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# Recent Developments on the Chicago Police Department's Use of Gang Data

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# The History of CPD's "Gang Database"

## 2004 - CPD creates electronic

### Gang Arrest Card system



Previously, CPD kept paper Gang Arrest Cards to record information on associations with organized criminal groups when an individual was arrested. In 2004, CPD converted to an electronic version of this system.

## 2019 - CPD proposes new Criminal Enterprise Information System (CEIS)

OIG's 2019 report found that the database contained information on over 134,000 individuals. OIG also found that CPD lacked processes:

- for informing individuals that they had been designated as a gang member,
- for individuals to contest or appeal gang designations, or
- for reviewing, amending, or purging gang information.

In response to criticism of the Gang Arrest Card system, CPD proposed an order outlining a new system for gang information, which it ultimately named CEIS.

## 2021 - CCPSA is established

### July 2021

The Community Commission for Public Safety and Accountability (CCPSA) was formed and given oversight over CPD General Orders.



### November 2021

CPD revised its draft order for the proposed CEIS from a General Order to a Special Order, which would rescind its existing order on the Gang Arrest Card system and would not require approval by CCPSA.

## 2022 - CPD formally retires the Gang

### Arrest Card system

#### September 2022

In a November 2022 CCPSA public meeting, CPD reported that it took the old Gang Arrest Card system offline in September 2022, had begun cleaning a small number of records for transfer to the proposed CEIS, and opened the draft CEIS policy again for public comment.

## 2023 - CCPSA amends CPD directives to require CCPSA review for any proposed gang data system



#### January 2023

CCPSA drafted an amendment to CPD policy, stating that all proposed gang information policies must be drafted as General Orders, subject to CCPSA review.

#### March and April 2023

CPD and CCPSA exchanged responses about the proposed changes. This triggered a minimum 30-day period in which the two agencies must work to reach a compromise; the agencies met in April and August 2023, according to CCPSA.



#### September 2023

CCPSA voted to approve its amendments, which was not objected to by the Mayor. It became effective after 60 days on November 6, 2023.

Source: OIG analysis.

<sup>1</sup> Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database,'" April 11, 2019, p. 4, <https://iqchicago.org/wp-content/uploads/2019/04/OIG-CPD-Gang-Database-Review.pdf>.



# I | Understanding the Recent Developments on the Gang Database

## A | What were the concerns and issues of CPD's gang database?

In April 2019, the City of Chicago Office of Inspector General (OIG) found wide-reaching data quality concerns with the Gang Arrest Card system used by the Chicago Police Department (CPD or the Department).<sup>2</sup> At the time, CPD members completed an electronic Gang Arrest Card upon arresting an individual the member believed to be associated with an organized criminal group or street gang. The electronic Gang Arrest Card included information such as the Gang Name, Faction Name, the individual's Rank or Role, and any known hangouts, and was completed in addition to an Arrest Report. Since the use of the electronic Gang Arrest Card system began in 2004, CPD policy for the Gang Arrest Card system only required that an individual's "membership in a criminal street gang [be] substantiated or self-admitted," but did not define any criteria by which CPD members should substantiate an individual's membership in a gang.<sup>3</sup> OIG's analysis of Gang Arrest Card data found that the system contained records on 134,242 individuals. OIG found that Black and Latinx individuals comprised 95% of all individuals designated as gang-affiliated.

OIG further found that CPD:

- did not require evidence of gang association or supervisory review for designation of an individual in the database;
- had no mechanism for informing individuals that they had been designated as a gang member;
- did not have processes for individuals to contest or appeal gang designations;
- did not have processes to regularly review or purge outdated or faulty designations; and
- had no internal mechanism to amend inaccurate gang designations.

## B | How did the Department propose to address these concerns?

In its response to OIG's original recommendations, CPD referred to forthcoming improvements from a newly proposed system for recording gang affiliation designations. In April 2019, CPD published a new draft "General Order G10-01-03: Criminal Enterprise Database," to govern the administration of that system. In February 2020, CPD revised the draft "General Order G10-01-03," retitling it, "Criminal Enterprise Information System" (CEIS), and revised it once again in July 2020, though the July 2020 draft was not posted for public comment. CPD issued two additional revisions to the draft CEIS policy in November 2021 and November 2022, reclassifying it as "Special Order S10-02-01: Criminal Enterprise Information System," each of which was posted for public comment.<sup>4</sup>

Compared to the previous Gang Arrest Card system, CPD's last version of the CEIS draft policy, as of November 2022:

<sup>2</sup> Office of Inspector General, "Review of the Chicago Police Department's 'Gang Database.'"

<sup>3</sup> Chicago Police Department, "Special Order S10-02-01: Criminal Street Gang Arrest Information," June 17, 2015, accessed October 18, 2023, <https://directives.chicagopolice.org/#directive/public/6651>.

<sup>4</sup> In July 2021, the Community Commission for Public Safety and Accountability (CCPSA) was established; its powers include oversight of CPD General Orders. In November 2021, CPD revised the CEIS policy, changing its classification from a General Order to a Special Order. See Section C, footnote 11 for further detail.

1. Limited access to CEIS to only CPD members who receive training;
2. Outlined the criteria and timeframe for individuals eligible to be added to CEIS;
3. Outlined a multi-level supervisory review chain for records added to CEIS; and
4. Introduced the Criminal Enterprise Information System Appeal form, with which individuals could request their removal from CEIS.

Throughout versions of the CEIS draft policy, CPD had made changes to the eligibility and limiting criteria for the addition of individuals to the proposed CEIS. As reported in its “Follow-Up Inquiry on the Chicago Police Department’s ‘Gang Database,’” OIG found that the July 2020 version of the CEIS draft policy, which was not posted for public comment, had eliminated the condition that individuals could only be added to CEIS as part of an Automatic Arrest report, introduced in the February 2020 draft which had been made public.<sup>5</sup> This limitation on adding individuals to the proposed CEIS seemed to be responsive to community concerns about recording individuals as gang-affiliated without evidence the individual had committed a crime. OIG found that this limitation was also eliminated from subsequent drafts of the policy in November 2021 and November 2022.

The criteria for adding an individual to the proposed CEIS included:

1. A voluntary self-admission of gang membership that is lawfully recorded, or
2. A combination of two or more of the following conditions:
  - a. “an unrecorded or non-intercepted statement provided voluntarily by the person or, if a statement is made pursuant to custodial interrogation, a statement provided by the person following a valid waiver of his or her constitutional rights”
  - b. “the identification of the person as a member of a specific criminal enterprise or street gang by a person who has provided reliable information to the Department in the past, provided, however, that such identification occurred **within the past two years**” (emphasis in the original)
  - c. “the identification of the person as a member of a specific criminal enterprise or street gang by another government agency or a federal, state, or local penal institution”
  - d. “a violation, arrest, charge, petition for delinquency, finding of delinquency, or conviction where gang membership or participation is either an element of the offense or documented in the complaint or court record as part of the criminal design or motive,” or
3. A combination of at least one of the above-listed conditions, plus one or more of the following conditions:
  - a. “the wearing of distinctive emblems, tattoos, or similar markings indicative of a specific criminal enterprise or street gang, but only when such emblems, tattoos, or similar markings would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang”
  - b. “the use of distinctive signals or symbols indicative of a specific criminal enterprise or street gang but only when such signals or symbols would not reasonably be expected to be displayed by any individual except a member of that criminal enterprise or street gang.”

While developing the CEIS, CPD reported that it had begun applying the proposed CEIS criteria to records in the prior Gang Arrest Card system. This resulted in a pool of roughly 35,000 individuals,

<sup>5</sup> Office of Inspector General, “Follow-Up Inquiry on the Chicago Police Department’s ‘Gang Database,’” March 31, 2021, p. 25-26, <https://igchicago.org/wp-content/uploads/2023/08/OIG-Follow-Up-Inquiry-on-the-Chicago-Police-Departments-Gang-Database.pdf>.

or legacy records, that the Department identified for further vetting through a multi-step review chain. In a Community Commission for Public Safety and Accountability (CCPSA or “the Commission”) meeting in November 2022, CPD reported that through this process, it had vetted about 1,000 individuals for inclusion into the forthcoming CEIS. In the meeting, the Department also reported that the Gang Arrest Card system had been taken offline. OIG independently looked into this claim through its access to CPD systems, finding that the most recent record of a Gang Arrest Card being created or modified by a CPD member dates to September 2022, and that the Gang Arrest Card system is no longer accessible through the Department’s employee intranet system, called the Wire. However, OIG found that the new CEIS data integration tool, which CPD had imported over 35,000 legacy Gang Arrest Card records for review for inclusion in the eventual CEIS data system, remained accessible on the Wire as of October 2023. The tool states that it is only accessible to CPD members who have completed the associated e-learning “Criminal Enterprise Information System- (CEIS) 2021.” This indicates that, while the Department has removed CPD members’ general access to the over 134,000 individuals in the previous Gang Arrest Card system, a subset of over 35,000 Gang Arrest Card records remain accessible to an unknown number of CEIS-trained members in the form of legacy records in the CEIS data integration tools.<sup>6</sup>

## C | What is the CCPSA and what changes has it made to CPD policy regarding the collection of gang data?

In July 2021, City Council amended the Municipal Code of Chicago (MCC), establishing the CCPSA.<sup>7</sup> Per the ordinance, the purpose of the CCPSA includes “ensur[ing] that Department activities are directed toward maximizing public health and safety while minimizing any harm to City residents,” “build[ing] trust and improv[ing] interactions between and among the Department and the people it serves,” and “ensur[ing] that Department policies and practices are rooted in community needs and public input.”<sup>8</sup> Among its powers, the Commission has the ability to “[c]ollaborate with the Department, COPA, and the Police Board in the development of new or amended Policy,” and to “[d]raft, review, and approve by majority vote any proposed new or amended Policy.”<sup>9</sup>

In its inaugural meeting in September 2022, the Commission identified reviewing CPD’s proposed draft CEIS policy as one of its top priorities. However, while the ordinance gives CCPSA the power to “[d]raft, review, and approve by majority vote any proposed new or amended Policy” for CPD, it defines “Policy” as any Department *General Order*, as long as the General Order is not already “covered by or in the jurisdiction of the Consent Decree.”<sup>10</sup> At the time, the proposed CEIS policy was drafted as a *Special Order*, “S10-02-01: Criminal Enterprise Information System,” under the same directive number as the existing order on the now-retired Gang Arrest Card system.<sup>11</sup>

<sup>6</sup> CCPSA reported to OIG that as part of the implementation process for amended “G01-03,” CPD and CCPSA plan to evaluate whether the CEIS data integration tool and the associated learning module are subject to Section IV. A. of “G01-03” that now requires all CPD activities related to gang data to be covered by the Departmental Directives System.

<sup>7</sup> City of Chicago, Municipal Code, § 2-80.

<sup>8</sup> MCC § 2-80-030.

<sup>9</sup> MCC § 2-80-050.

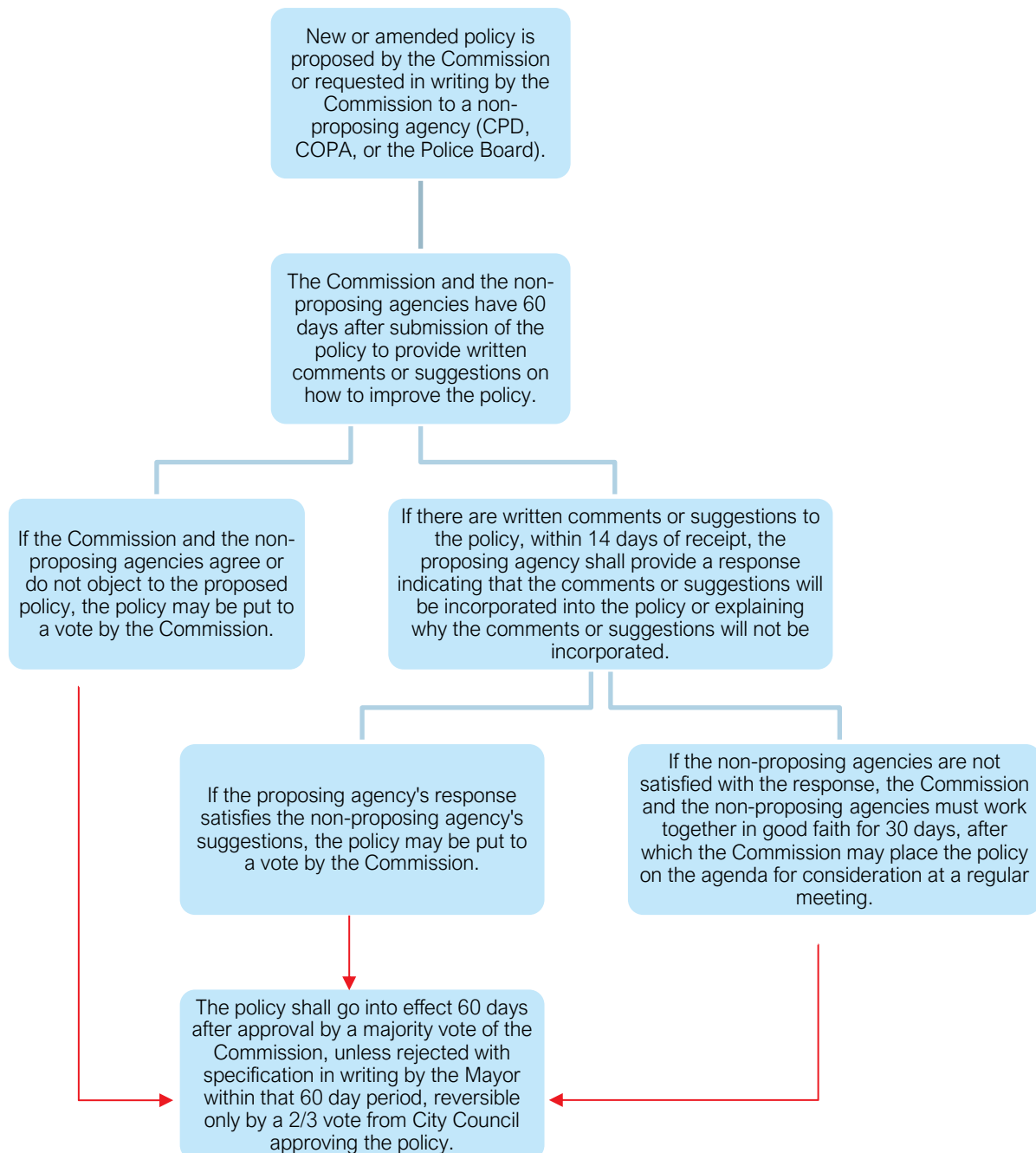
<sup>10</sup> MCC §§ 2-80-010 and -110

The Municipal Code also states that new or amended CPD policies may be initiated by the Commission.

<sup>11</sup> In November 2021, CPD drafted the CEIS policy with the same document number as the existing order establishing the use of former Gang Arrest Card system, which was to be rescinded when the Special Order on CEIS went into effect. Because the draft CEIS policy has not gone into effect, CPD’s order on the Gang Arrest Card system, “S10-02-01: Criminal Street Gang Arrest Information,” remains in effect as of this publication.

Because of this distinction, CCPSA was unable to propose amendments directly to CPD's proposed CEIS policy. Ultimately, the CCPSA proposed amendments concerning the collection of gang data to a CPD General Order that broadly governs all CPD policies or directives.

**Figure 1: CCPSA's role in policymaking for CPD**



Source: OIG analysis.

Chicago Police Department, "Special Order S10-02-01: Criminal Street Gang Arrest Information," June 17, 2015, accessed October 18, 2023, <https://directives.chicagopolice.org/#directive/public/6651>.

On January 27, 2023, CCPSA proposed amendments to CPD “General Order G01-03: Department Directives System.”<sup>12</sup> This General Order defines Department directives, including General and Special Orders. It also describes how directives are to be created and classified and the responsibilities of Department members for compliance with directives. The Commission summarized its proposed amendments to “G01-03,” reporting, “[i]f CPD wants to collect, use, and share information on criminal enterprises, like street gangs, those activities must be governed by a General Order subject to review and approval by CCPSA. As a result, CPD would not be able to enact and use its proposed Criminal Enterprise Information System (CEIS) without seeking input and approval from CCPSA.” CPD provided comments and suggestions in response to CCPSA’s proposed amendments on March 20, 2023, within the 60-day feedback period established in the Ordinance. CPD suggested alternate revisions to “G01-03” to define CCPSA’s role in policy development, and suggested splitting the draft CEIS directive into a General Order governing the criteria for individuals who may be added or removed from the system, which would be subject to CCPSA’s review and approval, and a Special Order outlining the use of the system, which would not be subject to CCPSA review. CCPSA responded on April 3, 2023, within the 14-day response window afforded under the Ordinance, declining CPD’s suggestions. CCPSA provided the following reasons for declining CPD’s suggestions:

1. CPD’s suggested revisions to G01-03 are not related to the purpose of the Commission’s proposed amendments.
2. CPD’s suggestion to divide its draft CEIS Special Order S10-02-01 into a Special Order and a General Order does not sufficiently address the Commission’s aim to exercise oversight over the development of CEIS.
3. CPD has not provided reasons for rejecting key elements of the Commission’s proposal to require that CEIS and related policies be subject to Commission review and approval.

Because CCPSA declined to incorporate CPD’s proposed changes, the Ordinance requires that the two agencies work together in good faith for a minimum of 30 days. CCPSA personnel reported to OIG that the two agencies met in April 2023 after CCPSA’s response to CPD’s suggestions and again in August 2023 to discuss the CCPSA’s proposed amendment to “G01-03.” Having determined that it had satisfied the good faith efforts requirement of the ordinance, CCPSA voted to adopt its amendments to “G01-03” on September 7, 2023. The Mayor did not issue a written rejection within 60 days, and the policy became effective on November 6, 2023.

CCPSA’s amendments to “G01-03” do not prohibit the collection of gang affiliation data in the future. Rather, the amendment mandates that any new or proposed system regarding CPD’s collection of gang affiliation information must be governed by a General Order, which would then be subject to CCPSA review. Specifically, CCPSA’s amendments to “G01-03” mandate that “[a]ll activities that involve collecting, entering, managing, maintaining, reviewing, auditing, using, sharing, storing, archiving, and purging information on criminal enterprises and street gangs, including lists of persons identified as having active status with a criminal enterprise or street gang, shall be governed by Department directives.” Activities that use gang affiliation information are not defined. OIG’s original report on CPD’s use of gang data found that CPD captured gang affiliation information in at least 18 different forms, records, and systems of records.

<sup>12</sup> Community Commission for Public Safety and Accountability, “Amendment #1 G01-03 - Department Directives System,” accessed October 18, 2023, [https://www.chicago.gov/city/en/depts/ccpsa/supp\\_info/amendments-to-G01-03.html](https://www.chicago.gov/city/en/depts/ccpsa/supp_info/amendments-to-G01-03.html).



## D | Conclusion

Effective November 6, 2023, CCPSA's amendments to "G01-03" directing CPD's collection and use of gang affiliation data represent CCPSA's first exercise of its policy-setting authority. This development is the latest in a years-long public policy conversation around CPD's collection and use of gang affiliation information. OIG offers this product in the hopes of ensuring that Chicagoans and other stakeholders are well-informed as policies and practices continue to evolve.



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