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SENT VIA EMAIL

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Independent Monitor
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**Re: Comments on the Sixth Independent Monitoring Report
Consent Decree, *Illinois v. Chicago*, 17-cv-6260 (N.D. Ill.)**

Dear Ms. Hickey:

The consent decree gives the Office of the Illinois Attorney General (OAG) an opportunity to comment on the Sixth Monitoring Report (Report) before the Independent Monitoring Team (IMT) files it with the Court. The Report covers a six-month period that saw the City and Chicago Police Department (CPD) pull resources away from reform and, predictably, lose momentum as a result. The decisions by CPD leadership to de-prioritize reform in 2022 are particularly troubling given CPD's continuing struggle to make any progress towards improving the Department's relationships with Black and brown community members and those individuals most vulnerable to police abuse.

As the many Chicagoans who spoke at the public hearing before Chief Judge Pallmeyer on November 29, 2022 made clear, CPD's slow progress on reform over the past four years has not changed the way much of the public feels about CPD. Many residents continue to experience racist, aggressive, disrespectful, and unconstitutional police tactics in Chicago. Residents frequently do not trust CPD officers and do not believe that the City and CPD are serious about reform. As one community member shared, for Chicago's most marginalized communities, CPD's ongoing failure to change its practices is a matter of life and death.

Reform cannot be an exercise in checking boxes. CPD must change its culture to prioritize respectful, unbiased, and constitutional policing in Chicago; to build genuine relationships with people in the communities it serves; and to approach community policing, reform, and public safety holistically. We acknowledge that comprehensive reform will take time, but the City and CPD must recommit to changing Department culture and practices with the urgency that Chicagoans demand.

In these comments, the OAG identifies key challenges that have stalled consent decree compliance and notes the progress the City and CPD made in the last reporting period.

CPD’s Insufficient Community Policing and Community Engagement

We share the Monitor’s significant concerns regarding “CPD’s commitment to have constitutional policing and reform efforts lead its crime-fighting strategies.” Community policing requires the systematic use of community partnerships and problem-solving techniques to build community trust and improve public safety. Yet, CPD struggled to engage community members, including the Coalition, at the early stages of policy development and, when it did hear from the community, often did not even respond to their recommendations. CPD also continued to use tactics which can harm efforts to build community trust, including routinely deploying officers to unfamiliar areas of the city where they do not know the residents; prioritizing traffic stops, which disproportionately impact Black Chicagoans¹; and setting an arbitrary goal² for “positive community interactions” without adequately defining what they are, accounting for their potential misuse, getting community input, or training officers.

CPD’s insufficient community engagement and use of tactics that do not prioritize community and impartial policing principles have serious consequences. For example, CPD’s failure to get and listen to community input on its search warrant practices continues to result in traumatizing raids for Chicagoans whose homes are searched. Additionally, CPD’s lack of a comprehensive plan which incorporates community and impartial policing requirements into its specific crime fighting strategies results in deep distrust by Black and Latino community members.³ In turn, that distrust makes significant portions of Chicago’s most vulnerable communities unwilling to contact police at all. We echo the Monitor’s recommendation that the City and CPD “must incorporate comprehensive strategic planning that incorporates community and impartial policing principles.”

¹ Tom Schuba, *63% of traffic stops in Chicago targeted African-Americans last year, state report shows*, CHICAGO SUN-TIMES, (July 28, 2022), <https://chicago.suntimes.com/crime/2022/7/28/23282553/traffic-stops-chicago-black-drivers-aclu>.

² Clare Spaulding, Fran Spielman, *Lightfoot deems 2022 ‘make-or-break year’ for lowering violent crime*, CHICAGO SUN-TIMES, (Jan. 4, 2022), <https://chicago.suntimes.com/news/2022/1/4/22867604/lightfoot-brown-2022-violent-crime-chicago-police>.

³ See, e.g., *Special Report: Focus Groups with Black and Latino Men, Ages 18–35 (Conducted December 2020 – June 2021)*, Independent Monitoring Team (September 1, 2022), <https://cpd-monitoringteam.com/overview/reports--and-resources/imt-special-report-focus-groups-with-black-and-latino-men-ages-18-35/>.

Critical Policies Are Long Overdue

In the six-month period covered by the Report, CPD still had not completed critical policies that are long overdue. As we noted six months ago, OAG is particularly concerned that the following policies remain incomplete:

- Prohibiting sexual misconduct by officers;
- Allowing people to record officers performing their duties in public;
- Providing meaningful access to police services for individuals with disabilities;
- Providing timely and meaningful access to police services for individuals with limited English proficiency;
- Requiring officers to respond to and interact with youth and children in a developmentally appropriate way; and
- Mandating that officers use body-worn cameras in compliance with the consent decree and state law.

The deadlines to complete these policies have long passed. And, because CPD has not finalized these policies, CPD has not moved forward with training its officers on these critical requirements, nor has it begun to put these measures into practice. It is long past time for CPD to put these remaining requirements into policy.

Furthermore, the City and CPD's failure to make any progress on a revised search warrant policy is deeply concerning. The IMT, OAG, and Coalition have provided extensive recommendations based on national best practices and input from community members with lived experience to the CPD, yet CPD has not incorporated those changes into policy or engaged in robust community engagement. As with all of its delays, CPD's lack of commitment to changing its search warrant policies and practices leaves Chicagoans vulnerable to the same type of traumatic, disrespectful, and avoidable treatment and improper raids that so many community members experience, including many who testified at the recent public hearing. CPD must prioritize revising its search warrant policy in the coming monitoring period. The community demands and deserves meaningful progress to prevent even more unnecessary harm. CPD's failure to act with urgency on this issue furthers community harm and deepens community mistrust.

Inadequate Resources and Staffing Have Delayed Compliance Progress

In the last monitoring period, inadequate staffing and diversion of resources to patrol duties hindered reform progress and, in some cases, caused CPD to move backwards. Most troubling, CPD lost compliance with paragraphs 193, 574, and 575 of the consent decree because it did not adequately staff the Tactical Review and Evaluation Division (TRED). The TRED reviews most types of incidents where an officer uses force against a person and every incident where an officer points a firearm at a person. The function of TRED's review is not disciplinary; rather, TRED reviews these incidents from a Department-improvement perspective to provide feedback to officers and supervisors about their tactics, to identify concerns with Department policies, training, or practices, and to analyze use of force data. TRED staffing has continually declined, a deprioritization which, as of November 2022, has resulted in backlogs of nearly 400 force incident reviews and nearly 1,000 firearm pointing incident reviews.

Additionally, we remain concerned that the Training Academy does not have enough instructors to meet the consent decree's extensive training requirements. We commend the hard-working instructors and curriculum developers at the Academy for designing and implementing thoughtful trainings based on best practices, including in-person training on use of force and de-escalation, crisis intervention, investigating gender-based violence, and intervention techniques for law enforcement officers. But, CPD's decision to take resources away from the Academy threatens to undermine that good work. In recent months, the Academy has had to pull in officers from other units to serve as instructors, ask overburdened instructors to work overtime, and quickly train newly assigned instructors in the complex subject matter of the course they are teaching.

As the Report notes, other CPD units' inadequate resources or staff turnover has hampered compliance progress. CPD's Reform Management Group, a critical reform unit, saw nearly 50% turnover in the reporting period. The Strategic Initiatives and Audit Divisions, crucial pieces of CPD's much-needed data analysis and collection reforms, remain severely understaffed. The Office of Community Policing, responsible for many community engagement and community policing initiatives, also remains under-resourced. Further, the Report identifies even more understaffed units doing front-line reform work: the Crisis Intervention Unit, the CIT DOCS Unit, and Research and Development.

As we heard during the public hearing, understaffing of these units has real-life consequences for Chicagoans in their interactions with officers. Though the City and CPD have finalized policies relating to crisis intervention and interacting with individuals who are potentially experiencing a mental health crisis, CPD has not yet fully trained officers on these policies, and instructor staffing shortages will likely cause continued delay. As many community members expressed, CPD's failure to train all officers in crisis intervention techniques, and to ensure adequate staffing of the specialized CIT unit, has resulted in traumatic encounters for individuals who experience a mental health crisis. The consent decree requires, and Chicagoans expect, the City and CPD to dedicate sufficient resources and staffing across all of its reform efforts.

Accomplishments and Progress in the Sixth Reporting Period

Despite the considerable challenges identified above, the City and CPD made progress towards some notable requirements in the last reporting period:

- CPD implemented a long-needed policy governing foot pursuits, which became effective on August 29, 2022.
- The Office of the Inspector General and the Deputy Inspector General for Public Safety maintained full compliance with its obligations, setting the standard for CPD and other City agencies to follow.
- The Police Board demonstrated compliance with many consent decree requirements and continues to move towards full compliance with its obligations.
- CPD provided in-person training to officers on new and revised use of force policies and community policing.
- CPD continues to refine a suicide prevention initiative.

- CPD finalized several important policies, including: S05-14, Crisis Intervention Team Program; G02-01, Human Rights and Human Resources and G02-04, Prohibition Regarding Racial Profiling and Other Bias-Based Policing.
- The Civilian Office of Police Accountability continued its thoughtful approach to consent decree compliance and obtained jurisdiction to conduct administrative investigations into allegations of sexual misconduct by CPD officers.

OAG commends this progress and appreciates the hard work of the individuals at CPD and other City agencies who are committed to reform, meaningful collaboration, and progress. While this progress is laudable, these improved policies and procedures must still be translated into changes in how community members experience day-to-day interactions with police officers.

Conclusion

The OAG is committed to working with the City, CPD, IMT, the Coalition, and all community members impacted by CPD's policing practices. As the consent decree enters a new year, the City and CPD must renew their commitment to building community trust, completing all outstanding consent decree required policies, bridging the gap between paper and practice, and providing the necessary resources for this critical work.

Respectfully,

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