a mass arrest scenario, it worked to quickly distribute mass arrest kits to the Districts that were experiencing a high volume of arrests.

The OIG notes that the deployment of key accountability personnel led to a breakdown in oversight. This is incorrect. While members of BIA and the Force Review Division (FRD) were deployed, they were deployed to assignments which were generally removed from the direct interactions between officers and members of the public. First, some members of BIA were assigned to transport vehicles which are typically parked away from the heart of the interactions between officers and the public, and the BIA Sergeants were required to stay with the transport vehicles. Second, members of BIA and FRD were deployed to secure Public Safety Headquarters (PSHQ) in response to threats by protesters and looters to enter and burn down the building. PSHQ has a large footprint, over one square block, and required significant manpower to secure. The Department took steps to keep these members back from the front line of interactions with the public. Moreover, even if members of BIA and FRD were later assigned to review an incident that they personally witnessed, there are steps that members can and must take to identify this conflict and recuse themselves from an investigation or review. Upon notification of a conflict the investigation or review would be immediately reassigned to another member.

Finally, as for the officers that obscured identifiers on their uniform, as stated in the Report, the Department took immediate steps to advise officers that this was not acceptable. Beyond the notifications made by the Department, complaints surrounding these actions are also investigated by BIA. It should be clear that although members explained during the course of their interviews why officers chose to remove or obscure these identifiers, the Department did not condone or consider these actions acceptable.

Again, I thank you for the opportunity to provide comments to this Report.

Sincerely,

A handwritten signature in cursive script that reads "D O Brown".

David O. Brown  
Superintendent