



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 1, 2015

The Honorable Loretta Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Dear Attorney General Lynch:

I write to respectfully request that the Department of Justice Civil Rights Division initiate a pattern and practice investigation into whether there are systemic violations of the Constitution or federal law by the Chicago Police Department ("CPD"), specifically, the CPD's use of force, including deadly force; the adequacy of CPD's review and investigation of officers' use of force and investigation of allegations of misconduct; the CPD's provision of training, equipment, and supervision to officers to allow them to do their job safely and effectively; as well as whether there is a pattern or practice of discriminatory policing.

Over the past week, the City of Chicago has once again been confronted with significant questions about the use of excessive force and accountability of the Chicago Police Department. On November 24, 2015, the City released a video taken from the dashboard camera of a CPD vehicle. The video, taken on October 20, 2014, shows 17-year-old Laquan McDonald being fatally shot by a CPD officer. The McDonald shooting is shocking, and it highlights serious questions about the historic, systemic use of unlawful and excessive force by Chicago police officers and the lack of accountability for such abuse by CPD.

The McDonald shooting is also not the only recent, troubling action by CPD officers. In the last five years, media reports have described the following incidents, among others:

- In October 2014, Detective George Hernandez shot and killed Ronald Johnson. Mr. Johnson's mother is suing Detective Hernandez and the City of Chicago in an effort to have the dash camera video of the shooting released. Her court filings state that her son was unarmed at the time of the shooting.
- In August 2014, former Commander Glenn Evans was charged with aggravated battery and official misconduct for allegedly sticking his gun into the mouth of a suspect. Despite being the subject of more excessive force complaints than any other CPD officer between 1988 and 2008, he had been promoted to the position of Commander in 2012.

- On December 22, 2013, Officer Marco Proano shot over 12 rounds into a car filled with unarmed teenagers, injuring three people. Although Officer Proano said he feared for his life and the life of the passengers in the vehicle, the dashboard camera video does not show any threats to Officer Proano or the passengers' lives. Officer Proano remains on the CPD while the Independent Police Review Authority continues to investigate this case.
- In March 2012, Officer Dante Servin shot an unarmed African-American woman, Rekia Boyd, while he was off duty. Officer Servin was found not guilty of involuntary manslaughter. On November 23, 2015, Chicago Police Supt. Garry McCarthy announced that he will move to terminate Officer Servin.
- In 2011, Officer Jerome Finnegan was convicted in federal court of seeking to have a fellow officer murdered. He was the subject of 68 citizen complaints during nearly two decades with the CPD, but none of the allegations resulted in disciplinary action. Along with other CPD officers, he put antlers on an African-American suspect in custody, held him down on the floor of a Chicago police station, and posed for a photo with the suspect. The photo, which was released publicly earlier this year, was taken sometime between 1999 and 2003.

While these incidents necessarily involve fact-specific inquiries, the pattern of conduct raises serious questions about practices that are incompatible with lawful and effective policing and have resulted in severe damage to the community's trust in the CPD. Addressing these problems and repairing the CPD's relationship with the community will require a fundamental redirection of Chicago's approach to law enforcement and accountability for police abuse.

The record of investigating police misconduct in Chicago raises additional troubling questions. In its investigation of nearly 400 police shootings since 2007, the Independent Police Review Authority (IPRA), it has found only one to be unjustified. Even if IPRA sustains a complaint, the Police Superintendent and the Police Board make the final decision on whether to discipline an officer. Data collected by the Citizens Police Data Project shows that from 2011 to 2015, 97% of more than 28,500 citizen complaints resulted in no officer being punished. The data also shows that over the past five years, white complainants were almost seven times more likely to have their police misconduct complaints sustained than African-Americans, even though African-Americans filed three times more complaints against police officers.

I write to you with urgency. Trust in the Chicago Police Department is broken, especially in communities of color in the City of Chicago. An investigation into whether there are patterns and practices of civil rights violations by CPD is vital to bringing about the systemic change that is necessary here. Chicago cannot move ahead without an outside, independent investigation into its police department that moves toward improved policing practices and increasing trust between the police and the community.

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The Department of Justice's Civil Rights Division is uniquely suited to conduct such an investigation, based on its experience in dozens of pattern or practice investigations in jurisdictions across the country, including in Albuquerque, New Mexico, Baltimore, Maryland, and Cleveland, Ohio. The Division's involvement with the prosecution of former CPD Commander Jon Burge following his use of torture to extract confessions from African Americans and other minorities who were in CPD's custody also gives the Division important context. In addition, DOJ's distance from the parties involved would give the review and investigation needed independence.

I know that the vast majority of officers who serve in the Chicago Police Department serve with bravery, honor, and integrity. They risk their lives to serve the public, and they deserve to work alongside fellow officers who are held to the same high standards. The children of Chicago deserve to grow up in a city in which they are safe, protected and served by a police force that is fit for this fine City – something that many in our community do not experience today.

I welcome an opportunity to discuss these issues and next steps with you in greater detail. My office is committed to assisting your investigation in whatever way we can.

Sincerely,

A handwritten signature in black ink that reads "Lisa Madigan". The signature is written in a cursive, flowing style.

Lisa Madigan

cc: Vanita Gupta, Division Chief, Civil Rights Division, U.S. Department of Justice
Zachary Fardon, United States Attorney, Northern District of Illinois