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Dear Maggie, Chris, Tyeesha, and Allan:

We write this letter on behalf of the Coalition to request that the City immediately share with the Coalition the current draft Chicago Police Department (CPD) foot pursuit policy and include the Coalition in negotiations involving the Court, Independent Monitoring Team (IMT), Office of the Attorney General (OAG), and the City concerning the promulgation of this policy, starting on May 12, 2021. The OAG has indicated that it does not object to the Coalition's participation in these negotiations.

Unfortunately, the City has refused the Coalition's repeated requests to engage on the development of a foot pursuit policy. The City never responded to the Coalition's April 22, 2021 request to engage in substantive discussions with the City, OAG, IMT and the Court on this policy. And during our May 3, 2021 negotiation before the Court, the City made clear that it intends to finalize the development of this policy without Coalition engagement.

The City's approach undermines the Coalition's unique role in the Consent Decree reforms. The very purpose of the Memorandum of Agreement (MOA) between the Coalition, City, and OAG and paragraph 709 of the Consent Decree was to create a mechanism for meaningful community participation in Consent Decree enforcement. The City's refusal to include the Coalition in discussions about the CPD foot pursuit policy creates incentives for the Coalition to file future enforcement actions, rather than encouraging the parties and the Coalition to work together on policy development and informal dispute resolution. This is neither productive nor in the spirit of the Decree.

Reigning in dangerous and unnecessary foot pursuits has been a central and consistent focus of the Coalition for years. The Coalition represents a broad group of community-based organizations involving Chicagoans directly impacted by police violence, including violence perpetrated in the course of foot pursuits. During the consent decree negotiations, the Coalition twice proposed specific terms that would have required the City to develop a foot pursuit policy consistent with best practices in policing.¹ In October 2019, after the Consent Decree entered into force, the Coalition again called on CPD to immediately adopt a foot pursuit policy, provided proposed language tied to existing best practices, and catalogued CPD’s use of dangerous (and fatal) foot pursuits in the previous year. The City rejected most of the Coalition’s recommendations and refused to implement any policy at all.

Since then CPD’s use of the dangerous “tactic” actually *increased*, as detailed in our April 22, 2021 email. Most notably, the most recent monitoring report concluded that the percentage of Chicago police foot pursuits involving deadly force *more than doubled* from March to September 2020, as compared to the previous reporting period.²

In the wake of the City’s inaction on foot pursuits, people in Chicago—particularly Black and brown Chicagoans—continue to be pursued and killed by police. As noted in previous correspondence, in June 2018, CPD officers shot Marcus Granton in the back, killing him while he was fleeing. On March 29, 2021, a Chicago police officer chased 13-year-old Adam Toledo on foot before fatally shooting him in the chest when his hands were raised in the air. And just two days later, a different Chicago police officer fatally shot 22-year-old Anthony Alvarez when he was fleeing from police.³

Under the compromise agreed to in the Consent Decree, the City is (finally) required to develop a foot pursuit policy as the result of the Monitor’s unambiguous recommendation based

¹ See, e.g., ACLU of Ill., et al., *A Commitment to Real Reform of Chicago Police* (2018), https://www.aclu-il.org/sites/default/files/field_documents/a_commitment_to_real_reform_-_final.pdf (recommendation by *Communities United* plaintiff organizations urging revision of the draft consent decree to “ensure CPD immediately starts working on creating and implementing a foot pursuit policy that addresses unsafe foot pursuit tactics and sets forth guidelines for foot pursuits that balance the objective of apprehending suspects with the risk of potential injury”).

² See Indep. Monitoring Report 3 at 275, *Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Mar. 30, 2021), <http://chicagopoliceconsentdecree.org/wp-content/uploads/2021/03/IMR3-Report-Final.pdf> [hereinafter “Third Monitoring Report”].

³ The videos of the tragic deaths of Adam Toledo and Anthony Alvarez underscore the City’s failure to comply with Consent Decree Paragraph 165, which prohibits the use of “deadly force except in circumstances where there is an imminent threat of death or great bodily harm to an officer or another person.” Consent Decree ¶ 165, *Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019) [hereinafter “Consent Decree”]. They also demonstrate the City’s failure to comply with Consent Decree Paragraph 166, which prohibits police from using deadly force “against fleeing subjects who do not pose an imminent threat of death or great bodily harm to an officer or another person.” *Id.* ¶ 166. Notably, the most recent monitoring report confirms the City’s failure to reach even “preliminary compliance” with its obligations under either paragraph 165 or 166. *Id.* ¶¶ 165–66; See Third Monitoring Report at 273, 275.

on review of relevant CPD data and information.⁴ The Decree likewise requires that this policy be developed in compliance with Paragraph 160, which mandates that CPD “maintain clear channels through which community members can provide input regarding CPD’s use of force policies and propose revisions or additions to those policies.”⁵ This requirement is in addition to the public comment period on new policies required by Paragraph 633. While the Coalition’s role is just one channel of community input, it is one that is uniquely and specifically anticipated by the MOA and the Consent Decree.

The City’s efforts to thwart the Decree’s oversight and engagement requirements in favor of unilaterally developing the foot pursuit policy is part of a larger, disturbing trend documented by the IMT in which the City intentionally excludes the Coalition and broader community voices in the early, critical stages of policy development, “effectively prevent[ing] . . . meaningful participation.”⁶ By refusing to respond to the Coalition’s request for involvement in developing the foot pursuit policy, the City is at best relegating input only to stages “late in the policy development process,”⁷ and at worst pushing the Coalition to litigate after policies are developed.⁸

Long-term, the City’s entrenched pattern of seeking to bypass the Coalition when considering policy reforms to address critically important issues incentivizes enforcement litigation and threatens the ability of the Consent Decree to provide a meaningful process for addressing Chicago’s deep and shameful history of violent policing toward communities of color and people with disabilities. For all of the reasons detailed above, the Coalition respectfully urges the Court, IMT, OAG, and the City to include the Coalition in ongoing negotiations concerning the draft CPD foot pursuit policy.

/s
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⁴ See Third Monitoring Report at 287 n. 119 (reporting IMT recommendation that CPD promulgate a foot pursuit policy); Consent Decree ¶ 172 (“If the Monitor recommends that CPD should adopt a foot pursuit policy, CPD will adopt a foot pursuit policy no later than July 1, 2021.”).

⁵ Paragraph 160 applies to CPD’s development of a foot pursuit policy because Paragraph 172 falls squarely within the Use of Force section of the Consent Decree. Consent Decree ¶¶ 160, 172.

⁶ Third Monitoring Report at 42.

⁷ *Id.*

⁸ *Id.*