

December 2, 2022

Chief Judge Rebecca R. Pallmeyer
United States District Court for the Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn St., Courtroom 2541
Chicago, IL 60604

**Re: Written Testimony Regarding Chicago Police Consent Decree
State of Illinois v. City of Chicago, 17-cv-06260**

Dear Chief Judge Pallmeyer,

My name is Reverend Dr. Waltrina Middleton. I am the Executive Director of Community Renewal Society (CRS), a 140-year-old, faith-based social justice organization in Chicago. CRS brings people of faith and congregations together, in partnership with communities, coalitions, interfaith organizations, and civic leaders, to decisively transform society toward greater social justice at the intersection of racism and poverty. CRS is comprised of nearly 100 diverse Chicago congregations, crossing racial, ethnic, and socioeconomic lines, and representing nearly every neighborhood of the city. Our members include vast communities of Black, Brown, and differently abled Chicagoans who are directly impacted by abusive and discriminatory policing at the hands of the Chicago Police Department (CPD).

CRS has been fighting for years to dismantle the deep-rooted racism, brutality, and lack of accountability in CPD. In 2017, CRS joined other community and civil rights organizations to file *Communities United et al. v. City of Chicago* (Case No. 17-cv-07151), which challenged the Chicago Police Department's (CPD) systemic pattern and practice of using excessive and discriminatory force against people of color and people with disabilities. In 2018, CRS joined together with thirteen other plaintiff organizations to form the Coalition of community and civil rights groups that helps enforce the CPD Consent Decree, as explained in more detail in the *Communities United Status Report Regarding Chicago Police Consent Decree* (Dkt. 1057 at 2–3).

On behalf of CRS, I submit this written testimony to apprise the Court of the City's failure to live up to the promises it made when it agreed to the Consent Decree nearly four years ago. The City fails to take seriously the critical, lifesaving urgency of the Consent Decree. In entering into the Decree, the City promised to make sweeping, structural changes to CPD to bring about safe, effective, equitable, and constitutional policing. Yet, at every turn, the City has resisted the changes required by the Decree and the undeniable will of the people. To take one example: the City refused to adopt nearly all the policy recommendations the Coalition made to CPD's new foot chase policy—recommendations that were grounded in best practices from other police departments and the lived experience of community members. The final foot chase policy CPD adopted is so weak and watered down that it will do little to prevent the kinds of dangerous and unnecessary foot chases that led to the CPD killings of Adam Toledo and Anthony Alvarez last year. As another example, the Consent Decree requires the City to implement a neighborhood policing model—

ensuring that the same officers patrol the same beat every day, so that officers can build relationships and trust with community members. But the City refuses to do so.

From dangerous foot chases to violent home raids to the lack of accountability for officer wrongdoing, the City has fought reform tooth and nail, rather than embracing the Consent Decree and the directly impacted community members who are pleading for real change that will make *all* Chicago neighborhoods safe. According to the Independent Monitor's most recent report, the City has reached full compliance with *less than 5%* of the Decree's requirements. Due to the City's resistance to lifesaving changes—its single-minded focus on maintaining the status quo—Chicago's Black and Brown neighborhoods have yet to see on-the-ground transformation in policing policies and practices. The Consent Decree has not made a difference in our lives. CPD officers continue to harass, brutalize, racially profile, and physically abuse our community members, even though the Consent Decree has been in place for almost four years. We are missing an opportunity to be an example for the nation on citizen-engaged policing reform.

Below, I describe in more detail some of the City's glaring failures and the immediate changes we need to see from the City, in particular from the Mayor and the Superintendent.

The City Must Give Directly Impacted Communities a Role in Shaping CPD Policy

Community engagement is a foundational requirement of the Consent Decree—as it should be. Drawing on the lived experience and expertise of Chicagoans who have actually suffered under CPD's harmful practices is the only way that police reform will address *real* community needs and have *legitimacy* in the eyes of impacted communities. True community engagement means giving the communities most affected by harmful and discriminatory policing the power to shape CPD policy. Yet the City flatly refuses. The City has consistently refused to give the Coalition and other directly-impacted community groups a meaningful seat at the table in developing and negotiating changes to CPD policies and training. As community members, we come prepared. Yet time and time again, City officials—whose job it is to do this work and whose salaries *we* pay—state they are “not prepared to respond or provide answers.”

The City offers only useless “listening sessions,” “community conversations,” “deliberative dialogues,” and “focus groups.” Regardless of the label the City slaps on, the upshot of these events is the same: they are *one-way* conversations in which the City listens but doesn't respond to our suggestions or explain why it will or won't accept our suggestions. At most, the City officials offer condescending head nods and vague, empty assurances such as “we'll look into it.” Lives are literally on the line.

The City also repeatedly cancels pre-scheduled meetings with the Coalition and shows up unprepared or unwilling to have substantive discussion. For example, in August 2022, I participated in a Coalition meeting with the City on search warrants. Prior to the meeting, the City had told the community members in the Coalition to begin by presenting the Coalition's recommendations. After community members—many of whom are low-income or unpaid volunteers—spent hours preparing for the meeting, the City representatives rebuffed us. They were wholly unprepared and unwilling to discuss our recommendations or answer our questions. We in the Coalition *have lost loved ones to CPD's violence* targeted at people of color, yet the City will

not even engage us in a mutual exchange of concrete policy proposals. The Coalition has experienced countless disingenuous community engagement sessions just like this one.

Since 2020, the Coalition has advocated for structured working groups to facilitate meaningful community input on CPD policies and practices. In May 2022, when the Coalition last proposed the idea of joint CPD-community working groups, the City rejected the proposal out of hand and refused to discuss or put forward alternatives. If we proceed in these efforts in the future, there must be accountability, substantive engagement, responsiveness, and inclusion of impacted community members' voices.

The City plainly sees meetings with community members as a box-checking exercise: each meeting orchestrated so that the City can go through the motions of community engagement without actually grappling with critical community input or incorporating that input into policy change.

The City must stop using community members as window dressing on CPD policies that do not address the community's concerns. The City must negotiate in good faith with community members who are invested in changes, have direct experiences with police, and have expertise in best practices. This means the City must explain why it agrees or disagrees with community recommendations, and, together, we should come up with new policies that Chicagoans can accept. Anything short of this true community engagement violates the Consent Decree.

CPD's Violent and Discriminatory Home Raid Practices Must End

One of the most urgent, life-or-death issues facing Chicago's Black and Brown communities is CPD's ongoing, documented pattern of unlawful, violent, and dehumanizing home raids. CPD officers raid about 1,500 homes a year—*that's more than four families every day*. According to demographic data compiled by the City's Office of the Inspector General, virtually all of the affected families are Black (72%) and Latinx/Hispanic (15.5%).¹ CPD's home raids are barbaric. Officers break down people's doors and charge into their homes in the middle of the night with their guns drawn, leaving families to believe they are being robbed or worse. Officers point assault rifles directly at young children and their parents; they handcuff children in front of their parents and parents in front of their children; they subject family members to physical violence and verbal abuse; and treat individuals with a lack of basic respect for their humanity. After the raid is over, CPD often leaves families unprotected, with broken doors, windows, and locks left unrepaired—and families left vulnerable to further violence and theft. CPD's home raid practices violate numerous Consent Decree provisions, as detailed in the Coalition's January 2021 Motion to Enforce the Consent Decree (Dkt. 924).

Over the past two years, community advocates, including the Coalition, have pushed to dismantle CPD's traumatic and discriminatory home raid practices. The City has tried to fight or undermine these efforts at every turn. In August 2020, the Coalition first asked the City to engage in negotiations to solve the ongoing crisis of home raids. Rather than come to the table as a willing

¹ See City of Chicago Office of Inspector General, *Second Interim Report: Search Warrants Executed By The Chicago Police Department, 2017-2020*, at 7 (May 2021), https://igchicago.org/wp-content/uploads/2021/05/OIG-Second-Interim-Report_CPD-Search-Warrants.pdf.

partner, the City refused to negotiate. It spent months arguing that search warrant practices were not even covered by the Consent Decree. Even after losing that fight in March 2022, the City has continued to oppose the Anjanette Young Ordinance and similar policy changes recommended by the Coalition aimed at ending CPD's practices of excessively violent and discriminatory home raids. This is unacceptable, especially considering that the Mayor has apologized to Anjanette Young for the unconscionable raid on her home and acknowledged the trauma and harm caused. As of today, the City refuses to negotiate with the Coalition and other impacted community groups on changes to CPD's search warrant policy.

The Court and the Independent Monitor must step in to bring the City to the table. The following are some of the key policy changes CPD should make to rein in its violent home raids in Black and Brown communities.² These recommendations reflect best practices of other large law enforcement agencies around the country. Each of the following are recommendations the Coalition provided to the City over two years ago, yet the City has refused to even provide the Coalition with a substantive written response.

- Prior to each raid, CPD should weigh the expected harms of the raid against the expected benefits. If the risk of harm outweighs the expected benefits, the execution of the warrant should not be approved.
- CPD should ban night-time raids and limit the execution of search warrants to daylight hours. Night-time raids increase the safety risk to both residents and officers. Moreover, vulnerable people such as children are more likely to be home in the evenings.
- CPD should ban no-knock warrants. People must be given a reasonable amount of time to answer the door. After Breonna Taylor's tragic killing by officers during a botched execution of a no-knock warrant in Louisville, KY, that city and many other jurisdictions (at least 4 states and nearly 30 cities) have banned or restricted no-knock warrants. Evanston, IL is the most recent jurisdiction to do so.
- CPD policy should prevent execution of a search warrant when children and vulnerable people are likely to be home, absent emergency circumstances. Police should be required to make a plan in case children or other vulnerable people are in the house.
- CPD must restrict search warrant executions to specially-trained search warrant teams. The documented pattern of "wrong raids," when officers haven't done enough research to even figure out if they're at the right house, shows that CPD's search warrant practices must be professionalized.
- The City must make trauma counselors and other resources available, promptly and free of charge, to all family members affected by a home raid.

² For a more detailed explanation of the Coalition's search warrant recommendations, please see the Coalition's July 11, 2022 Letter to Judge Dow. (Dkt. 1057-4).

- CPD must immediately fix doors and windows that they break during a raid. CPD must not destroy property unnecessarily and leave houses in shambles and families vulnerable to security risks.

The time is now for the City to make these changes to its search warrant practices. The City must engage the Coalition and remedy these ongoing Consent Decree violations. Lives are at stake. Not another child should have to cower in their home as a loaded CPD rifle is pointed at their face. The triggering trauma can have mental, emotional, and physical impact for life.

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The Chicago police must see community members as allies instead of enemies. This requires a wholesale transformation of CPD's deep-seated "us vs. them" culture in which impacted communities are disregarded and people of color are continually stereotyped as dangerous criminal suspects. And this change must start at the top: the Mayor and the Superintendent of CPD must embrace the need to completely transform the culture of CPD.

But the Mayor and Superintendent have proven that they will not act on their own. For nearly four years, the City has shown that it is intent on resisting the changes required by the Consent Decree. The City will not embrace the Decree unless the Court and the Monitor force it to do so. We fervently appeal to the Court and the Monitor to take an active role in holding the City's feet to the fire. Because our lives—and our children's lives—depend on it.

Sincerely,

Waltrina Middleton

Reverend Dr. Waltrina Middleton
On Behalf of Community Renewal Society