



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

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March 28, 2022

**SENT VIA EMAIL**

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**Re: Comments on the Fifth 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 Fifth Monitoring Report (Fifth Report) before the Independent Monitoring Team (IMT) files it with the Court. The Fifth Report covers a six-month period that saw the City and Chicago Police Department (CPD) make incremental progress on important mandates, but continue to struggle with changing Department culture, building community trust, and moving reforms off paper and into practice in Chicago's communities.

The need for foundational change that precipitated the Consent Decree remains as present as ever. A recent report from the City's Office of Inspector General found that CPD overwhelmingly and disproportionately stopped and used force against Black people.<sup>1</sup> The disturbing findings underscore why the City and CPD must prioritize developing and implementing policies and trainings to end these racial disparities. The OAG is committed to

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<sup>1</sup> CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL, REPORT ON RACE- AND ETHNICITY-BASED DISPARITIES IN THE CHICAGO POLICE DEPARTMENT'S USE OF FORCE (Mar. 1, 2022), <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

ensuring that CPD meets its constitutional policing obligations, including equal justice under the law.

### **The City and CPD's Progress This Period**

The Fifth Report identifies several key steps forward taken by the City and CPD towards compliance with the Consent Decree, including:

- CPD adopted a permanent policy governing foot pursuits, which will be implemented in the summer of 2022;
- CPD's Bureau of Internal Affairs (BIA) finalized several critical accountability-related policies;
- The Civilian Office of Police Accountability (COPA) continued to take a thoughtful approach to meeting its Consent Decree obligations, including by meaningfully incorporating input from its community Working Group into policies and ensuring its intake and investigative staff are trained in trauma-informed techniques;
- The Office of the Inspector General and Public Safety Inspector General maintained full compliance with their responsibilities under the Consent Decree;
- CPD finalized a policy to govern a pilot program testing its performance evaluation system; and
- CPD and the City piloted a new co-responder model for individuals in crisis in several districts.

OAG commends the City and CPD for the important steps forward and urges an increased pace in the coming year.

### **The Key Challenges to Full and Effective Consent Decree Implementation**

In other key areas of reform, however, CPD made little progress. OAG identifies below five key obstacles to the City and CPD achieving Consent Decree compliance.

#### **1. Building Community Trust in CPD**

More than three years after the Consent Decree became effective, CPD has struggled at effectively building community trust. CPD's inability to change the continued lack of trust in CPD, especially among those communities most affected by CPD's policies and practices, is a significant concern to the OAG. In nearly every attempt to improve community relations, from revising policies related to impartial policing to Department-wide direction to officers patrolling Chicago's neighborhoods, CPD falls well short.

Despite holding an increased number of meetings with individuals and community organizations with lived experience with policing in Chicago, CPD still failed to make any progress drafting policies that govern officer interaction with members of Chicago's most vulnerable communities. Even where CPD obtained community feedback, it often did not sufficiently incorporate that feedback into the written policy until prompted to do so by the OAG and IMT. For example, CPD and the City continued to struggle to solicit and meaningfully

implement feedback from the Chicago Council on Mental Health Equity on its Crisis Intervention Team policies and procedures. CPD's inability to incorporate community concerns into policy development is particularly concerning because inconsistent feedback mechanisms erode trust building between the City, CPD, and relevant stakeholders.

Furthermore, as OAG has previously expressed, community policing should be a necessary and first step in all aspects of CPD's efforts to serve and protect Chicagoans, not an afterthought superficially tacked on at the end of a process. Yet, as the Report reflects, CPD failed to make meaningful progress this period on nearly every paragraph in the Community Policing section of the Consent Decree. In some instances, CPD did not even provide evidence of what CPD is doing to further its progress. These shortfalls are inexcusable and risk undermining the reforms that CPD is attempting to make across every section of the Consent Decree.

OAG has also raised concerns that CPD's stated goal of recording 1.5 million "positive community interactions" in 2022, without sufficient guidance, training, and data collection methods, may generate counter-productive outcomes. While OAG, the City, CPD, and the IMT continue to work collaboratively towards addressing these concerns, the declared PCI goal exemplifies a troubling pattern of announcing new initiatives before developing sufficient guidance and training for the officers charged with implementing them, and without seeking feedback from community members impacted by these initiatives.

## **2. Lags in Developing Critical Policies and Incorporating Community Input**

Policy development is only the first step towards many required reforms, and yet the City and CPD have still not implemented the same critical policies that have been outstanding since March 1, 2019. CPD and the City have yet to put in place policies or procedures related to the following required reforms:

- Independent investigations of officer-involved shootings and deaths that are consistent with the requirements of the Consent Decree;
- Prohibition against sexual misconduct by CPD members;
- Permitting the public to record police officers performing their duties in a public place;
- Respectful and lawful interactions with members of religious communities;
- Requiring effective communication and meaningful access to police services for individuals with physical, mental, or developmental disabilities;
- Providing timely and meaningful access to police services for people with limited ability to speak, read, write, or understand English;
- Mandating developmentally appropriate responses to, and interactions with, youth and children; and
- Mandating use of body-worn cameras consistent with the Consent Decree and state law.

The City and CPD's three-year delay in developing these policies undercuts the limited progress made towards Consent Decree compliance in other areas. Additionally, OAG shares the ongoing concerns expressed by the IMT regarding CPD's lack of community engagement during policy development. In the coming monitoring period, the City and CPD must focus on policy

development, listen to and incorporate community input, and commit to implementing the policies they have promised to develop or revise under the Consent Decree.

### **3. Data Quality Problems and Antiquated Data Collection Practices**

CPD and the City cannot achieve full and effective compliance with the Consent Decree until there are robust, auditable data collection systems. Without accurate data, CPD and the City cannot meaningfully evaluate whether reforms implemented under the Consent Decree are working.

In the middle of 2021, CPD disabled its foot pursuit data dashboard and revealed that the data it had collected over the past two years was flawed, causing it to fall out of compliance with certain requirements. Unfortunately, CPD has yet to fix its foot pursuit data collection flaws; in fact, the more CPD worked to uncover the source of the flawed data, the more it revealed challenges in its data collection methods. Similarly, CPD took down its public Use of Force data portal for several months without providing an explanation to the public. With the expected implementation of the new foot pursuit policy in the next several months, and the need for reliable, transparent tracking of use of force data, CPD must quickly rectify its data collection practices.

Data related to foot pursuits is just one example of CPD's challenges to collect and analyze accurate data. CPD's flawed or absent data collection practices hindered Consent Decree compliance across multiple areas. For example, CPD's inability to ensure regular data collection and analysis, including for the use of the Crisis Intervention Report and the timeliness of CPD responses to calls regarding individuals in crisis, has stalled compliance with certain requirements of the Crisis Intervention section. Similarly, CPD was unable to move forward with almost two dozen requirements in the Officer Wellness section because it lacks a technology solution to gather and track the required data.

OAG is also concerned that CPD has not conducted two required data assessments. First, CPD has not begun to assess the frequency of misdemeanor arrests and administrative notices of violation made by CPD officers of persons in specific demographic categories, such as race and gender. OAG is particularly concerned that CPD prepared a draft report nearly two years ago, but "because of internal disagreements over how to present the findings, including large racial disparities, the report was never released."<sup>2</sup> Although CPD reported to the OAG and IMT that it has outsourced this project, CPD has not identified its resource partner. Second, CPD has made no meaningful effort to assess the relative frequency and type of force used by CPD officers against persons in specific demographic categories, including race or ethnicity, gender, age, or disability status. CPD's lack of progress and transparency here is troubling; OAG urges CPD to prioritize conducting these assessments, with methodology approved by the IMT, as soon as possible.

The City and CPD must also prioritize accurate data collection and robust analysis in the coming monitoring period. In particular, the City and CPD must complete the long overdue comprehensive data assessment, identify and validate data CPD currently collects, and create technology solutions to analyze and improve department policies and procedures. Further

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<sup>2</sup> Fifth Report, Paragraphs 79-82.

inattention to CPD's data reliability problems threatens to stall or even reverse the progress made in multiple sections of the Consent Decree.

#### 4. Delays in Reforming CPD Accountability Systems

Reform of the City's police accountability systems is a cornerstone of the Consent Decree. Yet, with few exceptions, CPD remains reluctant to implement functioning, independent, and transparent systems to hold officers accountable for policy violations. While OAG acknowledges that CPD made some progress in finalizing long overdue policies this reporting period, that progress came in a rush at the very end of the reporting period, in late December 2021. The rushed policy development also meant that CPD failed to incorporate any community feedback it received on the policies until OAG and the IMT prompted CPD to do so.

In addition, the Audit Division's Audit of 2020 Investigation Timeframe Requirements raises serious concerns with CPD's ability to collect the data necessary to evaluate the Bureau of Internal Affairs' timeliness requirements under the Consent Decree.

Finally, OAG shares the IMT's concern that the City has not prioritized reform of its policies and practices concerning investigations of officer-involved shootings and deaths. OAG strongly urges the City to prioritize implementing these reforms to ensure that its most complex, public investigations are transparent and consistent with best practices and state law.

#### 5. Diversion of Resources

The City has failed to provide sufficient resources to, or in some cases, shifted critical resources away from, CPD units responsible for implementing reform measures, such as the Office of Constitutional Policing and Reform, Office of Community Policing, Force Review Division, and Bureau of Internal Affairs. In some instances, these shifts in resources have even caused CPD to backslide in its level of compliance with some requirements. For example, CPD struggled to make and maintain progress towards Community Policing requirements, and made no progress towards Impartial Policing, in part because of resource deployment issues within the Office of Community Policing.

These diversions of resources raise concerns about whether CPD and the City are adequately prioritizing reform efforts. Reports that, in the summer of 2021, two high-ranking City and CPD officials resigned their positions and alleged a lack of commitment from the City and CPD to embrace meaningful reform further fueled these concerns.<sup>3</sup> The City and CPD must be willing to do the necessary self-examination, and prioritize the appropriate resources, required for real change.

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<sup>3</sup> Gregory Pratt, *Top Lightfoot public safety adviser resigned amid concerns about city's ability to 'keep moving ... forward' on crime prevention and consent decree*, CHICAGO TRIBUNE, Nov. 12, 2021, <https://www.chicagotribune.com/politics/ct-chicago-advisor-police-resignation-lightfoot-20211112-ckrkt7rwbce3ainmwiozsgkvi-story.html>; Gregory Pratt, Madeline Buckley, *Chicago police leader resigned over 'inability' of department brass 'to even feign interest' in reform, then accused officials of retaliation*, CHICAGO TRIBUNE, Nov. 11, 2021, <https://www.chicagotribune.com/news/breaking/ct-chicago-police-consent-decree-reforms-resign-lightfoot-20211111-pdnyih24rgobpw6bmjogwgf4a-story.html>.

**Conclusion**

The OAG is committed to continuing to collaborate with the City, CPD, IMT, the Coalition, and all community members impacted by CPD's policing practices. As the Consent Decree enters its fourth year, the City and CPD must renew their commitment to building community trust, modernizing data collection systems, and holding officers accountable. OAG looks forward to accelerating progress by CPD on these foundational obligations in 2022.

Respectfully,

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cc: Stephen Kane, Zoe Jones, Camilla Krause, and Allan Slagel, Counsel for the City of Chicago; Dana O'Malley, General Counsel for the Chicago Police Department (via email)