

Office of the Illinois Attorney General

Investigation of the Joliet Police Department



December 12, 2024

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EXECUTIVE SUMMARY

On September 8, 2021, the Office of the Illinois Attorney General formally opened a civil pattern or practice investigation into the Joliet Police Department (JPD). The investigation focused on the Department as a whole, rather than on a single incident or officer. From the beginning, JPD and the City of Joliet have cooperated and provided access to their files, data, and staff. We recognize that many JPD officers serve their community with professionalism, dedication, and courage. However, our investigation uncovered persistent problems that have continued unchecked over the years.

A catalyst of our investigation was the January 2020 death in custody of Eric Lurry, a 37-year-old Black man, who died after losing consciousness in a JPD squad car during a narcotics surveillance operation. Upon arrival at the JPD station, a JPD sergeant slapped Mr. Lurry in the face and pinched his nose shut for nearly 90 seconds while another officer inserted a baton in his mouth and removed several clear baggies. Officers pulled an unresponsive Mr. Lurry out of the squad car and began CPR. Paramedics arrived and transported Mr. Lurry to a local hospital, where he died ten hours later. In June 2020, a JPD sergeant leaked a video of the incident, prompting Joliet's then-mayor Robert O'Dekirk and several city council members to request that our office investigate Mr. Lurry's death and JPD's handling of the incident.

Although our office does not have authority to investigate individual incidents, we do have the power to investigate underlying, systemic issues that affect the Department's ability to deliver constitutional and lawful police services. After conducting a careful review of publicly available information and documents provided by JPD, we identified substantial concerns that warranted opening a full investigation.

To their credit, JPD and the City have cooperated throughout the investigation, providing access to information, participating in meetings and interviews with our office, and answering a multitude of questions. Our findings are based on our review of JPD's policies, procedures, and training; hundreds of individual incidents; and several years of JPD's own data. We also spoke with more than 100 current and former JPD members of all ranks, observed trainings, went on ride-alongs in each of JPD's patrol districts, shadowed school liaison officers and civilians in JPD's 911 Communications Center, and met with unions and members of the Black Police Officers Association. We heard from hundreds of community members, advocates, community organizations, and faith leaders through interviews, listening sessions, a virtual townhall, and other events. We also received and responded to more than 150 phone calls and emails from members of the community.

Findings

The Office of the Illinois Attorney General has reasonable cause to believe that JPD engages in a pattern or practice of conduct that deprives people of their rights under the Constitution, federal law, and state law:

- JPD uses unreasonable force, including tasers, head strikes, and other types of force, in violation of the Fourth Amendment of the U.S Constitution.

- JPD’s inadequate crisis intervention response system contributes to its pattern of unreasonable force against people with behavioral health disabilities in violation of the Fourth Amendment.
- JPD’s policing practices discriminate against Black people and raise concerns that JPD is discriminating against Latino people in violation of the Illinois Human Rights Act (IHRA) and the Illinois Civil Rights Act (ICRA).
- JPD’s response to sexual assault discriminates against women, and its response to domestic violence raises serious concerns of discrimination against women in violation of the IHRA and ICRA.
- Failures in JPD’s accountability systems have directedly contributed to these patterns of unconstitutional and unlawful policing.

We also found persistent deficiencies in JPD’s policies, training, supervision, data collection, and record-keeping practices that have contributed to these problems and enabled them to persist.

Use of Force. For years, JPD has turned a blind eye to excessive force that violates the Fourth Amendment. This pattern is not limited to any one type of force, tactic, or context. Nonetheless, several trends stand out. First, JPD trains officers that proactively using force early avoids the need for more force later. This approach has led some officers to unnecessarily escalate situations and engage in avoidable or excessive force. Second, within JPD’s larger pattern of unlawful force, we have particular concerns about JPD’s use of tasers, head strikes, other bodily force, and gun pointing. Third, JPD uses unreasonable retaliatory force and unreasonable force against teenagers. Fourth, we found almost no instances of any officer intervening to prevent unlawful force, and officer-initiated reports of concerning behavior are rare. Fifth, JPD’s supervisory and force review systems are ineffective. Supervisors tend to accept officers’ version of events at face value despite contradictory evidence, and JPD’s force review panels function largely to justify officers’ actions. JPD’s inability to police itself sends the message from the top down that just about any level of force can be justified without consequence.

Crisis Intervention. JPD’s crisis intervention system contributes to JPD’s pattern of unlawful force against people who have a behavioral health disability. JPD has made some promising efforts to improve its crisis intervention system, including securing funding to develop and implement a program that connects people with behavioral health needs to community service providers. Still, JPD has no mechanism to ensure that its officers who have expertise in crisis intervention are dispatched to calls involving people with behavioral health disabilities. Instead, we found too many instances in which officers escalated encounters, failed to use trauma-informed tactics, and moved quickly to arrest people for minor offenses, aggravating situations and resulting in force that could have been avoided or minimized. Some JPD officers have shown skill in using crisis intervention techniques, and Department members we spoke with expressed a genuine desire to better serve people with behavioral health disabilities. We are encouraged by JPD’s recent progress in this area, but the risk of harm to vulnerable people in crisis remains.

Racial Discrimination. JPD engages in discriminatory policing against Black people in violation of the IHRA and ICRA; its policing practices also raise concerns about unlawful discrimination against Latino people. Statistical analyses reveal disproportionate enforcement actions—including traffic stops, arrests, and uses of force—against Black and, to a lesser extent,

Latino community members. Tellingly, the disparities for Black people are even greater when the police enforcement activity is more discretionary. Racial disparities also exist in JPD's gang database. Evidence suggests that these problems stem at least partly from racial bias. That evidence includes the use of racist language both in and outside the Department and an accountability system that fails to adequately address allegations of discrimination or bias. Community members feel this bias, and it has degraded the relationship between JPD and the community it serves.

Gender Discrimination. JPD's response to gender-based crimes is discriminatory against women in violation of the IHRA and ICRA. JPD's response to sexual assault and domestic violence is frequently impacted by officers' negative stereotypes about women, including attitudes that discourage reporting and impede adequate investigation. Although some officers handle these cases with courtesy, there is an overall lack of professional, trauma-informed response. Moreover, JPD's attitude towards survivors is characterized by skepticism, hostility, and a disregard for the severity of gender-based violence. These negative patterns disparately impact women, who are the predominant victims of gender-based crimes, which prevents them from receiving equal service, and disproportionately puts them at risk of further harm. Our concerns are heightened by JPD's mishandling of accusations of gender-based violence by its own members. JPD treats accused male Department members with respect and support while treating the women who voice complaints with hostility and suspicion. These failings send a message to the Department and the community that JPD does not take investigations of domestic violence and sexual assault seriously.

Accountability. JPD's patterns of unlawful policing are enabled by JPD's broken accountability systems, which routinely fail to hold Department members accountable for misconduct. Each step of its accountability process has serious deficiencies that undermine the reliability and legitimacy of JPD's oversight of officer conduct. This ineffectiveness discourages community and Department members from reporting allegations of misconduct and contributes to a department culture that tolerates or ignores serious wrongdoing.

Policies, Training, and Supervision. Across all findings and concerns in this Report, we identified deficiencies in policies, training, and supervision. We also identified substantial gaps in record keeping and data collection and analysis. For example, JPD does not systematically track gun-pointing data and is unable to determine whether its officers use this threat of deadly force in compliance with policy and law. Nor does JPD consistently collect data on pedestrian stops, the race and ethnicity of members of the public across all enforcement activities, interactions with people with behavioral health disabilities, language access needs, foot pursuits, or misconduct allegations and lawsuits. JPD cannot review and reform that which it does not measure.

OAG's Technical Assistance Letters. Over the course of our investigation, we identified and brought to the Department's attention a few concerns requiring immediate action that we believed JPD could address without major structural changes. We issued three technical assistance letters that identified concerns about JPD's foot pursuit practices, language access services, and early intervention system. We are largely encouraged by JPD's responses to these letters and commend JPD for being open to continuous improvement. As a result of these communications, JPD has implemented a robust foot pursuit policy; has made substantial progress in improving its language access resources and implemented a limited English proficiency and Deaf and Hard of Hearing policy; and has revised its early intervention system threshold for alerts and acquired new software that can enable better tracking to provide officers proactive support and intervention. However, JPD's early intervention system still needs significant improvement to become effective.

Initial Recommendations. This Report includes some of our recommendations for change to address problems that we identified. The list of recommendations is not exhaustive and is intended as a starting point that will require Department and community input.

Our purpose in pointing out patterns of unlawful or problematic behavior or other deficiencies is not to discredit the Department, but rather to clearly identify and describe the problems so that they can be remedied. During our investigation, we spoke with and observed Department members who were committed to policing safely and effectively in accordance with the Constitution and laws, and some members who went above and beyond to serve their community. However, JPD fails to ensure that **all** its members consistently adhere to policy and law, undermining the positive work of the many officers we interacted with and the efforts of Department leadership to improve JPD's services.

Lasting reform will require meaningful, ongoing engagement with the community, City and Department leadership, Department members, unions, and other stakeholders. JPD has the human talent and dedicated personnel to do this well. Overall, we are encouraged by JPD's and the City's commitment to improving public safety services for all members of the Joliet community. We are grateful to the community members, Department members, and others who came forward to share information and their experiences—sometimes at substantial emotional cost. The Office of the Illinois Attorney General looks forward to collaborating with JPD, the City, and the larger Joliet community to ensure that JPD's policing is constitutional, protects the safety of community members and officers alike, and respects the dignity of all persons with whom JPD members interact.

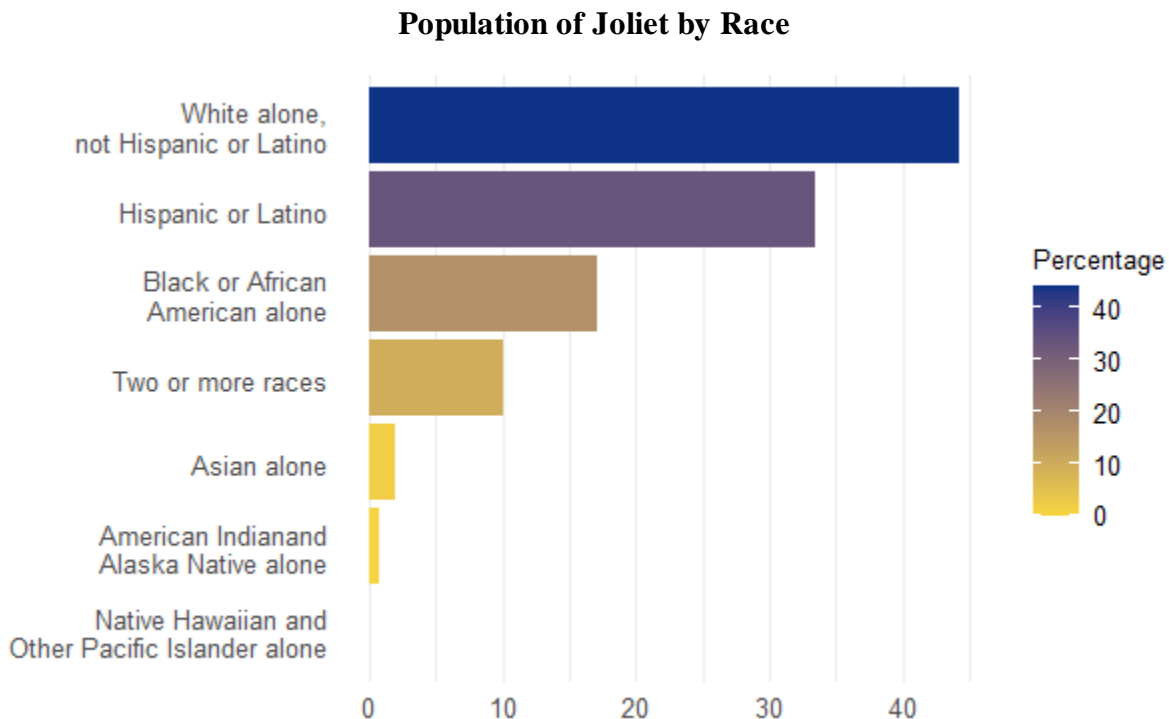
I. BACKGROUND

A. Joliet, Illinois

Joliet is the third largest city in Illinois with an estimated population of 150,000. Located in Will and Kendall counties, Joliet is home to a dynamic arts, culture, and sports scene. The historic Rialto Square Theatre anchors Joliet’s downtown city center and features year-round entertainment options. The Joliet Area Historical Museum hosts special and permanent exhibits and also operates tours and events at the Old Joliet Prison. The Illinois Rock & Roll Museum is in the process of renovating a new building in downtown Joliet that will feature a performance music hall and exhibit space. The Joliet Public Library operates two branches and offers residents a summer reading program, traveling exhibits, and citizenship classes. And the Joliet Slammers are a professional baseball team that competes in the independent Frontier League.

Joliet is also home to institutions of higher learning. Joliet Junior College (JJC), founded in 1901, was the first public community college in the United States. JJC is a fixture in the community and offers nine academic pathways across six campuses and serves over 30,000 students annually. In addition, the University of St. Francis offers undergraduate, graduate, and certificate programs to over 3,000 residential and commuter students.

The racial and ethnic composition of Joliet is approximately 44.3% White alone (not Hispanic or Latino), 33.5% Hispanic or Latino (of any race), 17.1% Black or African American alone, and 2.0% Asian alone; 10.1% of Joliet’s population identifies as bi-racial or multi-racial.¹

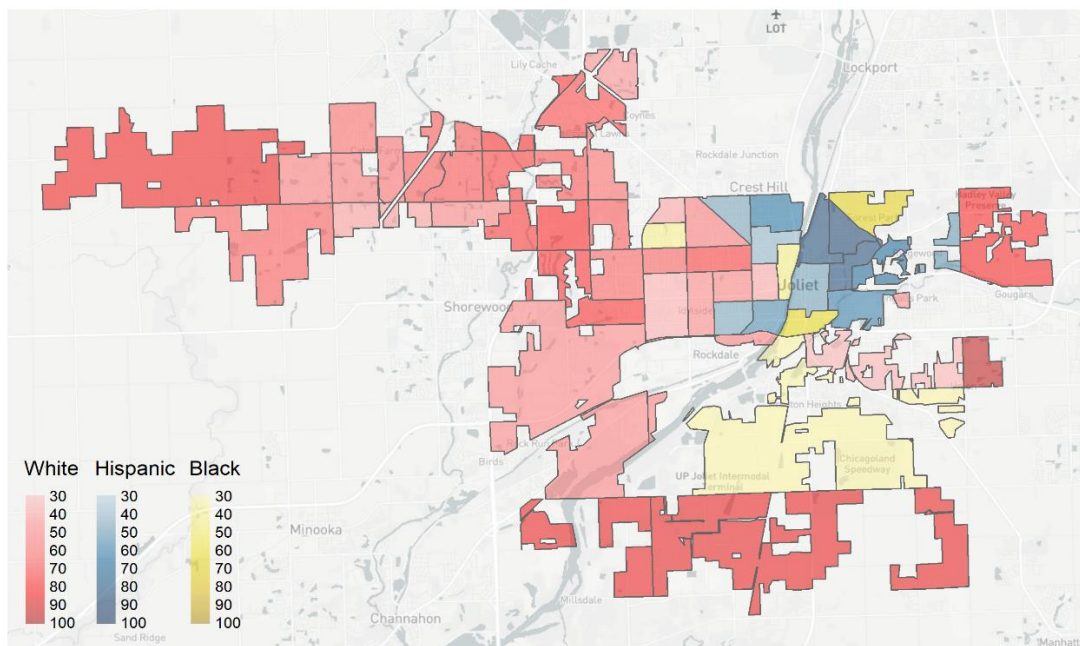


¹Joliet, Illinois, U.S. Census Bureau: QuickFacts, <https://bit.ly/4ef7DM9>.

Of the ten most populated cities in Illinois, Joliet is the third most diverse city, behind Chicago and Aurora, and is more diverse than other similarly sized cities in the state like Rockford and Naperville. The city encompasses approximately 63 square miles and is located about 40 miles southwest of Chicago.

Like many cities across the United States, Joliet’s neighborhoods show patterns of racial segregation. Census tract data indicates that Joliet’s Black, Hispanic or Latino,² and multi-racial-majority communities are concentrated in the city’s central and east areas, to the east of the Des Plaines River dividing the city, while White-majority neighborhoods exist almost exclusively outside of the city center.

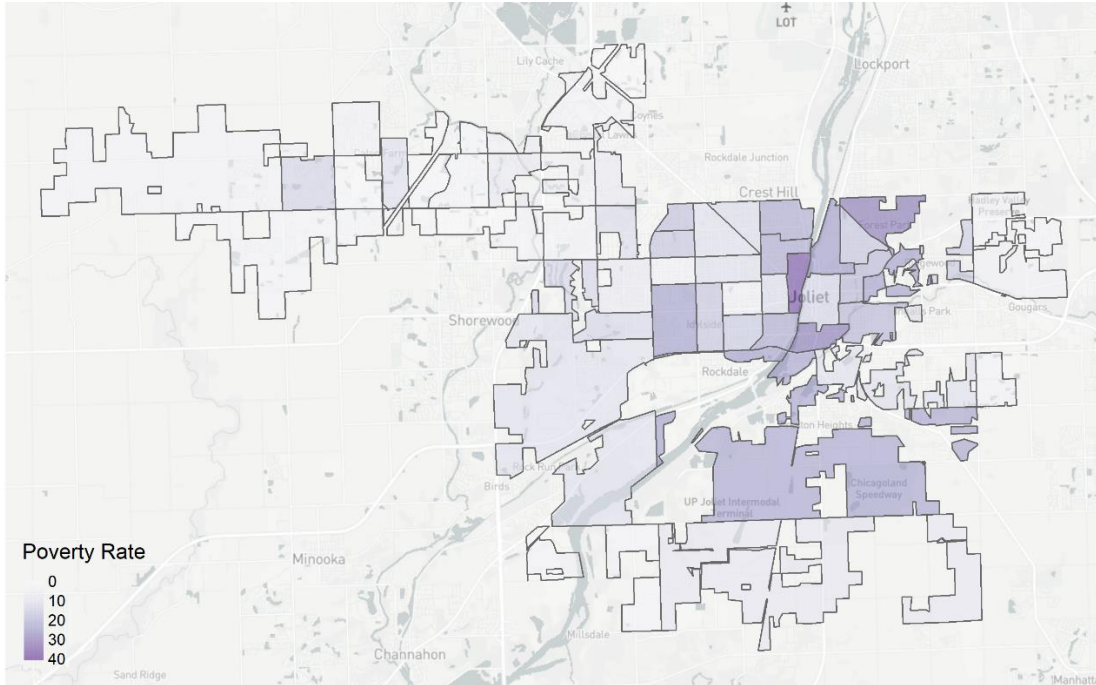
Figure 1: Percent of Population for Largest Racial/Ethnic Group by Census Tract



Nearly 11% of Joliet residents live below the federal poverty line, which is slightly less than the state (11.6%) and national (12.5%) poverty rates. When broken down by race, Joliet’s Black or African American population is more than twice as likely to be affected by poverty as the city’s White population (19.7% as compared to 8.1%).

² The census uses the phrase “Hispanic or Latino” to refer to people of “Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.” U.S. Census Bureau, *Why We Ask Questions About... Hispanic or Latino Origin*, bit.ly/4eXu8Gr. In this report, we will use only the broader term “Latino” except when referring to data kept by JPD that uses the descriptor “Hispanic.”

Figure 2: Percent of Population Below Poverty Level by Census Tract



The average unemployment rate in Joliet was 3.0% in 2023, which is similar to the average unemployment rate of the state (3.1%) and slightly higher than that of the country (2.7%). About 25% of Joliet’s population over the age of 25 holds a bachelor’s degree or higher, which is lower than the state and national educational attainment rates (38% and 36%, respectively). There are significant disparities in educational attainment among Joliet’s racial and ethnic groups. White people in Joliet are much more likely to hold a bachelor’s degree or higher than Black people (30.1% compared to 21.3%), and nearly 2.4 times as likely as people of Hispanic or Latino origin (30.1% compared to 12.7%).

Joliet has a home ownership rate of 72.4%, which is higher than the state and national rates of home ownership (66.7 and 64.85%, respectively). However, housing insecurity does affect some people in Joliet. According to the U.S. Department of Housing and Urban Development, an estimated 343 people in Joliet and surrounding areas were experiencing homelessness in January 2023.³ In recent years, the Joliet city council has voted down two proposals to expand homeless shelter options to accommodate Joliet’s growing homeless population.⁴

³ See Annual Homeless Assessment Report: 2023 AHAR Part 1 – PIT Estimates of Homelessness in the U.S., 2007-2023 Point-in-Time Estimates by CoC (XLSB), U.S. Dep’t of Housing & Urban Dev. (HUD), (Dec. 2023), bit.ly/4gzL4nL. HUD’s estimate relies on a point-in-time (PIT) count that is conducted annually in January. *Id.*

⁴ See John Ferak, *Rejected: East Side Homeless Shelter at Joliet YMCA*, Patch (Jan. 21, 2022), bit.ly/3MYzk0q; John Ferak, *West Side Homeless Shelter Rejected by City Board*, Patch (Dec. 19, 2020), bit.ly/4gvidkF.

B. Joliet City Government

The City of Joliet works under a council-manager form of government, in which the city council determines local policy matters and enacts legislation with the mayor presiding. The mayor of Joliet is Terry D’Arcy, who took office in May 2023. Robert O’Dekirk, a former JPD officer, served as mayor from 2015 to 2023. Joliet’s city council consists of eight members—five serve as district councilpersons and three as councilpersons at large.

The Joliet city manager oversees government administration. The city manager is appointed by the city council and reports to council and the mayor. Among other responsibilities, the city manager has authority to hire and remove the chief of police, the deputy chiefs, and other members of the Joliet Police Department who are not part of a collective bargaining unit. The city manager of Joliet is Beth Beatty, who has served in this position since December 2023. Joliet has had two permanent and four interim city managers in the past seven years.

C. Joliet Police Department

The Joliet Police Department is one of the largest law enforcement agencies in Illinois, and is budgeted for 286 sworn members, 68 full-time civilians, 3 part-time civilians, and 44 crossing guards. As of July 2024, JPD had 262 sworn members, leaving about 8% of its sworn member positions vacant. The racial and ethnic composition of JPD sworn members is about 77% White (not Hispanic or Latino), 11% Black (not Hispanic or Latino), 1% Asian, and 11% Hispanic or Latino (any race). Approximately 85% of JPD’s sworn members are male. JPD’s annual budget is \$67 million, which constitutes about 30% of the City’s total general fund budget.⁵

JPD is divided into four divisions: Operations, Investigations, Administration, and Technical Services. The Operations Division is the largest division of the Department with approximately 200 members, most of whom are assigned to patrol. Patrol is divided into three districts (east, central, and west), and each district is divided into six sectors.⁶ In addition to patrol, the Operations Division also includes the neighborhood-oriented policing team and the special services, traffic, and K-9 units. The Investigations Division largely consists of detectives who work in the general assignment unit or in a specialized unit (e.g., evidence, criminal intelligence, tactical, narcotics, school liaisons, and various task forces). The Administration Division includes Internal Affairs—which investigates allegations of police misconduct—as well as sworn members and civilians responsible for training, planning and accreditation, public affairs, crime analysis, and social services. The Technical Services Division largely consists of civilian staff, and it includes the 911 Communications Center and records section.

JPD’s command staff includes the Chief of Police and four Deputy Chiefs, who each oversee one of the four divisions. William Evans has been JPD’s Chief of Police since March 2022. He is the fifth JPD chief in seven years. Robert Brown, Deputy Chief of Operations, acted as interim Chief from October 2021 to March 2022. Dawn Malec became the first woman to lead JPD as Chief in February 2021. Malec was removed from the position in October 2021, and she retired from JPD in July 2022 at the rank of lieutenant. Alan Roechner served as Chief, first in an interim capacity and then as permanent Chief in December 2018, until his retirement in January 2021. Brian Benton served as Chief from 2013 until his retirement in late 2018.

⁵ *City of Joliet 2024 Annual Budget*, 65 (Nov. 21, 2023), bit.ly/48BLqGX.

⁶ *District & Sector Maps*, Joliet Police Dep’t, bit.ly/3ArLRqC.

The Illinois Fraternal Order of Police (FOP) Labor Council represents the bargaining interests of rank-and-file JPD officers. The Illinois FOP Labor Council—Joliet Police Supervisors Association represents sergeants and lieutenants. Each union has a separate collective bargaining agreement with the City. JPD also has a chapter of the National Black Police Association, which is a national network of Black police associations whose mission is to promote justice, fairness, and effectiveness in law enforcement. Membership in JPD's Black Police Officer Association is voluntary and is not limited to officers who identify as Black.

II. INVESTIGATION

A. Basis of Investigative Authority

The Office of the Illinois Attorney General has authority to conduct civil investigations into whether local law enforcement agencies engage in patterns or practices of unconstitutional or unlawful policing. This authority stems from multiple sources, including the Illinois Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act.⁷ The SAFE-T Act grants the Office of the Illinois Attorney General authority to investigate whether Illinois law enforcement agencies, or other governmental authorities, engage in “a pattern or practice of conduct by officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Illinois.”⁸ If the Office determines that there is reasonable cause to believe that such a pattern or practice exists, it may file a civil lawsuit to require the law enforcement agency to take specific actions to eliminate the pattern or practice.⁹ These provisions of the SAFE-T Act took effect on July 1, 2021.

B. Joliet Calls for the Illinois Attorney General to Open an Investigation

On January 29, 2020, Eric Lurry, a 37-year-old Black man, died approximately eleven hours after JPD officers arrested him and took him into custody during a narcotics surveillance operation. Squad car video showed a handcuffed Lurry in the rear of the squad car chewing on something and appearing to lose consciousness. Upon arriving at the JPD station, a JPD sergeant opened a rear squad door, slapped Lurry in the face, and said “Wake up, bitch.” The sergeant then placed his hands on Lurry’s neck and jaw and pinched Lurry’s nose shut for nearly 90 seconds. While still pinching his nose shut, the sergeant pulled on Lurry’s jaw and opened his mouth, and another JPD officer inserted a baton in his mouth and removed multiple clear bags. Lurry was unresponsive, and officers began rubbing Lurry’s sternum with a closed fist. Lurry did not respond to the sternum-rub, and officers pulled Lurry out of the squad car and began CPR. Paramedics arrived shortly thereafter and transported him to an area hospital, where he died ten hours later.

Five months later, JPD Sergeant Javier Esqueda released squad car video depicting Lurry’s arrest, transport, and arrival at the station.¹⁰ In June 2020, just days after viewing the video, Joliet’s then-mayor and several city council members sent a letter to the Illinois Attorney General requesting that the Attorney General investigate Lurry’s death and JPD’s handling of the incident.¹¹

On July 2, 2020, after receiving findings of an investigation conducted by the Will-Grundy Major Crimes Task Force, the Will County State’s Attorney announced it would not file charges

⁷ P.A. 101-0652 (eff. July 1, 2021); *see also* Ill. Crim. Just. Info. Auth., *The 2021 SAFE-T Act: ICJIA Roles and Responsibilities*, bit.ly/4dijZ5C (listing key reforms under the SAFE-T Act with statutory citations). Additional pattern or practice investigation authority includes the Attorney General Act, 15 ILCS 205/4 (2024); the Illinois Human Rights Act, 775 ILCS 5/1 *et seq.*; the Civil and Equal Rights Enforcement Act, 15 ILCS 210/1, *et seq.*; and the Attorney General’s common law authority to enforce state law, *see, e.g., Barrett v. Finnegan*, 378 Ill. 387, 393 (1941).

⁸ 15 ILCS 205/10(b)-(c).

⁹ 15 ILCS 205/10(c).

¹⁰ *See Joliet Police Field Training Sergeant Speaks Out on Why He Blew Whistle on Video of Man Who Died in Custody*, CBS Chicago (July 1, 2020), cbsn.ws/3XqW3ac.

¹¹ Letter from Joliet Elected Officials to Kwame Raoul, Illinois Attorney General (June 24, 2020), *see* Appendix A.

against the officers involved, concluding that “Eric Lurry’s death was caused by the ingestion of fatal amounts of heroin, fentanyl, and cocaine, and did not result directly from any action or inaction by an officer of the Joliet Police Department.”¹² Less than a week later, after public outcry,¹³ JPD’s then-Chief issued a public statement condemning the narrative that “there was not an outside investigation done, video evidence was withheld and that the Joliet Police Department was covering up evidence.”¹⁴ On July 14, 2020, under mounting public pressure, JPD released videos related to Lurry’s arrest and transport.¹⁵

In August 2020, Lurry’s widow filed a federal lawsuit against the City and four JPD officers involved in Lurry’s arrest and in-custody death.¹⁶ In addition, Esqueda was charged with official misconduct related to his unauthorized access and release of the squad car video.¹⁷ As of this writing, both the Lurry civil wrongful death lawsuit and the criminal proceedings against Esqueda are ongoing. Because our Office does not have authority to investigate the individual officers involved or the merits of any civil or criminal proceedings connected to these actions, we do not make findings on these issues. Our Office does, however, have the power to investigate whether underlying, systemic issues affect the Department’s ability to deliver police services in a constitutional manner that protects the lives and dignity of all community members.

In September 2020, after reviewing these and other publicly available materials, our Office responded to Joliet’s request to investigate Lurry’s death.¹⁸ We explained that while our Office does not have jurisdiction to investigate specific incidents in isolation, we do have authority to investigate patterns or practices of unconstitutional or unlawful conduct. We then requested additional information, which Joliet timely provided, to assess whether JPD’s policies, trainings, and practices indicate a broader pattern or practice warranting investigation in accordance with our jurisdiction.

Following an in-depth review of the materials provided, our office announced on September 8, 2021 that it was formally opening a pattern or practice investigation into the Joliet Police Department.¹⁹ The original scope of the investigation centered on JPD’s uses of force; pedestrian and vehicle stops; arrests; administrative investigations of officer misconduct; and imposition of discipline or other corrective action. We also examined evidence of racial and ethnic disparities in JPD’s enforcement actions. During the course of our review, we uncovered additional evidence that prompted us to broaden the investigation to include a review of JPD’s language

¹² Joe Hosey, *State’s Attorney Clears Cops in Eric Lurry OD Death*, Shaw Local (July 2, 2020), bit.ly/4gxRnYV.

¹³ See, e.g., John Ferak, *Fire 2 Joliet Cops For Causing Eric Lurry's Death: Petition*, Patch (July 7, 2020), bit.ly/3XYDdsQ.

¹⁴ *Joliet Police Chief Issues Statement Regarding Eric Lurry*, 1340 WJOL (July 7, 2020), bit.ly/3zj9kKg.

¹⁵ David Struett, *Joliet Police Release Videos of Eric Lurry’s Death in Police Custody as Lawyer Calls Investigation a ‘Coverup’*, Chicago Sun Times (July 14, 2020), bit.ly/3TGeA1b.

¹⁶ *Lurry v. Joliet*, 20-cv-04545 (N.D. Ill.); Felix Sarver, *Eric Lurry’s Widow Sues Joliet, 4 Police Officers*, Shaw Local (Aug. 6, 2020), bit.ly/3XV1XSF.

¹⁷ *Joliet PD Sergeant Charged in Release of Video in Eric Lurry Death Investigation*, NBC5 Chicago (Oct. 21, 2023), bit.ly/4el2ymw.

¹⁸ Letter from the Office of the Illinois Attorney General to Joliet Elected Officials (Sept. 15, 2020), see Appendix B.

¹⁹ Press Release, Illinois Attorney General’s Office, Attorney General Raoul Opens Investigation into Joliet Police Department (Sept. 8, 2021), bit.ly/4ea5aUb.

access system, early intervention system, foot pursuit practices, and responses to allegations of sexual assault and domestic violence.

We did not pursue an investigation of certain matters that were brought to our attention that fell outside of our jurisdiction (which is limited to addressing patterns or practices of unlawful or unconstitutional conduct). In the past six years, media reports and lawsuits have alleged internal misconduct, political infighting, retaliation, discrimination, and unethical and illegal actions by JPD officers, a former police chief, and other city officials, including the former mayor. Current and former City and JPD employees frequently brought these and related events to the attention of the investigative team. Although certain allegations were pertinent to our investigation, some of these events—particularly those involving political infighting—fell outside the scope of our investigation and were not separately investigated.

Community members also shared their experiences, and we carefully considered their input to inform our findings throughout the investigation. In some instances, however, community members raised issues that were outside the scope of our authority. For example, we received requests to criminally charge and prosecute officers alleged to have committed misconduct. We were unable to comply with these requests because our investigation in this matter is civil rather than criminal, and our office's limited criminal authority does not apply under these circumstances.²⁰ Many community members also asked us to look into incidents and concerns related to entities other than JPD. However, our investigation was limited to JPD and the various Joliet officials and entities that directly affect JPD's operations (e.g., the Board of Fire and Police Commissioners). In addition, community members sought our review and intervention in criminal and civil cases. As noted above, however, our investigative authority does not extend to intervening in individual cases.

C. Investigation Methodology

Throughout our investigation, we received the cooperation and support of City and JPD leadership. We met with city officials, including the former mayor, former city manager, and the former chair of the Board of Fire and Police Commissioners. We interviewed current and former members of JPD, both civilian and sworn officers of all ranks, and met with representatives of JPD's officers' union, supervisors' union, and the Black Police Officer Association. Members of our investigative team participated in more than a dozen ride-alongs—during both day and night shifts—in each of the three patrol districts. We also attended roll calls, shadowed school liaison officers and neighborhood policing officers, and observed call-takers and dispatchers in the 911 Communications Center. All told, we gathered information, conducted interviews, and spoke to more than 100 current and former JPD members. By and large, the city officials and JPD members we interacted with were thoughtful, candid, committed to public safety, and open-minded toward reforms designed to improve the quality of policing and protect community members and officers from harm.

²⁰ The Office of the Illinois Attorney General has authority to prosecute in three specific circumstances: (1) when a State's Attorney's Office (SAO) invites the Office of the Attorney General to assist or to conduct a prosecution falling under that SAO's authority, 15 ILCS 205/4 (2024); (2) when an SAO declines to initiate a prosecution under the Election Code or when an SAO or the State Board of Elections requests such a prosecution, *id.*; or (3) pursuant to limited circumstances under the Statewide Grand Jury Act, 725 ILCS 215/1 (2024) *et seq.*

We also heard directly from the Joliet community. We conducted interviews and met with residents, advocates, and other stakeholders—including the Will and Kendall County State’s Attorney’s Offices, plaintiffs’ counsel, and criminal defense counsel. The investigative team met with community and non-profit organizations, leaders of the faith community, and community organizers, among others. We hosted both virtual and in-person community meetings with key stakeholders, a virtual townhall open to the public, and three listening sessions, including a session hosted in partnership with the Joliet Branch of the NAACP. Members of the investigative team also attended neighborhood association meetings, rallies, and other community, city, school, and JPD-sponsored events. In addition to these outreach efforts, we received and responded to more than 150 phone calls and emails from members of the community.

We reviewed hundreds of incidents and several years of data documenting JPD’s activities. The investigation involved a thorough review of JPD’s policies, procedures, and training materials, including in-person and recorded observations of recruit and in-service training. The investigative team reviewed thousands of pages of documents, including Department orders and memos, use of force reports, case reports, sexual assault and domestic violence investigation files, officer misconduct complaints and investigation files, supervisor counseling files, and officer background checks. As part of this review, we also examined photographic and video evidence, including body-worn and squad car camera footage. Throughout this process, the City and JPD dedicated considerable time and resources toward complying with our requests for information.

At the outset of our investigation, we committed to informing JPD of serious but discrete issues that required immediate attention. During the course of our investigation, we sent JPD three letters that offered technical assistance on JPD’s foot pursuit practices, language access services, and early intervention system. The actions JPD took in response to these letters, and our assessment of these actions, are addressed in Section VIII of this Report.

The investigative team consisted of career attorneys and staff from several divisions and bureaus within the Office of the Illinois Attorney General, as well as nationally recognized subject matter experts. The experts included former law enforcement officials and civil rights attorneys, many of whom have conducted police pattern or practice investigations in other jurisdictions. Their expertise included use of force, accountability, training, supervision, community policing, sexual assault, domestic violence, discriminatory policing, and more. We also partnered with a research organization at the University of Chicago to assist with data review, data sampling, and statistical analysis. We wish to thank the hundreds of individuals who shared their experiences and insights with us, the City and JPD for their cooperation, and the investigative team and experts for their dedicated work on this investigation.

III. JPD HAS A PATTERN OR PRACTICE OF USING UNREASONABLE FORCE

We find reasonable cause to believe that JPD engages in a pattern or practice of unreasonable force²¹ in violation of the Fourth Amendment of the U.S. Constitution and Illinois law. Our findings are not limited to any one type of force, tactic, or context. However, over the course of our investigation, we observed several trends including:

- a failure to de-escalate and a tendency to unnecessarily escalate situations
- unlawful use of retaliatory force
- unlawful use of tasers, head strikes, and other bodily force
- concerns about gun pointing practices
- excessive force against teenagers and people with behavioral health disabilities
- a failure to intervene when unreasonable force is being used by another officer

Factors that contribute to this pattern include:

- supervisory deficiencies at every level of JPD’s review of force
- deficiencies in JPD’s use of force policies and training
- a department culture that overlooks policy violations and seeks to justify all force used

Officers often confront dangerous situations that put their own safety and the safety of others at risk. They face split-second decisions and are required to react quickly to fast-changing situations. Inevitably, mistakes and misconduct will occur and when they do, meaningful supervision, support, and accountability are vital. JPD has consistently failed on these fronts. Although our office identified numerous unreasonable uses of force between 2017 and 2022, our review of JPD’s supervisory and force panel review documents, as well as JPD’s Internal Affairs files, revealed that these accountability entities rarely recognized unreasonable use of force.²² JPD’s repeated failure to identify and address unreasonable force is not an aberration—it is a hallmark of its supervisory culture. The Department’s inability to police itself sends the message from the top down that nearly any force can be justified and that there are no consequences for using unreasonable force.

A. Legal Standards

Police may use a reasonable amount of force for any legitimate law enforcement purpose, including making lawful arrests or defending themselves or others against physical harm.²³ But both the U.S. Constitution and state law limit when and how much force an officer can use. Under the Fourth Amendment, force must be “objectively reasonable” based on the “totality of the circumstances” as perceived by a “reasonable officer” at the time.²⁴ To be objectively reasonable, force must be proportional to the threat posed.²⁵ Illinois law echoes the constitutional standard and

²¹ For the purposes of this Report, the terms “unreasonable,” “disproportionate,” “excessive,” “unconstitutional,” and “unlawful” are used interchangeably.

²² In one case, JPD’s Internal Affairs concluded that actions relating to a use of force were “conduct unbecoming,” but it did not make a finding of unreasonable or excessive force.

²³ 720 ILCS 5/7-5(a).

²⁴ *Graham v. Connor*, 490 U.S. 386, 396–97 (1989).

²⁵ *Cyrus v. Mukwonago*, 624 F.3d 856, 863 (7th Cir. 2010).

adds that the authority to use force “is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.”²⁶

Although hindsight is important for improving tactics, policies, and trainings, the question of whether force was lawful is limited to the perspective of a reasonable officer at the time force was used.²⁷ To determine whether force was objectively reasonable and proportional, courts consider several factors, such as:

- the severity of the suspected crime
- the threat reasonably perceived by the officer(s)²⁸
- whether the person was actively resisting arrest or was attempting to flee
- the relationship between the need for force and the amount of force used
- the severity of injury (though force may be excessive without injury)
- any efforts made by the police to temper or limit the amount of force used²⁹

An officer’s intent is not a factor in assessing the reasonableness of force used.³⁰ This means that a well-intentioned officer might have acted unlawfully, and an officer with bad intentions might still have used lawful force. In addition, “[e]ven when officers’ *goals* are eminently reasonable, there are definite limits to the force officers may use to prod arrestees into obeying commands.”³¹ For example, “substantial escalation of force in response to passive non-compliance” with an officer’s orders is unconstitutional.³² Each use of force must be “evaluated carefully and thoroughly.”³³ If an officer strikes someone three times, the first might be justified, while the second or third may not as circumstances evolve.³⁴

B. Overview of JPD’s Policies and Procedures for Non-Deadly Force

JPD policy permits non-deadly force only when necessary to protect from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control. Officers must complete a written report for most uses of force. Exceptions include lower-level force (such as escort holds, joint manipulations, or touch pressure) if the force did not result in an injury or alleged injury. Officers are not required to complete a report when they draw or point their gun or when they activate their tasers.³⁵ Most reportable force goes through two layers of review: (1) the supervisory chain of review (on-duty sergeant, watch commander, and deputy chief of operations) and (2) a force review panel.³⁶

²⁶ 720 ILCS 5/7-5(c).

²⁷ 720 ILCS 5/7-5(f); *see also Graham*, 490 U.S. at 396.

²⁸ The threat may take into account any information reasonably perceived by the officer(s) at the time, including, for example, the relative sizes of the person and the officer, the person’s age, the ratio of person(s) to officer(s) on scene, and whether the person has a weapon.

²⁹ *See, e.g.*, 7th Cir. Pattern Jury Instructions at 7.10, bit.ly/3XBo5QL.

³⁰ *Phillips v. Cmty. Ins. Corp.*, 678 F.3d 513, 526 (7th Cir. 2012) (citation omitted).

³¹ *Id.* at 527 (emphasis added).

³² *Id.*

³³ 720 ILCS 5/7-5(e).

³⁴ *Cyrus*, 624 F.3d at 863.

³⁵ Our concerns with these policy provisions are discussed in Sections III.D.3.a & d.

³⁶ For a detailed discussion of these systems of review, see Section III.E.1.

C. Methodology

In evaluating the reasonableness of JPD's uses of force, we considered the perspective of a reasonable officer at the time the force was used, without considering information known only in hindsight. Our analysis of JPD's use of force relied on a range of evidence, including:

- **Use of Force Documents.** We reviewed a random sample of JPD's more than 1,000 non-deadly reported uses of force from 2017 through 2022 stratified by use of force type (e.g., empty hand strikes, takedowns, etc.)³⁷ and every deadly use of force from 2017 through 2023. Our review included arrest reports, officer narratives, video (including from squad car cameras, body-worn cameras, or taser cameras),³⁸ photographs, force reports, supervisory review reports, and force review panel recommendations.
- **Internal Affairs Documents.** We reviewed Internal Affairs files from 2017 through 2022 that involved use of force complaints. This review included the force documents listed above as well as shift-level counseling files, complaints, officer and complainant interviews, investigation reports, and records of any discipline or remedial training.
- **Data.** We reviewed JPD's annual use of force reports from 2017 through 2022. Our data experts also analyzed force data from JPD's databases.
- **Policies and Training.** We reviewed JPD's force policies, training materials, and observed trainings in person and via video recordings.
- **Observations.** We observed non-deadly and deadly force review panel meetings, shadowed 911 Communications Center workers, and went on ride-alongs with officers.
- **Officer Input.** We conducted numerous meetings, focus groups, and one-on-one interviews with JPD command staff, supervisors, line officers, and unions.
- **Community Input.** We interviewed and held focus groups with community members and community organizations. We also reviewed all emails and voice messages we received from community members about this investigation.

Together, these sources of evidence establish reasonable cause to believe that JPD officers engage in a pattern or practice of using unreasonable force. We also saw indicators of reportable force during this period without corresponding force reports. In light of evidence of missing force reports and cases where officer reports conflicted with video evidence, this pattern may be broader than what our findings document.

D. Findings

We find that JPD has a pattern or practice of using unreasonable force that is not limited to any single weapon, tactic, or context. Within this overarching pattern, several trends emerged. First, JPD's uses of force demonstrate a failure to de-escalate—and a tendency to actively escalate—encounters, leading to avoidable or excessive uses of force. From command staff down, JPD embraces the outdated mindset that using force early avoids the need for more force later. We

³⁷ We also reviewed several 2023 non-deadly force incidents that JPD or the community informed us about. A single incident might involve multiple uses of force by one or more officers against one or more persons.

³⁸ All sworn Department members have had body-worn cameras since at least December 2022 (some officers had them in 2021). Most JPD squad cars have been outfitted with cameras since 2016. Some Department members were issued tasers with cameras in 2016; in 2022, JPD transitioned to a more recent taser model without a camera.

noted repeated instances where JPD’s tendency to “come in hot” confused or antagonized the persons involved, leading to disproportionate uses of force.

JPD’s use of excessive force spans a variety of forcetypes, but we have particular concerns about tasers and head strikes, including a tendency to use them repeatedly, without a commensurate threat. These concerns often overlapped with unnecessary escalation or retaliatory force and included instances of unreasonable force against teenagers and people with behavioral health disabilities.³⁹ Officers rarely intervene when other officers use force unreasonably and supervisors rarely identify, much less correct, this behavior.

This pattern is harmful to the very community that JPD is sworn to protect. It makes people less likely to cooperate or view police as a legitimate authority. JPD’s use of escalating tactics and unreasonable force has unnecessarily traumatized community members and amplified distrust of police, particularly among Black and Latino members of the community.⁴⁰

We describe various force incidents that illustrate JPD’s pattern of unlawful use of force in this Report. These examples are only a subset of the unlawful uses of force that we identified. A single force incident might include both positive and negative actions by officers, and our purpose in pointing out patterns of unlawful or problematic behavior is not to discredit the positive but, rather, to highlight issues that have continued unchecked across multiple administrations.

JPD’s response to a gathering of young people celebrating Mexican Independence Day in 2023 is one of many problematic examples. The incident began when JPD responded to concerns about cars doing burnouts in a Joliet Park District parking lot.⁴¹ A sergeant immediately set a combative tone by speeding into a group of peaceful pedestrians, opening his door with the engine still running, and abruptly accelerating several more feet towards people. This dangerous maneuver rapidly deteriorated the situation. People began complaining and mocking the sergeant, but video shows that they were not physically threatening him. Rather than attempt to de-escalate, the sergeant called for tow trucks and instructed an officer to “Block this piece of sh*t [car] in.”

Upset at almost being hit, a young man stuck his middle finger through the open squad car window. The sergeant shoved the door open further, prompting people to shout that the officer hit the man with the car door.⁴² When a person said they would report the sergeant’s behavior, the sergeant responded, “You’re going to tell on me? That’s cute.”

The sergeant later spotted the same man walking slowly away and chased him with a taser. When the man got away, the sergeant turned to threaten random bystanders with the taser, including one man who had his hands up. The sergeant’s indiscriminate and retaliatory threats of force against people who were not suspected of any offense further escalated the situation. An officer stepped in at that point, defusing the tone and telling everyone to back up.

³⁹ JPD’s pattern of unlawful force against people with behavioral health disabilities is discussed in Section IV (Crisis Intervention).

⁴⁰ See Section V (Race Discrimination) for a discussion of the racial disparities in JPD’s uses of force.

⁴¹ The event was reported in the newspaper, with one segment of body-worn camera video posted. John Ferak, *BODY CAM: Mexican Independence Day Arrest at Inwood Parking Lot*, Patch (Oct. 3, 2023), bit.ly/48UzGj7. While this video shows concerning behavior, our review of additional squad car and body-worn camera video from the incident revealed a larger picture of unlawful force and problematic behavior.

⁴² The contact did not appear to be serious, as the person did not stumble, but it angered the people watching.

Meanwhile, another sergeant drove up, pulled out pepper spray,⁴³ and began yelling, “Get the f*** out of here!” He shoved a young man several times and walked him backwards by the shirt while ordering him to leave. Nearby, another young man approached and motioned at the sergeant, saying, “Don’t be putting hands on my boy!” The sergeant shoved him back by the throat and then immediately pepper sprayed him in the eyes, while screaming “LEAVE, GET THE F*** OUT OF HERE!”

While some force may have been justified in stopping the young man from approaching, it was unreasonable to immediately pepper spray him in the eyes when he was not posing a threat. It also violated JPD policy, which requires a verbal warning and opportunity to comply, and raises state law concerns, which prohibits force used as punishment and using pepper spray for crowd control without giving “sufficient time and space to allow compliance.”⁴⁴

A minute later, the sergeant returned to the young man he pepper sprayed, who was pouring water in his eyes. The sergeant repeatedly screamed at him to drive away, despite his friends explaining he was in no condition to drive. The sergeant also threatened others with the pepper spray, focusing on bystanders filming with cell phones, raising First Amendment concerns.⁴⁵

Many problems identified above could have been minimized or avoided if these two sergeants had employed de-escalation techniques. Notably, some officers did effectively use de-escalation. One repeatedly used tactics to lower the temperature of both the crowd and officers. This shows how professional behavior by some officers can be severely undermined by overly aggressive tactics of other officers. It also underscores problems that can take root when supervisors themselves model bad behavior. Regardless of policy or formal training, front-line supervisors’ actions speak louder than words.

The supervisory chain of review and force review panel found all force associated with the events on Mexican Independence Day to be reasonable and within policy, and there is no record of any shift-level counseling, remedial training or corrective action.⁴⁶ And no one identified any of the several inconsistencies in the force reports, including officer justifications contradicted by video. For example, officers arrested the man who gave the sergeant the middle finger for obstructing and aggravated battery against an officer. The arresting officer stated that he saw the man “running towards me. I grabbed [him] but he continued to pull away. [He] grabbed onto my vest, and the left side of my torso as I attempted to pin him against a vehicle.” However, video shows that the man was slowly walking in the arresting officer’s direction when the officer rushed forward, slammed him against a pickup truck, and arrested him.

⁴³ Pepper spray is also known as oleoresin capsicum or OC spray.

⁴⁴ 720 ILCS 5/7-5.5(e)(i) (prohibiting force as punishment or retaliation); *id.* at 5/7-5.5(e)(v-vi) (prohibiting use of pepper spray “for crowd control . . . prior to issuing an order to disperse in a sufficient manner to allow for the order to be heard and repeated . . . followed by sufficient time and space to allow compliance”).

⁴⁵ See, e.g., *ACLU v. Alvarez*, 679 F.3d 583 (7th Cir. 2012).

⁴⁶ In their supervisory review of the sergeant’s use of pepper spray, the Deputy Chief noted, “Take a look at the language used. Ordering them to leave would have sufficed,” and the reviewing lieutenant concurred that “the language used and verbal commands should/could have sufficed.” However, there is no indication that either the lieutenant or Deputy Chief took any action to address their concerns and no indication that any policy violation was found.

An anonymous community member later submitted a complaint to JPD, which stated:

Shame on that officer [who threatened people with a taser]. No de-escalation tactics were used, this [was] conduct unbecoming of an officer. He clearly wanted confrontation to the point of chasing someone down and repeatedly threatening them with force for what crime? You create the divide.

JPD's Internal Affairs concluded that because probable cause existed for the arrest, the complaint would not be investigated. Regardless of whether there was probable cause for arrest, a host of problematic police behavior exacerbated the incident, and the lack of meaningful review harms the public and the Department.

The fact that neither sergeant received corrective action is particularly concerning given that sergeants are responsible for reviewing other officers' uses of force. The two sergeants' impunity reinforced officer and public perceptions that inappropriate behavior is acceptable. Referring to this incident, an officer told us that sergeants can do whatever they want because no one wants to write up sergeants—no one wants to be the “bad guy.”

This incident is only one of many that we identified as involving unreasonable force with no accountability. The following sections detail this pattern and discuss contributing factors.

1. JPD officers often fail to use de-escalation and procedural justice strategies, resulting in avoidable and unreasonable force

JPD's unreasonable uses of force often stem from a recurring failure to de-escalate—and a practice of actively escalating—encounters. This escalation includes a tendency to “come in hot”—shout commands, threaten to use force disproportionate to the risk, and use force if the person does not comply quickly, even where the person does not reasonably pose a safety threat.

As first responders, police handle potentially volatile situations. De-escalation tactics provide officers with tools to try to resolve interactions “through means other than force and to minimize the extent and severity of force when it is deemed necessary.”⁴⁷ These means may include speaking calmly, non-verbal communication, tactical positioning to increase time and distance, and critical thinking skills to pivot with changing dynamics.⁴⁸ De-escalation strategies are closely tied to the principles of procedural justice, which include giving people a voice; engaging in unbiased, transparent decision-making; treating people with dignity and respect; and conveying trust-worthy motives and concerns.⁴⁹ De-escalation and procedural justice strategies can increase the likelihood that encounters resolve in a less harmful way for both police and the public. While de-escalation is not always feasible, it has been shown to help minimize uses of force and reduce officer and community injuries.⁵⁰

⁴⁷ CCJ Task Force on Policing, *De-escalation Policies and Training: Policy Assessment 2* (Mar. 2021), bit.ly/4ec99iq.

⁴⁸ IACP, *National Consensus Policy and Discussion Paper on Use of Force 9* (rev. July 2020), bit.ly/3AXZVli.

⁴⁹ See, e.g., Morgan Steele & Tamara Lynn, *De-escalation training: An evidence-based practice to reduce force and increase legitimacy* (2023), bit.ly/4hF1Z9c; Vaughn, Feigenberg, and Luben, *Procedural Justice Training for Police*, University of Chicago Crime Lab (March 10, 2021) at 1, bit.ly/48zYWeh.

⁵⁰ See, e.g., Robin S. Engel et al., IACP & Univ. of Cincinnati, *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police*

Both state law and JPD policy recognize the importance of de-escalation. Since 2023, Illinois law has required de-escalation training “to prevent or reduce the need for force whenever safe and feasible,”⁵¹ and JPD policy directs officers to use de-escalation when possible. JPD’s code of ethics also states that “[f]orce should be used only with the greatest restraint, and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective.”

JPD’s de-escalation trainings reference some best practices, such as using positioning to slow things down, body language awareness, and using a calm demeanor. Trainings also encourage officers to give people the opportunity to voice their perspective, summarize back to people what they said, and project sincerity and courtesy. In practice, we observed some officers using these techniques effectively to peacefully resolve incidents. We also saw some officers go above and beyond to establish rapport and care for subjects in a dignified, respectful manner. One officer shared that “if you tell the truth to a suspect about why you are making contact, or why [you are] arresting them, then often force can be avoided. They are humans just like we are.”

Unfortunately, these positive examples are undermined by contradictory messaging and tactics that go unchecked. In many incidents that we reviewed, officers used an “ask, tell, make” approach, which aims to gain compliance through a quick escalation in demands rather than two-way communication.⁵² JPD’s training and supervisors tend to frame de-escalation as a precursor to using defensible force. For example, trainings framed de-escalation in terms of “mak[ing] the attempt” to de-escalate for accountability purposes, rather than as widely applicable tools to reduce the need for force, decrease the likelihood of officer and community member injury, and build public trust. JPD trainings and supervisors also teach that using low-level force early can de-escalate by avoiding the need for more force later. As one lieutenant emphasized, using force early can “avoid a fight.” This “escalate early to de-escalate” approach is ingrained in practice and reinforced by JPD’s supervision and accountability systems.

JPD’s outdated approach does not align with best practices and instead encourages unnecessary escalation. In some incidents, unnecessary escalation led to unreasonable force against persons suspected of minor, non-violent offenses, including where the person did not pose an imminent threat. These offenses include, for example, minor traffic violations (such as a broken taillight, failure to use a turn signal, or failure to fully stop at a stop sign), trespassing, and shoplifting.

One high-profile 2018 incident that escalated from a failure to fully stop at a stop sign illustrates a number of these concerns.⁵³ Squad car video shows that during the stop, the Black male driver and the Black female passenger felt they were being racially profiled. The officer did not explain the reason for the stop and ignored their questions. Instead, the officer repeatedly told

Department: Initial Findings, xi–xii (rev. Oct. 2020), bit.ly/4ekehBn (de-escalation training in Louisville was associated with a statistically significant decline in use of force (by 28%), citizen injuries (by 26%), and officer injuries (by 36%)); *see also* CCJ Task Force on Policing, note 47 above, at 2–3, bit.ly/3UJcr5t (reviewing studies in law enforcement).

⁵¹ 50 ILCS 705/10.6(a)(2).

⁵² *See, e.g.*, Police Exec. Research Forum, *Transforming Police Recruit Training: 40 Guiding Principles* 21 (Nov. 2022), bit.ly/3CeFTKi.

⁵³ *See, e.g.*, John Ferak, *Mau Shatters Black Driver’s Window, Gets Reprimand After Incident*, Patch (Dec. 16, 2022), bit.ly/4eeazss.

the driver to roll the window further down and step out. The driver accused the officers of being racist. In response, the officer threatened to break the window if he did not exit the car.

Less than five minutes after the stop, and shortly after two backup cars arrived, the officer smashed the driver's window with a baton. The officer then pulled the driver through the door and took him to the ground. Despite the man being immobilized on the ground with an officer controlling his legs, an officer struck his legs with a baton several times, causing him to move to avoid the pain and compromising the previously secure positioning. The leg strikes were not justified or proportional to any reasonably perceived threat. At that point, the driver was already secured and not resisting, there was no indication that he was a violent threat, and the underlying offenses of failing to fully stop at a stop sign and refusing to exit were low-level and non-violent. The driver had been argumentative and uncooperative, but the situation was contained and the occupants were not posing any threat justifying a violent extraction that increased risks to everyone involved.

Meanwhile, an officer tried to smash the passenger window with a baton (without apparent justification) before opening the door, pulling a 16-year-old Black male from the back seat, taking him down, and handcuffing him. From the video, there did not appear to be a justification for the takedown, and the teen was later cited for a curfew violation. An officer then pulled the crying front seat passenger out, walked her towards where the driver was arrested, and took her to the ground. The officer's reported justification for using force—that the passenger tried to run towards the driver being arrested—is contradicted by video.

After finding no contraband, an officer exclaimed, "Are you f***ing kidding me?! All this for nothing!" Neither the supervisory review nor the force review panel identified any concerns, and no one flagged the inconsistencies between the officer reports and the squad car video.⁵⁴ Only one officer was disciplined; the officer who conducted the stop received a written reprimand for failing to give the reason for the stop. Internal Affairs did not examine the force or tactics used.⁵⁵

In a 2019 example of a failure to de-escalate, officers saw a car with tinted windows driving slowly without lights around 1 a.m. When the car stopped at a red light, the officers activated their lights. As they exited their squad car, the light turned green and the car slowly crossed the street, pulling over just past the intersection. After parking, the driver, a Black man, obeyed commands to turn off the car, roll down his window, drop his keys outside, and keep his hands outside.

Despite no immediate threat, four officers approached, one with his gun pointed. The officers ordered the man out of the car; he became indignant and refused, insisting that he had his license, registration, and insurance. Rather than try to resolve the low-level, non-violent situation peacefully, officers threatened the man with a canine, and—just over a minute after first ordering him to exit—pulled him out of the car while another officer tased him in the back. Officers arrested him, charged him with resisting arrest, issued a citation for improper lighting, and towed his car.

⁵⁴ For example, an officer stated the front passenger "exited the vehicle through the driver door and ran towards [the driver]." Instead, video shows the officer pulled her from the car and walked her towards the driver. Another officer said the driver was trying to get up to fight before force was used, but video shows the driver was immobilized and not moving.

⁵⁵ Additional discussion of Internal Affairs's investigation of this incident can be found in Section VII (Accountability).

The taser use was unreasonable.⁵⁶ Although the man was agitated and refused to exit the car, he was suspected of only a minor traffic infraction, had made no verbal or physical threats, and there was no indication of a weapon. He had turned off the car, dropped his keys outside, complied with orders to roll down windows, kept his hands outside, and was outnumbered eight to one with a canine present. At the time he was tased, he did not pose “even a *potential* threat to the officers’ or others’ safety, much less an ‘immediate threat.’”⁵⁷ There is no record of any supervisory concerns, and JPD’s force review panel had no recommendation.

JPD’s failures to effectively de-escalate have been repeatedly flagged by community members. As one community member shared, “JPD is very impersonal and they just try to intimidate you. When talking they often have their hands on their guns. I’ve seen them do it around kids and old people.” This feedback reflects a prevailing sense among segments of Joliet’s population that police are to be feared rather than trusted—a dynamic that we observed in many incidents we reviewed. For example, fear and distrust played a role in how people—particularly Black and Latino community members—acted when they were pulled over by JPD officers. In these and other encounters, officers dismissed or provoked people’s fear of police and unnecessarily escalated encounters.

2. JPD uses excessive force in retaliation for conduct its officers dislike

As a part of its unconstitutional pattern or practice of excessive force, we observed JPD using force in retaliation or punishment for conduct and speech that officers dislike.

Whether force was lawful does not depend on an officer’s subjective intent.⁵⁸ As it relates to punitive force, the “objective reasonableness” standard considers when force that may have been reasonable at one point in an encounter became unreasonable at the time it was applied.⁵⁹ The Fourth Amendment also prohibits an officer from using force as punishment for a failure to obey orders or passive resistance.⁶⁰ In 2021, Illinois law adopted the prohibition against punitive and retaliatory force, and JPD added the prohibition to its force policy.⁶¹ However, the policy does not define punitive or retaliatory force, and we are unaware of any formal JPD training on the meaning and avoidance of punitive and retaliatory force.⁶²

In some incidents we reviewed, JPD used force when it was no longer necessary to obtain a lawful objective, adding to concerns that the force served a different, retaliatory purpose. For example, in a 2020 incident, JPD officers used lawful force to effect an arrest of a person who had

⁵⁶ *Phillips*, 678 F.3d at 525 (stating that disobeying an officer’s command to exit a vehicle amounts to “passive noncompliance of a different nature than the struggling that...warrants escalation of force”).

⁵⁷ *Mattos v. Agarano*, 661 F.3d 433, 444 (9th Cir. 2011) (emphasis in original) (referring to an uncooperative driver who was tased after she had dropped her keys to the floor).

⁵⁸ See, e.g., *Phillips*, 678 F.3d at 526 (7th Cir. 2012) (citation omitted).

⁵⁹ *Graham*, 490 U.S. 386.

⁶⁰ *Miller v. Gonzalez*, 761 F.3d 822 (7th Cir. 2014) (a jury could find that the officer violated the Fourth Amendment if he deliberately broke the arrestee’s jaw when the arrestee no longer posed a threat).

⁶¹ See 720 ILCS 5/7-5.5(e)(i).

⁶² Force policies in other departments define retaliatory force. See, e.g., Cleveland Div. of Police Use of Force Policy at VIII(A)(2), bit.ly/3TLzADR (stating that retaliatory force includes “force to punish an individual for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances”).

shown contempt toward the police at the outset of the encounter. However, after the person was subdued and no longer a threat, the officers' continued use of force was unlawful.⁶³

We also observed JPD officers appearing to use punitive force after escalating encounters and goading individuals. For example, during a 2022 traffic stop for a missing front license plate, three officers approached the car and asked the Black male driver and Hispanic male passenger to step out because the officers smelled cannabis. Officers helped the visibly intoxicated passenger exit the car and sat him on the curb. While a JPD canine conducted an open-air sniff (which alerted to the presence of narcotics), the passenger became verbally confrontational. He was belligerent and antagonizing, but the officers remained composed and largely ignored him. Approximately 15 minutes into the encounter, the passenger got up and stood near the driver at the hood of a squad car. Most officers continued to ignore the man, but one responded and escalated the situation by taunting the passenger to “step up” and “stop being all talk.” The passenger approached the officer, stating he would “punk [the officer’s] ass.” The officer told him to step back and appeared to push him back toward a squad car. The passenger stumbled with both hands behind him, and the officer shoved the man in the chest and told him to stay there. Two officers 15 feet away began to slowly walk towards them but did not attempt to intervene. The man stumbled in the direction of the officer, pointed at the officer’s face, and said not to touch him. The officer immediately punched him in the face, knocking him to the ground. Officers arrested the man and sought aggravated assault charges.

The face punch was excessive and the result of the officer taunting the antagonistic man. The officer reported that he “feared [the man] may use his hand to strike” him when the man “pointed his right hand with two fingers extended inches from the [the officer’s] face.” However, the actions of the other officers on the scene reflected a lack of concern about a physical threat, as the passenger was much smaller than the officer and was having trouble standing. When the officer started to goad the passenger, a second officer nearby walked away to privately confer with a third officer—an action the officer would not have taken if he had any concerns about the man posing a threat. The officer’s force appears rooted in frustration and in retaliation for the passenger’s verbal taunts rather than for protection. Officers are expected to exercise a high degree of restraint and should not be provoked into misconduct by profanity-laden speech.⁶⁴ Neither the reviewing supervisor nor the force review panel identified any concerns. Rather, the supervisor stated that the officer “showed great restraint in dealing with the suspect for several minutes, until the suspect continued to come at him, placing [the officer] in fear of a Battery.” The supervisor’s failure to address the officer’s behavior, including daring an intoxicated subject to assault him, is tacit approval of unprofessional behavior and unlawful force.

JPD officers also use force against people who have fled, in an apparent attempt to punish them for their flight. Notably, officers have used force after the fleeing person ends their flight and is coming into compliance with the officers’ commands—and after a threat or other lawful basis for the use of force has dissipated. A 2019 incident following a call for service about a man checking car door handles in a parking lot exemplifies this pattern. There, squad car video shows the tail end of a foot pursuit that ended when the person fleeing fell to the ground. The pursuing officer then stands over the man, a White male, who was lying prone on the ground, and slaps him

⁶³ See *Cyrus*, 624 F.3d at 863 (“Force is reasonable only when exercised in proportion to the threat posed ... and as the threat changes, so too should the degree of force.”) (internal citations omitted).

⁶⁴ *Payne v. Pauley*, 337 F.3 767, 776 (7th Cir. 2003).

in the face. The officer reported that he slapped the man “in an attempt to stun him” because he was trying to get on his feet. But the video contradicts this: there was no sign that the man was still a flight risk (or posed a threat) when the officer slapped him, suggesting that the officer sought to punish the man for the pursuit. Another officer driving to the scene was recorded on squad car video announcing over the radio that he was going to “kick the sh*t out of this dude;” although this officer did not end up using force, his announcement indicated an eagerness and conveyed approval of the use of punitive force. The supervisory chain of review found the force to be reasonable, but the force review panel referred the incident to the Deputy Chief of Administration, who submitted a complaint to Internal Affairs. Internal Affairs administratively closed the complaint and referred the matter to the officer’s supervisor for shift-level counseling. Internal Affairs also recommended that the officer attend remedial training for report writing and use of force tactics, which the officer received seven months later.

3. JPD uses unreasonable and disproportionate force across various force types

JPD’s overarching pattern of using unreasonable force encompasses various types of force, including tasers, head strikes, and other bodily force. We also have concerns with JPD’s policies and practices around pointing firearms. Each of these types of force are part of the overall pattern of unlawful force. We discuss below several types of force that we found particularly concerning.

*a. Tasers*⁶⁵

Taser use is part of JPD’s pattern of unlawful force. Tasers can be an effective force option when used appropriately. Tasers exert a significant amount of force, however, and require adequate justification. “The impact is as powerful as it is swift. The electrical impulse instantly overrides the victim’s central nervous system, paralyzing the muscles throughout the body, rendering the target limp and helpless. The tasered person also experiences an excruciating pain that radiates throughout the body.”⁶⁶ Tasers are JPD’s second most frequently reported type of force.⁶⁷

JPD policy specifies when tasers can be used, including if a person poses a risk of harm to themselves, is actively aggressive or actively resists, or flees where there has been a severe crime, an immediate threat, or a history of violent behavior. But the policy is incomplete. It does not define concepts such as “active aggression,” “active resistance,” “passive subject,” “minor resistance,” or “resistance that is not hazardous,” all of which are critical to determining whether taser use is justified. The policy also does not clarify that each deployment must be separately

⁶⁵ Tasers (or “conducted electrical weapons”) are handheld weapons that deliver jolts of electricity. Tasers operate in two modes. In dart mode, barbed darts embedded in skin deliver 1,200 volts into the body. This disrupts the nervous system, paralyzing muscles and incapacitating the target. In drive-stun mode, tasers directly contact the skin, delivering painful shocks without full incapacitation. *See Abbott v. Sangamon County*, 705 F.3d 706, 725 (7th Cir. 2013).

⁶⁶ *Bryan v. McPherson*, 590 F.3d 767, 773 (9th Cir. 2009) (citations omitted).

⁶⁷ Takedowns, which are discussed in Section III.D.3.c, are JPD’s most frequently reported type of force.

justified.⁶⁸ This is especially concerning as the policy does not restrict prolonged or repeated taser use, which may pose greater health and safety risks.⁶⁹

JPD officers unlawfully use tasers to gain compliance. In some cases, active resistance or an imminent threat can make the use of tasers proportionate if taser deployment is reasonably necessary to arrest the person. In others cases, however, officers use tasers solely to gain compliance without a commensurate threat or where this level of force is not warranted. For example, officers use tasers in incidents that arise from non-violent offenses such as driving without a license and crossing the street unsafely. Officers also use tasers on people lying on the ground demonstrating only low-level resistance, often because the person would not submit to handcuffs—not because they posed an immediate danger.⁷⁰ According to JPD’s force data, nearly 20% of all taser usage was against individuals who officers characterized in their reports as not resisting or demonstrating only low-level resistance.

A 2023 incident illustrates some of these concerns. Officers stopped a car at a gas station for an expired registration. The officers spotted what they believed to be narcotics, and one officer shouted that he would “break [the] motherf***ing jaw” of the Black driver if he did not exit the car. The officers attempted to pull the driver out by his wrists, but he did not comply. When the officers let go, the man sat still with his hands up, repeatedly asking why he was being arrested. An officer discharged a taser at the man’s bare chest. Moments later, while the man’s hands were still raised, the officer tased him again. The officers dragged the man out of the car to the ground. While the driver sat motionless and while two officers tried to put his hands behind his back, the officer tased him a third time. After 20 seconds, while officers held the man on the ground, the officer tased him a fourth time. The total length of taser deployment across all uses exceeded the 15-second maximum that the manufacturer recommends for safe use in the absence of a reasonably perceived immediate threat.⁷¹ These repeated deployments were unreasonable: the man was not suspected of a violent offense, and at the time he was tased, he was not posing a threat or attempting to flee. Yet the reviewing supervisor found the force justified and the force review panel did not raise any concerns.

In a 2019 incident, two officers responded to a call for a welfare check regarding a naked man at a self-storage facility. The officers reported that “it was immediately apparent” that the man, who was Black, “was under the influence of a controlled substance.” Officers attempted to engage with him, but his answers were evasive. According to officer reports, an officer took the man to the ground because he tried to flee and refused to put his hands behind his back, and then tased him in the chest because he was actively resisting. The taser video of the incident, however,

⁶⁸ JPD’s training on tasers, which is adopted from the manufacturer of tasers, states that each additional taser cycle must be justified. In practice, however, JPD supervisors do not enforce this.

⁶⁹ See *TASER Conducted Electrical Weapon (CEW) Study Aid Selected Use Guidelines* (Apr. 5, 2017), bit.ly/48BLbec; U.S. Dep’t of Justice Off. of Comm. Oriented Policing Servs., *Electronic Control Weapon Guidelines* 13 (Mar. 2011), bit.ly/49rrZ32.

⁷⁰ See *Armstrong v. Pinehurst*, 810 F.3d 892, 904 (4th Cir. 2016) (taser use is not lawful simply because of “noncompliance with police directives and nonviolent physical resistance” absent a “continuing threat to the officers’ safety”).

⁷¹ *TASER (CEW) Study Aid*, note 69 above, bit.ly/48BLbec (“Avoid repeated, extended, or continuous exposures beyond 15 seconds absent reasonably perceived immediate threat.”). JPD’s training on the length of permissible taser deployments has varied, sometimes emphasizing and sometimes minimizing the importance of this 15-second limit.

shows the man laying passively on the ground, not actively resisting. The officer then deployed the taser a second time but missed. An officer then struck the man in his face with his hand. The officers' reports concede that the man did not attempt to fight them. The video indicates that officers tased the man twice simply to overcome passive resistance and to gain compliance with the officers' verbal commands. Taken together, this evidence indicates that this welfare check ended with an intoxicated man, who posed no threat, being tased and punched in the head. This significant use of force was disproportionate to the offense of public indecency. The reviewing supervisor did not attempt to reconcile the discrepancies between the video and the officers' accounts or identify any concerns with the use of force. The force review panel's recommendation for this incident is missing.⁷²

In a 2021 incident, an officer used a taser on an individual at an elevated height, risking death or serious bodily harm. Tasing someone in an elevated position risks a dangerous fall,⁷³ and JPD trains officers not to use tasers in that circumstance. Despite this training and policy, officers tased a person who was climbing out of a second-story window. Officers responded to a call about sounds from an apartment that was supposed to be vacant. In the apartment, the officers encountered a Black man in his underwear hiding behind a couch. According to their reports, officers had probable cause to arrest the man for domestic battery. The officers pointed their guns and tasers at the man, who threatened to kill himself by jumping out a window. As two officers tried to arrest him, he pulled away. The officers deployed their tasers as the man's body was partway through the window, creating a risk that he would fall two stories, causing serious injury or death. Although the man was trying to avoid arrest, he did not pose a threat to officers. Fortunately, the tasers had limited effect and the man survived the fall, but as he fled, he began climbing over a fence, and another officer deployed a taser two more times. These taser uses against a person at an elevated height who posed no imminent threat created a substantial risk of death or serious bodily harm and constituted an unlawful use of force. Neither the supervisory review chain nor the force review panel identified any problems with the incident.

b. Head strikes and punches to the face and head

JPD's pattern of unlawful force includes the use of head strikes, which officers resort to quickly and in unwarranted situations. Head strikes with a closed fist or an object are serious and potentially lethal uses of force.⁷⁴ In addition, punching a person who is on the ground can cause the person's head to strike a hard surface and carries some of the same risks as a baton strike to the head, which is considered lethal force.⁷⁵ Punches to the head and face should be used only in self-defense or defense of another, not to gain compliance in handcuffing.⁷⁶

⁷² Our concern regarding missing force review panel recommendations is discussed in Section III.E.1.b.

⁷³ See DOJ *Electronic Control Weapon Guidelines*, note 69 above, at 21, bit.ly/49rrZ32.

⁷⁴ See *When a Cop Throws a Punch to the Face*, Police 1 (2010), bit.ly/4esnwz9 (stating that a fist strike to the face "may cause serious injury," so government interests "must be of a more serious nature").

⁷⁵ *Sallenger v. Oakes*, 473 F.3d 731, 740 (7th Cir. 2007) (finding flashlight or closed-fist blow "may constitute deadly force").

⁷⁶ See, e.g., 2020 Use of Force Policy, Off. of the Att'y Gen. for N.J. at ¶ 3.5(h) ("[O]fficers shall only use striking techniques directed at a subject's face as a means of self-defense, or in the defense of others. Striking at a subject's face using fists, elbows, knees, and feet, shall not be used as a means of pain compliance."), bit.ly/3HILZYr.

JPD policy notes that “[a] blow to the head or neck area with a police baton could cause death or great bodily harm” but does not expressly address when head strikes are permitted. Although JPD does not train officers to use head strikes as a distraction technique, it does not prohibit or discourage doing so. In some instances, officers punch people in the face and head to gain compliance, even when they have not committed a violent offense or pose little threat of harm.

In a 2019 incident, officers used an unjustified head strike against a 16-year-old Latino youth. Officers found him sitting on the couch following a call alleging he had hit his mother. The officers told him to stand and place his arms behind his back.⁷⁷ When he did not immediately comply, they grabbed his arm. By quickly resorting to physical control after just one command, the officers unnecessarily escalated the encounter. Then, because the teen “tensed up” and did not cooperate with being handcuffed, an officer punched him in the face to gain compliance. Although some force may have been appropriate to make the arrest, using a head strike against a teenager who was not threatening two adult male officers was unnecessary and excessive. Moreover, the officers’ stated justification was that the teen’s bulky coat could have been concealing a weapon—a speculative explanation that does not justify the tactic or the force used. The supervisor and the force review panel approved the use of force and did not identify any concerns.

In another incident from 2018, an officer used an unlawful head strike while arresting a Black man after pulling him over for failing to use a turn signal. Officers determined that he had two outstanding traffic warrants and told him he was under arrest. The man, who was intoxicated, failed to comply by tensing up and pulling his arms away, and the officers struck him repeatedly in the legs, torso, and side of his face, causing a laceration. The officers then brought him to the ground where they punched him in the ribs before taking him into custody. Because the man was suspected of non-violent offenses and his resistance was limited to pulling away from the officers, the head strike was not proportionate, particularly as four officers were present to control a single arrestee. The total amount of force used, including the head strike, was unreasonable under the circumstances, but the supervisory review chain and force review panel did not identify any problems with this incident.

c. Other bodily force types

JPD’s pattern of excessive force also includes unlawful punching, kicking, or kneeing people on other parts of their bodies. For example, in a 2019 case, an officer approached a man sitting on the front stairs of a house while responding to a call about a “suspicious” Black man. The officer’s report states that the man pushed him, but video shows that the man made only minor contact with the officer’s arm before the officer shoved him against the concrete steps. Video also refutes the officer’s reported claim that the man was reaching for his waistband when the officer shoved him. A fight ensued, with the officer putting the man in a headlock and taking him to the ground as another officer arrived to assist. The officers deployed pepper spray in the man’s face and punched him several times on his face and body. Although some force became reasonably necessary after the officer escalated the altercation, both officers continued punching the man after he was subdued, lying on the ground, and no longer a threat. The officers’ repeated punches of an arrestee passively lying on the ground violated the Fourth Amendment, especially because the officer provoked and escalated the confrontation. The supervisor found the force to be objectively

⁷⁷ During the interaction, officers relied on his sister to translate. Issues pertaining to JPD’s language access services are discussed in Section VIII (Technical Assistance).

reasonable, reporting incorrectly that the man provoked the encounter when he “suddenly jumped up and shoved” the officer. The only concern identified by the force review panel was that one of the officers was not wearing their vest or microphone.

JPD’s pattern of unlawful force also includes the use of takedowns, in which officers tackle a person or bring them to the ground. Takedowns are JPD’s most frequently reported type of force. But under JPD policy, the term “takedown” is not defined, and a takedown that does not result in injury or an alleged injury is not a use of force that triggers supervisory review. This limitation sends the message that takedowns are not a big deal and creates a gap in policy that may prevent JPD from identifying problematic takedowns—including several that we identified as unreasonable—or opportunities to use de-escalation more effectively.⁷⁸

In a case from 2021, an officer performed a takedown after a vehicle pursuit. The driver, a White male, exited the car at gunpoint and was complying with the officer’s commands to walk backwards with his hands raised above his head. Once the driver reached the officer’s vehicle, the officer kned the driver in the back of his leg to bring him to the ground. Although this use of force was unnecessary and unlawful, JPD did not conduct a supervisory review of the incident. This review could have identified that the officer’s stated justifications for the takedown (that he feared the driver was armed and that he heard another car drive up to the scene) were insufficient and contradicted by the squad car video, which shows that the driver was not posing a threat and suggests that the officer was not aware of the second vehicle until *after* the takedown.

In another case from 2019, an officer performed a takedown of a Black woman who refused officers’ orders to step back amid a “chaotic” crowd participating in a community prayer vigil. The officer’s report states that he pushed the woman to the ground after she swung at him. Videos of the encounter contradict the officer’s version of events. The videos show that, within fifteen seconds of arriving on scene, the officer approached the crowd and tackled the woman even though she was not physically threatening him. The force was unnecessary and excessive. JPD sought obstructing and aggravated assault charges against the woman, which a judge later dismissed.⁷⁹ Because the woman alleged that she was injured, a supervisor reviewed the force. The supervisor relied on officers’ statements to find the takedown reasonable.⁸⁰ After later viewing video of the incident, the supervisor found the force to be “unnecessary and excessive” and submitted a complaint to Internal Affairs.⁸¹

⁷⁸ We identified the same concern regarding supervisory review of the use of pepper spray. Pepper spray causes intense burning pain, tearing, inflammation, and difficulty breathing, as well as symptoms like nausea, fear, and disorientation. C. Gregory Smith & Woodhall Stopford, *Health Hazards of Pepper Spray*, 60 N.C. Med. J. 268 (1999), bit.ly/3vG3S1P. Using pepper spray against people who are not resisting arrest or are passively resisting is unlawful. *Graham v. Hildebrand*, 203 F. App’x 726, 731 (7th Cir. 2006). Yet JPD policy does not require supervisors to be notified of pepper spray use or other “chemical agent exposures” unless they result in injury or alleged injury. This absence of supervisory review is concerning given that we identified cases where pepper spray was used unlawfully, including during the Mexican Independence Day incident described starting on page 17.

⁷⁹ She also brought a federal civil rights suit alleging excessive force. The City ultimately settled the lawsuit for \$250,000. *See* John Ferak, *Black Woman Gets \$250,000 to Settle Her Joliet Police Lawsuit* (Nov. 8, 2023), bit.ly/3XXkjFHi.

⁸⁰ The supervisor did not have access to the video at the time of their review.

⁸¹ The accountability concerns with this incident are addressed in Section VII (Accountability).

d. Firearms

Our review identified several areas of concern with JPD's policies and practices for pointing firearms. Although we do not separately find that JPD engages in a pattern or practice of unlawfully pointing firearms, we determined that JPD fails to give officers sufficient guidance about when they may point their firearms and does not require officers to properly document or report such incidents.

Pointing a gun at a person constitutes a seizure because it carries an implicit threat of deadly force.⁸² For that reason, pointing a gun at someone who presents no danger is unreasonable and violates the Fourth Amendment.⁸³ While officers can reasonably draw or point their firearms to protect their safety under appropriate circumstances, drawing or exhibiting firearms can also create tactical risks by limiting an officer's alternatives for controlling a situation, in addition to the possibility of death or serious injury through accidental discharge.⁸⁴ And being held at gunpoint by police can unnecessarily traumatize community members. In one lawsuit alleging illegal gun-pointing by JPD officers, residents of Joliet described ongoing anxiety and nightmares about their terror at being forced out of bed at gunpoint before dawn: "Being awakened by [officers] pointing rifles directly in their faces at point blank range traumatized plaintiffs, especially the children . . . Ever since the incident, plaintiffs have continued to re-live, in various ways, how terrified they were that day."⁸⁵

For these reasons, law enforcement agencies should provide clear guidance on pointing firearms and require adequate documentation of these incidents. JPD's use of force policies, however, impose few limitations on when officers can draw, exhibit, or point their firearms. The relevant policy vaguely states that "[e]xcept for maintenance, inspection, or training, police officers will not draw or exhibit their firearm unless circumstances create a reasonable cause to believe that it may be necessary to use the firearm in conformance with this order." This broad language fails to specifically instruct officers about when, as a practical matter, they may draw or exhibit their firearms, and it does not address the act of firearm pointing at all.

JPD policy is also deficient with respect to documenting incidents of gun-pointing. Instead of following the procedure for reporting most uses of force (i.e., submitting a written report

⁸² See *McDonald v. Haskins*, 966 F.2d 292, 295 (7th Cir. 1992); see also *Becker v. Elfreich*, 821 F.3d 920, 925 (7th Cir. 2016) (explaining that "deadly force" is force that "carr[ies] with it a substantial risk of causing death or serious bodily harm"). Under Illinois law, deadly force is permissible only if an officer reasonably believes a person poses an immediate threat of death or great bodily harm to the officer or others, or if it is necessary to prevent the escape of a suspect who committed or attempted a forcible felony involving great bodily harm or who otherwise is likely to cause great bodily harm to another. 720 ILCS 5/7-5(a).

⁸³ *Baird v. Renbarger*, 576 F.3d 340, 345 (7th Cir. 2009) (citing *Jacobs v. City of Chicago*, 215 F.3d 758, 773–74 (7th Cir. 2000)).

⁸⁴ E.g., L.A.P.D., *Policy on the Use of Force* § 556.10 ("Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm."), bit.ly/3HAGNjI; Royce de R. Barondes, *Automatic Authorization of Frisks in Terry Stops for Suspicion of Firearms Possession*, 43 S. Ill. U. L.J. 1, 14 (2018) (explaining that accidental discharge can result from losing one's balance, "[a]n unanticipated interruption or disturbance," or "an unintentional sympathetic reaction"), bit.ly/4gMX6dK.

⁸⁵ Compl. ¶¶ 10, 81, *Carrasco v. Joliet*, No. 23-cv-15572 (N.D. Ill. Nov. 1, 2023), ECF No. 1.

explaining the circumstances and justification for the force), officers who point guns at people are required only to notify dispatch and state “how many people [they] directly pointed [their] firearm at.”⁸⁶ As a result, gun-pointing can escape the usual documentation, supervisory review, and force review panel processes. This exceptional treatment in JPD’s policy creates the false impression that pointing a firearm is not a significant event and need not be justified under the circumstances. It also inhibits the Department’s ability to assess whether officers are following the law.

Although we do not separately find that JPD has a pattern of unlawful gun-pointing (owing in part to JPD’s failure to require written reports of these incidents), we did identify instances in which officers pointed guns in a manner that escalated the encounter and created unnecessary danger. In these cases, JPD also failed to take appropriate actions to address the problematic conduct. These incidents underscore the importance of developing detailed policies that identify how, when, and why officers are permitted point firearms, as well as improving procedures for reporting gun-pointing to facilitate meaningful oversight.

In one 2023 incident, officers pulled over a car for failing to use a turn signal. The officers suspected that the Black male driver had been the subject of an earlier domestic violence call in which he allegedly possessed a handgun. During their initial conversation, the officers did not have their guns drawn and the driver did not act in a threatening manner; his hands were visibly raised, he did not speak or act aggressively, and he was not reaching around inside the vehicle. But when the driver repeatedly failed to identify himself, the officer apparently became impatient and escalated the encounter by suddenly drawing his gun and pointing it at the driver before pulling him out of the car and taking him forcibly to the ground. Although the officer had reason to believe that the driver could have been in possession of a handgun (he ultimately turned out to be unarmed), it was not reasonable to effectuate a seizure with a threat of deadly force against a subject who was only passively refusing to comply with orders. Under these circumstances, pointing a weapon was unnecessary and created unjustified risks. Despite these tactical errors, the supervisory chain of review and the force review panel approved the officers’ use of force.

JPD’s Internal Affairs unit also failed to properly investigate this incident. The investigator did not initiate a formal investigation into the driver’s complaint or interview the driver or the officer. Instead, he conducted an informal inquiry, reviewed existing videos and reports, and exonerated the officer without conducting a thorough or adequate analysis of the case. The investigator’s finding that “the drawing of the [officer’s] firearm appeared to be reasonable based on the fact [*sic*] and circumstances” is vague, conclusory, and based on insufficient evidence. For example, the investigator apparently accepted the officer’s statement that he “fear[ed] that he could be battered,” contrary to video footage that showed the driver only passively resisting. In addition, the report improperly conflated the decision to *draw* a firearm with the decision to *point* the firearm directly at the driver. The investigator also failed to consider the officer’s central role in escalating the incident, writing that “[t]he encounter . . . was escalated when [the driver] refused to identify himself.” These deficiencies underscore the need for detailed policies governing firearm-pointing

⁸⁶ In contrast, JPD’s force report form has a place to document whether a taser was displayed and not used. Additionally, JPD policy prohibits drawing or displaying a taser unless “circumstances create a reasonable belief that it is necessary to use it.” At a minimum, JPD’s policy and training should include similar requirements for gun pointing.

to ensure that meaningful standards govern the supervisory and administrative review of such incidents.

Problems with JPD’s accountability system also undermine the review of gun-pointing incidents. For example, JPD failed to sufficiently investigate allegations that officers unnecessarily pointed guns at a Black 12-year-old child. In 2018, officers executed a search warrant at a house to look for “proceeds from a credit card fraud case.” About a dozen officers entered the home with weapons drawn. At the time, the only people home were a woman and her 12-year-old grandson. The boy’s mother filed a complaint alleging that several officers pointed their guns directly at the boy as he came down the stairs shirtless. But the Internal Affairs investigation was not thorough or objective. The investigator did not interview any of the officers who allegedly pointed their guns, instead relying on an interview with a supervisor who claimed that the officers held their guns at “low ready” (i.e., at a 45-degree angle toward the ground). The investigator accepted this account without conducting any interviews of the accused officers and discredited (without explanation) the detailed statements by both the boy and his grandmother. As a result, Internal Affairs concluded that the allegations were “unfounded.”

4. JPD uses unlawful force against teenagers

JPD also uses unreasonable force and unnecessarily aggressive tactics against teenagers. “Research on adolescent brain, cognitive, and psychosocial development” shows that “adolescents are fundamentally different from adults in ways that warrant their differential treatment in the justice system.”⁸⁷ Courts recognize that these developmental and behavioral differences impact how youth are treated and that age can be relevant to whether force is reasonable.⁸⁸ Police interactions with youth should be developmentally appropriate and trauma-informed.⁸⁹

JPD’s “Juvenile Offenders” policy directs officers to “use the least forceful alternative” with youth under 18, which may involve “informal resolution, such as verbal warning and/or notification of parents,” citations for vehicle violations, or compliance tickets and juvenile contact forms. However, JPD’s force policies and de-escalation trainings have no youth-specific guidance. One officer expressed concern about the general lack of training and sensitivity that patrol officers have when dealing with youth. The lack of youth-specific guidance and training was apparent in the force files we reviewed and the experiences that community members shared.

⁸⁷ IACP, US DOJ Off. of Juv. Just. & Delinquency Prevention, *The Effects of Adolescent Development on Policing* at 2 (Aug. 11, 2018), bit.ly/3B9xOG2 (citing Steinberg, Laurence, *Adolescent Development and Juvenile Justice*, *Annual Review of Clinical Psychology* 5 (2009), 459–85).

⁸⁸ *See, e.g., J.D.B. v. North Carolina*, 564 U.S. 261, 262 (2011) (stating that children “cannot be viewed simply as miniature adults”); *Miller v. Alabama*, 567 U.S. 460, 471 (2012) (noting that youths’ immaturity leads to (1) “recklessness, impulsivity, and heedless risk-taking”; (2) vulnerability to “negative influences,” with “limited control over their own environment”; and (3) less “well formed” character); *Graham*, 490 U.S. at 396 (the test of reasonableness “requires careful attention to the facts and circumstances of each particular case”); *McDonald*, 966 F.2d at 294–95 (1992) (considering a person’s young age).

⁸⁹ *See, e.g., Strategies for Youth*, *12 Model Law Enforcement Policies for Youth Interaction*, bit.ly/4fca4Az.

Between 2017 and 2023, 14.4% of JPD’s uses of force were against people ages 18 or younger. In the incidents of unlawful force against teenagers that we reviewed, JPD officers often failed to adjust their responses to reflect the unique context of these interactions.⁹⁰

In one 2020 incident, officers attempted to stop a vehicle whose description was linked to an in-progress armed burglary. The driver pulled over after a 15-mph pursuit that lasted seven blocks. Officers asked the Black teenage driver to exit the car. He initially refused, stating that he was not getting out because the officers had their guns out. The teen eventually exited but refused demands to put his hands up so that he could record the incident on his phone. The teen eventually complied and apologized. While his hands were raised, officers pepper sprayed him, pushed him against the car, and took him to the ground. An officer put his knee on the teen’s back while other officers pointed guns at him. At the time officers used force, the teen was compliant and apologetic. Neither the supervisors nor the force review panel raised any concerns.

5. JPD officers do not intervene to prevent excessive force

Under the U.S. Constitution, state law, and JPD policy, police officers have a duty to intervene to prevent other officers from violating community members’ constitutional rights. This duty applies in the force context whenever an officer is present and (1) has reason to know that excessive force is being used, and (2) has a realistic opportunity to prevent the harm from occurring.⁹¹ A “realistic opportunity” means a “chance to warn the officer using excessive force to stop.”⁹² Each officer has an independent duty to act, regardless of rank or the number of other officers present.⁹³

Officers have had a legal duty to intervene throughout our investigation.⁹⁴ In 2021, Illinois adopted this pre-existing constitutional duty into state law and added a reporting requirement: officers must report a summary of intervention actions taken within five days of the incident.⁹⁵ State law also prohibits retaliation or discipline against an officer for intervening.⁹⁶ Since 2022, the Illinois Law Enforcement Training Standards Board has also had discretionary authority to decertify a police officer if it finds the officer failed to intervene when required.⁹⁷

In May 2022, JPD updated its force policy to require members to notify a supervisor within five days if another officer engaged in unreasonable force, or if the member becomes “aware of any violation of departmental policy, state/provincial or federal law, or local ordinance.” It is

⁹⁰ For example, see JPD’s use of a head strike against a 16-year-old old youth described on page 27.

⁹¹ *Yang v. Hardin*, 37 F.3d 282, 285 (7th Cir. 1994) (citations omitted); *see also* 7th Cir. Pattern Jury Instructions at 7.22 (failure for a bystander officer to intervene) (rev. 2020), bit.ly/3XBo5QL.

⁹² *Miller v. Gonzalez*, 761 F.3d at 826 (citations omitted).

⁹³ *Yang*, 37 F.3d at 285; *see also* 720 ILCS 5/7-16(a) (“A peace officer . . . shall have an affirmative duty to intervene . . . without regard for chain of command.”).

⁹⁴ While Illinois law and JPD policy were updated during our investigation to explicitly include this duty, the requirement has independently existed for decades under the U.S. Constitution. In 1972, the Seventh Circuit Court of Appeals held that “it is clear that one who is given the badge of authority of a police officer may not ignore the duty imposed by his office and fail to stop other officers who summarily punish a third person in his presence or otherwise within his knowledge.” *Byrd v. Brishke*, 466 F.2d 6, 11 (7th Cir. 1972).

⁹⁵ 720 ILCS 5/7-16(b).

⁹⁶ 720 ILCS 5/7-16(c).

⁹⁷ 50 ILCS 705/6.3(b) (listing discretionary decertification conduct).

commendable that JPD’s intervention requirements apply to violations of both law and Department policy.

Although JPD’s policy on the duty to intervene incorporates legal obligations and best practices, the evidence we reviewed raises significant concerns about officers fulfilling this duty—and supervisors allowing this failure to persist. The investigative team identified numerous unreasonable uses of force, but there were almost no instances of any officer intervening. For example:

- Multiple officers watched an officer use disproportionate force on an unarmed Black man who refused to get out of his car. No one intervened as the officer slammed the man’s head into the car frame and then tased him, yelling “YEAH!” before tasing him a second time. Instead, a bystander officer asked, “How’d that feel?”⁹⁸
- Multiple officers failed to step in when an officer unreasonably tased a Black man who refused to get out of his car, even though the man had obeyed orders to open his windows, turn off the car, drop his keys outside the car, and keep his hands outside the window.⁹⁹

Neither the reviewing supervisors nor the force review panel identified any concerns in these incidents. The duty to intervene is predicated on officers’ ability to recognize when a use of force seems unreasonable. Yet, as discussed elsewhere in this Report, officers have little cause to believe that their supervisors will find any use of force unreasonable or out of policy.¹⁰⁰

Between 2017 and 2022, only one of more than two dozen Internal Affairs cases involving a use of force allegation yielded an investigation into a violation of the duty to intervene. Following an investigation of a 2018 incident involving an officer unreasonably lifting a man by the handcuffs and pulling him backwards down several steps,¹⁰¹ Internal Affairs opened an investigation against two officers and a sergeant who witnessed the events but did not intervene or report the force. The two officers claimed they did not see the third officer’s actions, despite video showing all three officers standing next to one another when the force occurred. From across the parking lot, the sergeant could hear the arrestee’s screams and report what occurred. Although Internal Affairs found that the sergeant should have intervened, JPD took the two officers at their word and did not sustain the complaints against them, despite video disproving their statements. No other incidents in the five-year period prompted an inquiry—by a reviewing supervisor, the force review panel, or Internal Affairs—into a failure to intervene.

JPD’s lack of meaningful supervision and discipline for unreasonable force and failure to intervene sends a powerful message. One officer stated that “no one is scared . . . because at most you’ll get a few days suspension.” Conversely, officers *do* fear retaliation for intervening or reporting on other officers. This fear, while not unanimous, was raised repeatedly. An officer shared that he has witnessed excessive force and that there have been times when he felt like he

⁹⁸ For a more detailed description of this incident, see page 38.

⁹⁹ For a more detailed description of this incident, see page 21.

¹⁰⁰ For a detailed discussion of the problems with JPD’s accountability system, see Section VII. For a detailed discussion about deficiencies in JPD’s supervisory review of force, see Section III.E.1.a.

¹⁰¹ This is the only incident that JPD identified as a sustained finding of excessive force during our period of review; notably, however, Internal Affairs characterized the conduct as “conduct unbecoming” and not excessive force. See Section VII (Accountability) for a discussion of Internal Affairs’s tendency to mischaracterize allegations in ways that minimizes the severity of the alleged misconduct.

should say something, but he did not because of an “unwritten code” to stay silent.¹⁰² Another officer confided, “What if I see another officer acting unprofessionally and I pull him to the side, and then I get told on? What if I see a sergeant doing something, will I get fired? You have to weigh those options.”

E. Factors that Contribute to JPD’s Pattern of Unlawful Force

JPD’s pattern of unlawful uses of force can be traced to the Department’s policies and training, its failure to meaningfully supervise, review, or hold officers accountable, and a culture that discourages officers from intervening or reporting behavior that may violate policy or the law. JPD must provide officers with policies, training, and supervision to enable officers to do their job lawfully, safely, and in an unbiased manner that protects the public and builds trust.

1. JPD’s inadequate supervision, force review, and accountability systems enable patterns of unlawful and problematic force

JPD’s pattern of unreasonable force is enabled, encouraged, or tacitly condoned by gaps in JPD’s supervisory and force review systems. On paper, JPD policy requires several levels of review of force: most force is reviewed by a supervisor, the watch commander, a deputy chief, and either a non-deadly or deadly force review panel. In practice, meaningful review is illusory. At all stages, reviewers tend to focus on what can be justified (plausibly or not) rather than whether the force was reasonable.¹⁰³

JPD consistently fails to identify and correct unreasonable force. Between 2018 and 2022, supervisors found more than 99% of the force they reviewed justified. And each of JPD’s annual use of force summaries for these years state that “ALL incidents continue to be found within policy.” JPD’s inadequate and ineffective review can be attributed, in part, to:

- deficiencies in JPD policy;
- deficient supervisory investigations of force incidents;
- failure to reconcile inconsistencies in reports and conflicting video evidence;
- failure to address policy violations and tactical concerns; and
- inadequate record-keeping.

JPD’s chain of review also misses valuable opportunities to improve policies, tactics, and training. These deficiencies have serious consequences. A failure to identify and address excessive force and other problematic conduct amounts to tacit approval and allows it to continue.

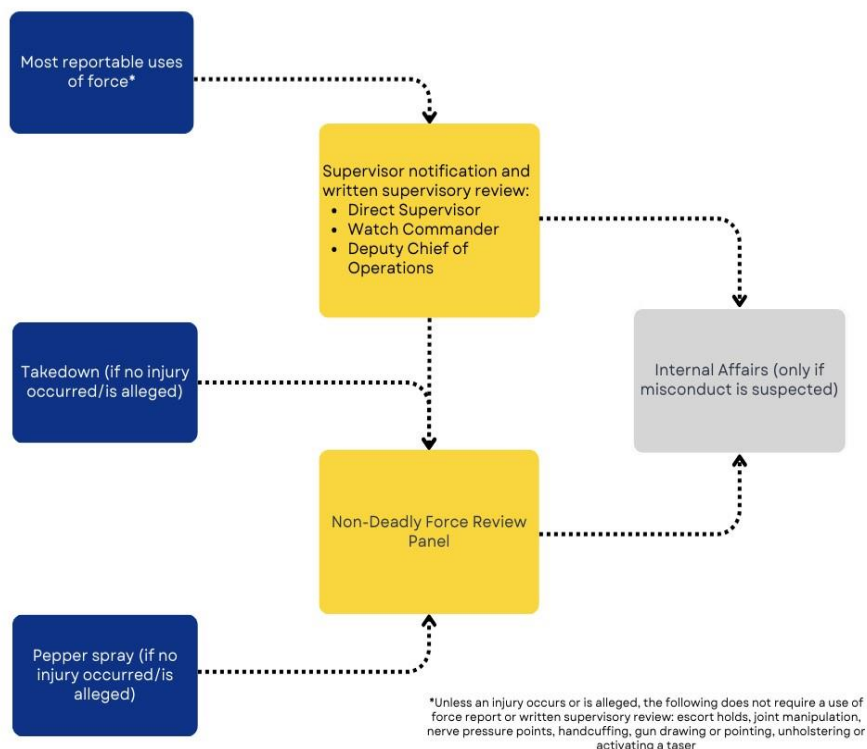
¹⁰² See Sections III.D.5 and VII.C.2.b for a discussion of JPD officers’ reluctance to report misconduct.

¹⁰³ During our investigation, we heard reports that supervisors and members of the force review panel have instructed officers to revise their force reports in order to justify what would otherwise be considered unlawful force. Specifically, we heard that officers have been instructed to state that they feared for their safety or that they believed that the person had a weapon. We make no finding in this regard, but even if this is not true, it is notable that some officers believe that this occurs.

a. JPD’s supervisory review is inadequate and rarely finds force unreasonable

JPD policy requires officers to notify a supervisor for most reportable uses of force.¹⁰⁴ Supervisors conduct a preliminary investigation on scene, document all their investigative actions in a written Supervisor Inquiry, and assess whether the force was objectively reasonable.¹⁰⁵ If a supervisor believes force was unreasonable or constitutes possible misconduct, they are supposed to file a complaint with Internal Affairs. JPD supervisory and command staff shared that if a supervisor identifies a minor concern in their review, they could take immediate corrective action by speaking with the officer.

All reportable uses of force that require supervisory review are then reviewed by the watch commander and Deputy Chief of Operations. Both the watch commander and Deputy Chief of Operations review all force reports and Supervisor Inquiries. JPD policy requires them to assess if the force was objectively reasonable; whether JPD’s policies, tactics, training, and equipment were effective; and whether JPD’s training coordinator should be notified of any concerns.¹⁰⁶ They must document any concerns in a memorandum to the Deputy Chief of Administration, who oversees Internal Affairs. Despite these layers, meaningful review rarely occurs.



¹⁰⁴ If an officer performs a takedown or uses pepper spray and no injury is alleged, supervisor notification is *not* required. This is concerning given the unlawful takedowns and pepper spray uses we identified. These policy concerns are addressed in more detail in Section III.D.3.a.

¹⁰⁵ See page 14 for a more detailed discussion of the meaning of the term “objectively reasonable.”

¹⁰⁶ According to command staff, the Deputy Chief of Operations reviews for completeness and to understand what occurred; the Deputy Chief rarely takes affirmative steps because of the subsequent review by the Force Review panel.

JPD's supervisory review is inadequate at all levels. During our period of review, front-line supervisors rarely raised a concern that force was excessive. In only two of the numerous unlawful uses of force identified by the investigative team did a supervisor flag a potential concern. These two incidents are described below:

- In the 2018 incident described on page 33 involving officers lifting a man by his handcuffs, the supervisor said: "At this time, I am unable to determine if [the officers'] actions are justified." The force review panel referred the incident to Internal Affairs.
- In the 2019 incident described on page 28 involving an officer tackling a woman, the supervisor initially approved the force. After videos of the incident became available, the watch commander referred the incident back to the supervisor who then concluded that the force was "unnecessary and excessive based on what [he] observed on video." The supervisor then submitted a complaint to Internal Affairs.

Beyond the 2019 incident above, we saw no evidence that a watch commander or the Deputy Chief of Operations identified any excessive force concerns or referred force to Internal Affairs for any of the instances of unreasonable force that we reviewed.

Supervisors' deficient preliminary force investigations contribute to the oversight failure. Many of the Supervisor Inquiries we reviewed reflect perfunctory investigations, taking officers' version of events at face value. We also observed some failures to document meaningful efforts to collect critical evidence (such as witness statements, videos, or photos), and whether they reviewed available evidence (such as taser reports that verify the number of times a taser was used or video from tasers, body-worn cameras, or squad car cameras).¹⁰⁷ For example, in a 2019 incident, a supervisor reported that there were multiple security cameras that might have captured officers' force, but he could not access them because the business was closed at the time. There is no indication that he made additional efforts to obtain the video (and the videos are not in JPD's evidence management system). The supervisor also failed to acknowledge the existence of a taser video that showed portions of the uses of force.¹⁰⁸

Supervisors' failure to document efforts to collect and review evidence is particularly concerning because we identified incidents where video contradicted officers' version of events. We discuss some of these in other sections, and note here that the supervisors consistently failed to reconcile (and often did not even acknowledge) conflicting video evidence. These and other examples suggest that supervisors routinely fail to review material evidence,¹⁰⁹ do not recognize unlawful or problematic force when they see it, or ignore its content.

We also identified unreconciled inconsistencies in officer reports. In some cases, the reports were internally inconsistent or conflicted with other officers' reports on key facts, such as

¹⁰⁷ JPD policy requires officers with squad car cameras to upload their videos to JPD's evidence management system "as soon as practical" but no later than the start of the officer's next shift. Since late 2021, when JPD first adopted a body-worn camera policy, JPD has required officers to upload their body-worn camera videos at the end of their shifts, a requirement that JPD reinforced in a recent training. Prior to 2022, when JPD began using tasers without cameras, officers had to turn their tasers into an evidence technician who had to manually extract the video and upload it.

¹⁰⁸ The taser video was not uploaded to JPD's evidence system until two months after the incident occurred.

¹⁰⁹ In focus groups, JPD sergeants said they are responsible for watching all body-worn and dashboard videos prior to filling out Supervisor Inquiries. It is unclear if this happens consistently in practice.

the number of persons who resisted, the number of officers present, the type of resistance officers faced, or the type of force used. In other cases, the Supervisor Inquiry conflicted with officers' reports in material ways—such as the type, severity, and reason why force was used—or failed to review all of the instances of force used. For example, in a 2020 encounter where one officer tased a man and a second officer punched him in the face,¹¹⁰ the supervisor addressed the propriety of only the taser use. Though both the officers' force report and case report stated that he punched the man in the face, the supervisor failed to mention, much less review, the force. When we asked a group of lieutenants to review the reports associated with this incident, none raised that the punch had not been reviewed. This is not meant to reflect poorly on the supervisor who completed the underlying review nor the lieutenants. Rather, it indicates a deficiency in supervisory training for reviewing force, supervisory oversight, and/or a flaw in JPD's policy, which does not explicitly require supervisors to separately review each use of force within an incident.

In addition to flawed preliminary investigations, we identified other supervisory concerns. For example, we found clear policy violations, particularly involving taser usage, that appear to have gone unchecked. We also observed some instances of peer review (where the reviewing supervisor is of the same rank as the person who used force) and of supervisors involved in the underlying incident reviewing the force used, both practices that JPD policy fails to prohibit.

JPD policy also treats the “objective reasonableness” standard as the only benchmark for the supervisory review process. For example, JPD does not require supervisors to assess whether force could have been avoided or whether the officer could have used de-escalation tactics.¹¹¹ Nor does it require supervisors to document whether they addressed concerning tactics or offered guidance that might have reduced the need for, or amount of, force used. During a focus group, sergeants said that they typically address tactical deficiencies through informal, undocumented training, as there is “always...a learning point.” While it is good that these conversations take place, supervisors' failure to document these concerns impedes the Department's ability to identify officers who frequently use flawed tactics and to identify pervasive deficiencies that may require Department-wide training.

JPD's supervisory review is an exercise in justification. Supervisors consistently approve unlawful force, finding even egregious force justified. The insufficient supervisory review extends up the command chain. We identified only one instance of a watch commander or the Deputy Chief of Operations flagging a potential concern.¹¹² The JPD lieutenants we interviewed indicated that they had never seen an unjustified use of force and that, at most, they have sent back force reports to be corrected for clarity, completeness, or accuracy.¹¹³ The cursory oversight by high-ranking staff enables problematic patterns in uses of force to continue unchecked. The following two incidents illustrate many of these supervisory concerns.

In a 2022 incident, officers attempted to stop a Black man who was sleeping in his car in a public park after dark. The man drove away and police pursued him at roughly 10 miles per hour

¹¹⁰ See page 48 for a more detailed description of this incident.

¹¹¹ And, in a recent training on JPD's new force reporting software, the trainer advised attendees that supervisors “basically mak[e] sure that your use of force was justifiable and acceptable.”

¹¹² That incident is described on page 36.

¹¹³ Notably, the lieutenants shared that they believe officers, especially officers who are newer to the Department, could afford to use *more* force in some instances and that there are too many layers of review for uses of force.

for two minutes before terminating the pursuit. Later that night, officers again found him in the park sleeping in his car. They boxed his car in, approaching him with guns drawn. When the man refused officers' orders to exit the vehicle, officers broke both the passenger's and driver's side windows. As they tried to extract him from the car, one officer grabbed the man's head and, using the momentum of his body weight, repeatedly slammed his head against the inside door frame. The same officer proceeded to tase the man in the back. The man then rolled out of the car and onto the ground, and the officer tased him a second time while yelling "YEAH!"

Neither the officer's force report nor the Supervisor Inquiry acknowledge that the officer slammed the man's head multiple times into the door frame. The supervisor found both taser uses justified. No one in the supervisory review chain identified any policy violations, including tasing a man on the ground who was not physically threatening and cheering during the use of force. And there is no documentation to suggest that they identified any concerns or referred this incident to Internal Affairs¹¹⁴ or that they provided the officers any guidance on tactical considerations, de-escalation techniques, or the duty to intervene.

In a 2021 incident, officers broke up a physical altercation between two men. One of the men was "combative" and "hostile" and under the influence of PCP. The man reportedly "tensed up" and pulled away when an officer attempted to handcuff him, prompting the officer to knee the man in the leg, taking him to the ground. A second officer transported the man to the station. During processing, the handcuffed man reportedly turned toward this officer and shouted obscenities at him. The officer reported that he feared that the man might try to hurt him, so the officer pushed the man's chest. The man fell backwards and struck the back of his head on a metal bench. Officers called an ambulance to address the man's PCP intoxication and to examine for any head injuries. The man was taken to a hospital where he was given a CT scan of his head.

The supervisor only reviewed and approved the knee strike by the first officer. While the objective reasonableness of this force is questionable, the supervisor failed to even acknowledge the second officer's force. JPD's booking area cameras likely captured this force, but the supervisor made no effort to obtain it. The Supervisor Inquiry states that the man was sent to the hospital for a forehead injury he sustained during the first altercation, which contradicts the second officer's report. It is unclear why the supervisor failed to review the second use of force, but the officer's push could be considered touch pressure or a takedown, neither of which require supervisory review under JPD policy if there was no injury or alleged injury. Although the CT scan showed no swelling or bleeding in the brain, the reviewing supervisor, watch commander, and Deputy Chief failed in their obligation to review a use of force against a restrained person that resulted in him hitting his head on a metal bench and going to the hospital to determine whether the force caused bleeding in his brain.

b. JPD's non-deadly force review panel's oversight is inadequate and rarely finds force unreasonable

JPD's force review panel conducts the final layer of review of reportable non-deadly force. Per policy, the panel includes a lieutenant, the training coordinator, the range master, a defensive tactics instructor, a taser instructor (who is also a member of the supervisors' union), and a member

¹¹⁴ Four months later, the man involved in this incident submitted a complaint to Internal Affairs alleging that officers used excessive force against him. See page 93 for a discussion of Internal Affairs's investigation of this complaint.

of the officers' union. As an initial matter, including union representatives creates a conflict of interest because they have a duty to defend their members' interests.¹¹⁵

The panel meets twice a month and reviews all reportable non-deadly force that occurred since its last meeting. The panel's review includes assessing whether the force was objectively reasonable and adhered to policy and training, and whether there are policy, training, weapons, or equipment concerns that need to be addressed. The panel may return the force report to the officer's immediate supervisor to make corrections or conduct further investigation. The panel may also refer any incident to Internal Affairs. After its review, JPD policy requires the panel to submit a report to the Chief detailing its findings, the reports the panel reviewed, and any recommended actions to be taken.

Similar to the supervisory chain of review, the force review panel signs off on most force without making any meaningful effort to assess whether the force was justified or whether officers adhered to policy and training. The panel almost never makes a substantive recommendation (such as recommending remedial training or referring to Internal Affairs for investigation). It also has inadequate record keeping, which further contributes to its ineffective review.

We observed several panel meetings during our investigation. In some instances, the panel members did not review all relevant video or photo evidence.¹¹⁶ The panel often drew conclusions before the end of the video or file review and narrated justifications of the force as the video played. Panel members rarely discussed whether force was necessary in the first instance, whether a lower level of force could have been used, or whether de-escalation or crisis intervention techniques could have been used. We observed concerning tactics and potential policy violations that the panel failed to acknowledge, let alone address. Most concerning was the panel's failure to identify or meaningfully discuss clearly unlawful force, including the 2022 incident discussed on pages 37–38 that involved force used against a Black man sleeping in his car and the 2023 incident discussed on page 25 that involved a Black man being repeatedly tased at a gas station.

We also analyzed every panel recommendation from 2017 through 2022. The panel logged “None” or “No recommendation” nearly 85% of the time. JPD was unable to find panel recommendations for about 5% of the force incidents during this period.¹¹⁷ The panel made a substantive recommendation (such as remedial training, shift-level counseling, or referral to Internal Affairs) or requested additional review or investigatory steps in only 3% of the force incidents it reviewed. Most of the remaining panel recommendations were vague or trivial.¹¹⁸

Of the numerous uses of force that the investigative team found unlawful, the panel made a substantive recommendation for only around 10% of these incidents. And of the unlawful uses of force we describe in this Report, which represent only a fraction of the total unlawful uses of

¹¹⁵ JPD policies also require union members to serve on the deadly force review panel, which is discussed under heading E.1.c below and the safety review board, which is discussed in Section VII.C.2.d (Accountability).

¹¹⁶ The panel said they rarely look at photos of injuries unless a “major injury is reported.” For some force, the panel was unable to review the photos because they were locked in JPD's evidence management system.

¹¹⁷ Our office brought this to JPD's attention, but JPD was unable to locate the missing panel recommendations for these 40 uses of force, most of which occurred in 2018 and 2019.

¹¹⁸ Some examples of the panel's recommendations include: “Send back to be typed,” “Tabled,” “No Report” and “[use of force report] sent back, arrest question.”

force we identified, the panel made only three substantive recommendations following its review. The panel referred only two cases to Internal Affairs: the 2019 incident discussed on pages 23–24 involving an officer who slapped a man in the face after he fell to the ground,¹¹⁹ and the 2018 incident discussed on page 33 involving an officer dragging an arrestee by the handcuffs.¹²⁰ In the 2019 case discussed on page 27 involving an officer who shoved a man against concrete steps, the panel recommended that a sergeant counsel the officer for not wearing a vest and microphone.

There is no evidence that the panel ever identified inadequacies in the supervisory review itself, including when the panel made a substantive recommendation but the supervisor did not raise concerns. We also identified several missing Supervisor Inquiries for force that, per JPD policy, should have required supervisory review. For most of these incidents, the panel did not acknowledge that the supervisory chain should have, but did not, review those uses of force.

The panel’s record keeping is also wholly deficient. Although policy requires it to submit a detailed report to the Chief for each use of force, this does not happen in practice. The panel only logs attendance, the case numbers reviewed, and a few words to describe what recommendation, if any, the panel gave. It keeps no record of its deliberations, what evidence it considered, and has no documentation of tactical or equipment concerns, recommended policy changes, or the need for additional or revised training.¹²¹ Inadequate record keeping not only impedes accountability, but it also limits the Department’s ability to identify and address patterns of concerning behavior.

There is some indication that JPD’s non-deadly force review has improved in the past year. In the fall of 2023, JPD upgraded and automated its force reporting and review process. Now every comment and instruction from the supervisory chain of review is digitally recorded in a routing file. JPD also shared some evidence that the panel is more frequently identifying and attempting to remedy policy violations and tactical concerns, particularly regarding tasers. For example, in 2023, the panel recommended an officer receive shift-level counseling and remedial training for tasing a subdued person. In another 2023 incident, it recommended that an officer receive remedial training for attempting to tase a fleeing 13-year-old suspected of a non-violent offense.¹²² Although these developments are encouraging, JPD’s policies and practices require a significant overhaul to ensure that unlawful and problematic behavior is promptly and meaningfully addressed.

c. JPD’s deadly force review panel’s oversight is inadequate

JPD policy requires a modified, more thorough investigation process for deadly force. It requires the Will/Grundy County Major Crimes Task Force to conduct a criminal investigation of deadly force that results in death or injury. After that investigation is complete, JPD’s deadly force review panel reviews the force. The panel also reviews in-custody deaths and firearm discharges that do not result in injury or death. The panel consists of the Deputy Chiefs of Administration, Investigations, and Operations; the training coordinator; the range master; a defensive tactics

¹¹⁹ Notably, a panel member shared with us that he did not consider the force to be excessive. Instead, he described it as a cop “just . . . losing his cool.” An officer using force because he “lost his cool,” rather than because it was justified is a textbook case of unreasonable, retaliatory force.

¹²⁰ JPD later incorporated an instruction in its force training not to lift people by their handcuffs, illustrating the importance and impact that clear guidance, supervision, and training can play.

¹²¹ Members of the panel shared that if they identify a training concern in their review, the training sergeant (who is a member of the panel) might address the issue during training.

¹²² This is also one of the few examples we identified where a supervisor found an officer’s force unjustified.

instructor; a union representative; and a patrol officer. The panel's scope includes determining whether the deadly force complied with law and policy, as well as the appropriateness of the Department's policy, rules, training, and equipment. After its review, the panel submits a report to the Chief detailing the facts and its findings.

The deadly force review panel fails to conduct meaningful, objective reviews of deadly force. The panel also conducts little to no critical analysis of officers' compliance with policies, the tactics used, or supervisory concerns.

Unlike the non-deadly force review panel, the deadly force review panel adheres to policy by providing the Chief with a written report. The report includes a brief overview of the facts of the incident; summaries of officer reports and any witness or officer interviews (often conducted by the Task Force); and the panel's finding. Every report we reviewed stated that the deadly force was "justifiable and within all applicable laws and department policies and rules."¹²³

The findings reports conclude with a "Recommendations" section, which varies in detail and substance. Some reports include substantive recommendations, such as conducting roll-call training on using body-worn cameras, informing officers to remove any after-market magazine extensions from their firearms, or developing a training bulletin on the public safety questions officers are asked after a firearm discharge. Some reports do not include any recommendations. In most reports, this section summarizes the video reviewed by the panel (if any) and the panel's discussion, and it frequently fails to include any clear recommended course of action.

The reports routinely fail to meaningfully evaluate Department policy, rules, training, and equipment. They are also frequently silent on officers' poor tactical decisions, which sometimes put the safety of officers at risk. The reports also do not address officer actions that may have escalated the encounter and ultimately led to the use of deadly force.

These deficiencies cannot be attributed solely to poor report writing or record keeping. Our observations of panel meetings confirm that it fails to conduct meaningful, objective review of deadly force. In the meetings we observed, the panel spent large portions of the meeting reading verbatim from Task Force reports, at times qualifying and editorializing the report and asking conclusory, leading questions. The focus on the appropriateness of officers' actions was limited to the moment they used deadly force, with no attention given to how the officers might have avoided deadly force in the first place. The frequency with which panel members complimented and praised officers' actions suggested they were not engaged in a critical or searching review. Most concerning, the panel engaged in little to no conversation about poor and dangerous tactics. For example, in its review of an officer shooting that involved a foot pursuit, the panel failed to address that an officer chased an armed suspect down a dark alley, while the officer's partner stayed behind with the driver of the vehicle from which the person fled. Under these circumstances, the officers' decision to separate from their partner was a dangerous tactic that warranted panel discussion, as well as appropriate guidance and training to the officers.

¹²³ Although every panel report included this language verbatim, two reports discussed policy violations: one involving a violation of JPD's body-worn camera policy, which resulted in shift-level counseling, and one involving a potential violation of JPD's weapons and ammunitions policy, which was investigated by Internal Affairs.

The panel’s failures are particularly pronounced in the three firearm discharges that have occurred since 2017 that did not result in injury or death and thus were not investigated by the Task Force. The panel altogether failed to review one 2019 shooting where no injury resulted.¹²⁴ The files for that incident included numerous material inconsistencies, supervisory review by a sergeant involved in the underlying incident, and a missing supervisory review for one of the uses of force. In the remaining two shootings, the panel failed to meaningfully assess the justifications for the shootings, and the panel’s findings were conclusory. The panel also failed to address obvious conflicts between video and officer reports. For example, in our 2023 Technical Assistance Letter on Foot Pursuits,¹²⁵ we observed that in reviewing a 2022 shooting, the panel noted that the involved officer engaged in a foot pursuit of an armed youth with caution—claiming the officer slowed from running, peeked around the corner of a house, saw the youth raising his arms at him, and took cover after shooting. The panel’s report is inconsistent with the video of the incident, which shows the officer turning corners at high rates of speed and shooting less than one second after the youth comes into partial view with both of his hands in the air. It is only through luck, not tactical precision or precautions, that this young man was not killed. We also observed unaddressed inconsistencies between video and officer reports of an October 2023 shooting that, fortunately, did not result in injury or death.

Commendably, in November 2023 JPD revised its deadly force policy to give authority to the Task Force to criminally investigate all firearm discharges, regardless of any resulting injury or death. JPD should make additional revisions to its deadly force policy, including: removing the requirement that a union representative serve on the panel;¹²⁶ stating which panel members have voting rights; outlining training requirements for panel members; and explicitly requiring the panel to include in their review analyses of communications, de-escalation efforts, tactics, and supervision, at a minimum. These policy revisions alone will not remedy our concerns regarding JPD’s review of deadly force, however; it is also incumbent on JPD leadership to encourage and support a culture of objective and unbiased review of force.

2. JPD’s policies and training contribute to JPD’s pattern of unlawful force

JPD has three use of force policies: (1) a general, overarching policy; (2) a deadly force policy; and (3) a non-deadly force policy. It has updated them numerous times in the past several years¹²⁷ to incorporate changes to state laws¹²⁸ and to reflect the Department’s evolving needs. We commend JPD for continually improving its policies. However, lingering deficiencies remain.

JPD’s force policies and related training lack clarity and consistency on several key concepts and obligations. First, JPD’s policies fail to emphasize “the sanctity of all human life”

¹²⁴A JPD representative explained that the Deputy Chief of Administration at the time did not think it was necessary for the panel to meet because there was no injury, notwithstanding JPD policy language to the contrary. The JPD representative further stated that the panel now meets as a matter of course.

¹²⁵ This technical assistance letter is discussed in more detail in Section VIII (Technical Assistance); *see also* Appendix D.

¹²⁶ As noted on page 39 above, by requiring union representatives to serve on the force review panels, JPD policy creates a conflict of interest.

¹²⁷ Between January 2017 and May 2024, JPD’s general force and non-deadly force policies were updated four times, and its deadly force policy was updated seven times.

¹²⁸ For example, Illinois has a duty to provide medical aid, 720 ILCS 5/7-15, and a duty to intervene, 720 ILCS 5/7-16.

and the “importance of treating all persons with dignity and respect.”¹²⁹ This core principle, enshrined in Illinois law,¹³⁰ “should be at the heart of everything an agency does.”¹³¹ Other considerations, such as proportionality, using the least amount of force necessary, de-escalation, the duty to render aid, the duty to intervene, and officer safety all stem from this common value.

Second, the policies do not clearly explain when it is appropriate to use force. The law requires all force to be (1) objectively reasonable, (2) reasonably necessary to achieve a legitimate law enforcement purpose, and (3) proportional to the threat based on the totality of the circumstances.¹³² JPD does not give sufficient guidance on when force should be considered “necessary,” and its policies do not mention proportionality. They also fail to provide guidance on factors to consider when determining whether the force is objectively reasonable, necessary, and proportional (such as the severity of the underlying crime).

Third, JPD’s policies do not provide clear definitions of key terms. For example, at various points, they refer to “active aggression,” “active resistance,” a “passive subject,” “minor resistance,” or “resistance that is not hazardous.” Similar terms are used, without definition, on JPD’s force report form.¹³³ How officers, supervisors, and training instructors interpret these terms is critical to consistent understanding in practice, supervision, and training.

Fourth, JPD’s policies do not apply or emphasize key concepts consistently. For example, only one of the three policies mentions de-escalation. JPD’s code of ethics prudently directs officers to use force “only with the greatest restraint, and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective.” This obligation, however, is not incorporated in any force policy. It should be. Other requirements that are inconsistently conveyed include the duty to intervene,¹³⁴ restricting force against restrained persons, prohibiting retaliatory force, emphasizing the importance of verbal warnings, and the duty to provide medical aid. For example, JPD’s non-deadly force policy states that pepper spray should not be used “when the offender has been handcuffed or subdued in some other manner,” but this obligation should apply to all force.¹³⁵

Finally, JPD’s policies do not state that officers have an ongoing duty to reassess force after each use.¹³⁶ The “fact that an initial use of force may have been justified does not mean that all subsequent uses of that force were similarly justified.”¹³⁷ This continual reassessment based on evolving circumstances is required by law, and understanding this principle is vital for effective training, supervision, and accountability.

¹²⁹ Police Exec. Research Forum, Guiding Principles on Use of Force 34 (2016), bit.ly/3TuBbOp.

¹³⁰ 720 ILCS. 5/7-5(c).

¹³¹ Police Exec. Research Forum, note 129 above, bit.ly/3TuBbOp.

¹³² See, e.g., *Graham*, 490 U.S. at 396–97 (force must be objectively reasonable); *Phillips*, 678 F.3d at 519 (force must be reasonably necessary to achieve legitimate law enforcement purpose); *Cyrus*, 624 F.3d at 863 (“[f]orce is reasonable only when exercised in proportion to the threat posed”).

¹³³ The form categorizes the subject’s action as “psychological intimidation,” “verbal non-compliance,” “passive resistance,” “active resistance,” “defensive resistance,” or “active aggression.”

¹³⁴ The duty to intervene is in JPD’s general force policy but not in the deadly and non-deadly force policies.

¹³⁵ See, e.g., Balt. Police Dep’t Use of Force Policy 7, bit.ly/4hDvBDz.

¹³⁶ *Cyrus*, 624 F.3d at 863.

¹³⁷ *Abbott*, 705 F.3d at 729.

We conclude by noting that communications with JPD’s training coordinators, force review panel members, policy accreditation manager, and command staff have shown a genuine desire to improve JPD’s policies. A supervisor on the force review panel voiced to us a concern that detailed “more restrictive” policies could increase the risk for lawsuits. However, a “strong policy on use-of-force compliance with officer training, supervision, and discipline” can enable departments “to better apply internal controls and more readily defuse charges that can tarnish officer and agency credibility within the community”¹³⁸ and mitigate or decrease JPD’s current litigation risks.

* * *

We have reasonable cause to believe that JPD engages in a pattern or practice of using unreasonable force that has continued unchecked over the years. Although JPD has several layers of supervisory review, it has been ineffective. Although we identified numerous unreasonable uses of force between 2017 and 2022, JPD rarely found those uses of force to be excessive. Every year through 2023, JPD’s annual use of force analysis concludes that “ALL incidents continue to be found within policy.” A system that validates unlawful force is a broken system. Although JPD has recently made some improvements to its force reporting and review procedures, if JPD supervisors and command staff continue to green light unreasonable uses of force, the pattern will continue.

¹³⁸ IACP, *Reporting Use of Force* 8 (Mar. 2017), <https://bit.ly/3zlb7ye>.

IV. JPD’S CRISIS INTERVENTION PRACTICES ARE STILL NOT ADEQUATE TO PREVENT UNLAWFUL USES OF FORCE AGAINST PEOPLE WITH BEHAVIORAL HEALTH DISABILITIES

We find that JPD’s crisis intervention policies and practices are not adequate, and this inadequacy contributes to the use of excessive force against people with behavioral health disabilities.¹³⁹

Research shows that, nationally, between 7% and 30% of calls for police service are behavioral health-related.¹⁴⁰ JPD conservatively estimates that at least 9% of its roughly 80,000 annual calls for service involve an individual with a behavioral health disability.¹⁴¹

Recently, JPD has shown support for a co-responder model for incidents involving people with behavioral health disabilities. JPD has begun to partner with Will County and mental health providers with the goal of developing alternative responses that would link police services with other community resources, and that may even eventually take police out of the picture entirely where a law enforcement response is not needed.

Reforms like these are essential: an unnecessary or ineffective police response to a behavioral health crisis may result in repeated calls, is more dangerous for both officers and the person who needs help, and can also be difficult and traumatic for officers.¹⁴² Some calls for service may be more effectively and safely resolved by dispatching non-sworn behavioral health professionals instead of (or in addition to) the police.¹⁴³ Implementing an effective, cross-agency system to handle encounters that require a law enforcement response—and to provide a non-law enforcement response to calls that do not—helps achieve better outcomes for those who need services and allows police to focus their limited resources elsewhere.

Creating such a system is not entirely within JPD’s control, because a truly effective system for providing services to people with behavioral health disabilities requires more than the police. Nonetheless, JPD is making efforts toward the kind of cooperation among agencies that is needed, and we commend JPD for moving in this direction.

Still, we cannot overlook the fact that JPD’s failure to implement a more effective Crisis Intervention Team (CIT) system within the Department has led to the use of disproportionate force against people in behavioral health crises. Under a CIT model, police departments provide a

¹³⁹ In this Report, the term “behavioral health disability” includes people who are experiencing a behavioral or mental health crisis (who may or may not have a co-occurring behavioral health disability).

¹⁴⁰ Vera Institute of Justice, *911 Analysis: How Civilian Crisis Responders Can Divert Behavioral Health Calls from Police*, April 2022, bit.ly/4eh1Jdp; Richard Hahn, Niskanen Center, Research Roundup: LEDTA and Police Responses to People in Behavioral Crisis, November 8, 2023, bit.ly/3CdRY21; Ashley Abramson, American Psychological Association, *Building Mental Health Into Emergency Responses*, July 1, 2021, bit.ly/40we9uP.

¹⁴¹ The number may be significantly higher given limitations on JPD’s collection of this data during our investigation. JPD officers have anecdotally estimated that 70% to 80% of calls for service involve people with “mental health struggles.”

¹⁴² See, e.g., Jackson Beck, Melissa Reuland, Leah Pope, Vera Institute of Justice, *Behavioral Health Crisis Alternatives, Shifting from Police to Community Responses*, November 2020, bit.ly/3NXkHuN.

¹⁴³ We note that JPD dispatchers are already dispatching ambulances to calls they believe involve mental health crises.

specialized police response to individuals with behavioral health disabilities, review these encounters to identify needs and improve practices, and coordinate with community service providers to reduce repeat police encounters caused by unmet behavioral or mental health needs.¹⁴⁴ This can be an effective model for responding to incidents that require a law enforcement response to protect public safety. JPD has provided specialized CIT training to a substantial fraction of its officers, but it is not effectively deploying these trained officers to address behavioral health crises. As a result, people in crisis have been subjected to unlawful uses of force.

To assess JPD’s response to incidents involving people with behavioral health disabilities, our team analyzed JPD policies, trainings, and other materials related to its crisis intervention response, including those of the 911 Communications Center, which is operated and staffed by JPD.¹⁴⁵ Our team also observed officers’ interactions with individuals in crisis, trainings on related policies and interactions, and 911 call-takers’ responses to calls potentially involving an individual with a behavioral health disability. We also interviewed JPD officers, Communications Center staff, and community organizations regarding the Department’s response to people with behavioral health disabilities. Finally, we reviewed a sample of incidents in which JPD officers used force against individuals who appeared to have a behavioral health disability.

A. Legal Standards

As described in Section III (Use of Force), the Fourth Amendment requires officers’ force to be objectively reasonable in light of the “totality of the circumstances.”¹⁴⁶ An officer’s awareness of an individual’s behavioral health disability is a factor in this analysis.¹⁴⁷

JPD’s responses to people with behavioral health problems may also be subject to Title II of the Americans with Disabilities Act (ADA)¹⁴⁸ and the Illinois Human Rights Act (IHRA).¹⁴⁹ Both laws prohibit public entities from discriminating against people with disabilities by excluding their participation in, or denying them the benefits of, their services, programs, or activities. Equality under these laws requires, for example, “that people with behavioral health disabilities receive a health response in circumstances where others would receive a health response.”¹⁵⁰ Where access is not equal, public entities that administer emergency response systems—like JPD—must make reasonable modifications to their policies and programs to prevent

¹⁴⁴ U.S. Dep’t of Justice & U.S. Dep’t of Health and Human Servs., *Guidance for Emergency Responses to People with Behavioral Health or Other Disabilities* (2023), at 12–14, bit.ly/4dVTLqO.

¹⁴⁵ We reviewed incidents in which JPD dispatched the police to calls where a police response may have been unnecessary and may have contributed to unnecessary force, but given data limitations, we did not analyze how often this occurred or examine data on calls in which the police were *not* dispatched.

¹⁴⁶ *Graham v. Connor*, 490 U.S. 386, 396 (1989).

¹⁴⁷ *Cyrus v. Town of Mukwonago*, 624 F.3d 856, 862 (7th Cir. 2010) (citing *Abdullahi v. City of Madison*, 423 F.3d 763, 772 (7th Cir. 2005)).

¹⁴⁸ 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b).

¹⁴⁹ 775 ILCS 5/1-102(A) (securing “for all individuals within Illinois the freedom from discrimination based on . . . physical or mental disability”); 775 ILCS 5/1-103(I)(1) (defining disability as “a determinable physical or mental characteristic of a person,” including “any mental, psychological, or development disability, including autism spectrum disorders” for purposes of Article 5 of the Act, which prohibits discrimination against individuals with disabilities in places of public accommodation). As the IHRA closely mirrors the ADA, conduct that violates the ADA also likely violates the IHRA.

¹⁵⁰ U.S. Dep’t of Justice & U.S. Dep’t of Health and Human Servs., note 144 above, at 3.

discrimination. Reasonable modifications might include sending mental health professionals where a law enforcement response is not necessary (for example if the person is not accused of a violent or serious crime and does not pose a threat to public safety); dispatching a co-responder team made up of law enforcement and mental health professionals; or, when a law enforcement response is needed, sending officers who are skilled in crisis intervention techniques.

The Illinois Community Emergency Services and Support Act (CESSA), which took effect in 2022, now prohibits police from responding to a call seeking assistance with a mental or behavioral health crisis where mobile mental health providers are available unless the individual has committed a crime or presents a threat of physical injury to themselves or others.¹⁵¹ Mobile mental health providers may not yet always be available to respond to calls in Joliet. When they are not, JPD is still responsible for ensuring that its officers provide lawful, effective, and respectful service to community members.

We make no finding as to whether JPD violates the ADA, CESSA, or the IHRA in its response to behavioral health crises, but our recommendations are framed by these federal and state requirements. As JPD improves its crisis intervention system to address Fourth Amendment violations, JPD must also ensure that its solutions also comply with these anti-discrimination laws.¹⁵²

B. Findings

Our review of instances in which JPD officers used force included instances in which officers used unlawful force against someone with a behavioral health disability. Research shows that interactions between officers and individuals with a behavioral health disability are more likely to result in serious uses of force and death than are police interactions with the general population.¹⁵³ This is partly because a person in crisis may have trouble processing and complying with shouted commands. These actions increase the trauma associated with a police response to a behavioral health crisis.¹⁵⁴ This makes JPD's approach,¹⁵⁵ in which officers resort quickly to aggression and demand immediate compliance under threat of force, especially inappropriate, harmful, and likely to lead to excessive force when directed at a person who has a behavioral health

¹⁵¹ 50 ILCS 754/30(a).

¹⁵² Although the Seventh Circuit has not directly addressed the issue, many other Courts of Appeal, including the Fourth, Ninth, Tenth, and Eleventh Circuits, have held that the ADA applies during officers' on-the-street interactions with people with behavioral health disabilities and that, absent exigent circumstances, officers must make reasonable modifications to ensure they are not discriminating against someone based on their behavioral health disability. *See, e.g., Robey v. City of Chi.*, 2018 WL 688316, at *5 (N.D. Ill, Feb. 2, 2018) (collecting cases).

¹⁵³ Alexander J. Rohrer, *Law Enforcement and Persons with Mental Illness: Responding Responsibly*, 36 J. Police & Crim. Psych. 342, 342–43 (2021) (noting that people with a mental illness make up 18.9% of the general population but 23% of the total number of people killed by police in shootings, and that other serious uses of force—including strikes, batons, pepper spray, tasers, and firearms—are used disproportionately against people with mental illness) (citing, for example, 2020 data from The Washington Post's Fatal Force database, [bit.ly/48C6aOC](https://www.washingtonpost.com/fatal-force/)).

¹⁵⁴ Beck et al., note 142 above.

¹⁵⁵ *See* Section III (Use of Force) for a description of JPD's larger pattern or practice of using unlawful force.

disability. The continuing inadequacies of JPD’s crisis response systems further exacerbate the problem.

A telling illustration of the problem comes from a series of three interactions over a two-week period in 2020 with a man who has bipolar disorder and schizophrenia. All three interactions, each by different JPD officers, involved unlawful force.

In the first incident, officers responded to a call about a man standing in a daze at a gas station. When officers arrived, the man was crossing a street and was nearly hit by traffic. An officer approached the man, who moved onto the sidewalk and attempted to walk away. According to officer reports, the man tripped and fell to the grass. Officers ordered him to stay on the ground. When he attempted to stand up, officers tried to forcibly detain him. The man “tensed his whole body” and placed his arms under his chest to avoid being handcuffed. Officers used a baton to pry his arm out, punched him in the face, and then tased him in the back three times.

The extent of force used was excessive. The man was suspected, at most, of a very minor crime. Indeed, officers arrested the man only for resisting and obstructing a police officer, without an associated underlying crime, other than a citation for improperly walking on a roadway. The man did not assault the officers or otherwise pose a threat, and his behavior indicated he had a behavioral health disability. Under these circumstances, it was unreasonable to tase him three times and punch him in the face—both serious uses of force. Upon arrival at the station, the man was catatonic and had soiled himself, and an ambulance was called. JPD later learned that the man had been reported missing from a mental health clinic in Chicago, that he had schizophrenia and bipolar disorder, and that he was experiencing homelessness.

Nine days later, JPD encountered the man again, in response to a retail theft of about \$4 of food. A JPD officer found the man sitting barefoot behind a dumpster, eating a can of food, talking to himself, and staring into space. When the man did not respond to questioning, the officer told him that he was going to detain him and tried to grab the man’s wrist. According to the officer’s report, the man swung his arm toward the officer “in a flailing manner” and attempted to flee. The officer ordered the man to put his hands behind his back, but the man did not comply.

According to the officer’s report, the officer tased the man because his “behavior was erratic and he seemed mentally unstable.” The report then claimed that the officer tased the man a second time because the man would not put his hand behind his back and was trying to get up. But the taser video shows that the man was on his back, unmoving, arms wide, screaming in pain when the officer tased him a second time, within five seconds of the first taser cycle. The officer then yelled at the man that he needed to get on his stomach, or he would “get hit again.” When the man did not respond, the officer tased him for the third time in less than thirty seconds. This force was again excessive. It was unreasonable for the officer to repeatedly tase a man who was laying on the ground motionless, was suspected of only a minor, non-violent crime, and whom the officer recognized was experiencing a behavioral health crisis. The discrepancy between the officer’s justification for force and the video raises additional concerns with JPD’s use of force, supervision, and accountability systems documented elsewhere in this report. *See* Sections III (Use of Force), VII (Accountability).

Officers encountered the same man again a few days later trespassing at Walmart after responding to a call for suspected theft of a watch. An officer demanded the man’s identification and tried to block him from leaving the store. One officer grabbed the man’s wrist, but the man

tried to pull his arm away and push past the officer, causing the man to fall backward. The officer climbed on top of the man to control his movement and used his baton to try to pry the man's hands from under his body. A second officer arrived, and they tried to handcuff the man, who, according to officers, clenched his fists and refused to put his hands behind his back. The second officer punched the side of the man's body three times. The officer claimed he hit the man three times because he did not know if the man was armed, but did not articulate any basis for suspecting that he was. The officers arrested the man and charged him with trespassing and resisting or obstructing. This force was excessive. There were two officers present and the man was not threatening violence. It was disproportionate to punch the man three times to remove his hands from under his body.

In addition to the excessive force, these incidents indicate failings in JPD's crisis intervention system. During each encounter with this man, it should have been apparent to officers that he had a behavioral health disability. Yet none of the officers used de-escalation techniques—like speaking to the man calmly, slowing down the encounter, attempting to address his needs, or calling in additional support. To the contrary, officers escalated each encounter and quickly resorted to force in response to behaviors consistent with someone experiencing a behavioral health crisis. In the first two instances, the officers did not have specialized CIT training, and they did not seek the assistance of CIT officers or mental health professionals. The third incident did involve CIT officers but, despite their training, these officers similarly failed to employ crisis intervention skills and techniques. We saw no evidence in our review that JPD conducted any follow up work to identify the man as someone in need of services, or that JPD reviewed these encounters to identify opportunities to improve practices going forward.

Other examples raised similar concerns. In a 2020 incident, officers used excessive force while trying to forcibly detain a suicidal man so they could transport him to the hospital. His girlfriend had called 911 when the man texted that he was going to overdose. Although there was no crime alleged, no weapon involved, and the caller was seeking help with a mental health crisis, JPD's Communications Center dispatched a JPD officer. When the officer entered the man's apartment, he told the officer he had taken pills and wanted to die and that he would not leave without a fight. The officer called for backup. More officers and the fire department arrived. Multiple first responders tried to convince the man to come out of the corner of the room, and an officer approached the man and attempted to handcuff him. The man tried to punch the officer in the face, and the officer took him to the ground. The man continued to resist being handcuffed, and an officer punched him in the face three times. The repeated use of head strikes as a tactic for compliance was excessive given the man was unarmed, was already on the ground, and was experiencing a behavioral health crisis.

In addition to further illustrating JPD's pattern or practice of unlawful force, this incident reveals the potentially damaging impact of using police officers to respond to psychiatric emergencies. Police officers are not mental health professionals. The average police officer, even one who has received some specialized training, is unlikely to be able to counsel a man who is experiencing suicidal ideation and convince him to seek treatment, particularly given that the mere presence of police officers can increase the distress of someone in crisis.¹⁵⁶

¹⁵⁶ Beck et al., note 142 above.

As we have noted, JPD is taking positive steps to improve its response to people in crisis. We also recognize that JPD on its own cannot create the full range of resources needed to best provide services to those experiencing behavioral health issues. But JPD is not doing all it can, and until it does, vulnerable people remain at heightened risk of harm.

C. Recommendations for Modifications to JPD’s Crisis Response System

JPD has made some recent strides in developing its crisis response tools, but developing a comprehensive crisis response system that effectively addresses the needs of people with behavioral health disabilities will require continued improvement and support. As one JPD officer pointed out, new Will County alternate response programs may be a great alternative to handling calls where non-criminal issues can be resolved without police.¹⁵⁷ As the officer expressed, “If there’s an issue involved that’s not criminal, we don’t need to be there. Let’s get them the right help they need.” To address the concerns we have identified, JPD will need to both improve its internal CIT program and continue to deepen its partnerships with other entities to reduce Joliet’s reliance on police for behavioral health crises.

1. JPD should modify its CIT program to ensure officers effectively and safely resolve encounters involving people with behavioral health disabilities when a law enforcement response is necessary

As described above, we reviewed instances in which officers encountered someone they knew or should have known had a behavioral health disability and, rather than using crisis intervention techniques, resorted to force quickly and used force disproportionately. Improvements in JPD’s crisis intervention program can help JPD resolve these encounters more safely and effectively, and in a way that will help reduce repeated encounters to address the same unmet needs.¹⁵⁸

JPD’s crisis intervention program consists almost entirely of one component of the Crisis Intervention Team Model: training. JPD provides some officers—the Crisis Intervention Team Officers (CIT Officers)—with forty hours of training in crisis intervention skills. In addition, JPD recently has begun providing all probationary JPD officers with basic CIT training and all JPD officers now receive annual CIT training.¹⁵⁹ This 8-hour CIT training provided to non-CIT Officers is designed to equip them with the ability to recognize when someone may have a behavioral health disability.¹⁶⁰ This is consistent with the CIT model, but an effective CIT system is comprised of much more than training.¹⁶¹

¹⁵⁷ See, e.g., Will County Health Dep’t & Comm. Health Center, *590 Crisis Care Program*, bit.ly/48liv3V and *Mobile Crisis Response*, bit.ly/3YX2XGt.

¹⁵⁸ These changes must be implemented in tandem with adoption of our other recommendations for improving JPD’s force and accountability practices.

¹⁵⁹ This training is required by the Safety, Accountability, Fairness, and Equity Act, which amended the Illinois Police Training Act, 50 ILCS 705/1 *et seq.*, effective July 1, 2022.

¹⁶⁰ Police-Mental Health Collaboration (PMHC) Toolkit, *FAQs: When Should Officers Receive Mental Health and De-Escalation Training?*, U.S. Dep’t of Justice: Bureau of Justice Assistance, bit.ly/4fdSVGF.

¹⁶¹ CIT Int’l, *Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises* (2019), at 3, bit.ly/48FFcpF. As noted above, when dispatchers recognize that a call for service involves mental health needs, they send the Joliet Fire Department in addition to JPD.

JPD must also ensure that it actually utilizes its specially trained officers at calls involving someone with a behavioral health disability. As a first step in the process, dispatchers must be given additional training to recognize these calls and the need to send a CIT-trained officer.¹⁶² JPD also needs to provide dispatchers a current list of CIT officers. JPD’s Communications Center call-takers currently have no such list, and while dispatchers may informally receive information about which officers have CIT training, they have no reliable means of knowing who is CIT-trained and can be dispatched to calls involving people with behavioral health disabilities. Instead, responses by CIT officers are ad-hoc: if a CIT officer hears a call with someone in crisis and happens to be available, they can respond to the call.

Ideally, JPD’s CIT officers should be led by a CIT coordinator who: uses data to determine appropriate staffing and distribute CIT officers across shifts to ensure they are available to respond to these calls;¹⁶³ reviews police encounters involving people with behavioral health disabilities to improve outcomes; builds partnerships and coordinates with community service providers to improve services to individuals the team has encountered;¹⁶⁴ and helps select officers to serve as CIT officers among applicants who have volunteered for the assignment.¹⁶⁵

Importantly, JPD may not have enough CIT officers to handle the volume of calls involving individuals with behavioral health disabilities. In the last five years, around 10% of JPD’s sworn officers have received the 40-hour crisis intervention training and were certified as CIT officers. As JPD comes to understand its needs in this area more fully, it may determine that more CIT officers are needed.

Currently, JPD does not consistently collect, maintain, or review data on interactions with individuals with behavioral health disabilities to assess outcomes or determine staffing needs. JPD should begin by collecting data on the number of calls received that involve an individual with a behavioral health disability across different shifts and districts, and the number of calls responded to by a CIT-trained officer. JPD should also collect and analyze data related to the outcomes of these calls, such as use of force, whether de-escalation and procedural justice techniques were used, arrest, and injury rates, and use of non-JPD resources (such as Will County’s 590 Crisis Care Program). JPD should then use that data to shape its training programs.¹⁶⁶

JPD also should revise its crisis intervention policies. JPD’s “Mental Health Subjects” policy fails to give officers meaningful guidance, contains inaccurate definitions, and includes outdated terms—such as “mentally retarded,” “mental retardation,” and “emotionally ill”—to describe individuals with behavioral health disabilities.¹⁶⁷ JPD should work with local community

¹⁶² *Id.* at 144.

¹⁶³ *Id.* at 107–109.

¹⁶⁴ *Id.* at 79–83.

¹⁶⁵ Michael T. Compton, et al., *Police Officers’ Volunteering for (Rather than Being Assigned to) Crisis Intervention Team (CIT) Training: Evidence for a Beneficial Self-Selection Effect*, *Behav. Sci. Law* (2017), bit.ly/3Ca0j75.

¹⁶⁶ See generally Substance Abuse and Mental Health Servs. Admin., *Crisis Intervention Team (CIT) Methods for Using Data to Inform Practice: A Step-by-Step Guide* (2018), bit.ly/4fDaa42.

¹⁶⁷ See, e.g., Pub. Act 097-0227 (2011) (amending state laws to substitute the term “intellectual disability” for “mental retardation”).

organizations and individuals with lived experiences to revise its policies on interacting with individuals who have behavioral health disabilities.¹⁶⁸

2. JPD should continue to work with local agencies to develop programs that support deploying non-police professionals to calls that can be safely resolved without a law enforcement response

In some of the instances we reviewed in which officers used excessive force against an individual with a behavioral health disability, the presence or participation of police officers may have been both unnecessary and detrimental to efforts to effectively resolve the encounter. JPD should continue to work with Will County to develop and ensure the deployment of community-based, behavioral health service provider mobile crisis teams to behavioral health calls—instead of or in addition to (as appropriate) law enforcement.¹⁶⁹ “Community-based crisis services play a key role in preventing needless institutionalization, law enforcement encounters, and incarceration of people with disabilities.”¹⁷⁰ Robust alternative services will allow some calls involving behavioral health needs to be diverted from a law enforcement response and help ensure that encounters that do require a law enforcement response are more effectively and safely resolved.

Community members have called on the City and JPD to incorporate a team of mental health professionals and social workers as first responders in cases of suicide intervention, overdose, and other mental health and behavioral crises. In our conversations with community members, we also heard a need for more community-based resources to help individuals in crisis, especially individuals with repeat acute mental health episodes. And in applying for a grant to receive funding to improve its mental health services, the Department explicitly recognizes that Joliet “has struggled to provide a sufficient level of mental health resources for all of its community members.”

Encouragingly, Joliet is working to develop and implement an effective, non-law-enforcement response to calls and encounters involving someone in crisis. First, where appropriate, JPD’s Communications Center will refer 911 calls to the newly developed, federally mandated 988 Suicide and Crisis Intervention line administered by the Illinois Department of Human Services.¹⁷¹ Additionally, JPD recently shared its intention to coordinate with the Will County Health Department on its 590 Crisis Care Program, which is designed to link individuals to social services that can address their needs.¹⁷² JPD also sought and received a federal grant to develop and implement a program to help connect individuals who have behavioral health needs to community service providers. Funding from this grant has been used to increase training for officers and dispatchers and to provide case management services to individuals to address unmet needs.

¹⁶⁸ See, e.g., Substance Abuse and Mental Health Servs. Admin., note 166 above; CIT Int’l, note 161 above, at 101–07; Nat’l Alliance on Mental Illness, *Crisis Intervention Team (CIT) Programs*, bit.ly/3B36XM6.

¹⁶⁹ U.S. Dep’t of Justice & U.S. Dep’t of Health and Human Servs., note 144 above, at 10–12.

¹⁷⁰ *Id.* at 3.

¹⁷¹ Nat’l Suicide Hotline Designation Act of 2020, Pub. L. 116-172, § 3(a)(4) (2020) (designating 9-8-8 as the “universal telephone number ... for the purpose of the national suicide prevention and mental health crisis hotline system”); see also *988 Suicide & Crisis Lifeline*, Ill. Dep’t of Human Servs., bit.ly/3YFZomm.

¹⁷² Will County Health Dep’t & Comm. Health Center, *590 Crisis Care Program*, bit.ly/48Iiv3V.

The Department’s implementation of these programs is a significant step in expanding the array of services available to individuals with behavioral health disabilities. We commend JPD for taking these proactive steps to improve its response to people with behavioral health disabilities. If implemented effectively, this program may help address many of the deficiencies we identified in our investigation.

JPD also has the human talent to do this well. JPD officers developed an innovative program to support veterans experiencing a behavioral or mental health crisis. Under the “Battle Buddy Program,” JPD enlists the help of officers who are veterans of the armed services to respond to calls involving veterans “who may be despondent, suicidal, or in need of a referral for housing, transportation, substance abuse treatment, or mental health counseling.”¹⁷³ In a 2021 incident, officers effectively used de-escalation techniques to resolve an encounter with a veteran who claimed to be armed and was threatening to kill officers and himself.

During our investigation, we reviewed other instances in which JPD officers used crisis intervention skills to resolve calls involving individuals who appeared to have behavioral health disabilities. These officers were patient, respectful, and skilled at using crisis intervention techniques to assist individuals who had behavioral health needs without resorting to unnecessary force. JPD should leverage the talent and commitment of these officers—and work to identify others—to help develop and implement modifications to its crisis intervention systems to better serve people in Joliet who have behavioral health disabilities.

¹⁷³ See *Battle Buddy Program*, Joliet Police Dep’t, bit.ly/3UEjRqC.

V. JPD'S ENFORCEMENT PRACTICES DISCRIMINATE AGAINST BLACK PEOPLE AND MAY ALSO VIOLATE THE RIGHTS OF LATINO PEOPLE

We have reasonable cause to believe that JPD engages in a pattern and practice of discriminatory policing against Black people in violation of the Illinois Civil Rights Act (ICRA) and the Illinois Human Rights Act (IHRA). We are also concerned that JPD's treatment of Latino people may violate state law. Evidence gathered by our office from community members, JPD members, and other stakeholders, as well as a thorough analysis of JPD's data and documents, shows that JPD's policing practices have a disparate impact on Black people and, to a lesser extent, Latino people. The disparate impact of JPD's enforcement decisions on Black people, even if unintentional, constitutes discrimination in violation of the ICRA and IHRA. Coupled with evidence indicating that some actions by JPD officers are motivated at least in part by discriminatory intent, JPD's enforcement practices are damaging its relationships with Black and Latino people in the community.

Statistical analyses of JPD's policing activities show that across a range of enforcement actions—from traffic stops to uses of force—JPD disproportionately uses its enforcement authority against Black people and, to a lesser extent, Latino people.¹⁷⁴ For Black people, the disparities are heightened when the enforcement action is discretionary: JPD officers more frequently arrest Black people compared with White people engaging in the same conduct. Our analysis suggests that this disparate enforcement is at least in part the result of racial bias.

In addition, our investigation found other evidence of intentional discrimination against Black and Latino people. This evidence includes the use of racially derogatory language both toward members of the public and within JPD, as well as JPD's failure to hold officers and supervisors accountable for racially biased conduct.

The community feels JPD's bias, and it has degraded the relationship between JPD and the people they serve. Community members told us that JPD treats people of color differently from White people for the same conduct. They described JPD as biased and prejudiced and in need of diversity and inclusion training. They also reported that they do not trust JPD and do not always feel comfortable calling for help. This strained relationship has the potential to undermine public safety by making the public less willing to cooperate with JPD in responding to crime.

A. Legal Standards

The Illinois Civil Rights Act provides that no local government in Illinois shall “deny a person the benefits of, or subject a person to discrimination under any program or activity on the grounds of that person's race, color, [or] national origin” or “utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race,

¹⁷⁴ We were unable to analyze JPD's pedestrian stops for disparities because JPD fails to adequately document and track such stops. As a result, we cannot determine whether the racial disparities we identified in other enforcement activities also occur when JPD officers stop pedestrians. Moreover, when our investigation began, JPD was not complying with state law requiring reporting of pedestrian stops and associated outcomes. *See* 625 ILCS 5/11-212 amended by P.A. 99-352, eff. Jan. 1, 2016 (requiring collection and submission of pedestrian stop data). We understand that JPD began advising officers to document pedestrian stops shortly after our investigation began, and we have observed an improvement in their state reporting in recent years.

color, [or] national origin.”¹⁷⁵ The Illinois Human Rights Act also prohibits discrimination based on an individual’s actual or perceived race, color, national origin, or ancestry, among other protected categories.¹⁷⁶ Under the IHRA, public officials (including police officers) are prohibited from denying or refusing a person “the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official’s office or services or any property under the official’s care because of unlawful discrimination.”¹⁷⁷

Under these two laws, it is not necessary to prove an intent to discriminate; the disparate impact alone constitutes discrimination.¹⁷⁸ The disparate effects of JPD’s enforcement practices deprive Black and Latino people of the “equal enjoyment” of the Department’s services. The disparity is consistent across several categories of enforcement activities, including traffic stops, searches, arrests, and uses of force.

B. Methodology

To investigate the impact of JPD’s enforcement activities on the three main racial or ethnic groups in Joliet (White, Black, and Latino), our office contracted with a research organization at the University of Chicago to conduct a statistical analysis of JPD policing activities. Relying on JPD’s own information and files, we examined several years’ worth of data on traffic stops and post-stop outcomes (traffic citations, vehicle and person searches, and arrests), arrests, and uses of force. We compared racial distributions and patterns of these outcomes to Joliet population benchmarks and to equivalently matched comparison groups. When comparison groups were used, relevant between-person differences other than race were statistically equated across groups. As a result, any differences in outcomes could only be attributable to race and not some other factor (e.g., location, time of day, reported reason for the stop). This statistical matching methodology was used where applicable, mainly for the traffic stop outcomes and uses of force, where groups were matched on such factors as location, time of day, age, and sex, among others. A more detailed explanation of the methodology used can be found in Appendix C.

The results of the analysis establish that Black people are disparately impacted by JPD’s enforcement activities in a manner that violates the IHRA and ICRA. We also found a lesser, though still concerning, disparity in JPD’s treatment of Latino people. Yet, the overall scope and magnitude of these disparities remain unknown because of the limitations of the data, including where JPD fails to collect certain kinds of data, such as on pedestrian stops, and fails to collect race and ethnicity data consistently across all enforcement activities.

¹⁷⁵ 740 ILCS 23/5(a)(1)-(2).

¹⁷⁶ 775 ILCS 5/1-103(Q).

¹⁷⁷ 775 ILCS 5/5-102(C).

¹⁷⁸ See *Burnham City Hosp. v. Hum. Rts. Comm’n*, 126 Ill. App. 3d 999, 1008 (1984) (analyzing disparate impact claim under IHRA); *Cox v. Kisro*, 406 Ill. App. 3d 1226 (2011) (“The Illinois Civil Rights Act creates a private right of action for disparate-impact-discrimination claims.” (citing *Ill. Native Am. Bar Ass’n v. Univ. of Ill.*, 368 Ill. App. 3d 321, 327 (2006))).

C. Findings

1. Racial disparities in traffic stops

Racial disparities exist in JPD traffic stops between White drivers and Black or Hispanic drivers.¹⁷⁹ Importantly, the disparities identified in this section persist regardless of geographic location within Joliet.

Over the five-year period from January 1, 2019 to December 31, 2023, JPD conducted around 38,000 traffic stops. Approximately 35% of these traffic stops were of Black drivers, 32% Hispanic drivers, and 32% White, non-Hispanic drivers. Compared to the population of Joliet as a whole (Joliet is 44.3% White, 33.5% Hispanic or Latino, and 17.1% Black), the distribution of traffic stops by race suggests some amount of bias in how JPD officers enforce traffic laws. This comparison is inexact, however, because the racial makeup of people on the roadways in Joliet at any given time does not necessarily match the racial distribution of the population as a whole.¹⁸⁰ Because of the inherent limitations of comparing population distributions to traffic stop distributions in any municipality, we conducted more nuanced and statistically controlled comparisons of post-stop traffic data to assess the potential impact of disparate policing.

We compared several post-stop outcomes for drivers of different racial groups for JPD traffic stops that occurred between January 1, 2019 and December 31, 2023. This analysis controlled for several data points documented by JPD officers, including the recorded basis for the stop as well as the time and place. Controlling for these situational factors ensures that groups being compared are equivalent with respect to observable factors. Any differences in post-stop outcomes can therefore be attributed to race.

a. Black and Hispanic drivers are more likely to be searched during traffic stops than White drivers

Large disparities emerged with respect to whose vehicle and/or person is searched during a traffic stop. JPD officers are far more likely¹⁸¹ to search the vehicles of Black drivers (14.3%) compared to similarly situated White drivers (7.9%). These results suggest that between 2019 and 2023, JPD officers searched about 843 more stopped vehicles with Black drivers than they would have if the rates were the same. JPD officers are also more likely to search Black drivers and/or their passengers (10.2%) compared to similarly situated White drivers and/or their passengers (5.7%). This disparity implies that over a five-year period, JPD officers searched drivers and/or passengers from about 593 additional stopped vehicles driven by Black drivers.

A similar pattern exists for Hispanic (compared to White) drivers, although to a lesser degree. JPD officers are more likely to search the vehicles of Hispanic drivers (9.2%) compared to similarly situated White drivers (7.7%). These results suggest that JPD officers searched about

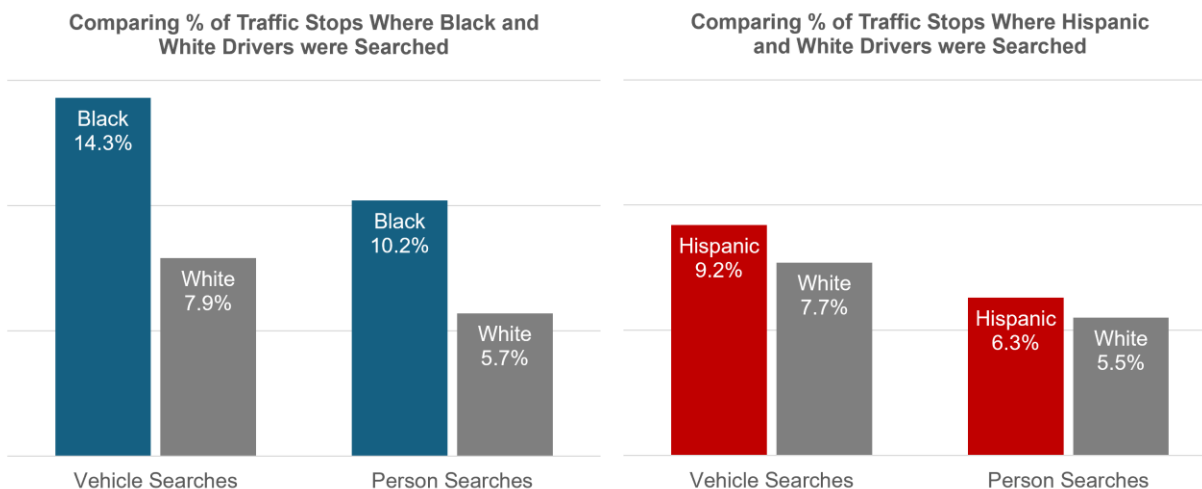
¹⁷⁹ As explained above, while we generally use the term “Latino” to refer to people from a Latin American and/or Spanish-speaking background, the descriptors in JPD’s data (relied on in this analysis) include Hispanic or “H” as the designation for such individuals. We therefore use that term, instead of Latino, in this section of the Report.

¹⁸⁰ See, e.g., *Chavez v. Ill. State Police*, 251 F.3d 612, 644 (7th Cir. 2001) (discussing the shortcomings of census data as a benchmark for measuring the racial makeup of the driving population).

¹⁸¹ In reporting the results of our analysis, we use the term “more likely” to mean that the difference reported is statistically significant, meaning it is caused by something other than chance.

182 more stopped vehicles with Hispanic drivers than they would have if the rates were the same. JPD officers are also more likely to search Hispanic drivers and/or their passengers (6.3%) compared to similarly situated White drivers and/or their passengers (5.5%). This disparity implies that over a five-year period, JPD officers searched drivers and/or passengers from about 97 additional stopped vehicles with Hispanic drivers than they would have if the rates were the same.

Figure 1: Disparities in Traffic Stop Searches



b. Black drivers are more likely than White drivers to be arrested during traffic stops

JPD officers are also more likely to arrest Black drivers (10.5%) compared to similarly situated White drivers (7.1%) during traffic stops. These figures excluded any arrests based on an existing warrant. This means that between 2019 and 2023, JPD officers arrested about 448 more Black drivers during traffic stops than they would have if the rates of post-stop arrests for White drivers and Black drivers were the same.

c. Black and Hispanic drivers are more likely to receive multiple citations during a traffic stop compared to White drivers

Controlling for observable factors, JPD officers are substantially more likely to issue two or more citations to Black drivers (29.2%) compared to similarly situated White drivers (21.9%) and are also more likely to issue two or more citations to Hispanic drivers (26.2%) compared to similarly situated White drivers (21.5%). These disparities imply that between 2019 and 2023, JPD issued multiple citations to approximately 962 additional Black drivers and 570 additional Hispanic drivers than they would have if the rates were the same.

d. Analysis of JPD traffic stop data involving only minor violations revealed racial disparities in post-stop behaviors of officers

Sometimes, when a police officer pulls someone over for a minor violation, the officer’s actual goal is to gather evidence of another crime—one for which the officer does not have grounds to detain a driver or even a basis for suspicion. In other words, sometimes officers pull people over

for a minor infraction simply to check “whether a person is up to no good.”¹⁸² The practice of dual-motive stops, sometimes called “pretextual stops,” can be constitutional.¹⁸³ If the stops are carried out in a discriminatory manner, however, they violate the law.

Reliance on dual-motive stops as a tool to seek evidence of other crimes has serious drawbacks. Studies have shown that dual-motive stops are correlated with racial profiling.¹⁸⁴ Other research shows dual-motive stops have a low yield rate for evidence of other crimes and do not reduce crime overall.¹⁸⁵ More importantly, however, dual-motive stops have a corrosive effect on the relationship between the police and the public, especially communities of color.¹⁸⁶ Recognizing these harmful effects, a number of jurisdictions across the country have recently placed limits on police officers’ authority to make traffic stops for minor violations.¹⁸⁷

In Joliet, being pulled over is a notably tense situation for non-White drivers. In our review of video footage, we observed the palpable fear of non-White drivers who had been stopped by JPD. We also read reports that illustrated this fear. Some drivers directly told officers that they were afraid or felt threatened. Other drivers waited to pull over (after being signaled by JPD to stop) until they could reach a well-lit area and felt safer. One Black woman was so frightened by her traffic stop encounter that she urinated on herself.

In light of both the general problems associated with dual-motive stops and the specific climate of fear for people of color in Joliet, we analyzed a subset of stops for minor traffic violations—issues like driving without a license plate light or failing to use a turn signal. We examined whether the disparities in post-stop outcomes across traffic stops as a whole were also present in the specific context of minor traffic stops.

We found that during stops for minor traffic violations, JPD officers are far more likely to search the vehicles of Black drivers (14.7%) compared to similarly situated White drivers (7.8%). These results suggest that, during stops for minor traffic violations over a five-year period, JPD officers searched about 428 more vehicles with Black drivers than they would have if the rates were the same. JPD officers are also far more likely to search Black drivers (and/or their

¹⁸² Charles R. Epp et al., *Pulled Over: How Police Stops Define Race and Citizenship*, xv, (University of Chicago Press, 2014).

¹⁸³ See *Whren v. United States*, 517 U.S. 806, 813 (1996).

¹⁸⁴ Stephen Rushin & Griffin Edwards, *An Empirical Assessment of Pretextual Stops and Racial Profiling*, 73 *Stan. L. Rev.* 637 (2021); Epp et al., note 182 above, at 3, 9, 52–73; Emma Pierson et. al., *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States*, Stanford Computational Policy Lab (2019), stanford.io/3zcCCdd.

¹⁸⁵ John MacDonald et al., *The Effects of Local Police Surges on Crime and Arrests in New York City*, *PLoS One* 11(6), e0157223 at 3 (2016), [bit.ly/4e17nkz](https://doi.org/10.1371/journal.pone.0157223); Epp et al., note 182 above, at 9; *An Assessment of Traffic Stops and Policing Strategies in Nashville*, Policing Project at New York University School of Law, bit.ly/3XyNgo7 (last accessed September 9, 2024).

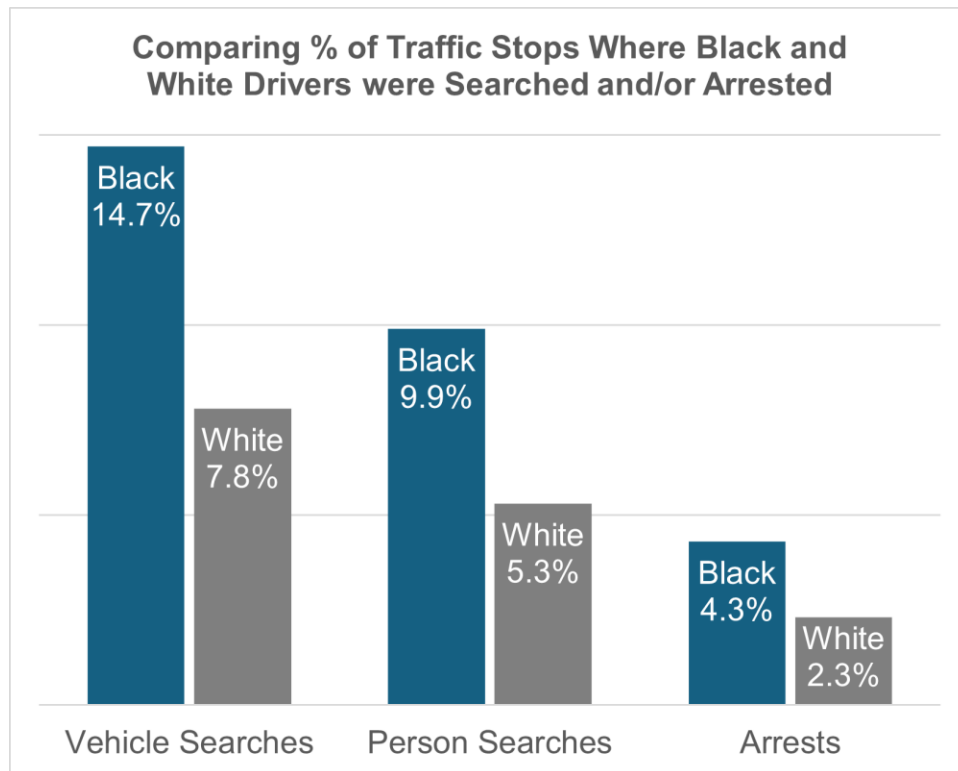
¹⁸⁶ Epp et al., note 182 above, at 31, 50, 135, 143; Peter Verniero & Paul Zoubek, *Interim Report of the State Police Review Team Regarding Allegations of Racial Profiling*, 47 (Office of the New Jersey Attorney General, 1999) (“Notably, disparate treatment of minorities at the hands of our criminal justice system reinforces a sense of mistrust.”), bit.ly/4hx0utw.

¹⁸⁷ Sam McCann, *Low-Level Traffic Stops are Ineffective—and Sometimes Deadly. Why are They Still Happening?*, Vera Institute of Justice (Mar. 29, 2023), bit.ly/3MFGbMj (listing jurisdictions); David D. Kirkpatrick et al., *Cities Try to Turn the Tide on Police Traffic Stops*, *The New York Times* (April 15, 2022), bit.ly/4elvXMN.

passengers) (9.9%) compared to similarly situated White drivers (and/or their passengers) (5.3%). These results suggest that, during stops for minor traffic violations over a five-year period, JPD officers searched drivers and/or passengers during about 285 more stops involving vehicles with Black drivers than they would have if the rates were the same.

During stops for minor traffic violations, JPD officers are far more likely to arrest (for non-warrant offenses) Black drivers (4.3%) compared to similarly situated White drivers (2.3%), suggesting that over a five-year period, JPD arrested about 124 more Black drivers during traffic stops for minor traffic violations than they would have if White drivers and Black drivers were arrested during minor traffic stops at the same rate.

Figure 2: Disparities in Minor Traffic Violations



The disparities we observed regarding minor traffic stops are troubling given the drawbacks discussed above, especially the harmful effect on JPD’s relationships with communities of color.

2. Racial disparities in arrests

Between January 1, 2017 and December 31, 2023, JPD made 25,456 arrests. JPD arrested Black individuals in numbers disproportionate to the size of the Black population of Joliet, and this disparity was heightened where officer discretion was greater.

- a. The proportion of Black individuals arrested is significantly higher than their proportion in the Joliet population*

Black community members are arrested at a rate that is significantly disproportionate to the size of the Black population in Joliet. The U.S. Census Bureau estimates that Black people

make up 17.1% of the Joliet population. However, between January 1, 2017 and December 31, 2023, 47.8% of people arrested by JPD were Black. This disparity was especially pronounced for Black men, who accounted for 37.0% of the arrests despite representing less than 10% of Joliet's population.

This difference in the proportion of arrests between Black people and White people compared to the population has many possible explanations, including racial differences in exposure to law enforcement (e.g., where police are deployed), racial differences in rates of committing offenses, and the likelihood that at least some people arrested in Joliet are not Joliet residents (and thus not counted in the census).¹⁸⁸ Therefore, while the disproportion found here is large and suggestive, we examined this disparity further by analyzing arrests for discretionary offenses.

b. Black people are especially likely to be arrested by JPD for discretionary offenses

Our review of discretionary arrests corroborates our finding of racial disparity. A “discretionary” offense is one for which an officer must use a greater degree of judgment to determine whether the offense has occurred. With many offenses, the violation of the law is fairly clear cut—for example, if an officer knows that a person has taken something from a store without paying, the officer does not need to exercise much judgment to conclude that the person may have committed retail theft. But other offenses are more likely to require an officer to subjectively evaluate the facts to determine whether there is probable cause to make an arrest. Discretionary offenses include such charges as disorderly conduct¹⁸⁹ and resisting or obstructing a peace officer (a charge that may include resisting arrest).¹⁹⁰ Usually, disorderly conduct and resisting or obstructing charges are paired with other more substantive charges, but occasionally these are the only charges of record. Arrests involving only charges in which officers have more discretion provide a greater opportunity to observe any bias that may be at play.¹⁹¹

For the 577 arrests that occurred between January 1, 2017 and December 31, 2023 where either disorderly conduct or resisting or obstructing of a peace officer was the only charge, Black individuals comprised 59.4% of those arrests and White individuals comprised 18.0% of those arrests. In other words, Black individuals were more than 2.5 times more likely than White individuals to be arrested on a disorderly conduct or resisting or obstructing charge alone, without a more substantive charge. Moreover, the rate of arrests of Black people for discretionary offenses is about 20% greater than the rate of arrests of Black people overall in the same time period (59.4% vs. 47.8%). Thus, even if factors other than bias could explain the overall difference in arrest rates

¹⁸⁸ See, e.g., Greg Ridgeway, Technical Report: Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices, RAND Corporation 14–16 (2007), bit.ly/40x5EQ5.

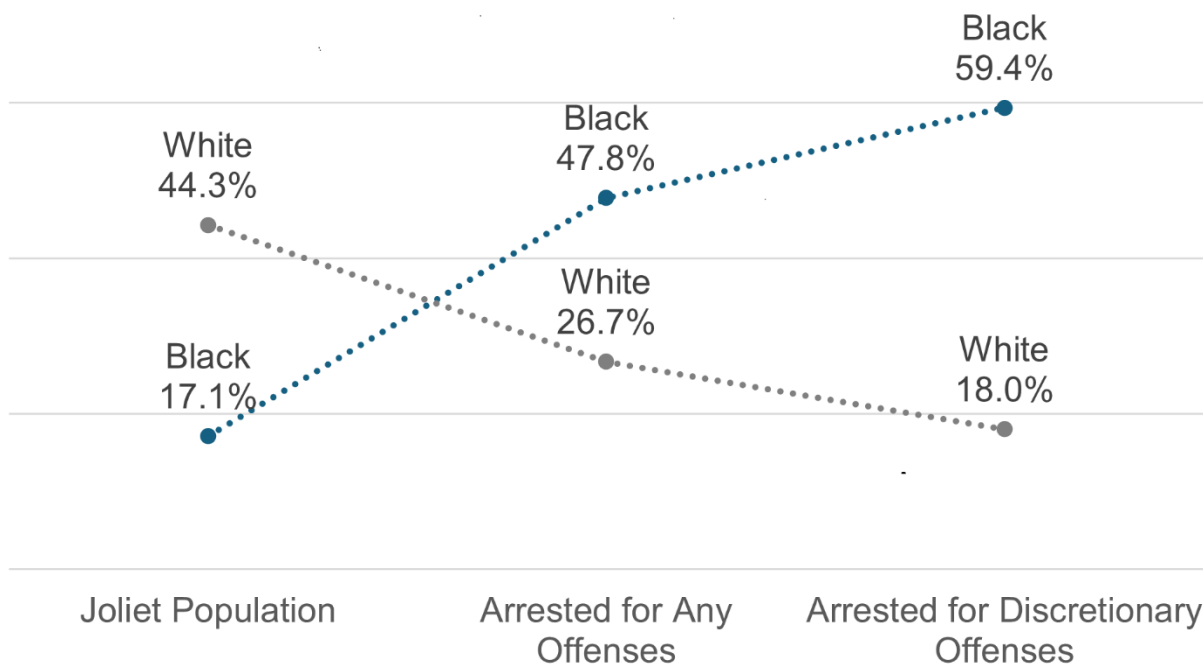
¹⁸⁹ 720 ILCS 5/26-1(a).

¹⁹⁰ 720 ILCS 5/31-1(a). Note that prior to January 1, 2023, resisting arrest and obstructing fell under the same statutory provision and were, in effect, the same charge. Beginning January 1, 2023, they are separate offenses in separate subsections of the statute (720 ILCS 5/31-1(a)(1) – resisting arrest; 720 ILCS 5/31-1(a)(2) – obstructing a peace officer). See P.A. § 101-652 (eff. Jan. 1, 2023).

¹⁹¹ Marie Pryor et al., *Risky Situations: Sources of Racial Disparity in Police Behavior*, 16 *Annu. Rev. Law Soc. Sci.* 343, 345–48 (2020), bit.ly/3TJvEn4 (“In the absence of binding directives or established protocols, officers’ reliance on discretion or personal judgment can allow their prejudices to influence their decisions.”).

between Black people and White people, the heightened disparity for discretionary arrests (which involve more subjectivity and judgment on the part of officers) is evidence of bias.

Figure 3: Proportion of Black People in Joliet, Arrested for Any Offenses, and Arrested for Discretionary Offenses



3. Racial disparities in use of force

a. JPD uses force against Black males at greatly disproportionate rates

Black community members, especially Black males, are subjected to force by JPD at a rate that is significantly disproportionate to the size of the Black population in Joliet. Although Black males make up less than 10% of the population, they accounted for 46.3% of the 1,258 uses of force that JPD recorded between January 1, 2017 and December 31, 2023. The rate of force used on Black males (46.3%) is substantially higher than the arrest rate for Black individuals (37.0%) in the same time period, suggesting that the disparity in force used between Black and White individuals is not strictly a result of the disparity in who is arrested. Rather, the additional disparity in the use of force against Black males (over and above the disparity in arrest rates) appears to be attributable to some other factor(s).

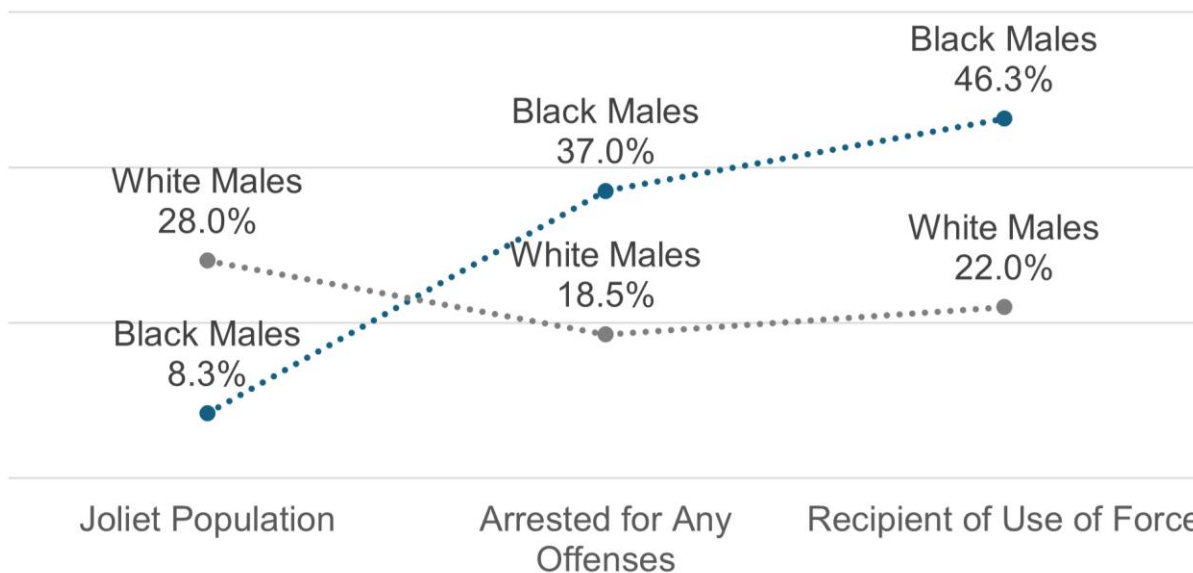
The disparity in uses of force against Black males is consistent across all levels of force, including soft tactics (e.g., joint locks, pressure points), hard tactics (e.g., hand strikes, take downs), and use of weapons (e.g., expandable batons, tasers, firearms). In fact, the disparity is more pronounced when officers use weapons—Black males represent 49% of such uses of force. It is also noteworthy that of the instances of unlawful force we identified in our investigation, half were against Black males.¹⁹²

¹⁹² See Section III (Use of Force) for a more comprehensive discussion of unlawful uses of force by JPD.

JPD itself has recognized the disproportion in its use of force against Black males. JPD’s 2023 annual Use of Force Review Report noted that for the years 2019 through 2023, Black males have represented an average of 50% of all individuals who are subject to force by JPD. JPD did not identify a valid law enforcement explanation for this finding.

When we restricted our sample to only those uses of force in which the most serious charge was disorderly conduct or resisting or obstructing a peace officer (i.e., discretionary offenses where bias is more likely to play a role), Black individuals (6.3%) were subjected to hand strikes or punches at a far higher rate than similarly situated White individuals (2.0%) where groups are matched on the time of day, reason for force used, age, sex, build of the individual, and race of the involved officer.

Figure 4: Proportion of Black Males in Joliet, Arrested for Any Offense, and Recipient of Use of Force



4. Racial disparities in JPD’s gang database

JPD has maintained a gang database for at least 25 years. According to JPD, the purpose of its database is to identify gang members for investigative purposes and other uses, like seeking to move cases from juvenile to adult court or to enhance criminal sentences. JPD’s Intelligence Unit enters individuals into the database based on information developed through criminal investigations and social media surveillance.

Gang databases are governed primarily by federal regulations, which require police departments that receive federal funds and operate gang databases—both of which JPD does—to ensure that its systems are fair, accurate, and up to date.¹⁹³ They prohibit departments from collecting and maintaining information unless there is reasonable suspicion that the individual is involved in criminal conduct or activity *and* the information collected is relevant to the criminal

¹⁹³ See 28 C.F.R. § 23.3(a); see also 28 C.F.R § 23.20.

conduct or activity.¹⁹⁴ Under the regulations, there is reasonable suspicion to include someone in a gang database when there is “a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.”¹⁹⁵ Further, the regulations mandate that departments purge all database information if it is no longer relevant or reliable.¹⁹⁶ In any event, departments must purge information from the database after five years, unless the periodic review reveals continuing reasonable suspicion that the individual is involved in a definable criminal activity or enterprise.¹⁹⁷

a. JPD’s gang database overwhelmingly tracks Black and Latino men, even though White gangs operate in Joliet

We identified racial disparities in JPD’s gang database. At the time of our review, JPD’s gang database contained 1,244 entries. Of those entries, 73% were identified as Black, 17% were labeled as Hispanic, and 10% were labeled as White. Moreover, about half of the individuals identified as White were associated with predominantly non-White gangs. JPD acknowledged during our investigation that there are other criminal organizations that may fit JPD’s (or the State’s)¹⁹⁸ definition of a gang but that are not the focus of JPD’s intelligence gathering efforts. White nationalist groups are an example. According to JPD, the database previously tracked one member of a White nationalist organization, but he has been purged from the database for lack of contacts. JPD admitted that it has focused on “street gangs” that use names or monikers, common signs, and signals, even though the definition of “gang” under Illinois law is much broader. JPD also acknowledged that motorcycle gangs with primarily White memberships are active in Joliet, but their members do not end up in the database because JPD’s inclusion system relies on police contacts. But this reasoning is circular—if JPD focuses on Black and Latino gangs, it will have more police contacts with members of those groups and therefore more information to include in its database. JPD’s choice to focus on gangs associated with Black and Latino people, even though White gangs are also present, is evidence of bias.

b. JPD’s gang database policies and practices do not provide sufficient guidance and do not comply with federal regulations

JPD’s gang database policies and practices do not provide an appropriate level of guidance to officers and supervisors, nor are they consistent with the federal regulations. In particular, JPD’s gang database policies and practices suffer from the following deficiencies:

- JPD’s gang database policies are outdated, vague, and lack critical definitions of key terms, such as “gang,” “street gang,” and “motorcycle gang”¹⁹⁹

¹⁹⁴ 28 C.F.R. § 23.3(b).

¹⁹⁵ 28 C.F.R. § 23.20(c).

¹⁹⁶ 28 C.F.R. § 23.20(h).

¹⁹⁷ *Id.*; see also Criminal Intelligence Systems Operating Policies: Executive Order 12291, 1998 Policy Clarification, 1993 Revision and Commentary, “Operating Principles – Section 23.20(h),” Bureau of Justice Assistance (Dec. 22, 1998) at 12, <https://bit.ly/3Y6AjSH>.

¹⁹⁸ See 740 ILCS 147/10 (defining “‘Streetgang’ or ‘gang’ or ‘organized gang’ or ‘criminal street gang’”).

¹⁹⁹ Notably, the sergeant overseeing the gang database shared that he understood the definition of “gang” to be “three or more people acting in conjunction to promote a criminal enterprise and they have made it known to other people through the use of names and monikers”—a definition that omits the federal regulation and state law requirement that a person be involved or engaged in criminal conduct or activity.

- JPD’s database inclusion checklist and point system are overbroad and are not sufficiently tied to criminal activity, placing undue emphasis on factors like tattoos and being in the company of self-identified gang members²⁰⁰
- JPD’s gang database recordkeeping is inconsistent and unreliable, particularly as it relates to the failure to digitally track the reasons for which individuals were included in the database
- JPD does not regularly audit the information in the gang database or appropriately track the information it disseminates to other entities, contrary to federal regulations²⁰¹
- JPD’s system for purging individuals from the database is ineffective. Individuals are kept in the database beyond the five-year maximum for non-criminal conduct, such as consensual contact and traffic stops. In addition, JPD maintains an archive database with historical information, including a list of individuals JPD has allegedly purged

These policy and practice deficiencies have resulted in a system that creates an unreasonable risk of discrimination.

c. The disparate impact results in significant collateral consequences

Gang databases can contribute to criminalization, stigma, and other consequences.²⁰² And JPD in fact uses its gang database for sentencing, jail assignments, and extra-jurisdictional investigations. The potential consequences of being named in the database can be life changing and highlight the critical need for JPD to carefully adhere to procedural safeguards contemplated in the federal regulations. This is underscored by the likelihood that the database includes individuals who are not engaged in true gang-related criminal activity.

* * *

Our analysis of JPD’s enforcement activities shows a pattern in which JPD uses its enforcement authority more often and more heavily against Black people (and, to a lesser degree, Latino people) than against White people. The pattern is widespread, both across enforcement categories and across the city. This disparate impact constitutes discrimination under the ICRA and IHRA.

See 28 C.F.R. § 23.20(a) (stating that a department may add information about an individual to a gang database “only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity”); 740 ILCS 147/10 (defining “street gang” or “gang” as “any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity”).²⁰⁰ *See Ortiz v. Garland*, 23 F.4th 1, 22 (1st Cir. 2022) (holding that similar inclusion metrics did not provide “reasonable, substantial, and probative evidence” of gang membership).

²⁰¹ *See* 28 C.F.R. § 23.20(h) (requiring procedures for periodic reviews and destruction of information that is “misleading, obsolete or otherwise unreliable”); 28 C.F.R. § 23.20(e) & (g) (limiting dissemination to entities with “a need to know and a right to know”).

²⁰² *See, e.g.,* Sou Lee & Bryan F. Bubolz, *The Gang Member Stands Out: Stigma as a Residual Consequence of Gang Involvement*, Criminal Justice Review Vol. 45(1), (2020), bit.ly/4f6Dxvw.

5. The disparate impact of JPD’s enforcement activities, combined with evidence of intentional discrimination, damages JPD’s relationship with Black and Latino members of the community

Black and Latino communities in Joliet feel racial animus from JPD. The investigative team spoke to Black and Latino individuals who reported their perception that JPD fails to take their concerns as seriously as those of White people. In multiple conversations, community members expressed that JPD fails to appropriately investigate the deaths of Black people, writing them off as drug- or gang-related. Families do not feel they are heard or cared for by officers, reinforcing strongly held beliefs that JPD is not there to serve and protect all people in the Joliet community.

Black and Latino people report feeling harassed by JPD. They expressed the view that JPD targets individuals just for existing in Black and Latino neighborhoods. Officers reportedly tell community members they can frisk anyone if they are in a known “drug neighborhood.” This is clearly at odds with the law,²⁰³ but is consistent with the views of a JPD officer who spoke of “thugs doing thug sh*t in thug places.” Other community members reported to us their belief that JPD officers use a person’s race or ability to speak English fluently as a precondition for how they will treat that person. Community members also shared that they believe that JPD officers target young men of color in cars, often using minor traffic infractions and difficult-to-disprove claims (such as the smell of marijuana) to justify searches.

The community’s perceptions are not surprising: our investigation uncovered evidence showing that JPD’s policing practices not only have a disparate impact on Black and Latino people, they are also motivated in part by discriminatory intent.

Discriminatory intent is demonstrated by “such circumstantial and direct evidence of intent as may be available.”²⁰⁴ Circumstantial evidence of discriminatory intent includes “[t]he impact of the official action [and] whether it bears more heavily on one race than another,” departures from an agency’s normal procedures and accepted practices in the field, and the use of racial slurs.²⁰⁵

Here, evidence of discriminatory intent comes from multiple sources. First, the magnitude, pervasiveness, and consistency with which JPD’s policing bears more heavily on non-White people, especially Black people, strongly supports an inference that racial animus is a motivating factor. Second, some JPD officers use racial epithets and racially coded language in their interactions with members of the public, with little consequence. Third, these public expressions of bias are echoed inside of JPD, even by and in the presence of supervisors. Fourth, JPD does not adequately respond to complaints of racial bias and does not hold officers accountable.

²⁰³ See *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (affirming that “an individual’s presence in an area of expected criminal activity, standing alone” is not grounds to detain the person.)

²⁰⁴ *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977).

²⁰⁵ *Id.* at 266–67; *Taylor v. Ways*, 999 F.3d 478, 489 (7th Cir. 2021) (racial slurs are “[u]nmistakable evidence of racial animus”).

a. The consistency and magnitude of racial disparities in JPD's enforcement activities is strongly suggestive of bias

The data presented above shows that JPD's actions have a disparate impact on Black and Latino people. Disparate impact alone is usually not "determinative" of discriminatory intent, but it is "an important starting point."²⁰⁶ In this case, the disparate impact of JPD's enforcement activities is so pervasive and so consistent, and, in some cases involving Black people, so dramatic that the only reasonable inference is that it is motivated at least in part by an unlawful discriminatory purpose.

When Black and Hispanic drivers are pulled over, they and their passengers are more likely to be subjected to a search of the vehicle or their persons than similarly situated White drivers and their passengers. They are also more likely than White drivers to be given two or more citations when pulled over for the same initial infraction. Black drivers are also more likely to be arrested after being pulled over than similarly situated White drivers. This disparity holds even when controlling for location, so the difference is not attributable to traffic stops of Black drivers occurring in higher crime areas. Black people are also arrested generally at a higher rate than White people and are more likely to have force used against them, at rates even greater than the disparity in arrests. JPD's gang database also overwhelmingly tracks Black and Latino men, despite the presence of White gangs in Joliet.

The consistency of this disparate enforcement against Black and, to a lesser extent, Latino people, across so many different enforcement activities (and often in circumstances closely mirroring those in which White people are subjected to less enforcement activity) suggests that the disparity is not part of any legitimate strategy for combatting crime but is instead the result of bias based on race, color, and/or national origin.

JPD officers also make discretionary arrests of Black people for resisting/obstructing at rates that far exceed the rates of such arrests for White people and which greatly exceed the disparity in other, less discretionary types of arrests. And when a discretionary offense (disorderly conduct, resisting arrest, obstructing a peace officer) is the most serious charge in an arrest, Black people are more likely to have force used against them. We have failed to identify any valid law enforcement justification for JPD's pattern of exercising its discretion to disproportionately arrest Black people and use force in effectuating those arrests.

Finally, some aspects of JPD's pattern of disparate enforcement are simply so "stark" and "clear" that they are "unexplainable on grounds other than race."²⁰⁷ JPD's disproportionate use of force on Black males—at rates at least five times higher than their numbers in the population and significantly higher than the rates at which they are arrested—cannot be explained except as partly a product of racial bias. That is to say that while some of the disproportion is likely due to other factors, such as the disparate exposure to law enforcement and the presence in Joliet of people who are not residents, it is not plausible that all the disproportion can be accounted for by these non-discriminatory factors—the disparity is just too large. The disparity in arrests for resisting or

²⁰⁶ *Arlington Heights*, 429 U.S. at 266.

²⁰⁷ *Arlington Heights*, 429 U.S. at 266 (citing, *inter alia*, *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) and *Gomillion v. Lightfoot*, 364 U.S. 339 (1960)).

obstructing between Black people and White people is similarly dramatic. It is reasonable to infer that race is a “motivating factor” behind these disparities.

b. Some JPD officers use racial slurs and racially coded language in their interactions with members of the public

Certain JPD officers’ use of racial slurs and racially coded language in the community, with little or no consequence, is also evidence of JPD’s discriminatory intent. Community members shared that JPD officers have used the term “n****r” either referring to them directly or to others. On multiple occasions, we were told of a 2021 incident in which, in response to an altercation among several Black people, an officer was heard to say “let’s watch those monkeys kill themselves.” This comment was made in the presence of at least one JPD supervisor, and at least one community member reported it directly to the Chief. Community members have also told us that JPD officers use their social media to spread derogatory and racist information. At a city council meeting, one person shared that a JPD officer posted things like “you can take the rat out of the hood but you can’t take the hood out of the rat.”

Our investigation affirmed these community members’ experiences. In 2017, a Black man pulled his car to the side of the road due to engine trouble. A JPD officer pulled over, exited his squad car, pointed a gun at the driver and yelled “Freeze! Don’t move n****r or I’m going to kill you!” The driver’s White companion was in the car and heard the exchange. The driver was later released with no charges. JPD settled a lawsuit the driver filed for \$3,500, but JPD never investigated the incident or disciplined any officer. In 2019, JPD received an anonymous complaint stating that an officer had asked a Black driver how he “acquired such a nice truck being a n****r,” and that the officer changed his demeanor only when he realized the driver was military. The complainant later called JPD Internal Affairs and gave more detailed information, including pinpointing the time and location of the traffic stop, but also stated that they wanted to remain anonymous. Without taking any further action, Internal Affairs “administratively closed” the case, a disposition used to indicate that Internal Affairs either could not complete the investigation or could not determine a disposition.

Further, in April 2022, an officer posted a racist meme on his personal Facebook page (under a pseudonym but with his face visible in the profile picture). The meme was titled “Breaking News” and had a caption that read:

Sad News From Disney! This is so disappointing. CNN reported today that Walt Disney’s new film called “Jet Black,” the African-American version of “Snow White” has been canceled. All of the 7 dwarfs: Dealer, Stealer, Mugger, Forger, Drive By, Homeboy, and Shank have refused to sing “Hi Ho, Hi Ho” because they say it offends black prostitutes. They also say there ain’t no way in hell they’re gonna sing “It’s off to work we go.”

A second JPD officer commented on the post, writing only “bruh” (an ambiguous response), and a JPD dispatcher liked the post. Command staff instructed Internal Affairs to refer the matter to the officer’s supervisor for shift-level counseling. The supervisor then “counseled” the officer by providing him with a copy of the social media policy and directing him to delete the post.

These public displays of bias and hostility based on race, color, and/or national origin do incalculable damage to JPD’s relationship with the community, especially when officers act this way with impunity. They also lend support to the conclusion that JPD polices in a biased way.

c. JPD officers use racist language and engage in racist conduct within the Department

Officers reported to our investigative team that it is not uncommon to hear JPD members use racial slurs, including the n-word, while on duty. One officer reported that he overheard an on-duty lieutenant say “stupid f***ing n***r” while in the presence of another JPD supervisor. In another incident, an officer reportedly said to another officer, “I don’t know how you interact with these animals” referring to individuals in Latino neighborhoods.²⁰⁸ In 2022, an officer told a dispatcher that she had a black cat she nicknamed the “house n***a.” Unlike in other instances, this incident was actually reported, and Internal Affairs sustained the allegations against the officer. However, the incident raises the question of why a JPD officer would feel free to use such language in the first place.

In some instances, the biased conduct is less explicit, though no less troubling. For example, Black officers have faced disparagement for their appearance. In one incident, a Black officer came to the station wearing grey sweats and black Air Jordans. A White officer said “Oh, you’re wearing a uniform today”—meaning the attire of a Black criminal. We have heard reports that when officers need to request a collar for a dog, they will request a “noose”—a word that has obvious racial connotations. Black officers have also faced scrutiny for their hairstyles. In an incident involving a newly hired officer who wore his hair in braids, a deputy chief instructed the officer’s field training supervisor to tell the officer to change his hair style, even though his hair was within the requirements of JPD policy.²⁰⁹

White officers also reportedly discourage recruits from joining the Black Police Officers’ Association (BPOA), a professional organization that, among other things, advocates for the interests of Black officers at JPD. One officer complained to Internal Affairs that a sergeant told him fellow officers distrusted him (the officer) because he was a member of BPOA. Another officer told us that being in the BPOA puts a target on an officer’s back in the view of fellow officers.

Our investigation indicates that bias against people of color is common at JPD. Even if it is not always directed at members of the public, the hostility that non-White officers experience

²⁰⁸ These incidents and others raise a concern that a general lack of decorum within JPD allows this type of bias to flourish. Based on our conversations with officers, the workplace at JPD is rife with unchecked offensive and discriminatory language. In addition to racial slurs, officers reportedly make offensive comments about persons with intellectual disabilities, LGBTQ+ people, and women—in particular, survivors of domestic violence.

²⁰⁹ Illinois law explicitly recognizes disparagement of African-American hairstyles as a form of bias. The CROWN Act (P.A. 102-1102), which went into effect on January 1, 2023, amends the IHRA, expanding the definition of race to include “traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists.” See 775 ILCS 5/1-103(M-5). JPD updated its personal appearance policy in March 2023 to state that “all sworn officers’ hair should be neat, clean, brushed, and present a groomed appearance” and “should not pose a safety risk to the officer” (i.e., cannot be “grabbed by an offender” or “interfere with wearing . . . headgear or gas masks”).

within JPD, especially at the hands of JPD supervisors, is additional evidence that JPD's disparate policing practices are motivated by discriminatory intent.

d. JPD's accountability systems for dealing with allegations of discrimination or biased policing are broken

JPD's responses to and investigation of allegations of discrimination are inadequate to provide accountability for the community members' complaints. First, JPD mischaracterizes complaints involving bias, masking their racial content. Second, JPD does not adequately investigate allegations of racial bias and does not sustain allegations when warranted.

i. JPD mischaracterizes complaints involving race discrimination in a way that masks their racial content

When faced with complaints of profiling or other forms of racial bias, JPD's Internal Affairs investigators too often summarize or paraphrase the complaints in their final reports in a way that hides any race-based allegations. For example, in 2018, a Black woman complained about a traffic stop involving her Black son. On the complaint form, she checked the box for discrimination and wrote in "profiling" in the section asking for allegations (she also provided additional information about the incident). In the final investigatory report, the allegations (which were not sustained) were stated as "conduct unbecoming" and "improper arrest"—phrases that do not reflect the racial content of the initial complaint. A complaint from 2021 included allegations of false arrest and a statement that officers were being racist. Despite this, the investigation report summarizes the complaint as only being concerned with false arrest, and the only formal allegation (which was deemed unfounded) was "False arrest." Even when allegations are sustained, the formal allegations do not reflect the race-based content of the incident being investigated. In the 2022 incident discussed above, in which an officer told a dispatcher that she had a black cat she had nicknamed the "house n***a," Internal Affairs sustained allegations of "conduct unbecoming," "coarse or disrespectful language," and "harassment in the workplace."

In addition to signaling that JPD does not prioritize confronting discrimination based on race, color, or national origin, mischaracterizing complaint allegations has concrete consequences. First, it means that complaints of misconduct against an officer will not be recorded as involving racial bias. This will make it harder for JPD leadership to detect patterns of biased policing by a given officer, as well as identify patterns across the Department as a whole that could require additional training or other actions.

Second, this mischaracterization has the potential to affect the constitutional rights of criminal defendants. According to the Will County State's Attorney's Office, police in all departments in the county are expected to inform the State's Attorney of any sustained findings of racial bias. In some circumstances, the State's Attorney is obligated to turn this information over to defense attorneys.²¹⁰ When JPD fails to acknowledge and document the racial character of allegations, even a sustained allegation will not result in a finding of bias. This practice could cause the finding to go unreported to prosecutors, as well as undisclosed to a criminal defendant, potentially violating their right to a fair trial.

²¹⁰ See *Giglio v. United States*, 405 U.S. 150 (1972); *Brady v. Maryland*, 373 U.S. 83 (1963).

ii. JPD fails to adequately investigate allegations of racial bias or racial profiling and fails to sustain allegations when warranted

JPD also fails to adequately investigate allegations of racial bias and fails to sustain allegations when clear evidence of bias exists.

In addition to mischaracterizing allegations of racial discrimination, investigators also often ignore these allegations when investigating complaints of misconduct. In one example, a Black woman complained about JPD’s treatment of her at a traffic stop. During the investigator’s interview with the woman, she made three different statements clearly indicating that she believed the treatment she received was due to her race: she stated that she thought the officer needed diversity training, that the officer “could be just an a**hole [or] he could be racist, he could be both,” and that the officer “got a good look at who was driving [i.e., a Black woman]” before he pulled her over. Despite these clear references to race, the investigator did not ask a single question about the subject. In fact, during the interview with the woman, he summarized her complaint as involving “coarse and disrespectful language.” The investigation report shows that the investigator met with the woman’s attorney, who stated that the woman was afraid of officers because she was Black. Yet in three interviews with officers involved in the incident, the investigator did not ask whether race was a factor in the stop or in their treatment of the woman, nor did the investigator take any other steps to investigate whether race was involved. The allegations of “conduct unbecoming of a department member, using coarse or disrespectful language, and fail[ure] to explain reason for the traffic stop” were not sustained.

Investigators should look at additional information such as an officer’s traffic stop history, charging history, or previous complaints to see whether there is reason to be concerned that bias or discrimination might be an issue.²¹¹ In our review of Internal Affairs cases from 2018 through 2022, we identified only one case in which JPD investigators looked at this type of information. That case, which occurred in 2022 after this investigation began, may signal a change in JPD’s practices toward more thorough review of claims of discrimination. If so, it is an important step.²¹²

JPD also fails to sustain allegations of bias even when biased conduct unequivocally occurred. In a 2017 incident, a driver accused an officer of pulling him over because he was Black. The officer denied that race motivated the traffic stop, but he admitted to an Internal Affairs investigator that he told the driver that he, a White officer, had “dated better looking Black women” than the Black driver had. This comment—which is both racist and sexist—resulted in no consequences at all for the officer, as the allegation of disrespectful language (an inadequate characterization of the conduct) was not sustained.

In the 2022 incident discussed above in which an officer posted a racist meme to his personal Facebook page, the officer admitted to posting the meme, a clear violation of JPD’s social media policy at the time. But this admission did not result in a sustained finding. Instead, JPD leadership (command staff including the chief) decided to handle the matter through shift-level

²¹¹ See *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, U.S. Dep’t of Justice, Office of Community Oriented Policing Services, at 53, bit.ly/3AqRIFT.

²¹² Even in that case, however, the analysis did not go far enough. The investigator included data showing the race of every driver stopped by each of the two officers in the previous year. Black drivers were very heavily represented in the data, but the investigator did not address this fact or offer an explanation for why the data did or did not indicate discrimination.

counseling (which, while technically considered discipline, in this case consisted of nothing more than a review of the social media policy). The complaint was classified as informal, and the investigation was halted. In addition to not imposing meaningful discipline on the officer who posted the meme, JPD failed to initiate internal complaints against the dispatcher who had “liked” the meme or the officer who had posted an ambiguous comment, either for their own conduct or for their possible failure to report the misconduct (there is no record that either reported the post to JPD as they were required to do under JPD policy).

* * *

JPD’s enforcement actions—including traffic stops, searches, arrests, and uses of force—have a disparate impact on Black and Latino people. Based on evidence gathered in our investigation, this disparate impact is at least in part the result of bias toward Black and, to a lesser extent, Latino people. Racially biased policing has eroded community trust in Joliet, and it may also be undermining JPD’s ability to solve crime. Community distrust of police creates a barrier to information gathering during criminal investigations. For example, where there is a lack of trust between the community and police, police will receive fewer tips related to offenses.²¹³ JPD must address the bias in its operations, both to comply with the law and to fulfill its responsibility to all members of the Joliet community.

²¹³ See, e.g., David L. Carter, *Homicide Process Mapping: Best Practices for Increasing Homicide Clearances*, Bureau of Justice Assistance (2013), at ii, 11–12, 25, bit.ly/3YRZEQT; Jason Sunshine & Tom R. Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Pub. Support for Policing*, 37 *Law & Soc’y Rev.* 513, 534–36 (2003); Ron Davis et al., *Exploring the Role of the Police in Prisoner Reentry*, Nat’l Inst. Of Justice, *New Perspectives in Policing* (2012), bit.ly/3NVtzRM; see also *Petit v. Chicago*, 352 F.3d 1111, 1115 (7th Cir. 2003) (“Effective police work, including the detection and apprehension of criminals, requires that the police have the trust of the community.” (cleaned up)); *Pappas v. Giuliani*, 290 F.3d 143, 146–47 (2d Cir. 2002) (stating that when a police department treats minority populations with contempt, “respect for law enforcement is eroded and the ability of the police to do its work in that community is impaired. [As a result,] [m]embers of the minority will be less likely to report crimes, to offer testimony as witnesses, and to rely on the police for their protection”).

VI. JPD'S RESPONSE TO SEXUAL ASSAULT IS DISCRIMINATORY, AND ITS RESPONSE TO DOMESTIC VIOLENCE RAISES SERIOUS CONCERNS OF GENDER-BIASED POLICING

We have reasonable cause to believe that JPD engages in a pattern or practice of discrimination against women in violation of the Illinois Human Rights Act and the Illinois Civil Rights Act. Our review identified evidence that JPD treats survivors²¹⁴ of sexual assault, who are overwhelmingly women, with skepticism and hostility rooted in a false stereotype that women lie about being sexually assaulted. The attitudes displayed by some JPD officers in the field, and by some detectives in interviews with survivors, can re-traumatize survivors. Our review also shows that JPD frequently fails to put sufficient effort into its investigations of sexual assault, declining to collect important evidence and making little attempt to close cases.

Our office also has concerns about JPD's response to domestic violence incidents.²¹⁵ We observed JPD officers treating women who report domestic violence with condescension and judgment, which can re-traumatize survivors. We learned that JPD detectives rarely investigate domestic violence—they simply rely on whatever actions the patrol officers have taken, regardless of the quality or thoroughness of that work. And although some JPD patrol officers make a serious, thoughtful attempt to address domestic violence incidents, we observed a lack of fundamental skills that are critical to a police department's domestic violence response—a gap that disproportionately puts women at risk of further harm. There is also evidence JPD has treated some domestic violence survivors as being at fault for the violence they experience. This attitude indicates a bias against women and, when coupled with the other deficiencies we observed, raises a concern that JPD's conduct in this regard is discriminatory.

A. Overview of Gender-based Violence

Gender-based violence is violence directed against a person because of their gender or violence that disproportionately harms people of a particular gender. Certain criminal offenses, such as sexual assault and domestic battery, are perpetrated against women to a disproportionate degree.²¹⁶ For example, women are about four times more likely to be victims of rape or attempted

²¹⁴ In this Report, we primarily use the term “survivor” rather than “victim” when referring to women who have experienced gender-based violence. We do this because the term “survivor” emphasizes recovery and coping, rather than the trauma itself. *See, e.g.,* Michael Papendick and Gerd Bohner, “Passive victim ± strong survivor”? *Perceived meaning of labels applied to women who were raped*, PLOS ONE 12(5): (2017), [bit.ly/3NNVTVY](https://doi.org/10.1371/journal.pone.0171111). Our use of the term “survivor” here does not mean that “victim” may not be more appropriate in other contexts.

²¹⁵ For the purposes of this Report, the term “domestic violence” refers to violence in the context of a romantic or sexual relationship. We sometimes also use the related term “intimate partner violence,” which more specifically identifies violence in the context of intimate relationships. *See* Women Against Abuse, *The Language We Use*, [bit.ly/40uZ8t9](https://www.womenagainstabuse.org/2018/04/20/the-language-we-use/).

²¹⁶ Gender-based violence also encompasses many offenses committed against LGBTQ+ people. Lesbian and gay people are three times more likely to be victims of sexual offenses than straight people; for bisexual people, the rate is fourteen times higher. Lesbian and gay people also experience domestic violence more than two times the rate of straight individuals, while for bisexual people the increase is eight-fold. Jennifer Truman & Rachel E. Morgan, *Statistical Brief. Violent Victimization by Sexual Orientation and Gender Identity 2017–2020*, NCJ 304277, U.S. Dep't of Justice (2022), [bit.ly/4f8e70G](https://www.bjs.ojp.gov/stat/stat202201.pdf). Based on the evidence and

rape than men.²¹⁷ In addition, approximately 40.5 million women in the U.S. have experienced severe physical abuse by an intimate partner, as compared to 29 million men.²¹⁸ Women are also six times more likely to be killed by an intimate partner than men.²¹⁹

Gender-based violence is also disproportionately perpetrated by men.²²⁰ The perpetrator's hostility towards women and gender non-conforming individuals is often evident in the commission of the offense or invoked as a justification.²²¹

According to the FBI's National Incident-Based Reporting System (NIBRS),²²² JPD reported 113 rapes total in 2021 and 2022. Approximately 94% of the victims were women, and 93% of reported offenders were men.

B. Legal Standards

Like any police department, JPD's response to gender-based violence must conform to the requirements of state law.

Illinois law prohibits gender discrimination. Under the Illinois Human Rights Act (IHRA), a public official may not “[d]eny or refuse to another . . . the full and equal enjoyment of the accommodations, advantage[s], facilities or privileges of the official's office or services . . . because of unlawful discrimination.”²²³ “Unlawful discrimination” includes discrimination on the basis of sex.²²⁴ JPD officers are public officials within the meaning of the IHRA.²²⁵ In addition, the Illinois Civil Rights Act (ICRA) provides that no unit of state, county, or local government shall “exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity” or “utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination” on the basis of gender.²²⁶

data sources available to us, we have focused our investigation on women. However, our findings may also have implications for LGBTQ+ people who are not women.

²¹⁷ Kathleen C. Basile, et al., *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence*, Centers for Disease Control & Prevention, 3 (2022), bit.ly/3YNiEzJ; Holly Kearl, *The Facts Behind the #MeToo Movement: A National Study on Sexual Harassment and Assault*, Stop Street Harassment (2018), bit.ly/3NRBm38.

²¹⁸ Ruth W. Leemis, et al., *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence*, Centers for Disease Control & Prevention, 5 (2022), bit.ly/4f9XktY.

²¹⁹ Janet Fanslow et al., *Evidence of Gender Asymmetry in Intimate Partner Violence at the Population-Level*, 38 (15–16), *J. of Interpersonal Violence*, 9159, 9161 (2023).

²²⁰ Jieru Chen et al., *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Victimization by Sexual Identity*, 10–12 (2023), bit.ly/3YOI6WT.

²²¹ Jennifer K. Bosson & Joseph A. Vandello, *Precarious Manhood and Its Links to Action and Aggression*, 20(2) *Current Directions in Psychological Science*, 82 (2011), bit.ly/4eaJl64; see also Dominic Abrams, et al., *Perceptions of Stranger and Acquaintance Rape: The Role of Benevolent and Hostile Sexism in Victim Blame and Rape Proclivity*, 84(1) *J. of Personality and Soc. Psychology*, 111 (2003).

²²² NIBRS is a federal crime reporting system that is managed by the Federal Bureau of Investigation. Most state law enforcement agencies, including JPD, began reporting crime data to NIBRS in 2021.

²²³ 775 ILCS 5/5-102(C).

²²⁴ 775 ILCS 5/1-103(Q).

²²⁵ 775 ILCS 5/5-101(C).

²²⁶ 740 ILCS 23/5(a).

When the actions of law enforcement have a disparate impact on women, those actions violate the IHRA and ICRA.²²⁷ This is true even when the disparity is not intentional.

C. Methodology

To investigate whether JPD discriminates against women, we reviewed a sample of case reports of sexual assault and domestic violence investigations from 2020–2023, including related video recordings where available;²²⁸ a sample of calls for service related to gender-based violence; Internal Affairs files from 2017–2022, including recordings of interviews; JPD policies, training materials, and records; and shift-level counseling files. We also interviewed members of JPD’s Investigations Division, advocates, survivors, and other stakeholders.

D. Findings and Concerns

1. JPD discriminates against women in its response to sexual assault

JPD’s response to sexual assault is frequently impacted by officers’ negative stereotypes about women, in particular about their veracity when reporting sexual offenses. Based on the evidence that we reviewed, JPD’s response is characterized by skepticism, hostility, and an overarching discounting of sexual offenses as serious crimes. These attitudes and resulting practices can re-traumatize survivors, who are disproportionately women. We find reasonable cause to conclude JPD’s conduct violates the IHRA and ICRA.

a. JPD discriminates against women who report sexual assault by treating them with hostility and skepticism rooted in false sexual stereotypes

JPD officers are frequently perceived as not believing women who report sexual assault. We spoke with professionals in the Joliet area whose work involves responding to gender-based violence, including SANE nurses²²⁹ in multiple hospitals local to Joliet and Title IX coordinators²³⁰ at college campuses in the region. In the course of their work, these professionals interact with JPD both directly and indirectly, through survivors of sexual assault who are their clients, patients, or who otherwise seek their assistance. Several of the professionals we spoke to expressed the

²²⁷ See *Burnham City Hosp. v. Human Rts. Comm’n*, 126 Ill. App. 3d 999, 1008 (1984) (analyzing disparate impact claim under IHRA); *Ill. Native Am. Bar Ass’n v. Univ. of Ill.*, 368 Ill. App. 3d 321, 327 (2006) (ICRA “provides a venue for individuals to bring a cause of action alleging disparate impact [discrimination]”).

²²⁸ Starting in 2019, JPD assigned all sexual assault cases to an investigator with sexual assault training. The cases we reviewed all originate after that requirement was put in place.

²²⁹ SANE stands for Sexual Assault Nurse Examiner. Hospitals in Illinois are required to have nurses available who have special training in the care of survivors of sexual assault, collection of evidence, and reporting obligations. See 410 ILCS 70/5(a-5). SANE nurses frequently interact with both police and survivors of sexual assault. See Illinois Att’y Gen., *Illinois Sexual Assault Nurse Examiner (IL SANE) Program*, bit.ly/4ecwpgG.

²³⁰ Colleges and universities designate a “Title IX Coordinator” who is responsible for issues related to the implementation of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), which guarantees equal access for women and girls to educational programs that receive any federal funding, 34 C.F.R. § 106.8. As part of their work, a Title IX coordinator is often involved in responding to sexual assaults that occur on campus or that involve the institution’s students.

view, based on their experiences, that JPD does not believe women who report sexual assault. This perception was even stronger when the survivor was intoxicated at the time of the assault.

One SANE nurse told us that, in her experience, JPD officers who speak with survivors in the hospital commonly ask health care professionals questions like, “do you think this really happened?” Another SANE nurse stated that while there are exceptions, and some JPD officers are “fantastic,” the attitude of disbelieving survivors is pervasive in the Department. In one instance involving an intoxicated survivor, a JPD officer questioned the survivor repeatedly, making statements along the lines of “are you sure that is how it happened?” This nurse also told us that, on other occasions, JPD officers made comments to hospital staff after speaking with a survivor such as, “this one’s not real,” or other remarks indicating that they do not believe the survivor.

Other sexual assault response professionals shared similar stories. One advocate told us that some of her clients perceive JPD officers to be judgmental and accusatory, and that officer interviews of clients at hospitals (where they are receiving treatment after being assaulted) are more like interrogations. Her clients have also reported that JPD officers have threatened to arrest them for filing a false report if they do not pursue charges. This makes her clients reluctant to report sexual assaults to JPD. Advocates also told us that JPD detectives do not return calls and do not keep their clients updated on the status of their cases. And a JPD officer shared with us his view that detectives do not care much about sexual assault cases.

A survivor of gender-based violence expressed similar sentiments. She told us that she felt the detective handling her case did not believe her account of sexual assault. Based on his questioning, she was left with the impression that he questioned her story because she had not been noticeably physically harmed. Moreover, she was not told that her case had been closed until several months after the fact.

Such skepticism by officers is unwarranted. Research has shown that reports of sexual assault are highly likely to be true.²³¹ In addition, unwarranted skepticism by an officer toward a sexual assault survivor can inflict institutional betrayal trauma, a kind of psychological distress caused when an institution such as a law enforcement agency fails to perform its role properly or competently, or blames an individual when they seek its protection and support.²³² In other words, JPD’s doubt that survivors are telling the truth can re-traumatize survivors, adding to or exacerbating the original harms from the crime.²³³

This skepticism is also discriminatory. Because of the gender-based nature of sexual assault, the harms caused by JPD’s skepticism fall disproportionately on women. Moreover, this hostility toward sexual assault victims is rooted in false gender-based stereotypes about women,

²³¹ Claire E. Ferguson & John M. Malouff, *Assessing Police Classifications of Sexual Assault Reports: A Meta-Analysis of False Reporting Rates*, Arch. Sex Behav. July 45(5) 1185–93 (2016), PubMed (nih.gov); see also Spohn, C., White, C., & Tellis, K., *Unfounding Sexual Assault: Examining the Decision to Unfound and Identifying False Reports*, Law & Society Review, 48 (1), 161–92 (2014).

²³² Rebecca Campbell et al., “*It Made Me Feel Like Someone Wasn’t Doing Their Job*”: *Sexual Assault Kit Notifications and Institutional Betrayal by the Criminal Justice System*, J. of Trauma & Dissociation, Vol. 25, No. 1, 99–112 (2024); see also Laura S. Brown, *Institutional Cowardice: A Powerful, Often Invisible Manifestation of Institutional Betrayal*, J. of Trauma and Dissociation, Vol. 22, No. 3, 241–48 (2021).

²³³ *Id.*

namely, that women lie about sexual assault and/or that they somehow cause the assault to occur. This stereotyping is a form of bias against women.²³⁴

b. JPD detectives' interviews of sexual assault survivors frequently demonstrate hostility and skepticism that is attributable to gender stereotypes

In our review of JPD's investigations of sexual assault, we observed the same discriminatory attitude reported by clinicians, advocates, and survivors of sexual assault. Based on the material we reviewed, JPD's investigative interviews of women who report sexual assault show a pattern of insensitivity, skepticism, and overt hostility. In one case, a detective told a survivor that he needed to know whether she was getting mental health medications, which the responding patrol officer inappropriately told her she needed. In another case, a survivor had to interrupt the investigator to give him relevant information, to which he harshly replied, "this is the first I'm hearing of this."

During one interview, a survivor described multiple incidents of violence by the suspect, including strangulation and non-consensual anal penetration (a video of which the suspect had forwarded to the survivor's child). While the survivor was recounting these horrific details, the detective was texting on his phone under the table and not paying attention.

Another detective used inappropriate interrogation techniques with a survivor, interrupting her constantly, telling her to "look at me," and complaining that he needed her to give him a chronological description of events, because it was "not an easy case for me [i.e., the detective]." Testing the chronological accuracy of a narrative is a technique aimed at confusing an interviewee, not gathering information.²³⁵ It is inappropriate and ineffective with traumatized individuals, whose trauma may impact their ability to remember events chronologically.²³⁶ It also conveys that the interviewer doubts the survivor's honesty.

The interviews of survivors that we reviewed stood in marked contrast to interviews with suspects (which were rare in the cases we reviewed). For example, in one case from 2022, detectives interviewing a suspect told him that they would keep him informed and wanted him to feel respected by them.

The interviews we reviewed were also at odds with JPD's policy on sexual assault investigations. JPD has a robust sexual assault policy that appropriately calls for "evidence-based, trauma-informed, victim-centered procedures for responding to and investigating criminal sexual assault . . . cases." The policy directs both investigators and patrol officers to "[u]tilize evidence-based, trauma-informed, victim-centered interview questions and techniques," with investigators being directed to allow a survivor "to complete at least 2 full sleep cycles before an in-depth interview, when possible."

²³⁴ See, e.g., *United States v. Virginia*, 518 U.S. 515, 517 (1996).

²³⁵ See, e.g., Michael Bret Hood & Lawrence Hoffman, *Current State of Interview and Interrogation*, FBI Law Enforcement Bulletin (Nov. 6, 2019), bit.ly/4eeWZ7Y (describing "reversal," a cognitive interrogation approach, where an investigator first elicits a chronological narrative of offense details, and then compels a backwards narrative of the relevant events, all as a deception detection technique).

²³⁶ IACP, *Successful Trauma Informed Victim Interviewing*, 2 (2020), bit.ly/3Ar7FCP; Rebecca Campbell, *The Neurobiology of Sexual Assault: Implications for Law Enforcement, Prosecution, and Victim Advocacy* (Dec. 1, 2012) (transcript available at bit.ly/3Ar7R51).

A trauma-informed approach to interviewing would include sensory-based questioning, assurances to the survivor that memory gaps are typical after a traumatic event, and an uninterrupted opportunity for the survivor to relate all relevant offense information they can independently retrieve from memory.²³⁷ This sequence permits the survivor to access their own memory as much as possible without the risk of taint from an investigator’s questioning, producing better information. Trauma-informed interviewing is critical in an investigation for at least two reasons: 1) it reduces re-traumatization of the survivor, and 2) it produces higher quality information about the assault. A well-conducted interview is time-consuming and can typically take more than an hour or even two, but it is invaluable for understanding the offense and identifying important corroborating evidence.

However, the interviews of survivors that we reviewed show that JPD’s commendable policy is not being followed by detectives. In addition to the skepticism and hostility that JPD detectives exhibited in the cases we reviewed, interviews with survivors are remarkably brief: significantly less than an hour. In one case we reviewed, the entire interview was fifteen minutes long.

JPD’s skeptical approach is also in conflict with established practice. The International Association of Chiefs of Police’s “Sexual Assault Response Policy and Training Content Guidelines” states “[n]o officer or investigator should ever assume that a complaint is false. The determination that a reported sexual assault is false can be made only if the evidence establishes that no crime was committed or attempted, and this determination can be made only after a thorough investigation has been completed.”²³⁸ Importantly, neither a detective’s inability to develop a case against a suspect or substantiate allegations nor a survivor’s unwillingness to prosecute a case shows that an initial claim of assault is false.²³⁹

Like the conduct reported to us by clinicians, advocates, and survivors, the interviews we reviewed and tactics used by officers can re-traumatize sexual assault survivors, who are disproportionately women, based on false stereotypes about women who report sexual offenses. “Reliance on [invalid gender] stereotypes cannot justify” discrimination.²⁴⁰ We find reasonable cause to conclude that JPD’s conduct amounts to gender discrimination under state law.

c. JPD officers discriminate against women by discouraging them from pursuing their cases

Some JPD officers display attitudes that discourage reporting of sexual assault. As one Title IX coordinator described it, reporting such incidents to JPD is “challenging.” The Title IX coordinator explained that an officer taking a report would give a complainant a long list of things that could go wrong, and reasons why the complaint might not go further—such as lack of witnesses. This discourages survivors from making reports. Students shared with the Title IX coordinator that JPD asked them questions along the lines of “did anyone see?” or “were there any

²³⁷ *Id.* at 2, bit.ly/3Ar7FCP; Christopher Wilson et al., *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*, 31 (2022), bit.ly/4eiiLHX.

²³⁸ IACP, *Sexual Assault Response Policy And Training Content Guidelines*, 6 (2017), bit.ly/3NRn9mv; see also Joanne Archambault et al., *Raped, Then Jailed: The Risks of Prosecution for Falsely Reporting Sexual Assault*, End Violence Against Women International (2022).

²³⁹ IACP, note 236 above, at 6–7, bit.ly/3NRn9mv.

²⁴⁰ *Nevada Dep’t of Hum. Res. v. Hibbs*, 538 U.S. 721, 730 (2003).

witnesses?” in a way that left them feeling they should not bother reporting. Officers would say things like “it’s your word against [the accused’s] word.” Or an officer would explain that they could write up the report, but the state’s attorney might not take the information. All of these comments send a message that the reporting of the crime is a waste of the officer’s time.

Some JPD detectives also act in ways that discourage survivors from pursuing a case. For example, in the sexual assault investigations we reviewed, detectives attempted to call most survivors soon after the crime. But if the detective did not reach the survivor quickly, they often closed the case. In one case, a detective threatened to close the case just three days after the crime was reported if he did not hear from the survivor. Sexual assault survivors often experience a multitude of psychological symptoms in the wake of the assault that may make it difficult to participate in an investigation immediately following their trauma.²⁴¹ JPD’s insistence on prompt cooperation therefore discourages participation, resulting in less police assistance for survivors of sexual assault.

Sometimes, the discouragement is more overt. In a 2022 case, the investigator suggested in various ways that the survivor should not pursue the case. He asked her, “what’s your goal?” He also asked her “what can I do?” as if she should direct him as to how to handle the case. She asked him to do whatever he usually did to investigate cases. He also asked her if she just wanted resources, even though she had just told him she wanted him to investigate. The detective’s interaction with the survivor suggested that nothing could be done on her case, even before he made any effort to investigate. In one shocking account related to us by a JPD officer, another JPD officer expressed pride in the fact that he had shamed a woman who had come into the station to make a report of sexual assault into not doing so.

JPD’s discouragement of reporting and pursuing sexual assault cases denies women “the full and equal enjoyment of the accommodations, advantage[s], facilities or privileges” of JPD’s services.²⁴² It also constitutes a “criteria or method[] of administration that ha[s] the effect of subjecting individuals to discrimination” on the basis of gender.²⁴³ We therefore have a reasonable basis to conclude that it violates state law. This conduct is also strongly suggestive of a bias toward women, stemming from a belief that sexual assault, especially non-stranger assault,²⁴⁴ is not a serious or real crime.

²⁴¹ See Lindsay Murn & Laura Schultz, *Healing the Ripple Effect of Sexual Violence*, J. of College Student Psychotherapy, Vol. 36, No.3 pp. 310–30 at 313 (2022).

²⁴² 775 ILCS 5/5-102(C).

²⁴³ 740 ILCS 23/5(a).

²⁴⁴ Like most police departments, JPD receives very few reports of sexual assaults involving a stranger assailant. The vast majority of sexual assaults involve an assailant known to the victim. Rochelle P. Walensky, et al., *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence*, 7 (2022), [bit.ly/3YNiEzJ](https://doi.org/10.1891/1076-8871.2022.7.1); Cora Peterson et al., *Lifetime Number of Perpetrators and Victim-Offender Relationship Status Per U.S. Victim of Intimate Partner, Sexual Violence, or Stalking*, J. of Interpersonal Violence, Vol. 36, Issue 13–14 (2019).

d. JPD’s response to gender-based violence has other shortcomings that have a disparate impact on women

In addition to the above, we found other significant problems with JPD’s handling of gender-based violence, all of which leads to a less effective response that disproportionately harms women.

i. JPD detectives make little to no effort to collect evidence

Despite a policy calling for detectives to “fully investigate all reports of sexual assault/abuse in a thorough and timely manner,” some detectives do not make any significant effort to collect or develop evidence. In some of the files we reviewed, the case went no further than the survivor’s statement. One file showed that the detective tried to call the suspect, without success, and did nothing more to locate the suspect. In a case involving an allegation of sexual assault of a minor, the detective’s only documented investigative effort was leaving a voicemail for the survivor’s mother for permission to search the survivor’s phone. In another case, the detective documented no work at all on the case, and the case was declined for prosecution without explanation.

JPD detectives exhibited a pattern of making little effort to carry out searches in sexual assault cases. In the cases we reviewed, not one detective sought approval for a search warrant. Supervisors we spoke to had only a rudimentary ability to articulate what evidence would be needed to support a search warrant in a sexual assault investigation. But more significantly, they displayed a predisposition against search warrants in these cases by insisting that a warrant application could not be based solely on a survivor’s complaint. There are two problems with this attitude. First, it is not the law. The standard to obtain a search warrant is probable cause.²⁴⁵ Many times, though not always, a survivor’s account will be sufficient to establish probable cause. Second, the supervisors’ response suggests that usually the survivor’s account is all the evidence available. As the responding law enforcement agency, it is JPD’s responsibility to gather more evidence.

Supervisors also told us that in a sexual assault case with a known suspect, they would try to get phone records as part of a search warrant application, but we saw no evidence of this in practice. Search warrants for a suspect’s social media content do not require sign off from a supervisor, but even so, detectives also did not seek them in the files we reviewed.

Moreover, JPD officers did not routinely document crime scenes. Even when a survivor does not report an assault promptly, a crime scene should be photographed or sketched for a prosecution’s future use. Only a few files contained any crime scene photos at all, and those photos were over-exposed and also uninformed by the victim’s narrative of the crime. In the cases we reviewed, officers rarely assessed or explored prime locations of serology evidence (bodily fluids) as part of crime scene processing.

We also saw little evidence that JPD detectives use other types of evidence collection that are best practices in sexual assault cases. Buccal swabs (samples of DNA from the mouth), post-assault behavior of the survivor or the offender (which can reveal trauma reactions specific to the assault that serve as corroboration of the initial crime report), and follow-up photographs of

²⁴⁵ *Franks v. Delaware*, 438 U.S. 154, 164 (1978) (Warrants Clause of the Fourth Amendment proscribes issuance of warrants except upon probable cause supported by oath or affirmation.).

injuries (the severity of which may not be apparent initially), and pretext calling or texting (a common technique for eliciting incriminating statements from a non-stranger assailant) were all under-explored and under-utilized.

JPD detectives also make inadequate efforts to get statements from suspects. In marked contrast to its treatment of survivors, we saw no interactions with suspects that could be called interrogations, and only one detective carried out a background investigation of a subject.

Foreseeably, JPD's weak investigative efforts in the cases we reviewed meant that JPD detectives presented their cases to the State's Attorney without much evidence. This made declination of prosecution much more likely as a result.

Despite being a serious crime and a traumatic event for a survivor, JPD shows a pattern of putting little effort into investigations of sexual assault, a practice that disproportionately harms women, in violation of the IHRA and ICRA.

ii. JPD detectives close cases with arrest warrants but no arrest

In a number of cases we reviewed, JPD detectives obtained an arrest warrant for a suspect, but no particular effort to arrest was made. We learned from speaking with JPD detectives and their supervisors that it is common practice for JPD to secure a warrant, then simply notify the rest of the Department and the county for execution later.²⁴⁶ At the same time, a patrol supervisor told us that patrol prioritizes calls for service, not serving warrants. At best, a patrol officer might make an attempt if they know the suspect and where to find them. The result of JPD's practice is that no one in particular has the responsibility to make the arrest, and nothing guarantees the suspect will be arrested at all. JPD detectives made clear to us that for certain types of crimes, such as homicides, they seek assistance from the tactical unit to execute an arrest warrant or execute it themselves. They characterized these as "special" or "severe" crimes. But they acknowledged this did not often happen for sexual assaults. This practice underscores our finding that JPD does not regard sexual assault as a serious crime.

2. JPD's response to domestic violence also raises concerns that JPD is discriminating against women

Domestic violence-related calls are one of the largest categories of calls for police service.²⁴⁷ JPD receives multiple domestic violence calls for service on every shift. Despite the pervasiveness of this crime, JPD's response to criminal conduct involving intimate partners is often harmful to women, in ways that raise concerns that JPD is discriminating on the basis of sex, in violation of state law.

²⁴⁶ LEADS refers to the Illinois Law Enforcement Agencies Data System, a "statewide, computerized telecommunications system designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the State of Illinois databases." Ill. Admin. Code tit. 20 § 1240.10. The LEADS system includes statewide data on warrants, orders of protection, vehicle registrations, and other state information as well as some federal data. See Ill. Admin. Code tit. 20 § 1240.60.

²⁴⁷ Roberto Santos and Rachel Santos, *Proactive Police Response to Domestic-Related Repeat Calls for Service 1* (2023), bit.ly/3YPzs9e. JPD was unable to give us an estimate of the number or percentage of domestic-violence related calls it receives annually.

a. JPD patrol officers do not adequately respond to domestic violence

JPD patrol officers shoulder almost the entire burden of responding to domestic violence incidents and investigating an offender, but, based on our review, their response efforts are inadequate.

First, patrol officers often interacted with survivors in ways that are harmful. Too many officers' interactions with survivors are scattershot and lacking in coherence. Officers asked about irrelevant topics and made comments about how survivors should resolve life crises, for example, advising a survivor to save some money and get the right people in her life. This same officer referred to the survivor as cognitively disabled in front of her. In a particularly egregious case, an officer asked a survivor to fill out a complaint form even though her eye was injured, partially obscuring her vision. He then offered to read it to her in the middle of a hospital lobby in front of other patients and their families. In response to her anger over this, he said, "we can keep arguing about it, I'm going to leave." Officers made harmful statements directly to survivors questioning their credibility. For example, a field training officer told a survivor, "you have to see it from my eyes too, I have to make sure someone's not making up a lie." This officer not only felt entitled to challenge a crime report outright; he did so in the presence of a trainee officer, conveying to that new officer that doubting survivors is an accepted practice in the Department. One of our investigators observed an officer responding to a call involving a woman who reported physical violence by her boyfriend. Without any apparent basis, the responding officer told the woman "it sounds like it was mutual." The officer then asked if the survivor was more concerned about the violence or her loss of a phone in the incident. Statements like these can inflict betrayal trauma on survivors. Although we came across JPD officers who showed kindness and courtesy to women reporting domestic violence, kindness is not a substitute for a trained, trauma-informed, and victim-centered response.

Patrol officers also frequently fail to gather important information from survivors. For example, officers generally did not ask survivors to describe all the places they were touched by the assailant. Because they are being interviewed after a trauma, survivors may not spontaneously mention all impacts. But failure to solicit this information can result in a more limited charge.

Further, just as we heard stories of hostility, skepticism, and disrespect toward survivors of sexual assault, so too did we hear such stories about survivors of domestic violence. One advocate told us that her clients who have experienced domestic violence have encountered an accusatory attitude from JPD, with officers asking questions like "why didn't you leave?" or suggesting that the incident is the victim's fault. The notion that domestic violence is the victim's fault is incorrect and very harmful to survivors. But it is also reflective of a negative and false stereotype that women bring on the domestic violence problems themselves.

According to the advocates we spoke to, JPD officers have sometimes threatened domestic violence survivors with removal of their children if they continue to report violence to JPD. JPD officers also have declined to write reports of domestic violence, telling survivors to spend the night somewhere else to lower the temperature. One advocate told us that her clients are afraid to report domestic violence to JPD, including one woman who was assaulted by a JPD officer and, out of fear, used a fake name when she went to the hospital. In one incident related to us by a SANE nurse, a patient came in as a domestic violence victim but had also been sexually assaulted. Both the nurse and the patient believed the patient was being tracked by her assailant. The nurse encouraged the patient to turn off her cell phone in case the abuser was tracking the patient via her

phone. The nurse called JPD multiple times and explained that the situation was active. No one from JPD ever showed up. The nurse waited for JPD with the patient for more than three hours, until the patient just left. The nurse told us “I don’t know if [the] patient is dead or alive.”

Further, we saw little evidence that patrol officers made meaningful efforts to confront or apprehend suspects in domestic violence cases. In some of the cases we reviewed, domestic violence survivors called 911 within minutes of the suspect’s departure. Yet JPD officers rarely located a suspect at the scene or nearby. This problem appears to stem from two factors. First, JPD has no pre-established roles or policies dictating the process for officers at the scene of a domestic violence incident, necessitating ad-hoc, on-scene coordination for each incident. On-scene officers must therefore make a rapid and accurate assessment of each scene, something that officers do not appear to do based on the body-worn camera footage we reviewed. Second, JPD officers’ frequent reluctance to credit a survivor’s account causes delay. Early reliance on a survivor’s statement would likely allow patrol officers to more quickly apprehend a suspect, if only to question them about their version of events. The lack of reliance implies that JPD officers do not trust survivors of domestic violence to tell the truth, another form of bias against women.

Finally, JPD officers responding to domestic violence calls routinely fail to establish crime scenes or to document such scenes. Pictures of disheveled crime scenes resulting from physical struggles as part of intimate partner violence are key evidence that JPD officers have not consistently documented or considered.²⁴⁸

b. JPD detectives do not vigorously investigate domestic violence

In the domestic violence cases we reviewed, JPD detectives rarely did anything more than the most basic investigations. They generally did not conduct follow-up interviews with survivors or take formal statements from them. This means they relied on a statement given to a responding officer in the midst of a trauma, a time when the survivor may not have been able to recount significant details. They did not speak to witnesses. They did not interrogate suspects. They did not gather further evidence, such as follow-up photographs of bruising injuries. They frequently failed to include even the audio of the initial 911 call (despite its evidentiary value) in the materials they submitted to the State’s Attorney’s Office, forcing prosecutors to ask for it. Even in cases where there are obvious open avenues of investigation, a detective’s role in domestic violence cases appears limited to seeking arrest warrants based on evidence collected by patrol officers. In several cases we looked at, the total investigative effort amounted to making a phone call or leaving a voicemail. And only one domestic violence investigation we reviewed resulted in a detective making an arrest. The case involved a death threat with a gun—underscoring the severe violence that women endure before getting a fulsome response from JPD.

We observed this lack of activity even in cases involving serious violence. In a case where the survivor had been threatened with a gun, the detective submitted the case to the prosecutor for a warrant just four days after the incident (not enough time to do a thorough investigation); the prosecutor declined, and the case file does not give a reason for the declination. Another woman reported an incident of domestic violence that included a sexual assault, but there was no investigation at all of the sexual assault. In one especially troubling incident, the survivor suffered

²⁴⁸ Crystal Garcia, *Digital photographic evidence and the adjudication of domestic violence cases*, 31 J. of Crim. Justice 579–87 (2003); Steven Staggs, *Crime Scene and Evidence Photography* 41 (2014), bit.ly/4fxOVR2.

a head injury that resulted in reduced consciousness. After five months of almost no activity, the detective finally sought a misdemeanor warrant and a subpoena for the survivor's medical records. The case file contains no explanation of the delay. A child and her mother were hit with a crowbar in one incident, and the investigator did no more than seek an arrest warrant five days later, without gathering any additional evidence or developing the case.

It is important to underscore again that seeking an arrest warrant does not mean an arrest will be made. As discussed above, JPD has not tasked anyone or any unit with executing arrest warrants. As a result, the existence of a warrant may or may not result in an arrest—no one at JPD is following up on those arrest warrants.

The minimal response to domestic violence cases generally contrasts with JPD's response when it perceives a crime to be serious. In a case where the survivor was beaten to the point of a penetrating injury to the brain, JPD officers canvassed the neighbors, photographed the crime scene, took fingerprints, and sought medical records. JPD detectives put effort into crimes they prioritized, but women should not have to experience life-threatening violence to merit a robust police response.

As with sexual assault cases, JPD's observed lack of investigation of domestic violence disproportionately harms women.

c. JPD patrol officers and detectives do not demonstrate the basic skills necessary to respond adequately to domestic violence

Our Office's review of JPD's domestic violence response (including both case files and calls for service) shows that too many JPD patrol officers and detectives lack basic skills necessary to respond to domestic violence.

Other than asking about prior incidents and police involvement, inquiries that are required by state law,²⁴⁹ officers showed no ability to make risk or lethality assessments.²⁵⁰ In fact, one senior JPD officer we spoke to did not know what a lethality assessment was. This is particularly concerning given the additional absence of any strangulation assessments in the cases we reviewed. Strangulation is a predictor of future increased lethality, but more urgently, it is dangerous because it can have lethal effects several hours or even days after it occurs due to swelling of internal tissue. At the same time, many survivors are not aware of having been strangled (due to blackouts) and thus are unable to report it. It is therefore critical that an officer responding to an incident of domestic violence attempt to determine whether strangulation has occurred by, for example, noting breathing difficulties, a hoarse voice, or petechiae (red dots) in the eye or skin of the face and neck. The importance of lethality and strangulation assessments is

²⁴⁹ See 750 ILCS 60/303(a).

²⁵⁰ A lethality assessment is an evaluation of the circumstances in which an episode of domestic violence has occurred to identify survivors who are at high risk of being seriously injured or killed. Factors to be assessed include whether the violence is escalating, whether the perpetrator is employed, and whether the perpetrator owns a firearm. See, e.g., Johns Hopkins School of Nursing, *Danger Assessment*, bit.ly/3NTpRYJ.

widely recognized in policing.²⁵¹ JPD’s deviation from these norms increases the risk of future harm to women.²⁵²

d. JPD policy on domestic violence is inadequate

JPD’s policy on domestic violence is out of date, does not provide a solid starting point for officers and supervisors, and does not serve survivors. The policy calls for officers to “immediately respond to every call for assistance to a domestic incident.” However, it does not call for further investigation. The policy does not require lethality or strangulation assessments, says nothing about primary aggressor determinations (determining who is a victim when both parties claim to have been attacked or exhibit injuries), and prescribes no role for detectives.

The lack of guidance on primary aggressor determination, in particular, appears to have serious consequences. A supervisor told us that he often does not assign domestic violence cases that involve cross-complaints. He related that the State’s Attorney’s Office had provided JPD with a card several years ago that said, in effect, “counter complaints equals counter dismissals.” The supervisor gave us a copy of the card. What the supervisor failed to mention, or to appreciate, is that the card actually lists several steps an investigator can take to determine who the primary aggressor is in a case of dual complaints—such as looking at prior history, the relative size and strength of the parties, and signs of self-defense—and thereby *avoid* dual dismissals. The State’s Attorney’s admonition was not an instruction not to bother investigating, but rather to investigate more.

What we observed of JPD’s response to domestic violence raises concerns that JPD is discriminating against women, who are disproportionately the victims of domestic violence, by re-traumatizing them, failing to provide them with appropriate police services, failing to investigate domestic violence, and leaving them at increased risk of future violence. These harms disparately affect women, and therefore may violate the IHRA and ICRA.

3. JPD must improve training and supervision related to gender-based violence

JPD officers need foundational training and skills in responding to gender-based violence, but advanced training is also necessary. Response to gender-based violence requires specialized knowledge.

This is why, to take one example, JPD’s current lack of a dedicated domestic violence investigator or investigators is deeply concerning. JPD used to have a dedicated domestic violence detective, but in January 2022, the Department started assigning such cases to all detectives without regard to experience or training. Lack of a dedicated domestic violence unit or at least a detective who has proper training, especially in light of the large volume of domestic violence cases at JPD, may itself be a form of discrimination under the ICRA.²⁵³ We understand that JPD

²⁵¹ IACP, *Intimate Partner Violence Response Policy and Training Content Guides* 16–17 (2017) bit.ly/3C98xwe; see also Jill T Messing et al., *Lethality Assessment Program 2.0: Adjusting intimate partner violence risk assessment to account for strangulation risk*, 18 *Policing: Am. J. of Pol’y & Prac.*, 1–11 (2024).

²⁵² Jacquelyn C. Campbell et al., *Assessing Risk Factors for Intimate Partner Homicide*, 250 *Nat’l Insts. of Just. J.*, 14 (2003), bit.ly/40w5B72.

²⁵³ See 740 ILCS 23/5(a)(2) (prohibiting use of “criteria or methods of administration that have the effect of subjecting individuals to [gender] discrimination”).

has been asked by the Will County State’s Attorney’s Office to designate a domestic violence investigator. We strongly urge JPD to do so. Given the volume of JPD’s domestic violence cases, more than one dedicated and trained investigator is likely needed. But one or more dedicated and trained investigators alone will not solve the problem. From patrol up the chain of command, JPD officers do not get sufficient, specialized, up-to-date training in addressing sexual assault and domestic violence.

Once JPD ensures that its officers and detectives have the necessary training, the Department needs to ensure that training and experience are integrated into the assignment process for detectives. During our period of review, JPD did not consider training or experience in assigning cases, even cases involving sexual assault and domestic violence. Instead, cases were assigned based primarily on workload—a legitimate consideration, but one that can lead to mismatches between appropriate training, skills, and assignments.

Supervisors, especially in the Investigations Division, must be provided with sufficient training and expertise to oversee and direct investigations and implement policy involving gender-based violence. Many, but not all, supervisors of detectives have experience as detectives. Supervisors who have not served as detectives prior to their promotion receive the same investigator training that detectives receive, but no more. The skills necessary to investigate gender-based violence are not intuitive; they must be taught. Supervisors in the Investigations Division are responsible for making the first cut in deciding whether a case gets assigned to a detective at all. The supervisors we spoke to shared that about a third of domestic violence cases do not get assigned to a detective. In many instances this is because the supervisor does not consider the case “solvable.” But the supervisors do not always have the skills to make this assessment. The example above of the supervisor who did not assign cases with cross-complaints illustrates this problem.

Moreover, supervisors do not generally oversee the progress of cases or review them before they are sent to the State’s Attorney’s Office. This means that detectives do not receive guidance that might help them get past obstacles in investigations. It also means that no one is looking at cases to ensure that they have advanced as much as possible before being presented to the prosecutor.

Responding adequately to gender-based violence is hard work. It requires a strong commitment at all levels of an organization. JPD does not demonstrate such a commitment, and without one, the findings and concerns discussed above cannot be properly addressed.

4. JPD’s internal climate reflects a bias against women, aggravating concerns about discrimination

JPD’s response to gender-based violence—both sexual assault and domestic violence—reflects a bias against women, most notably in the form of false stereotypes about women who report such crimes. Our concerns about this bias—and the possibility of remedying it—are worsened by evidence we have collected about the internal climate at JPD. Our investigation found a climate in the Department that tolerates hostility toward women, including (perhaps especially) in regard to JPD’s handling of accusations of gender-based violence against JPD’s own members.

Some examples illustrate the internal hostility toward women that exists at JPD. In one instance, unknown officers wrote “Dyke” on the bicycle of a female officer. In another, a senior

male officer repeatedly referred to a female officer on authorized maternity leave as “AWOL.” We were also told of a recent in-service training in which officers were presented with a scenario in which a woman and a man are both at a bar and very drunk. The man proceeds to have sex with the woman, who later asserts that she was too drunk to consent. The training asked whether this was sexual assault, and the correct answer under Illinois law was yes. Male officers, we were told, were “up in arms” at the concept that sex with an intoxicated person unable to give consent was sexual assault. At another training on sexual assault, an officer stood up and said words to the effect of “you know they [women who allege sexual assault] are all lying because they know the guy.” Officers have also been heard joking about domestic violence survivors, making remarks like “why’d she get her ass beat?” or wondering aloud what a woman did to get beat up.

Another troubling incident involves an allegation that officers, including several officers in senior leadership positions, illegally or improperly obtained private sexual videos and other images from a female officer’s cell phone and circulated them within the Department. The lawsuit filed by the female officer remains pending, but we have been told that there is a belief among at least some officers that the videos and images were in fact improperly circulated within the Department in violation of JPD policy. No one was punished for this policy violation and humiliation of a fellow officer.

We also uncovered evidence that male Department members, including supervisors, sexually harass female officers. Female officers are hesitant to report the conduct, because they perceive JPD to be a place where a complaint of that nature would result in retaliation and no meaningful corrective action.

The internal biases at JPD are especially evident when JPD investigates allegations of improper sexual conduct, including sexual assault and domestic violence, by its own officers. JPD’s investigations (both criminal and administrative) of officers accused of gender-based violence involved inadequately trained investigators without relevant experience, and reflected a lack of understanding of the effects of gender-based violence on survivors’ behavior, bias toward believing accused officers even in the face of obviously false statements, and a lack of appropriate discipline.

In a series of incidents that occurred in 2019 and were widely reported in the Joliet community, one officer was accused of domestic violence and other gender-based offenses (harassment, violation of no contact order) against multiple survivors five times in a single year. A complaint was made against him for other violence as well. Other than administrative leave and desk duty, the Department imposed no discipline for months. Although the officer eventually left JPD by agreement, the Department’s lack of urgency in response to this officer’s conduct sent a message to the Department and the community that JPD does not take investigations of domestic violence and harassment seriously.

These examples of hostility toward women within JPD heighten our concern about discrimination against women in JPD’s response to gender-based violence.

VII. JPD'S FLAWED ACCOUNTABILITY SYSTEMS CONTRIBUTE TO PATTERNS OF UNLAWFUL POLICING

JPD's accountability systems fail to adequately detect, investigate, respond to, and document misconduct. These failures directly contribute to patterns of unlawful policing. As discussed in the preceding sections, JPD engages in practices that include unlawful uses of force, discriminatory policing, and failure to adequately respond to gender-based violence. Each of these practices results from the Department's failure to properly respond to misconduct and appropriately consider disciplinary history in the promotion process. These failures of accountability contribute to a culture within JPD that tolerates or ignores serious wrongdoing, while eroding relationships between the Department and the community it serves.

A. Overview of JPD's Internal Affairs and Accountability Systems

JPD's Internal Affairs unit conducts most of the Department's administrative investigations into alleged misconduct. Internal Affairs is staffed by a sergeant and a lieutenant who share responsibility for conducting and reviewing investigations. Members of Internal Affairs report to the Deputy Chief of Administration and the Chief of Police.

Administrative investigations begin with a complaint, which can originate either internally from Department members or externally from community members. Upon receiving a complaint, Internal Affairs conducts a preliminary investigation, usually reviewing police reports and body-worn and squad car videos, and attempting to contact the complainant. Investigators then place complaints into one of three classifications: formal complaints, informal complaints, and informal inquiries. These classifications generally dictate how thorough the investigation will be, with typically little or no fact-finding occurring for complaints classified as informal.

In formal investigations, Internal Affairs investigators generally begin by gathering evidence such as police reports, videos, and photographs, and attempting to contact the complainant to schedule an interview. In some cases, investigators may try to interview non-Department witnesses. The interrogation of the accused officer is usually one of the last steps in the investigation. The investigators audio-record all interviews and interrogations in formal investigations, except for non-Department complainants and witnesses who decline to be recorded.

Internal Affairs investigators summarize the evidence gathered and factual findings in an investigation report. This typically includes a thorough description of each interview and interrogation. Investigation reports also list a disposition for each of the allegations: sustained, not sustained, unfounded, or exonerated. Internal Affairs can also administratively close cases without a full investigation or a disposition. In some cases, investigators refer complaints to the "shift level," meaning that the accused Department member's immediate supervisor is responsible for investigating the complaint and/or counseling or training the officer. Internal Affairs has broad discretion to decide when complaints should be handled at the shift level.

Investigation reports are then submitted to the non-investigating member of Internal Affairs to review and sign off on the recommended dispositions. The Chief reviews all completed formal investigations, and in cases of sustained misconduct, the Chief also makes an initial disciplinary decision, which can include an oral or written reprimand, suspension, or termination. The Chief may also require officers to be counseled by their supervisor or undergo additional training.

After the initial disciplinary decision, Department members have several opportunities to seek to reduce their discipline. Members may request an administrative review hearing with the Chief to present mitigating information, which often results in the Chief reducing the discipline. Sworn officers may also appeal suspensions of more than three days either to an arbitrator under the member’s collective bargaining agreement or to Joliet’s Board of Fire and Police Commissioners.

From 2018 through 2022, Internal Affairs received an average of about 77 complaints per year, including complaints that originated both from community members and within the Department. Internal Affairs classified over 34% as formal complaints, about 21% as informal complaints, and about 45% as informal inquiries, which receive the least amount of investigation. In about 19% of cases, Internal Affairs sustained at least one of the allegations, though these sustained dispositions were highly concentrated among internal complaints that originated within the Department. When a Department member initiated a formal complaint, it was sustained nearly 74% of the time, compared to less than 10% for formal complaints submitted directly by community members.²⁵⁴ Over 95% of the complaints that Internal Affairs sustained between 2018 and 2022 were classified as formal.

Figure 1: Breakdown of Internal Affairs Complaints by Classification & Outcome



Although Internal Affairs investigators conduct most of the Department’s administrative investigations, other parts of the Department share responsibility for identifying and investigating policy violations. Supervisors in all parts of the Department are required to respond to allegations of misconduct. In addition, two force review panels review reportable uses of force,²⁵⁵ and the Safety Review Board examines traffic collisions and vehicle pursuits. Apart from limited circumstances in which the Safety Review Board conducts more thorough investigations, Internal Affairs is the only unit within JPD that conducts substantial fact-finding—including interrogating accused Department members—to determine whether a policy violation occurred.

²⁵⁴ Under JPD’s classification system, complaints from community members are sometimes classified as “internal” rather than “external” (for example, if a Department member fills out a complaint form on a community member’s behalf). As a result, these classifications are only an approximate measure of the number of complaints that originate outside the Department. In addition, JPD distinguishes external and internal complaints only for formal investigations.

²⁵⁵ See Section III (Use of Force) for a discussion of these force review panels.

Internal Affairs records are stored in the IAPro software program, which also houses JPD's records of lawsuits, uses of force, vehicle pursuits and crashes, and other Department member data.²⁵⁶

B. Methodology

To investigate JPD's accountability systems, we reviewed JPD's accountability policies and met with current and former Internal Affairs personnel. In addition, we conducted an extensive review of files dating from 2018 through 2022, including hundreds of Internal Affairs files documenting the investigation and resolution of misconduct complaints, as well as records of shift-level counseling.²⁵⁷ In conducting this review, we examined written reports, photographs, video footage, audio recordings of interviews and interrogations, and other evidence relating to allegations of misconduct. We also examined JPD's promotion practices by reviewing employment files and records relating to the Department's promotion recommendations, in addition to meeting with representatives of Joliet's Board of Fire and Police Commissioners.

Throughout this Section, we highlight examples of incidents and investigations that illustrate our findings. These examples are meant only to demonstrate how JPD's accountability systems operate in practice. Our conclusions are based on a broader review of many cases beyond the ones specifically described in this Report.

C. JPD Routinely Fails to Hold Department Members Accountable for Misconduct, Contributing to Patterns and Practices of Unlawful Policing

At each step of JPD's accountability process, we identified serious deficiencies that undermine the reliability and legitimacy of JPD's response to misconduct. Taken together, these deficiencies prevent JPD from consistently identifying, investigating, and responding to violations of the law and Department policy. The absence of a reliable accountability system is a significant barrier to preventing misconduct and establishing trust with community members.

1. JPD's accountability policies are missing necessary detail

JPD's written directives for Internal Affairs personnel are limited to its Department-wide policies, which include broad definitions and standards that are used in administrative investigations but often do not communicate specific expectations.²⁵⁸ This absence of detailed written guidelines contributes to inconsistency in how different Internal Affairs investigators handle complaints. Over a five-year period, different investigators used significantly divergent practices in critical areas such as the classification of complaints and the documentation of administrative investigations. For example, investigators have documented informal complaint investigations in various ways, with some writing detailed investigation reports and others noting only basic information in the IAPro database.

Even where the written policy requirements are clear, Internal Affairs investigators often deviate from them. For example, JPD policy defines the circumstances where Internal Affairs

²⁵⁶ Internal Affairs generally does not use IAPro as a case management tool during investigations, instead uploading documents and information only after investigations are complete.

²⁵⁷ We also conducted a more limited review of some 2017 and 2023 files.

²⁵⁸ The Department previously had maintained detailed procedural guidance documents for Internal Affairs personnel, but these documents are outdated and no longer used.

investigators may classify a complaint as informal. Investigators told us, however, that they exercise their discretion to classify complaints based on the perceived severity of the allegations—criteria that are not set out in policy.

We identified numerous deficiencies in JPD’s accountability policies, including the failure to adequately or comprehensively define:

- the classification of complaints as formal or informal
- criteria for determining whether to investigate anonymous complaints
- the process for investigating allegations of misconduct from civil lawsuits
- procedures for contacting civilian complainants and witnesses
- standards of proof associated with the disposition of allegations
- supervisors’ discretion to handle a complaint through shift-level counseling
- procedures for ensuring consistent, fair, and proportionate discipline
- the process to avoid conflicts of interest in administrative investigations

The problems that result from the absence of clear and specific guidance on these subjects are discussed in greater detail in the sections below.

2. JPD lacks adequate mechanisms to identify misconduct and encourage reporting

We identified problems affecting JPD’s ability to learn about allegations of misconduct. These barriers affect reporting from both inside and outside the Department.

a. Community member complaints

In some ways, JPD’s policy for receiving community member complaints accords with best practices. For example, the Department offers community members numerous ways to submit complaints, including by phone, through an online form, or in person at the police station. At the same time, JPD policy specifies that complainants should never be required to appear at the station to submit a complaint. JPD policy also requires Internal Affairs to accept anonymous complaints, and complainants are not required to submit a sworn statement under oath.

Nonetheless, JPD imposes unnecessary barriers for community members who wish to report misconduct. First, the information the Department provides the public about its complaint process is likely to discourage community members from filing complaints. JPD’s website does not prominently display the option to submit a misconduct complaint, and its “File a Complaint” page provides a warning that may discourage community members from reporting:

Filing a false complaint is a crime. If you willfully submit false information, you will be subject to criminal prosecution. Please note your internet protocol (IP) address of any online submission is logged.

JPD’s complaint brochure similarly discourages complaints. It fails to mention the options to submit a complaint anonymously, decline to be interviewed, or schedule the interview at a convenient time and place. Instead, it states that complainants must sign their complaint and suggests that they may have to be interviewed twice, along with another intimidating warning:

If a person is found to have knowingly filed a false complaint against a member of our department, that member may file a civil action suit against him/her. The person filing the false complaint may also be charged with a criminal violation.

Community members who read this warning may conclude that they—not the accused officer—will be the real targets of any investigation.

Second, we have concerns that JPD officers may engage in a pattern of discouraging complaints or making it more difficult for community members to submit them. In numerous Internal Affairs files, there was an allegation or evidence that complainants were expressly discouraged from filing a complaint or were told that they would have to go to the police station to do so. In one case, after a community member submitted a complaint of rudeness via email, the Internal Affairs lieutenant called the complainant, who provided the name of the officer involved and details about the incident. The lieutenant told the complainant that her story contradicted the police reports and that she would have to file a “formal complaint.” When she failed to come to the police station, the complaint was classified as informal and the case was closed.

Internal Affairs also lacks transparency in its investigations. JPD does not offer complainants any way to track the status of complaints online, and contrary to Department policy, Internal Affairs investigators do not notify complainants when investigations are delayed. Instead, investigators place the onus on complainants to seek information about the status of their complaints, creating a risk that complainants will assume that JPD has ignored their case.

b. Department member complaints

We found evidence that JPD officers are often reluctant or unwilling to report even serious misconduct by fellow officers. Interviews with current and former Department members revealed that officers fear professional and social retaliation if they initiate complaints. One officer described how after he expressed support for another officer who reported misconduct, his relationship with his coworkers “splintered.” Another told us that officers who report misconduct risk being “blackballed,” which could include missing out on desirable assignments.

In our review of investigative files, we also found evidence that in some cases peer officers witnessed misconduct (including excessive force) and failed to report it. In these cases, however, Internal Affairs investigators often failed to separately investigate these violations. For example, in one case squad car video revealed that an officer witnessed another officer using likely unlawful and retaliatory force, striking a person in the face as he lay on the ground after a foot pursuit.²⁵⁹ Although Internal Affairs reviewed the incident to determine whether the officer who struck the person used unlawful force, Internal Affairs did not investigate whether the officer who arrived at the scene violated JPD policy by failing to report the incident. And in rare cases when investigations occur, Internal Affairs often fails to sustain the allegations or impose discipline.²⁶⁰ The lack of a strong Internal Affairs response likely contributes to a perception among officers that they will not face consequences for failing to report misconduct.²⁶¹

²⁵⁹ This incident is discussed in greater detail on page 24.

²⁶⁰ See, for example, the 2018 incident involving an officer lifting a man by the handcuffs described on page 33.

²⁶¹ JPD leadership and Internal Affairs personnel indicated that the Department does not consider officers’ non-reporting to be a barrier to accountability, and some Department members denied that officers

c. Allegations discovered during administrative investigations

Internal Affairs investigators often fail to properly identify and investigate potential misconduct discovered during administrative investigations. In some cases, videos or other evidence reveal potential policy violations that extend beyond the allegations in the initial complaint, but which are not separately addressed. This includes cases where the investigation indicates that officers failed to report misconduct that they witnessed.

For example, Internal Affairs investigated a complaint about several officers who engaged in wide-ranging harassment of a person at a bar while on duty, including pouring hot sauce down the bar patron's pants, drawing a penis on his back, and threatening to deploy a taser. This alleged misconduct was so extreme that it caused a recruit officer who was present during the incident to resign from JPD. Internal Affairs sustained allegations of conduct unbecoming, coarse and disrespectful language, and violation of the duty to report. During the investigation, however, Internal Affairs learned that another officer was called to the scene while the misconduct was occurring, but the investigator did not attempt to determine whether that officer failed to intervene to stop the misconduct or to report it to a supervisor. The investigation also uncovered evidence that the involved officers may have engaged in a wider pattern of inappropriate or harassing behavior toward this person in the past, but the Internal Affairs investigator did not follow up on this information.

In other instances, Department members engage in misconduct relating to the investigation itself, including making false statements or concealing material information. This obstruction of the accountability process is rarely separately investigated. For example, in one case, JPD learned that an officer had been sending sexually explicit text messages to a woman after she reported a sexual assault to the officer. Investigators obtained copies of the messages from the woman's cell phone, but when they tried to obtain the messages from the officer's personal cell phone, they had been deleted. Although several allegations against the officer were sustained, JPD did not determine whether the officer had deleted the messages in order to hide his misconduct. The failure to appropriately respond in cases where officers may have concealed or destroyed material information prevents the Department from identifying and disciplining misconduct that affects officers' credibility.

d. Investigations by review boards

With respect to uses of force and vehicle pursuits and crashes, Internal Affairs investigators often rely on other review boards within the Department to detect policy violations and refer cases for further investigation. We found evidence, however, that these review boards do not sufficiently identify and report misconduct. For example, JPD's force review boards (which are discussed in Section III (Use of Force)) fail to conduct objective, meaningful reviews and often fail to identify potential policy violations.

experience any reluctance to report misconduct, pointing to the fact that many investigations originate within the Department. But the number of "internal" complaints does not show that officers consistently report misconduct they witness. Many internal complaints actually originate outside the Department but are classified as internal because a supervisor fills out the complaint form on behalf of the complainant. Many other internal complaints involve supervisors writing up subordinates for operations violations and do not provide any evidence of willingness to report among *peer* officers.

The Safety Review Board, which reviews both vehicle crashes and vehicle pursuits, has conducted similarly limited reviews, although the nature and extent of its review processes have changed substantially since the start of our investigation. Previously, the Safety Review Board conducted only a limited investigation that assumed that statements made by Department members in their reports were true and that did not attempt to determine whether vehicle pursuits should have been initiated in the first place. More recently, following changes to policy and upgrades to the Department's case management technology, the Safety Review Board began conducting more thorough analysis and investigation, particularly in cases that could result in more than three days' suspension. We commend JPD for bolstering these review procedures, though there is not yet sufficient information to determine whether the Safety Review Board's investigations of misconduct under the revised policy are adequate.

Outside of this limited context, the review boards generally defer to Internal Affairs to conduct any investigations that extend beyond a first-level review of the paperwork and video evidence. But because the boards do not conduct thorough reviews, they rarely identify possible misconduct and therefore generally do not refer any cases to Internal Affairs. This creates a circular problem where Internal Affairs investigators rely on the absence of adverse findings from those boards to justify closing cases without full investigations. In one case, body-worn and squad car camera videos showed officers using potentially unjustified force while removing a driver from a vehicle, including deploying a taser after the driver had already been brought to the ground and was surrounded by many officers. The Internal Affairs investigator conducted a seemingly cursory review of the footage, which he noted "revealed no clear policy violations," and explained that "the incident was reviewed by the field supervisor and the [force review board] with no recommendations for further review." As a result, the investigator classified the case as an informal inquiry and closed it without further investigation.

e. Allegations from criminal prosecutions and civil lawsuits

Internal Affairs rarely investigates allegations of misconduct stemming from criminal proceedings or civil litigation.

Criminal proceedings. Internal Affairs generally learns about information from a criminal investigation or prosecution only if a Department member was the subject of the investigation or prosecution.²⁶² JPD has no processes in place to identify possible misconduct from criminal cases where JPD officers were investigators or witnesses (for example, when a judge in a criminal case finds that an officer's statements or reports were not credible or suppresses the results of a search due to lack of probable cause).

In one case, multiple officers testified at a criminal hearing in the prosecution of a woman who allegedly assaulted a JPD officer in the moments before he tackled her to the ground.²⁶³ Three of the officers who testified made statements that differed from what they had told Internal Affairs during an administrative investigation. The officer who tackled the woman provided conflicting testimony about the number of verbal instructions he gave the woman before using force. He also suggested that the woman "almost hit [him] in the face," while his earlier statement to Internal Affairs said only that she "swung her arm towards him possibly in an attempt to knock his hand

²⁶² When an arrest or criminal investigation occurs outside Joliet, JPD generally becomes aware of the criminal case from the accused officer or through a notification by another law enforcement agency.

²⁶³ A description of this incident can be found on page 28.

away” from her shoulder. The other two officers also gave testimony that materially differed from statements in their Internal Affairs interviews regarding what they saw the woman do in the moments before she was tackled. After the hearing, which focused on these inconsistencies and the lack of evidence that the woman had swung at an officer, the judge dismissed the criminal charges. But Internal Affairs never conducted any follow-up investigation to determine if the officers gave intentionally false or misleading statements during the administrative investigation or under oath at the hearing.²⁶⁴

Civil litigation. In some instances, JPD learns about allegations of misconduct because a civil lawsuit is filed. But lawsuits alleging misconduct by Department members almost never trigger Internal Affairs investigations, even in cases where the City reaches significant financial settlements or judgments. In the cases alleging department member misconduct that the City of Joliet has settled from 2018 to 2023, Internal Affairs never followed up to investigate after the civil case ended,²⁶⁵ even in cases in which the City paid hundreds of thousands of dollars.

One cause of this failure to investigate is that Internal Affairs almost always delays investigations of the misconduct while a lawsuit is pending, with the consequence that no investigation occurs at all. JPD does not have a policy specifically addressing whether or when Internal Affairs should begin an investigation once the lawsuit is over. In fact, the City often fails to notify Internal Affairs that a civil case has concluded.

These failures prevent Internal Affairs from investigating cases of serious misconduct. For example, in 2021, Joliet paid nearly \$120,000 in a case in which a man alleged that a JPD officer had arrested him and slammed him face-first into the rear of an ambulance after he declined to get in it because he did not need medical care. The man alleged that his face struck the corner of a metal box, splitting open his face just under his eye, and that the officer lied in police reports and criminal charging documents to justify the force. After a trial, the jury found in favor of the man. But despite the jury’s verdict and the cost of the judgment and resulting attorneys’ fees, Internal Affairs never investigated the allegations to determine if the officer violated policy.

3. JPD’s processes for classifying and processing complaints are inconsistent and prevent thorough investigations

Many Internal Affairs investigations are insufficient because complaints are improperly classified as “informal,” even for major alleged policy violations. In other cases, investigators fail

²⁶⁴ Relatedly, JPD does not maintain a list of officers who have received discipline or have been the subject of judicial findings that affect their credibility. Many departments maintain a “*Brady* list,” named after *Brady v. Maryland*, 373 U.S. 83 (1963), the U.S. Supreme Court case establishing that criminal defendants have a right to know about evidence that may exonerate them. JPD, however, does not centrally collect this information and instead asks officers to self-report to prosecuting attorneys. As a result, we have concerns that JPD may be failing to ensure that the required disclosures of officers’ adverse credibility findings are properly made to the criminal justice system.

²⁶⁵ In lawsuits alleging misconduct toward community members where there was no administrative complaint filed with the Department, Internal Affairs did not investigate the allegations at all. In several cases where an individual submitted a misconduct complaint to JPD before filing a lawsuit, Internal Affairs conducted an initial investigation but did not follow up to gather additional information after the City settled the case.

to recognize and investigate the most serious allegations in a complaint. These preliminary decisions often dictate the scope of the investigation and can hinder accountability.

a. Complaint classification

The three categories Internal Affairs uses to classify complaints largely dictate how it handles and resolves the allegations. Unlike the full investigation it conducts for formal complaints, for informal complaints and informal inquiries, Internal Affairs gathers less evidence, produces less detailed documentation, and usually closes cases without determining whether the allegations are true.

This classification decision generally reflects a judgment about the merit of the complaint. Once a complaint is classified as informal, it is extremely unlikely to be sustained; fewer than 5% of complaints that Internal Affairs sustained between 2018 and 2022 were classified as informal. Despite their importance, these classifications are poorly defined in JPD policy, which permits “informal” classifications under a few circumstances, including whenever there is evidence that “the specific act or omission alleged does not amount to employee misconduct.” But there are no written guidelines specifying when or how the investigator should make this determination. As a result, we found a wide variation in how extensively Internal Affairs investigates complaints before classifying them as informal. Although in some instances the preliminary investigation was thorough, in many other cases there are indications that Internal Affairs failed to gather or review evidence that would have been relevant to the classification decision.

Even serious misconduct allegations are classified as informal, precluding meaningful investigation and discipline. These include allegations of excessive force and discriminatory policing/unlawful bias. In one case, a White officer posted an image with overtly racist jokes to his social media account.²⁶⁶ The investigation report reflects that the Chief and other command staff decided “that the incident would be handled as an Informal Complaint” and the officer would receive shift-level counseling from their supervisor. The investigation report does not include any further explanation for the informal classification, and the officer did not receive any discipline apart from non-punitive counseling.

JPD classifies complaints as informal for several reasons that prevent thorough investigations of complaints that may have merit:

- **Non-cooperative or difficult-to-reach complainants.** Nearly a quarter of the informal complaints we reviewed were classified as informal because the complainant either did not follow up or declined to be interviewed. JPD’s policies do not provide guidance about contacting complainants or pursuing investigations if they are not responsive or cooperative. In practice, it is common for Internal Affairs investigators to make just one or two phone call attempts before sending a letter to the complainant notifying them that their case will be closed if they do not respond. In some cases this outreach is sufficient and the investigation cannot be pursued, but in others, investigators close cases even when they have enough information to proceed without further statements from the complainant.

For example, Internal Affairs informally classified and administratively closed a complaint alleging that a youth was arrested and subjected to force in retaliation for recording JPD

²⁶⁶ A description of this post can be found on page 67.

officers. The investigator did not contact any potential witnesses or involved officers identified in the case report and did not make any attempts to identify squad car or surveillance video from a nearby business. Instead, Internal Affairs classified the complaint as informal without further investigation because the complainant was not home when Internal Affairs tried calling them, and they did not respond to one follow-up email asking for a call back.

- **Anonymous complaints.** Internal Affairs classified every anonymous complaint it received between 2018 and 2022 as informal. JPD’s policy states only that “[t]he nature of the information” provided in an anonymous complaint “will be evaluated to determine an appropriate investigative response.” This open-ended, vague language makes the investigation of anonymous complaints entirely discretionary. In some cases, an informal classification of an anonymous complaint is appropriate because there is not enough information to investigate further. In others, however, Internal Affairs fails to gather available evidence based on information furnished by an anonymous complainant. For example, one anonymous complaint alleged that an officer was holding a beer while on duty and driving a squad car. The complaint attached photographs showing an officer holding an object that could have been a beer bottle. The investigator noted that the photograph showed the officer’s squad car number, but rather than attempting to identify the officer in the photograph, the investigator simply stated that “[i]t was unable to be determined what was in the officer’s hand due to the quality of the picture.” The case was classified as an informal inquiry and closed without a disposition.
- **Complainant’s preference.** Internal Affairs improperly relies on complainants’ preferences to determine whether to formally investigate. This deference to complainants does not align with basic standards of accountability. Police departments are responsible for holding their members accountable for their behavior regardless of whether complainants request a formal investigation. Yet in more than a quarter of informal complaint files we reviewed, JPD’s Internal Affairs classified the complaint as informal at least in part because the complainant reportedly preferred not to move forward with a formal investigation.²⁶⁷ In some of these cases, there was sufficient information to allow further investigation or even reach a disposition without a formal complainant interview. Although Internal Affairs personnel informed us that they have discretion to conduct a formal investigation despite the complainant’s preference to proceed informally, they were unable to identify any case in which this actually occurred.

JPD policy also allows supervisors who receive community member complaints to attempt to “resolve the complaint to the satisfaction of the complainant,” meaning that Internal Affairs will not investigate further. The policy does not specify which types of complaints may be “resolved” in this way. The policy language implies that any complaint—no matter how serious—can forego a formal investigation so long as the complainant is satisfied with

²⁶⁷ Reliance on the complainant’s preference also creates a risk that Internal Affairs will discourage complainants from requesting a formal investigation. Our review of Internal Affairs cases suggest that investigators may use the possibility of a mandatory recorded in-person interview, which is contrary to JPD policy, as a way to discourage formal complaint investigations.

the supervisor's response. In that case, the Department would be unable to investigate and discipline even egregious misconduct.

b. Mischaracterizing or downgrading allegations

Internal Affairs frequently characterizes complaint allegations in ways that minimize the severity of the alleged misconduct. This method of “downgrading” prevents Internal Affairs from properly identifying and addressing the most serious issues raised in a complaint. We identified numerous cases in which Internal Affairs downgraded serious allegations, including in the areas of discriminatory policing, gender bias and gender-based violence, use of force, and other forms of misconduct involving harm to community members.

In one case, the complainant alleged in his complaint that an officer entered his home, acted aggressively, threw him into a table, and “took him to the ground.” The Internal Affairs investigator did not expressly address these allegations of unlawful force; instead, the investigation report stated that the complaint alleged only “False Arrest” and “Mishandling of Evidence.” Another complaint alleged that an officer interrogated a youth who was in custody after the youth invoked his *Miranda* rights. But the Internal Affairs investigator focused exclusively on the fact that the officer had used curse words, characterizing this allegation as a claim that the officer “spoke . . . in an unprofessional manner while in the JPD booking facility.” In IAPro, the complaint was tagged with the sub-classification “improper language.”

4. Many of JPD's administrative investigations are not sufficiently thorough or objective

Although some Internal Affairs investigations are detailed and thorough, the quality of investigations varies substantially, even in serious cases that warrant in-depth investigations. Many investigations suffer from problems with the scope of the investigation, deficient evidence-gathering, flawed interview techniques, biases, and delays. We also identified flawed dispositions in a number of cases.

a. Narrow scope of investigation

Internal Affairs often investigates only some of the alleged misconduct, without addressing significant potential policy violations that form part of the underlying complaint. In addition, Internal Affairs does not consistently investigate all of the Department members who may have committed misconduct in connection with a complaint.

In one case, Internal Affairs investigated an incident in which an officer allegedly conducted an illegal traffic stop. Video of the incident showed that during the stop, officers broke a car window, pulled the driver out of the car, performed a takedown, struck the driver in the legs with a baton, and deployed a taser.²⁶⁸ Internal Affairs limited its review of this incident to one officer's conduct during the initial stop and failed to examine the force used by three officers on the scene. In fact, although Internal Affairs obtained a video of the entire encounter, the video was edited into a short clip ending at exactly the moment that the officer reached his arm back to strike the car's window. Examining the entire incident would have allowed Internal Affairs to address

²⁶⁸ This incident is described in more detail on page 21.

possible policy violations related to breaking the window, use of force (including takedowns, leg strikes, and taser deployment), as well as the officers' conduct that escalated the interaction.²⁶⁹

In another case, a complainant alleged that when she contacted the Department to ask about having a rape kit completed, the Department member she spoke with was dismissive and rude. When she contacted a supervisor in an attempt to file a complaint, the supervisor did not document the complaint but instead denied that the other Department member had acted improperly, and he attempted to persuade her not to pursue the rape kit. Citing the complainant's preference to proceed informally, Internal Affairs referred the case for shift-level counseling, stating only that the involved Department members had been "unprofessional" and omitting any reference to the allegation that the supervisor refused to document the complaint, a separate violation of JPD policy.

b. Gathering evidence

Internal Affairs frequently fails to gather relevant evidence during administrative investigations. In many cases, Internal Affairs does not obtain videos, photos, and other relevant documentation—many of which are readily accessible in the Department's evidence management system. Internal Affairs also fails to interview complainants, witnesses, and/or accused Department members whose statements are necessary for a thorough or objective investigation. In one instance, Internal Affairs investigated an excessive force allegation for which there were dozens of officers and community members present.²⁷⁰ The investigator interviewed at least ten Department members but just one community member, and the investigator did not document any efforts to identify or contact other civilians who were at the scene. Though JPD policy requires the investigator to "[c]ontact all complainants and witnesses as soon as possible," the investigator wrote, "[t]here were multiple unknown witnesses at the scene of the alleged incident that did not come forward to provide video evidence they possessed or to give a statement as to what they observed." The allegation of unlawful force was found "not sustained."

c. Interview techniques

Internal Affairs investigators use flawed interview techniques that undermine the quality of investigations. In interrogations of accused officers, investigators exhibit a pattern of failing to ask necessary questions and instead seeking to justify the officers' actions. This includes asking leading questions that suggest favorable explanations for the officers' conduct or that minimize the severity of the alleged misconduct. In other instances, investigators failed to press officers on important details or inconsistencies in their statements.

For example, Internal Affairs interviewed an officer who allegedly used excessive force while arresting a woman accused of shoplifting. Throughout the interview, the investigator primarily asked leading questions that fed the officer almost all the relevant details of the encounter. At one point, when the officer had difficulty answering an open-ended question about how much force was used, the interviewer switched back to closed-ended questions that suggested the officer used only limited and appropriate force (e.g., the investigator asked, "A guy of your

²⁶⁹ Only one officer was investigated and disciplined in connection with the incident. That officer (who broke the car window, pulled the driver out of the vehicle, and performed a takedown) was issued a written reprimand for failing to state the reason for the traffic stop.

²⁷⁰ This incident is described in more detail on page 28.

stature, were you able to just put an arm on her and guide her to your squad car? . . . And there was no more force used than that?” as a way of suggesting that the officer would not have used excessive force given his large frame ((6’3”, 295 pounds)). At no point was the accused officer required to provide a narrative account of what happened.

d. Delays

JPD’s delays in completing administrative investigations undermine the fact-finding process and harm the morale of Department members. Some delays are unavoidable despite the diligence of Internal Affairs investigators, but in other cases, preventable delays may cause necessary evidence to be lost. Investigations that take too long may also undermine the effectiveness of discipline because the sanction is far removed from the underlying incident.

JPD’s policies are not sufficient to ensure timely investigations. JPD policy requires all investigations to be “completed within 60 days of the member being notified of the investigation.” In practice, this means that the 60-day time period begins only once Internal Affairs decides to provide the accused Department member with a Notice of Complaint, which typically happens near the *end* of an investigation, after all other evidence has been gathered. As a result, months sometimes pass before the Department member is formally notified.

This way of measuring investigation timelines permits significant delays. In one case, nearly six months elapsed from the date the complaint was filed until the accused officer was notified. But because the investigation was concluded within several weeks after that, an investigation that took nearly seven months was considered timely. Though this timeline is not typical of most cases, we identified a number of complaints in which the investigation would be considered timely under JPD policy even though it lasted more than six months.

Even applying the timeliness benchmarks in JPD policy, many investigations took longer than 60 days after the Department member was formally notified of the allegations. And in a significant proportion of those cases, the investigation file does not include a request for an extension, which is required by policy. These cases demonstrate that Internal Affairs is not consistently following the timeliness benchmarks and procedures that currently exist.

e. Evidentiary and credibility biases

Internal Affairs investigators demonstrate biases in weighing evidence and making credibility determinations. These biases sometimes skew the outcome of investigations, diminishing the integrity of the fact-finding process and the legitimacy of Internal Affairs. JPD does not have written policies about making credibility determinations during administrative investigations, but Internal Affairs personnel informed us that they generally disbelieve statements by community members if they contradict statements by officers, based on a presumption that officers are truthful because they take an oath upon joining the Department.

This credibility bias can result in flawed dispositions. We identified cases in which credibility determinations were central to resolving an allegation and Internal Affairs gave preference to the statements of officers. Even provable, material dishonesty during an investigation is not always sufficient to overcome the presumption of officer truthfulness. In one case, Internal Affairs reached a “not sustained” disposition for an allegation of domestic battery despite evidence that the accused officer’s denial of wrongdoing was not credible. Specifically, JPD investigators determined that the accused officer had falsely reported that the victim was suicidal “in reprisal”

for an earlier incident, had sought to use narcotics recovered from their home to gain an advantage in a child custody dispute, and had admitted to multiple criminal investigators that he had “shoved” the victim. Nonetheless, Internal Affairs apparently gave more weight to the officer’s later denials than to the victim’s detailed description of the physical abuse.

Similarly, we identified cases in which Internal Affairs investigators gave greater weight to exonerating evidence, including drawing inferences in favor of accused officers and minimizing objective evidence suggesting misconduct. In one case of alleged domestic violence by an officer, a photograph showed the officer’s girlfriend with two black eyes. In his statement to Internal Affairs, the officer described a physical altercation in which his girlfriend was the aggressor but was unable to explain how she received injuries to her face. Rather than giving weight to the photographic evidence, the investigator asked a leading question suggesting that “something could have happened” to the victim after she left the officer’s house. Apparently crediting its own explanation for the photograph, Internal Affairs found that the allegation of domestic violence was not sustained. (The same officer went on to engage in other acts of domestic violence, harassment, and related misconduct, and he subsequently resigned from the Department).

Credibility bias also affected the outcome of a case in which an officer allegedly struck a high school student in the face while restraining him in the rear of a squad car. Internal Affairs accepted the officer’s statement that he had only used his forearm to push the student back against the seat and did not hit his face. Based on the officer’s denials, the allegations were not sustained. But a witness, a school administrator with no apparent motivation to be dishonest, clearly described seeing the officer deliver a strike with his elbow to the student’s face. Video and audio recordings support the witness’s account. Although video of the backseat is partially obscured by the officer’s body, it shows the officer forcibly swing his arm downward in a manner that is not consistent with simply pushing the student backward. A few seconds later, the front-facing squad camera captured audio of the student’s statement to the officer, “You just hit me in my sh*t,” to which the officer responded, “Good.”

f. Flawed dispositions

The above deficiencies in administrative investigations often result in dispositions that are not supported by the evidence. JPD policy establishes four possible dispositions for an allegation:

- sustained - the evidence shows that the Department member violated policy
- not sustained - there was insufficient evidence to find a policy violation
- unfounded - the evidence shows that the allegation of misconduct was false
- exonerated - the evidence shows that the Department member engaged in the alleged conduct but that this conduct conformed to policy and was lawful

JPD policy does not dictate the standard of proof that applies for each disposition. Internal Affairs investigators told us that they apply the “preponderance of evidence” standard (meaning the allegation is more likely true than not), which is appropriate for administrative investigations. But we identified a number of cases in which investigators reached a “not sustained” disposition even where the evidence indicates that it is more likely than not that the Department member engaged in misconduct, suggesting that Internal Affairs applies a more stringent standard of proof in practice.

Internal Affairs fails to properly differentiate between the “unfounded” and “not sustained” dispositions, including in cases that come down to credibility contests between complainants and Department members. In cases where Internal Affairs reached an “unfounded” disposition despite the absence of enough evidence to support that finding, the disposition makes it appear that the allegations were false even when there was simply insufficient evidence to determine what happened.

One cause of these inconsistent dispositions is the way investigation reports are written. Although these reports are typically detailed and describe all the investigative steps taken, they often fail to adequately explain how the investigator reached each disposition. Investigators often do not make clear what evidence was ultimately considered important or how contradictory evidence was reconciled. For example, investigation reports rarely include express credibility findings even when credibility contests are central to resolving the complaint. Although in some cases the reason for the disposition is obvious in light of the evidence, in others the failure to articulate how the disposition was reached can make the outcome appear arbitrary or biased.

5. JPD’s disciplinary outcomes are not proportionate in cases of serious misconduct, undermining trust in the accountability system

Disciplinary outcomes are unpredictable and do not reflect a consistent and procedurally just response to serious misconduct. Appropriate discipline necessarily depends on the facts and circumstances of each case, but our interviews of Department members and review of Internal Affairs files demonstrate that discipline is generally lenient, including for serious violations. This contributes to a culture where Department members believe that even serious misconduct will not jeopardize their careers.

Some members of the Department described a culture of light discipline, which was borne out in our review. JPD often failed to impose an appropriately severe disciplinary sanction after Internal Affairs found that a Department member had engaged in serious misconduct. In one case, an officer was found to have engaged in a highly dangerous road rage incident in which he played “cat and mouse” with another driver, culminating in a verbal threat of deadly force by the officer. The officer received only a three-day suspension for willful conduct that endangered his own life and the life of a community member.

JPD issued a similarly brief suspension after it found that an officer, while on duty and in uniform, went to the home of a community member (whom he had met three weeks prior while canvassing the neighborhood for a suspicious vehicle) to make sexual advances. The officer told the woman that he had injured his penis and that his doctor had advised him to treat the injury by having “plenty of sex,” and then he gave her his business card. The officer was required to undergo training on “developing emotional intelligence” and was suspended for just three days: one for using coarse language and two for “conduct unbecoming.”

In another case, an officer was found to have attached an unauthorized extended magazine on his service weapon without the Department’s approval. During a shooting, the officer’s weapon malfunctioned due to the unapproved modification. Despite creating danger for himself and others, he received only a written reprimand.

JPD also imposed lenient discipline against a supervisor who used unlawful deadly force by shooting at a youth driving away in a vehicle. During the incident, the supervisor used poor

tactics that exposed officers under his supervision to serious risk, leaving the driver with room to escape and using ineffective communication techniques that escalated the encounter. As the 15-year-old driver attempted to flee, the supervisor fired his gun at the car several times. An investigation conducted by an outside law firm hired by the Department determined that the supervisor violated the Department's deadly force policy by shooting at a fleeing vehicle that posed no imminent risk. But JPD issued a suspension of just three days—a minor sanction not commensurate with the gravity of the offense and other aggravating circumstances (including the fact that the supervisor failed to acknowledge that his use of deadly force was improper).

These are just a few examples of a much larger pattern of light discipline for serious misconduct. The failure to hold these and other Department members accountable for abuses of authority sends a signal to all Department members that these actions are tolerated. According to one officer we spoke with, Department members know that even serious misconduct, such as domestic violence or using illegal drugs, will not cost them their jobs.

JPD policy states that the Department will use “progressive” discipline, but this term is not defined in any written directives.²⁷¹ In practice, JPD's progressive discipline system has been interpreted narrowly to mean that sanctions will increase only for recurring violations of the same policy, not for repeated instances of misconduct in general. Nonetheless, we identified cases in which the Department failed to impose progressive discipline despite repeated similar policy violations or even told officers that discipline would *not* be progressive.

Although we determine that JPD's disciplinary decisions are generally lenient, especially for serious misconduct involving harm to community members, in certain cases JPD imposes discipline that is perceived as harsh or excessive. This leads Department members to believe that the discipline is unfair or arbitrary, and that it may have a political or retaliatory motive. In addition, Department members expressed the view that accountability and discipline are affected by favoritism on the part of JPD command staff. Regardless of whether these perceptions are accurate, they undermine trust in the accountability system. Against the backdrop of a culture of lenient discipline, attempts to impose proportionate discipline may further limit Department members' willingness to report misconduct and may undermine the legitimacy of Internal Affairs.

Our investigation identified several factors that contribute to inadequate and unpredictable discipline for misconduct, which we discuss below.

a. Insufficient policies or procedures governing discipline

JPD's policies lack clear rules or guidelines governing the imposition of discipline. JPD does not use a disciplinary matrix or a similar tool that prescribes ranges of recommended discipline for certain violations. Nor does JPD have a systematic or consistent method for relying on past disciplinary decisions for similar infractions. In the past, Internal Affairs has created lists or tables of comparable past discipline, but it has discontinued that practice.²⁷² At the same time,

²⁷¹ The term “progressive discipline” refers to a series of increasingly severe punishments based on reoccurrence of misconduct. See U.S. Dep't of Justice, *Building Trust Between the Police and the Citizens They Serve* 102 (2009), bit.ly/4efr747.

²⁷² JPD's method of characterizing allegations in broad categories such as “conduct unbecoming” and “failure to perform” makes discipline comparisons less useful. This issue is addressed in Section VII.C.8.

the officers' collective bargaining agreement prohibits the consideration of some disciplinary history if a certain amount of time has passed since the prior discipline.

Although JPD policy lists aggravating and mitigating factors that should be considered when imposing discipline, investigation reports sometimes fail to expressly identify the factors that apply to the incident being investigated. In cases where some of these factors *are* identified, investigators typically list only the mitigating (and not the aggravating) circumstances. This practice may result in discipline that is too lenient because it fails to account for circumstances that make the misconduct more serious. In addition, documenting all relevant disciplinary factors is necessary to ensure that discipline is consistent and fair.

b. Reliance on shift-level counseling

As an alternative to discipline, JPD relies heavily on “shift-level counseling,” including in cases involving serious policy violations. In some cases, this involves having supervisors conduct the fact-finding investigation instead of Internal Affairs. In others, Internal Affairs conducts its own investigation and imposes shift-level counseling as a form of corrective action. As a result, shift-level counseling sometimes operates as a parallel system of accountability that removes the case from the oversight of Internal Affairs altogether.

Contrary to JPD policy, which permits shift-level counseling for only “minor . . . allegations of an internal nature, procedural violations, or allegations such as discourtesy, rudeness or poor service,” Internal Affairs refers a broad set of cases to the shift level. These include cases involving allegations of serious misconduct, such as use of force, abuse of authority, and discriminatory policing. In one case, shift-level counseling records show that the officer “used coarse, disrespectful language, telling an arrestee, ‘shut up, don’t you f***ing talk to me,’” and threatening to “slam his head into the car.” Referring misconduct like this for shift-level counseling, rather than imposing appropriate discipline, signals that JPD is unwilling to impose professional consequences on officers who verbally abuse or threaten community members.

c. Opportunities to further reduce initial discipline

After the initial disciplinary decision, there are further opportunities for the discipline to be reduced. Not all of these are within JPD’s control, but they all lead to the result that Department members rarely face meaningful consequences for their misconduct.

- **Compensatory time.** Under the officers’ collective bargaining agreement, suspensions can be reduced using compensatory time for up to three workdays. Use of compensatory time undermines the significance of disciplinary sanctions, and it was used in almost every case involving a suspension to reduce or eliminate the consequences of misconduct.
- **Administrative review.** Department members’ collective bargaining agreements permit members to request an “administrative review” hearing with Department leadership to contest the Chief’s initial recommended discipline. Administrative review hearings often result in lesser discipline, including in cases where the sanction was already relatively lenient. In one case, Internal Affairs sustained allegations that an officer, while off-duty at a bar, showed his badge to several patrons and went through a woman’s purse without her permission so that he could leave his phone number. The initial discipline was two days’

suspension, but after an administrative review hearing, the Chief reduced it to a written reprimand.

- **Appeals.** Disciplinary appeals make outcomes less predictable. Once a Department member decides to appeal, pursuant to the officers' collective bargaining agreement, the officer and the Department may meet with the city manager to attempt to resolve the dispute. In the past, this process has allowed the city manager to override disciplinary decisions by the chief.

Officers may also appeal disciplinary decisions either to an arbitrator or to Joliet's Board of Fire and Police Commissioners. These appeals can significantly reduce discipline. For example, one case involving three officers found to have engaged in serious misconduct against a bar patron²⁷³ resulted in an officer being initially suspended for 18 days.²⁷⁴ But an arbitrator reduced it to 16 days with 7 held in abeyance—effectively cutting it in half. After applying compensatory time, the officer served only a six-day suspension.²⁷⁵

- **Disciplinary settlements.** In many cases, the risk of losing an appeal causes the City to enter into settlement agreements with an accused Department member. We identified a pattern of settlements that significantly reduced discipline for even serious violations, including cases where lengthy suspensions became written reprimands. In a few cases, these agreements recharacterized the alleged misconduct in a way that obscured the fact that the accused officer had been dishonest, which could bar the officer from many assignments. In one case, the City agreed not to release the officer's disciplinary records or disclose the circumstances of their resignation to prospective employers, such as other police departments.²⁷⁶ Agreements of this type signal to Department members that serious misconduct, even if it results in termination, will not affect their ability to continue working as police officers.

Settlement agreements are a key way in which the City can override the Department's disciplinary decisions. There appear to be no guidelines or limits on when city officials, including the Joliet city manager, can reduce discipline in the settlement process. In the past, involvement by city officials has resulted in dramatic reductions to officer discipline and created a perception that JPD's accountability systems are arbitrary or politicized.

* * *

The deficiencies in JPD's disciplinary system, combined with problems in the earlier stages of the administrative investigation, shield Department members from repercussions for their

²⁷³ This case is described in more detail on page 92.

²⁷⁴ The other two involved officers received relatively brief suspensions: one of the officers was suspended for six days and the other for only three.

²⁷⁵ Moreover, although the chief initially removed the officer from his role as a Field Training Officer (FTO), the arbitrator ordered the Department to allow the officer to reapply to be an FTO later that year.

²⁷⁶ Separately, Illinois law requires law enforcement agencies to report to the Law Enforcement Training Standards Board (ILETSB) when officers are terminated or resign following investigations into certain types of misconduct. 50 ILCS 705/9.2. In all the cases we reviewed that triggered this requirement, JPD made the required disclosures to ILETSB.

misconduct. These problems collectively defeat accountability, including for officers who engage in repeated serious misconduct.

To take just one example, one officer was accused in six complaints of serious misconduct over a period of five years. Three of those complaints involved allegations of excessive force, one involved allegations of reckless driving and a threat of deadly force while off duty, and two included allegations of discrimination. One of the excessive-force complaints was classified as informal and administratively closed because the complainant stated he did not wish to proceed with a formal investigation. Another investigation into alleged discrimination (which resulted in a finding of “not sustained”) was marred by a biased interrogation that used leading questions and failed to ask about key details. And although two of the complaints were sustained,²⁷⁷ after factoring in administrative review, settlements, and compensatory time, the officer ultimately served just three days’ suspension for both cases combined. These cases collectively represent a failure to adequately investigate and discipline misconduct that harms the community and undermines trust in the Department.

6. JPD personnel responsible for ensuring accountability receive inadequate training and oversight

The deficiencies in JPD’s response to officer misconduct are traceable in part to the Department’s failure to adequately train and oversee personnel responsible for accountability. Internal Affairs investigators do not receive any formal training on conducting administrative investigations or the requirements of JPD’s accountability policies. Although Internal Affairs investigators are generally permitted to seek out and attend trainings through external organizations, the onus is on them to do so. For the most part, training is “on the job.”

The absence of formal training contributes to wide variation in how administrative investigations are conducted, including in important areas where JPD policy gives significant discretion to Internal Affairs investigators. These include complaint classification, interview techniques, evidentiary standards for complaint dispositions, and referrals for shift-level counseling. For example, in 2018, Internal Affairs classified just 13% of complaints (8 out of 61) as informal inquiries, which receive the least amount of investigation. In 2021, with different personnel in place, it classified 62% (51 out of 82) as informal inquiries.

JPD leadership also fails to provide adequate oversight of the operations of Internal Affairs. The command-level review is not designed to identify problems in most investigations. Generally, command-level supervisors review only investigations of formal complaints, not informal complaints or inquiries, meaning that Internal Affairs’ handling of these informal investigations—which account for the majority of investigations in recent years—is rarely (if ever) subject to oversight.

The Department does not conduct audits or other systematic reviews of the Internal Affairs unit. As a result, the Department fails to identify investigative deficiencies like the ones identified in this Report. Although the Chief meets occasionally with Internal Affairs personnel to assess the status of pending cases, based on our observations, this meeting mostly involves information

²⁷⁷ The allegations in the two sustained complaints are described on page 33, which entailed the officer lifting a man by his handcuffs, and page 101, which involved the officer playing “cat and mouse” with another driver while off duty.

sharing from Internal Affairs to the Chief, and it is not used as an opportunity for the Chief to examine the investigative processes of Internal Affairs. Moreover, because these case reviews address only pending cases, they do not cover potential issues with closed investigations. The structure and substance of the case reviews therefore do not serve to identify possible deficiencies in administrative investigations.

7. JPD's promotion practices contribute to misconduct

We identified deficiencies in the processes for promoting JPD officers that have resulted in individuals with prior serious disciplinary infractions being selected for supervisory roles. These processes contribute to patterns of misconduct and undermine effective accountability by sending the message that past misconduct is not taken seriously or considered an impediment to securing a promotion.

Promotion decisions are largely made by a separate city entity, the Joliet Board of Fire and Police Commissioners. Illinois law gives the Board primary responsibility for appointing and promoting police officers.²⁷⁸ Despite their decision-making power, Board members do not receive any specific training about hiring and promotions, and they are not required to possess relevant expertise or experience.²⁷⁹

Even though the Department has a limited role in promotions, which consists of making recommendations to the Board, we identified problematic practices that contribute to an overall failure of accountability. The Department considers only the past five years of the candidate's disciplinary record, even in cases where the candidate was previously disciplined for egregious violations. And in recent years, JPD has recommended for promotion Department members with troubling disciplinary histories, including:

- engaging in inappropriate and degrading conduct toward a subordinate officer, resulting in reassignment, training, and a 10-day suspension
- improperly initiating a vehicle pursuit and then leaving the scene after the suspect crashed without rendering aid or summoning emergency personnel, resulting in a 24-day suspension
- abusive and degrading conduct toward a member of the public,²⁸⁰ resulting in a 16-day suspension following an arbitration decision
- committing a battery against the boyfriend of a previous romantic partner, resulting in a settlement agreement that imposed a 120-day suspension²⁸¹

Promoting individuals with troubling disciplinary histories signals to rank-and-file officers that problematic conduct is tolerated or even rewarded, and sends a message to members of the

²⁷⁸ See, e.g., 65 ILCS 5/10-2.1-4.

²⁷⁹ Board members may not have felony records or be closely related to any Joliet elected official, must have resided in Joliet for at least one year before being seated, and must be a qualified elector, but there are no otherwise no minimum qualifications. 65 ILCS 5/10-2.1-3; Joliet, Ill., Code of Ordinances, Ch. 2, Art. IX, Div. 2, § 2-271(b). Joliet differs from other Illinois municipalities that encourage or require their respective Board commissioners to receive training specific to their duties. See, e.g., Elgin Bd. of Fire & Police Comm'r Rules, Rule II, Sec. 7, bit.ly/3BkFeGM; Naperville Bd. of Fire & Police Comm'rs Rules, Ch. Two, § 2.02(J), bit.ly/4eEASZn.

²⁸⁰ This conduct is described in more detail on page 92.

²⁸¹ The conduct also resulted in a guilty plea to a misdemeanor and a civil judgment of more than \$50,000.

community that officers who violate policy or harm community members will not face consequences in their careers.²⁸²

8. JPD fails to maintain comprehensive complaint data or analyze its data for patterns of misconduct

JPD does not ensure that all information relating to allegations of misconduct is appropriately documented and maintained in a central location, meaning that JPD cannot access complete information about how those allegations are resolved. And the misconduct data that JPD does maintain is not adequately reviewed or analyzed to identify problems within the department.

Internal Affairs does not consistently learn about complaints against Department members that are received and “resolved” by shift-level supervisors because supervisors who receive a complaint do not always notify Internal Affairs. Instead, supervisors make independent determinations about what allegations to document, and JPD policy leaves wide discretion to supervisors to determine whether Internal Affairs should be notified. If supervisors fail to document complaints or notify Internal Affairs, Internal Affairs cannot discover or investigate those complaints. This has negative effects on the accountability system; for example, if supervisors do not document each shift-level complaint, Internal Affairs cannot assess whether a Department member has engaged in a pattern of behavior that warrants a higher-level investigation or escalating discipline.

During our investigation, we identified problems with JPD’s recordkeeping for shift-level counseling, as records were kept on paper copies in the watch commander’s office rather than within Internal Affairs. We also identified many cases in which Internal Affairs referred cases for shift-level counseling and specified that supervisors were *not* required to follow up with Internal Affairs in any way. After we requested that JPD provide us its records of shift-level counseling, however, Internal Affairs adjusted its recordkeeping practices. In August 2022, many records of shift-level counseling were uploaded into IAPro alongside the members’ other disciplinary history. In addition, referrals for shift-level counseling after August 2022 typically request that supervisors return completed Notice of Counseling forms back to Internal Affairs, in contrast with past practice. More recently, JPD upgraded its IAPro software to allow all shift-level counseling files to be digitized and centralized in one location. These steps taken during the course of our investigation reflect a significant step toward improved record management.

We also have concerns that JPD fails to properly categorize misconduct data. JPD’s classifications of complaints within its IAPro system relies extensively on broad categories such as “conduct unbecoming” and “failure to perform,” which are used for complaints that vary widely in type and severity. In practice, these categories encompass everything from rudeness and traffic violations to racial discrimination and stalking. In addition, IAPro data relating to complaints

²⁸² We identified similar problems with JPD’s hiring practices, including cases where the Board hired candidates over the Department’s objections (such as individuals with histories of dishonesty, aggression, and excessive drug use). One such candidate was described by a former employer as a person who would not be a good police officer because she was defensive, dishonest, combative when given directions, and not “capable of de-escalating a situation,” but the Board selected her anyway. In other cases, the Department itself recommended hiring individuals with alarming red flags, including domestic violence and misogynistic behavior, past separation from other law enforcement agencies, and highly negative references.

classified as informal are often limited or inaccurate. For example, Internal Affairs does not record the disposition for informal complaints and inquiries in a consistent way, often listing the disposition as “Information Only” even in cases where it finds a policy violation and refers the case for shift-level counseling. These practices are a barrier to identifying patterns of misconduct and implementing reforms.

* * *

Certain Internal Affairs personnel have conducted high-quality investigations and have demonstrated a willingness to improve their practices. In some cases, their work has identified misconduct and allowed the Department to respond appropriately. Throughout the course of our investigation, various Department members have been receptive to our concerns about accountability processes and have taken steps to address deficiencies. These include revising JPD’s policies relating to complaint intake and improving the centralization of shift-level counseling records. Nonetheless, the Department as a whole has not successfully identified or corrected a number of serious deficiencies in its accountability system. These problems are the result of larger institutional failures, including the absence of sufficient policies, training, and oversight, and span across multiple personnel responsible for ensuring accountability, both past and present. Addressing these systematic problems will require Department leadership to maintain complete and accurate complaint data and to critically examine the sufficiency of JPD’s response to misconduct.

VIII. TECHNICAL ASSISTANCE

At the outset of our investigation, we committed to communicating with JPD systemic concerns that required immediate attention and that, in our view, JPD could readily address with minimal technical assistance. In furtherance of that commitment, during the investigation we issued JPD three technical assistance letters that identified concerns regarding JPD's foot pursuit practices, language access services, and early intervention system. And consistent with our commitment to conducting this investigation transparently, we published each of these letters on our website.²⁸³ By and large, we are encouraged by the efforts JPD has made in response to these letters. We are hopeful that JPD will take a similar proactive and collaborative approach to the findings and concerns we have identified elsewhere in this Report.

A. Foot Pursuits

During our investigation, we observed officers engaging in foot pursuits that were both dangerous and unjustifiable. We determined that JPD did not provide its officers with adequate guidance or supervision related to foot pursuits, primarily because JPD did not have a foot pursuit policy. Foot pursuits are inherently dangerous,²⁸⁴ and in recognition of the risk that foot pursuits present to officers, individuals, and the broader community, many police departments have adopted policies governing pursuit procedures and restricting their use.

We issued JPD a technical assistance letter in May 2023 that outlined our concerns. In response, JPD agreed to expedite its efforts to draft and implement a foot pursuit policy and training. Our office and JPD engaged in a series of negotiations regarding the content of the foot pursuit policy, which JPD ultimately finalized and implemented in November 2023. Although reliable data and experience under the new policy will be needed to assess its effectiveness, we commend JPD for taking concrete steps to address our concern.

1. JPD Lacked a Foot Pursuit Policy at the Start of Our Investigation, Leading to Foot Pursuits of Serious Concern

We saw several concerning videos of foot pursuits during our investigation, including, for example: pursuits that were initiated without reasonable suspicion of criminal activity; pursuits that involved officers running with their guns drawn when there was no immediate threat; and pursuits that involved officers deploying tasers at fleeing individuals, creating a risk that the person could fall face forward and sustain serious injuries. Because JPD did not have a foot pursuit policy, officers were left directionless, and frequently relied on their own judgment when deciding to initiate, continue, and terminate a pursuit.

In a meeting with JPD command staff on the topic, we learned that JPD officers engaged in foot pursuits quite frequently and that the Department did not maintain any cohesive reporting or tracking schemes for foot pursuits, hindering efficient and uniform supervisory review. JPD command staff also shared that they were considering developing a foot pursuit policy and/or in-service training.

²⁸³ See Appendices D-F; see also Office of the Illinois Attorney General, Civil Rights – Joliet Investigation, bit.ly/4hr52S1.

²⁸⁴ IACP, *Foot Pursuits Considerations Document 1* (2019), bit.ly/4fv3sNa.

We subsequently issued a foot pursuit technical assistance letter recommending that JPD immediately issue interim guidance and training documents on foot pursuits. The letter urged the Department to issue guidance to prohibit officers from chasing people when the justification for the pursuit is insufficient, require officers to terminate chases when high-risk circumstances emerge, prohibit officers from tasing fleeing people who are not an imminent public safety threat, and require officer documentation and supervision protocols for pursuits. We also called on JPD to implement a permanent policy and to engage with the community in the policy-development stage.

2. JPD Implemented a Foot Pursuit Policy and Should Continue to Make Progress on Ensuring Safety and Compliance During Pursuits

In response to our letter, JPD agreed to draft a foot pursuit policy, and it worked closely with our office in its development. Although JPD sought input from its officers on the policy, it did not engage with the larger Joliet community on the policy as we had recommended.

The foot pursuit policy JPD implemented in November 2023 is a positive step forward. Some of the policy's key provisions, many of which our office advocated for, include:

- Recognizing that the safety and preservation of life of the officer, public, and all persons involved is the overriding consideration in assessing whether a foot pursuit should be initiated or continued
- Prohibiting engaging in foot pursuits based solely on a person's flight
- Identifying numerous risk factors that officers should continually reassess when deciding to engage in or continue a foot pursuit
- Requiring officers to terminate pursuits when the safety of officers, the public, or the person being chased outweighs the need for immediate apprehension
- Ensuring all foot pursuits are documented
- Outlining supervisor responsibilities, including ordering the termination of the pursuit if the risk factors outweigh the benefit of the pursuit

JPD also conducted comprehensive foot pursuit training, which highlighted key points of the policy and provided additional guidance on tactical considerations. JPD subsequently solicited feedback from officers on the policy and training.

JPD should continue to assess its foot pursuit policy, training, and practices. Ongoing supervisory review of foot pursuit practices and analysis of foot pursuit data will help ensure that officers are complying with policy requirements and also identify areas of improvement. To the extent these reviews identify a need for policy revisions, JPD should engage with the community before implementing changes. JPD should also offer foot pursuit training on a regular basis, both to orient new members and to refresh seasoned officers. We commend the Department for moving quickly to implement robust policy and training when notified of our concern.

B. Language Access

Effective communication between the Department and language-minority²⁸⁵ community members is essential to safe and effective policing. Without it, misunderstandings can arise during interactions and may quickly devolve, potentially leading to the violation of community members' rights. Inadequate language access²⁸⁶ also limits opportunities for language-minority community members to assist in the prevention and solution of crime and invites mistrust between these communities and JPD. This is of particular concern for JPD given that more than a quarter of Joliet residents reported speaking a language other than English at home—primarily Spanish.²⁸⁷

During our investigation, we determined that JPD lacked policies, training, and resources to ensure that its members could communicate effectively with language-minority community members. In an effort to promptly remedy these concerns, our office issued a technical assistance letter in July 2022. After receiving the letter, JPD made substantial progress in improving its language access resources. Although we have some lingering concerns with JPD's language-access services, we encourage JPD to adopt a similar thorough, data-driven approach to remedying other findings and concerns identified in this Report.

1. JPD's Language Access Resources Were Inadequate

At the start of our investigation, JPD lacked a policy on language access and did not offer adequate language-access resources. JPD did not ensure the availability of qualified in-person or 24/7 remote interpretation for interactions in the community or at the Department. JPD also provided a limited number of documents in languages other than English. Apart from dispatch records, JPD did not maintain data on calls involving language-minority community members and did not use officers' language capabilities or community language needs to inform staffing assignments.

JPD's inadequate language-access resources directly affected Department members' ability to communicate with language-minority community members and to provide them meaningful access to police services. It has also eroded community trust. For example, JPD's failure to consistently provide Spanish-language assistance, despite the large number of Joliet residents who speak Spanish as their primary language, has caused community members to hesitate to report issues and crimes or otherwise interact with JPD. This is particularly harmful to JPD's ability to build trust with immigrant communities in Joliet, whose residents may already be hesitant to interact with law enforcement because of immigration-related concerns, including deportation.

Our July 2022 technical assistance letter was prompted by the concerns listed above. The letter also noted that JPD's practices could run afoul of federal and state laws, including Title VI

²⁸⁵ The term "language minority" refers to individuals who prefer communicating in a non-English language, including individuals who are "both competent biliterates and of limited-English proficient ('LEP')." Rebecca Callahan et al., Nat'l Libr. of Med., *Academic achievement and course taking among language minority youth in U.S. Schools: Effects of ESL placement*, 32 Educ. Eval. Policy Anal. 84 (Mar. 2010), bit.ly/4hxFvGK.

²⁸⁶ The term "language access" means providing language-minority or Deaf or hard-of-hearing community members with reasonable access to the same services as English-speaking community members.

²⁸⁷ U.S. Census Bureau, 2022: American Community Survey 5-Year Estimates Data Profiles, bit.ly/40tAgCb (last visited Nov. 1, 2024).

of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Illinois Civil Rights Act. We recommended that JPD conduct a community language needs assessment, develop a comprehensive language access policy, invest resources to ensure qualified in-person translation services, translate Department written materials, and expand access to a 24/7 language line.

2. JPD Has Made Significant Progress in Improving its Language Access Resources

In response to our letter, the Department made substantial progress in improving its language access resources, beginning first with the development of a robust, data-driven language access plan. JPD’s language access plan appropriately recognizes that “officers must have the ability to communicate effectively with all individuals.” It assesses the number of language-minority community members that JPD serves, the frequency with which those community members interact with JPD, and the language-access resources available to Department members. The plan also proposes recommendations that, when implemented collectively, would significantly advance JPD’s ability to communicate with language-minority community members.

The Department also developed a promising “Limited English Proficiency Services & Deaf, Hard of Hearing” policy. Some key provisions of the policy include:

- Requiring Department members to identify the primary language of the person they are interacting with (via, for example, “I speak” cards²⁸⁸)
- Directing Department members to consult a list of bilingual Department members that reflects each member’s language capability and shift
- Providing guidance on the use of interpretation and written translation services provided by a third-party language services company
- Disallowing the use of family members as translators (except in limited circumstances)
- Requiring periodic training on the policy and available language access resources

These significant efforts reflect that JPD is taking steps to meet its legal obligation to provide equal access to its services for language-minority and Deaf or hard-of-hearing community members.²⁸⁹ And we have seen recent evidence that Department members are using JPD’s language access resources in practice.²⁹⁰ What ultimately matters, of course, is that the effects of the plan and policy improve police services and are felt by the community.

3. Additional Work Remains to Ensure Meaningful Community Access and Trust

We commend JPD for the significant steps it has taken to improve its provision of services to language-minority community members. However, we have some remaining recommendations

²⁸⁸ These cards contain 20 languages that community members can point to to identify their preferred language.

²⁸⁹ Although our July 2022 technical assistance letter did not specifically address effective communication and language access for Deaf and hard-of-hearing community members, it did encourage JPD to address this population’s needs in its language access policy. We commend JPD for doing so.

²⁹⁰ For example, Department members in the Records Section and Investigation Division relied on JPD’s third-party language services company several times in April 2024 to provide Spanish, Mandarin, and American Sign Language interpretation.

aimed at improving JPD’s language-access services. First, JPD should regularly train Department members on the policy and the language access resources that are available to them. Second, JPD should take steps to ensure its employees with non-English speaking skills are certified as qualified interpreters. Third, JPD should instruct Department members to rely on remote interpretation services only if qualified, in-person interpreters are unavailable. Fourth, JPD should ensure that Department members across shifts and districts are available to serve as qualified interpreters. Fifth, JPD should use a professional translation service (instead of options like Google Translate) to accurately translate commonly used documents, legal documents, signage, and other public-facing materials to non-English languages. Finally, the Department must meaningfully involve language-minority and Deaf and hard-of-hearing community members, and organizations that serve them, as JPD continues to evaluate the effectiveness of its language access policy, training, and services.

C. Early Intervention System

An effective early intervention system is one part of a broader set of tools—such as supervision, incident review, performance review, and discipline—that allow police departments to oversee the conduct of its officers. The distinct purpose of an early intervention system is to identify officer behavior that is known to be an early indicator of potential future problems, even if the behavior itself does not warrant discipline. By tracking this behavior and responding to it early with non-disciplinary intervention and support, supervisors can prevent serious misconduct and improve officer wellness.

A typical early intervention system relies on performance metrics collected in a database, which departments use to identify patterns of behavior. Even when the behavior making up the patterns may not be a violation of the department’s policy or otherwise problematic, the patterns can reveal a variety of issues. For example, they can help detect when an officer is deficient in an important skill, such as de-escalation, and needs additional training; temperamentally ill-suited to their assignment and may require additional training or even reassignment; or experiencing acute professional or personal stress that, if left unaddressed, can precipitate harm to the officer or abuse of power.

Early in our investigation, it became apparent that JPD lacked a functioning and reliable early intervention system to identify concerning officer behavior that might provide an early indication of future problems.²⁹¹ In an effort to advise and assist with this discrete issue, we issued a technical assistance letter in January 2022. Following our letter, JPD made some efforts to adopt an effective early intervention system. Still, the Department must continue to work to develop and implement this system.

1. JPD Lacked a Functioning Early Intervention System at the Outset of Our Investigation

At the outset of our investigation, JPD had both an early intervention policy and software, but the system was not functioning as intended. The software tracked certain metrics, such as complaints, administrative investigations, lawsuits, uses of force, vehicle pursuits and accidents, and allegations of racial profiling. Yet in the five years preceding our investigation, JPD had not

²⁹¹ The deputy chief and lieutenant in charge of overseeing JPD’s system acknowledged as much when we met with them in late 2021.

taken any remedial action in response to alerts in any of these categories. No officer was ever counseled by a supervisor, required to undergo remedial training, encouraged to seek mental health counseling, or referred to other resources. We found no evidence that the alerts flagged by JPD's early intervention software were given more than a cursory review or analysis.

Our January 2022 technical assistance letter was prompted by the concerns listed above, along with the understanding that serious misconduct can be prevented by an effective early intervention system. In that letter, we encouraged JPD to act quickly to remediate these problems. We made several recommendations, including:

- Revising its early intervention policy to provide clearer guidance to supervisors
- Carefully assessing the thresholds (the number of incidents by a single officer that will trigger an alert) it sets and the data it collects and tracks
- Requiring supervisors to play a more integral role in assessing and responding to early intervention data and alerts
- Making serious efforts to implement a robust and reliable early intervention system

Because developing and implementing an effective early intervention system is a critical task that requires specialized expertise, we also encouraged JPD to engage outside professionals to assist in this effort.

2. JPD Has Made Efforts to Improve its Early Intervention System, but Additional Changes Are Necessary

JPD has made some changes to its early intervention system since we issued the technical assistance letter. For example, JPD acquired and implemented software that gives supervisors access to more comprehensive information about their officers, including complaints, use of force reports, vehicle pursuits and accidents, and sick time use. The software also serves as a repository for shift-level counseling, aggregating in one place information that was previously recorded in paper form and dispersed among various record-keeping systems.

JPD also revised its thresholds for alerts. However, under the revised thresholds, most officers in the Operations Division have triggered an alert. The high number of alerts may indicate that the thresholds are not set properly and may even be counterproductive. In addition, any threshold—especially use of force—should account for job type or assignment, something that JPD currently does not do. JPD must consider, for example, setting a higher threshold for an officer in a tactical unit, where force is a more common occurrence, than for a patrol officer. JPD must devote sufficient resources to ensure its system functions effectively.

JPD also revised its early intervention policy, but the revisions did not address most of the policy shortcomings we identified in our January 2022 technical assistance letter.

A well-functioning early intervention system helps a department reduce problem behaviors, guard against unnecessary or excessive uses of force, and reduce complaints by community members. Creating an effective system is a complex task. That is why, as we stated in our 2021 letter, JPD should seriously consider engaging outside professionals to help it set up an effective early intervention system that is tailored to the Department's needs and circumstances.

JPD must also commit sufficient resources to support the operation of the system and provide clear guidance in its policies and comprehensive training to supervisors so they clearly understand their responsibilities and the resources available to them. Without this broader and deeper revamping of its system, JPD cannot expect its early intervention system to be effective, and preventable problems are likely to continue.

IX. RECOMMENDATIONS / REMEDIAL MEASURES

In various sections of this report, we have recommended changes that the City of Joliet and/or JPD need to make to rectify the problems we have identified. Those recommendations and others are collected here. This list is not exhaustive, but the measures described below will move JPD toward policing in a way that both promotes public safety and also respects the Constitution and the law. These changes will also improve the trust and cooperation between JPD and the people it serves. We look forward to working cooperatively with the City and the Department to implement these recommendations.

A. Overarching Recommendations

- Policies
 1. Revise and implement policies that accurately reflect the conduct expected of officers and provide clear guidance to members. Train members on these policies consistently and hold members accountable for policy violations.
 2. Ensure all policies provide clear guidance so that officers and supervisors can implement key principles. Identify clear standards that supervisors can use to measure and ensure compliance.
 3. Conduct annual policy audits even when relevant law has not changed. Include in that process the divisions or units that are responsible for the policies under review.
 4. Seek input from affected communities and stakeholders in the development and revision of policies.
 5. Adopt policies that embrace best practices, not legal minimums.
 6. Make policies publicly available to the maximum extent consistent with officer and public safety.

- Training
 7. Ensure a departmental training plan is established and followed each year.
 8. Improve the process for assessing training needs within the Department, including remedial training.
 9. Ensure lesson plans are updated and instructors are qualified and effective.
 10. Ensure training is rooted in best practices for adult learning, such as drawing on the learner's existing knowledge base and using scenario-based instruction in addition to classroom lectures.
 11. Ensure that Field Training Officers are properly trained, equipped, supported, and supervised.

- Supervision

12. Ensure that supervisors receive adequate training tailored to rank and have relevant experience to effectively oversee and guide the officers under their command.
13. Support supervisors when they issue appropriate training and/or discipline to officers and protect them from any improper interference.
14. Require supervisors to enforce the expectation that members under their command perform their duties in a manner that complies with federal and state law and JPD policy, especially regarding bias and use of force.
15. Ensure that supervisors conduct complete, accurate, and thorough reviews of arrests, stops, uses of force (including gun pointing), and overall officer conduct. Ensure reviews include all relevant documents and evidence, including body camera footage, taser report, taser camera footage, and witness statements. This includes reorienting supervisory reviews away from whether officers have properly completed paperwork to substantive evaluation of enforcement activities.
16. Hold supervisors accountable for conducting thorough reviews that identify tactical errors, training needs, and policy violations.
17. Require supervisors to hold officers accountable for policy violations and to provide feedback on officer performance, regardless of seniority.
18. Provide support and resources to supervisors to equip them to respond appropriately to reports of misconduct.
19. Require supervisors to physically respond to the scene of specific calls or events.
20. Require Investigations supervisors to review cases before they are sent to the State's Attorney.
21. Implement a robust and effective Early Intervention System that effectively uses supervisors to identify and prevent potential problems.

- Data/Record Keeping

22. Improve record keeping throughout the Department so that more and better-quality data is collected and records can easily be used by JPD to evaluate internal practices, trends, patterns, problems, and needs.
23. Collect and regularly analyze data on all uses of force. Use data to assess force practices, including identifying trends, disparities, and training concerns.
24. Improve collection and analysis of data related to race and ethnicity to evaluate disparities in enforcement.
25. Aggregate information related to officer conduct so that supervisors have a full picture of each officer and can more readily identify issues before they arise.

- Community Trust

26. Require JPD members to interact with all members of the public in an unbiased and respectful manner, and prohibit taunting, humiliating, or denigrating members of the public.
27. Hold officers accountable for violations of anti-bias policies, including racist, sexist, or derogatory language, with clear and consistent disciplinary measures.

28. Seek input from community members on police practices and priorities, and align officer incentives with community-based goals.
29. Increase transparency and public trust by publicly releasing accurate, de-identified data on complaints, misconduct, and use of force.
30. Ensure JPD officers have bilingual language skills or access to language as needed.

B. Use of Force

31. Ensure that policies, training, and accountability practices emphasize the sanctity of all human life and treating all people with dignity and respect as a core principle for all police interactions.
32. Provide clear definitions and consistent guidance for the circumstances under which force is authorized.
33. Update use of force policies and training to emphasize that force should be proportional to the circumstances, with particular attention to tactics like taser use and head strikes.
34. Train officers to understand that resorting to force early in an encounter is not a form of de-escalation. Require officer documentation of use of force with sufficient detail to determine whether each use of force complied with JPD policies.
35. Rename the form used to report uses of force from “Defensive Action Report” to “Use of Force Report.”
36. Ensure policies include clear limits on when officers can draw, exhibit, or point their firearms, and require appropriate documentation with justifications any time an officer points their firearm at someone.
37. Ensure supervisory force investigations are thorough.
38. Require on-scene supervisory approval prior to breaking a car window for extraction, absent exigent circumstances.
39. Prohibit the use of taser on a person in an elevated position.
40. Provide sufficient scenario-based training and support to ensure officers and supervisors understand and can consistently apply JPD policies, including strategies for safely resolving encounters. Ensure policies and training incentivize and support officers to create time to safely resolve encounters.
41. Ensure officers are held accountable for failing to intervene to stop force that violates policy when they have a realistic opportunity to do so.
42. Ensure officers are held accountable for failing to report use of force policy violations.
43. Provide training for supervisors to ensure they can identify and analyze problematic force and tactics and can provide guidance and direction to officers whose conduct is problematic.
44. Hold supervisors accountable for identifying, documenting, and correcting violations of force policies and deviations from training, including ensuring that subordinates report all uses of force that are required to be reported by policy.
45. Prohibit peers and involved supervisors from conducting supervisory review of force.
46. Prohibit union members from serving on the force review panels.
47. Require force review panels to provide a substantive analysis of policy compliance (including particular consideration specific to populations such as youth or people

with behavioral health disabilities) and training needs for each use of force reviewed, including all notes or memoranda on their deliberations.

48. Increase the scope of supervisory review and force review panels to include evaluation of whether supervisory review at a lower level was sufficient.

C. Crisis Intervention

49. Update policies regarding officers' interactions with people with behavioral health disabilities, including its use of force policies and "Mental Health Subjects" policy. As with all policies, revisions should reflect best practices.
50. Continue to train officers to identify people in crisis and to utilize de-escalation tactics that enhance the safety of all present.
51. Ensure a fully CIT-trained officer (i.e., one who has completed the 40-hour training) is available to respond to any call involving someone with a behavioral health disability during all shifts in all districts.
52. Continue efforts to secure specialized dispatcher training and consider pairing with other agencies to do so.
53. Train and instruct dispatchers to dispatch fully CIT-trained officers to calls involving someone with a behavioral health disability. This requires keeping dispatchers informed about which officers are fully CIT-trained.
54. Involve community partners and community members—especially those with lived experience—in developing policies and delivering training to ensure they meet the needs of the Joliet community
55. Designate a supervisor to serve as a CIT Coordinator²⁹² to develop and implement revised policies and trainings and to coordinate the Department's crisis intervention response, including overseeing CIT-certified officers
56. Improve collection and analysis of data related to calls and outcomes involving individuals who may have a behavioral health disability.²⁹³
57. Conduct thorough reviews of incidents involving individuals who may have a behavioral health disability and the actions taken, both to ensure compliance with policy and to inform and improve policies, training, and tactics.
58. Review uses of force involving individuals with a behavioral health disability for compliance with CIT policy in addition to use of force policy.
59. Continue efforts to develop cross-agency resources for responding to people in crisis.
60. Ensure all Department members receive annual scenario-based training on mental health topics.

D. Discriminatory Policing

61. Revise policy on discriminatory policing to accurately reflect the law and to be more comprehensive of the variety of conduct that constitutes biased policing.
 - a. As with all policies, train all members regularly.

²⁹² CIT Int'l, *Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises* (2019), 78–82, bit.ly/48FFcpF.

²⁹³ *Id.* at 108–11.

- b. Engage meaningfully with the Joliet community and seek input from communities that are affected by biased policing in the development and revision of the policy and training.
- 62. Improve documentation of all stops (including pedestrian stops), frisks, and searches, requiring officers to document, at a minimum, the race of the person stopped and the reasonable suspicion (based on articulated facts) or probable cause that supports the relevant enforcement activity. Require supervisors to review this documentation to ensure compliance with law and policy.
- 63. Regularly analyze data on stops, citations, frisks, searches, arrests, uses of force, and other enforcement activities. Where the analysis shows disparities in enforcement, attempt to determine why the disparities exist and take steps toward eliminating unjustified racial disparities—such as by redeploying officers or re-prioritizing enforcement objectives.
- 64. Train supervisors to recognize, monitor for, and respond to biased policing.
 - a. Require supervisory review of officers’ enforcement activities to include review for indications of bias.
 - b. Hold supervisors accountable for identifying and addressing bias.
 - c. Provide supervisors with tools necessary to effectively monitor and review, and to help guide officers away from biased conduct.
- 65. Collect accurate data on complaints of biased policing, even if not sustained, and use this data to assess patterns.
- 66. Ensure allegations of racial bias are fully investigated and that officers are held accountable for violations. Report sustained allegations to prosecutors as required under *Brady* and *Giglio*.
- 67. Revise gang database policies and practices. This includes conducting a review of the utility and procedural fairness of the database, purging records for individuals whose information has been improperly maintained, and coming into compliance with federal requirements and standards.
- 68. Provide annual high quality training on fair and impartial policing that is clearly supported by JPD leadership.

E. Gender Bias

- 69. Revise the Department’s domestic violence policy to require (1) thorough investigation of domestic violence incidents, (2) strangulation and lethality assessments, and (3) primary aggressor determinations where appropriate.
- 70. Ensure Department members comply with the sexual assault policy, including by using trauma-informed practices in interactions with victims, including trauma-informed interviews of victims.
- 71. Provide thorough training to all sworn personnel in responding to gender-based violence.
 - a. For detectives and Internal Affairs investigators, this should include training in trauma-informed interviewing, up-to-date investigation techniques relevant to gender-based crimes, and a more comprehensive understanding of victims’ responses to sexual assault and domestic violence.
- 72. Designate specific detectives to handle domestic violence investigations and provide them with advanced training.

73. Ensure the Department has enough detectives to handle the gender-based violence caseload.
74. Track arrest warrants issued in domestic violence and sexual assault cases and the time it takes from warrant to arrest.
75. Provide high quality training to recognize and mitigate bias against women, especially survivors of gender-based violence.

F. Accountability

76. Revise complaint intake procedures and public-facing information to simplify and facilitate community member complaints, including requiring Department members to accept, document, and notify Internal Affairs about all complaints of misconduct.
77. Prohibit officers from discouraging complaints by members of the public.
78. Respond to all complaints as required by policy, and not as desired by complainant.
79. Ensure that Department members are trained on their duty to report misconduct and to cooperate with administrative investigations, and are held accountable for failing to do so.
80. Provide clear guidelines for complaint classification to ensure that serious misconduct is adequately investigated and disciplined, including:
 - a. Classifying complaints based on the nature of the allegations rather than on anticipated outcomes
 - b. Completing investigations even in cases where complainants do not participate in the investigation
81. Implement procedures for thorough, objective, and timely investigations, including:
 - a. Setting appropriate timeliness benchmarks and ensuring adherence to those benchmarks.
 - b. Ensuring that investigators obtain all available, relevant evidence and conduct thorough and impartial interviews.
 - c. Establishing standards for objective and unbiased review of evidence, including in credibility determinations, and the documentation of this review.
82. Implement procedures for ensuring fair, proportionate, and consistent discipline including the proper tracking and analysis of remedial training and enhanced supervisor oversight.
83. Provide sufficient training and oversight for Department members responsible for ensuring accountability.
84. Comply with best practices in hiring and promotion processes, including by rejecting candidates with problematic backgrounds and disciplinary histories.
85. Ensure that Board of Fire and Police Commissioners members receive relevant training on police policies and best practices such as statutory powers of police, automatic disqualifiers from JPD employment, an Officer's Oath of Office, JPD's disciplinary process, and DEI related concerns.
86. Collect and analyze data about misconduct allegations to identify and correct problems in the Department.

APPENDIX A

**June 24, 2020 Letter from Joliet Elected Officials
to the Office of the Illinois Attorney General Requesting Investigation
re: Joliet Police In-Custody Death**

OFFICE OF THE MAYOR
BOB O'DEKIRK

MAYOR

PHONE: 815/724-3700

FAX: 815/724-3715

ROdekirk@jolietcity.org



150 WEST JEFFERSON STREET
JOLIET, ILLINOIS 60432-4158

June 24, 2020

Illinois Attorney General Kwame Raoul,

We, the elected officials for the City of Joliet (i.e. Mayor and City Council), whose signatures are affixed below, hereby request the Civil Rights Bureau for the United States Attorney's Office to open a formal investigation of the in-custody death of an African American arrestee in Joliet Police custody on January 28, 2020. The day after this death, myself and the rest of the city council received a short email from the police chief informing us of the incident and that the matter would be investigated by an outside agency. Since that time, there have been no further updates given either to myself or the city council.

The video I was shown depicts a middle age man handcuffed and sitting in the rear of a squad car. It appears in the video that the man is chewing on an unknown object. As a police officer attempts to remove the man from the vehicle, the man appears to be barely conscious and is not cooperative in stepping out of the car. During this period, a second officer opens the opposite car door and says "Wake up bitch" while striking the handcuffed man in the face with an open hand. The officer then immediately applies a chokehold and pinches the man's nose shut while ordering him to open his mouth. Shortly after, all audio of the incident disappears, and it is impossible to hear anything further. Following this, an officer inserts a collapsible baton into the mouth of the man, who is still completely unresponsive, and retrieves clear plastic bags from inside the man's mouth.

Approximately two weeks ago, I began to hear stories about a veteran Joliet Police Sergeant claiming that he had viewed the in-squad camera video of the incident in question and that he was very disturbed by what he had seen. I approached the Joliet interim City Manager Steve Jones and the Joliet Corporation Counsel Sabrina Spano and asked if either had ever reviewed the squad camera which recorded the death of this individual. Both told me they had not and that, to their knowledge, no video had ever been presented to the legal department or city hall. I asked for either of them to acquire a copy of the video and allow me to view it.

On June 16, prior to the City Council meeting, I watched the video with the Corporation Counsel on her computer. Immediately after, I called the City Manager into her office and again watched the video in his presence. On June 17, I emailed the City Manager stating I had grave concerns over both the content of the video and the fact that this had been withheld from myself, the City Council, the City's legal department, and apparently the City Manager himself.

On June 18, I met with City Manager Jones and Corporation Counsel Spano and presented a list of questions I wanted to have answered. It should be noted that during the meeting I felt Mr. Jones to be somewhat resistant to my efforts. Mr. Jones stated to me initially "This is a personnel matter and is none of your business." Later in the meeting, I told

both parties that the City Council needed to see the video as soon as possible and I planned on playing this in Executive Session the following week. Mr. Jones initially opposed this stating that it was premature to show the video to the City Council. He eventually agreed after the Corporation Counsel agreed with me that the video needed to be shared.

On June 23, the video was shown to the City Council in Executive Session. It should be noted that this meeting was tape recorded and is available for review in the City Clerk's Office. During a contentious meeting, Mr. Jones informed the council that the matter was being investigated by the Will County Major Crimes Task Force. When questioned why at least one officer was not on administrative leave, Mr. Jones stated that the police department had not received any recommendation from the Will County State's Attorney's Office. Mr. Jones stated there has been no police internal affairs investigation regarding the matter and even made the incredible claim that, to date, the police chief had never viewed the video.

Please accept this appeal to your office for an immediate review of this matter. As the elected officials of the City of Joliet, we are concerned with the manner in which this incident has been handled. In the interests of justice, as well as an effort to preserve peace within our city, we ask for an independent review of the incident which involves the death of a citizen while in police custody.

We, the undersigned, appreciate your attention to this matter and offer our assistance.

Sincerely,



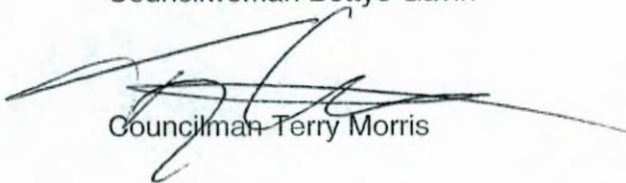
Mayor Bob O'Dekirk

Councilman Don Dickinson



Councilman Larry Hug

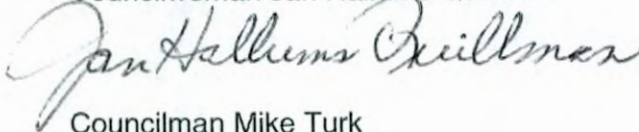
Councilwoman Bettye Gavin



Councilman Terry Morris

Councilman Pat Mudron

Councilwoman Jan Hallums Quillman



Councilman Mike Turk

Councilwoman Sherri Reardon

APPENDIX B

**September 15, 2020 Letter
from the Office of the Illinois Attorney General
to Joliet Elected Officials
re: Request for Investigation**



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 15, 2020

Bob O'Dekirk
City of Joliet
150 West Jefferson Street
Joliet, IL 60432-4158
Via Email: ROdekirk@jolietcity.org

Re: Request for Investigation

Dear Mayor O'Dekirk and City Council Members,

This letter is in response to your June 24, 2020 request for the Office of the Illinois Attorney General ("OAG") to open a formal investigation into Eric Lurry's death following his detention by the Joliet Police Department ("JPD"). We have carefully reviewed your letter, as well as official statements by JPD, the Will County State's Attorney's Office, and related media reports. As you know, Will County State's Attorney Jim Glasgow issued a statement on July 2 stating that he will not be filing criminal charges against JPD officers related to this incident.

The OAG is committed to ensuring that local police departments effectively carry out their duties in accordance with federal and state laws, as well as the Illinois and United States Constitutions, and that departments engage in policing that meets the highest standards of the profession. Our office has authority to conduct civil investigations into whether local police departments are engaged in patterns and practices of unconstitutional, unlawful, or discriminatory policing.¹ Notably, however, the focus of this authority is on remedying systemic problems, rather than investigating specific incidents.

¹ Such authority includes, but is not limited to, the Illinois Human Rights Act, 775 ILCS 5/1 *et seq.*, the Civil and Equal Rights Enforcement Act, 15 ILCS 210/1, the Attorney General Act, 15 ILCS 205/4, and the Attorney General's common law authority to enforce state law. *People ex rel. Barrett v. Finnegan*, 378 Ill. 387, 393, 38 N.E.2d 715, 717 (1941).

In light of your request, we reviewed several years of publicly available reports, court filings, and other information related to allegations of unconstitutional and discriminatory policing by JPD officers. The information we have reviewed indicates that further investigation is necessary to determine whether JPD and its officers have engaged or are engaging in a pattern and practice of unlawful conduct. In particular, we require additional information regarding whether JPD and its officers may be engaged in a pattern or practice of: 1) retaliating against individuals who report or complain of misconduct, including racial discrimination; and 2) unlawful uses of force against incapacitated or impaired individuals, including improper uses of force that impair individuals' ability to breathe.

Consequently, we write to request that the City of Joliet² provide information to our office so we may assess whether the department's policies, training, and practices evidence a broader pattern and practice of unlawful policing. We request that the City of Joliet produce the following information relating to the period from July 1, 2015 to the present ("Relevant Period"):

1. All documents and communications, including video and audio, related to Mr. Lurry's time in JPD custody on January 28–29, 2020, and his subsequent death;
2. All documents related to or comprising incident reports, stop reports, or arrest reports related to Mr. Lurry during the Relevant Period;
3. All documents and communications, including video and audio, related to any alleged misconduct by Sergeant Javier Esqueda and any investigation related to such allegations;
4. All documents, including video and audio, in any investigative files³ for Sergeant Doug May related to his conduct toward Mr. Lurry;
5. JPD's policies, procedures, or directives related to use of force;
6. Any records of JPD training, including lesson plans, slides, and attendance rosters, for any trainings on use of force, crisis intervention, responses to individuals in crisis, responses to individuals with disabilities, or responses to individuals who appear to be intoxicated or substance-impaired;
7. JPD's policies, procedures, or directives concerning:
 - a. reporting officer misconduct;
 - b. investigating officer misconduct;
 - c. supervisory review of uses of force;
 - d. anti-retaliation or whistleblower protections for individuals who report misconduct;

² For purposes of these requests, "JPD" includes all units within the Joliet Police Department. The "City of Joliet" includes all units, departments, agencies, officials, and agents subject to the direction and control of the municipal corporation of Joliet.

³ For purposes of these requests, "investigative files" means all arrest reports, officer and witness statements, use of force reports, case reports, supplementary reports, detective investigation reports, factual findings, internal correspondence and notes, disciplinary records, audio, video, and any other document related to the investigation within the custody and control of JPD.

- e. the operation of the internal affairs unit and any entity responsible for investigating misconduct by JPD officers or employees; and
- f. the process for determining and imposing discipline on JPD officers;
- 8. All documents, including video and audio, in any investigative files for any officer-involved death during the Relevant Period;
- 9. All use of force reports from the Relevant Period;
- 10. All documents related to any discipline imposed on any JPD officer during the Relevant Period;
- 11. All documents related to any misconduct complaints against any JPD employee filed with JPD during the Relevant Period, including any complaints made by any JPD employee against another JPD employee, and any subsequent investigation by JPD of such misconduct complaints; and
- 12. The most recent collective bargaining agreement for each collective bargaining unit within JPD.

If the City of Joliet is unable to respond to any inquiry in full, please provide all available responsive information and a detailed explanation as to why a more complete response is not possible. Please produce all responsive documents no later than **Friday, October 16, 2020**.

Thank you for your anticipated cooperation. Should have any questions prior to that date, please feel free to contact our office at the email below.

Respectfully,

KWAME RAOUL
Attorney General of the State of Illinois

By: /s/ Christopher G. Wells
Christopher G. Wells
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APPENDIX C

Discriminatory Policing Data Analysis Methodology

Appendix A

Discriminatory Policing Data Analysis Methodology

I. Databases

The disparate impact discriminatory policing analyses relied mostly on JPD's computer-aided dispatch, calls for service (all events for which police were dispatched to provide services), arrest, booking, ticketing, and use of force data. This data is stored across several SQL databases and systems, including PremierOne, DACRA, and IAPro.¹

A. PremierOne

JPD computer-aided dispatch, calls for service, arrest, and booking data comes from the PremierOne (P1) database system, which is managed by Will County. The P1 system contains hundreds of data tables related to calls for service, arrests, booking, field interviews, case reports, and officer reports. The data contained in this system is reliably consistent since January 1, 2017. Therefore, our analyses included records from January 1, 2017 through December 31, 2023, seven years of data.

B. DACRA

JPD ticketing data comes from their DACRA database system, which contains traffic, compliance, and parking citations stored across several data tables. JPD began using the DACRA system in 2018, so the data are only reliable for full years starting in 2019. Therefore, our analyses included ticketing records from January 1, 2019 through December 31, 2023, five years of data.

C. IAPro

JPD use-of-force data is housed in their IAPro database system. The IAPro system contains several data tables that store information about use-of-force events, including most information that is recorded on JPD's Defensive Action Reports, which is the main reporting method officers use to record information regarding use of force. The IAPro data are available for the entire length of the investigative period. Therefore, our analyses included use-of-force data from January 1, 2017 through December 31, 2023.

II. Analytic approaches

The disparate impact analysis was undertaken iteratively, beginning with an analysis that required few assumptions, but that may be confounded by competing explanations that are not

¹ JPD provided our data expert with login credentials to access the backend SQL data from a remote desktop connection.

included in the analysis. Subsequent analyses applied more advanced statistical techniques to adjust the data to allow for more balanced comparisons. For example, we first compared proportions of arrests by race to the proportion of community members by race. However, this comparison does not account for other factors that might drive proportional differences in race between arrests and community composition. Using more advanced statistical techniques to control for these alternative explanation factors requires more detail about each event (e.g., the data must include measures of the factors that affect each outcome present in the data). All statistical analyses were conducted using the R statistical software environment. Any analyses comparing raw proportions used chi-square tests of equal proportions and the propensity score matching analyses were conducted using the *twang* (Toolkit for Weighting and Analysis of Nonequivalent Groups) package.

A. Proportional enforcement

One approach to identifying racial disparities in policing is to compare the observed racial distribution of those stopped by police to the racial distribution of the community in which those people live. Essentially, the thinking behind this approach is that if policing behavior is not influenced by the race of the individual in question, then police officers should stop and/or arrest community members in a pattern that is proportional to the demographic makeup of the community in which they are policing. Although simple in its approach, this method has several shortcomings, including the possibilities that there are racial differences in offending, that there are racial differences in exposure to law enforcement, and that persons may be stopped in communities in which they do not actually live. Taken together, comparing the racial distribution of people stopped by police to the racial distribution of the population is open to many alternative explanations.

B. Matched Samples

A more comprehensive approach to evaluating potential racial disparities in policing is to compare policing behavior (e.g., stops, arrests, uses of force) based on race when as many other demographic and situational factors as possible are held constant between racial groups. These analyses allow differences in policing behavior based on race to be isolated from the effect of other alternative explanations for differences (e.g., offense type, sex, officer, time of day, location, etc.). These methods “match” comparison groups on as many relevant factors as possible to make sure that the groups are equivalent on all features except for race. Once control variables are used to match, any differences observed between the racial groups can be attributed to race instead of one of these alternative factors. The matching procedure creates weights that “upweight” persons in the comparison group with similar characteristics (e.g., sex, location, age) as persons in the target group (e.g., persons of color) and “downweight” persons with dissimilar characteristics in the comparison group compared to the target group. Essentially, for each group, each of the observations gets a weight that when averaged together equates the comparison group to the target group on these matching variables. After weighting, the starting point for the two groups (e.g., Black vs. white drivers stopped by JPD) is the same and any changes observed between the two groups can more easily be attributed to an effect of race. Of course, not all comparisons can be made with this approach as it requires a substantial number of variables to be measured for any groups that are compared. However, where possible, we conducted these analyses to better control for alternative explanations that may explain any racial differences in policing behavior.

For the post-traffic stop outcome comparisons, two sets of analyses were conducted, one for Black versus white drivers and one for Hispanic versus white drivers. The variables chosen for matching included location, time of day, month, year, reason for traffic stop, age of driver, and sex of driver. For comparisons involving stop length, additional matching variables were included to account for differences in stop length based on the nature of the stop. Specifically, whether or not a citation was issued, whether or not a search was conducted, and whether or not an arrest was made. Once the groups were balanced on these variables, the generated weights were used in a set of analyses that predicted post-stop outcomes from race.

For the use of force type comparisons, two sets of analyses were conducted, one for Black versus white recipients of force and one set for Hispanic versus white recipients of force. The variables chosen for matching included time of day, year, reason for use of force (e.g., “effect an arrest”), age of the individual, physical build of the individual (e.g., “small”), condition of the individual (e.g., “emotionally upset”), first recorded offense/charge, and officer race. Once the two racial groups were balanced on these variables, the generated weights were used in a set of analyses that predicted use of force outcomes from race.

APPENDIX D

**April 28, 2023 Technical Assistance Letter
from the Office of the Illinois Attorney General
to the Joliet Police Department
re: Foot Pursuits**



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 28, 2023

SENT VIA EMAIL

William Evans
Chief of Police
c/o Sabrina Spano, Corporation Counsel, City of Joliet
Joliet Police Department
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Re: Investigation of the Joliet Police Department – Foot Pursuits

Dear Chief Evans:

When the Office of the Illinois Attorney General (“OAG”) opened its pattern and practice investigation of the Joliet Police Department (“JPD” or “the Department”), our investigative team committed to notify the City of Joliet (“City”) and JPD of serious systemic issues that raise immediate concern. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete, we have identified a pattern of JPD officers engaging in dangerous foot pursuits that create an unreasonable risk to officer and community safety far beyond that created by the behavior or suspected offense precipitating the chase. The Department urgently needs to correct its foot pursuit practices.¹

Apprehending individuals suspected of serious criminal wrongdoing is an important responsibility of any police department. To carry out that responsibility, police officers must sometimes engage in foot pursuits when justified by the circumstances. Because of the inherent

¹ Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office’s webpage dedicated to this investigation: <https://www.illinoisattorneygeneral.gov/joliet/>.

danger posed by foot pursuits, officers need clear guidance on when to engage in foot pursuits, when not to, and what to do to best protect the public and themselves during and after a foot pursuit.

JPD officers do not currently have this guidance because JPD lacks a foot pursuit policy. It needs one—both to promote public safety and to protect the safety of officers. Specifically, JPD needs a policy that provides officers with instructions about when to engage in a foot pursuit, when to terminate the pursuit, and the practices that should be employed to better protect officers and the public. Without such a policy, officers lack guidance on acceptable or prohibited behaviors and are not held accountable for dangerous or reckless conduct. In the cases that we reviewed, we observed repeated failures of training, tactical errors, a lack of meaningful supervision, and the absence of critical reviews necessary for officer support and accountability. Below we identify the concerns giving rise to this letter and make initial recommendations for promptly addressing these concerns.

*Foot pursuits are inherently dangerous and are made more dangerous
by tactics JPD officers frequently engage in during pursuits*

Foot pursuits are inherently dangerous.² Nationally, foot pursuits have precipitated tragic deaths of officers and the people being pursued. In response to concerns emerging out of our larger investigation, our team and subject matter experts closely reviewed a set of JPD’s recent foot pursuits. The documents and videos revealed repeated problematic behavior. The concerns outlined below are representative of patterns identified in this specific review and from our larger investigation.

In our review, we observed JPD members engage in foot pursuits that were unreasonably risky to themselves and to others. For example:

- Officers frequently rely on force both during and after foot pursuits, even where the underlying suspected offense is low-level and non-violent. This has led to officers justifying uses of force primarily based on the fact that foot pursuits are inherently dangerous, rather than the severity of the crime at issue or any threat reasonably perceived by the officer.
 - In several pursuits we reviewed, officers pulled their guns during the pursuit and continued running with guns drawn, and in some cases pointed the gun while running. This practice presents an unreasonable risk of death or serious injury.³

² Int’l Assoc. of Chiefs of Police, FOOT PURSUITS, CONSIDERATIONS DOCUMENT 1 (2023).

³ Several departments and model policies prohibit or greatly discourage chasing people with guns drawn, particularly with their fingers on the trigger. *See, e.g.*, Detroit Police Dep’t Directive 202.7-5.9 (2018) (on file with author) (“Under no circumstances shall a member run or carry a handgun with their finger on the trigger. When a suspect appears unarmed and there is no other reliable information (e.g. witness, nature of offense, etc.) to determine the danger the suspect presents, it is generally best to keep the handgun securely holstered until or unless needed to effect the arrest.”); *see also* Stanford Law School, Model Use of Force Policy Beta Release 1.0, 5.300 Sec. F.1.b (2022), <https://law.stanford.edu/wp-content/uploads/2022/09/SCRJ-Chapter-5-Master.pdf> (requiring officers to “proceed with extreme caution” if they must run with unholstered firearms); Houston Police Dep’t, General Order No. 600-11, Sec. 2 (2020), https://www.houstontx.gov/police/general_orders/600/600-11%20Foot%20Pursuits.pdf

- Officers deploy their Tasers during pursuits, at times aiming at the backs of people who are running full speed. This creates a risk that the person will be struck while running, causing them to fall face-forward and sustain serious injuries in circumstances where the justification for the pursuit is questionable. JPD leadership is aware of the riskiness of this practice. However, there is clear evidence in reports and videos that the problem persists, and the oversight systems in place have failed to address or prevent officers from deploying Tasers in this way.
- Many of the pursuits we observed ended with officers tackling people to the ground or using other types of force like punching and deploying Tasers. Some of these uses of force occurred even where the underlying suspected offense was low-level and non-violent.
- Officers use general and common descriptors like “black hoodie in blue jeans” or “male black, all black” when communicating over the radio during a chase. Using generic descriptions increases the risk to community members who may be outdoors during the chase, especially when officers lose track of the person being pursued.
- Officers regularly initiate or continue foot pursuits in high-risk circumstances where there is no immediate threat to public or officer safety, including for example:
 - at night, when there is low visibility of the person being chased or of other dangers that may be present;
 - in residential neighborhoods where the pursuing officer’s sight is obscured by buildings or vegetation, making the risk of pursuit higher; and
 - after losing track of the person being pursued, raising both tactical and safety concerns for the officer, and heightening the risk to people in the community who may mistakenly be identified as the person being pursued.
- Officers shout threats during pursuits, including threats that they are going to shoot or tase the person being chased. For example, in a recent traffic stop initiated ostensibly because of a car’s tinted windows, an officer chased a passenger who fled from the scene. While running, the officer screamed at the fleeing passenger, “Imma shoot you, motherf*cker! Imma shoot you!” This kind of unjustified threat only escalates the interaction, further activating the fleeing person’s fight-or-flight impulse. From a tactical and safety perspective, this behavior is counterproductive and dangerous.

*JPD officers’ dangerous foot pursuits are often not justified
by a need for immediate apprehension*

In many cases, the justification for an officer’s foot pursuit did not outweigh the risks it created. To the contrary, JPD officers engage in foot pursuits that are both dangerous *and* unjustified. People may avoid contact with police for many reasons other than involvement in criminal activity, yet we observed many incidents where the officer(s) initiated a pursuit solely because a person or group started running at the sight of officers. We also observed many foot pursuits originating out of traffic stops for equipment violations or other low-level offenses. Avoiding or running from officers without any other indication of criminal activity is not enough

(requiring officers to use “special caution” when running with a firearm in hand and to keep their fingers off the trigger unless they have decided to use deadly force).

to justify the risk of a foot pursuit,⁴ and policies in other jurisdictions prohibit foot pursuits for minor offenses given the inherent danger to officers and the public.⁵

In one example of a pursuit, an officer chased a pedestrian who fled after the officer approached him to investigate a report of a suspicious person. Before the officer even began pursuing the person, he can be heard on body-worn camera footage yelling, “[W]hat the f*ck is you running for? You’re not even in trouble.” During this 1:00 a.m. chase, the officer pulled his gun on the unarmed person, who he identified over the radio as a “young Hispanic boy.” The officer ultimately charged the child with a curfew violation upon learning his age. A potential curfew violation does not justify a gun-drawn pursuit under the cover of night, nor does a simple report of a suspicious person.

In another example highlighting several concerns, a sergeant engaged in a brief vehicle pursuit through a residential neighborhood to detain someone who failed to stop at a stop sign. Following the short pursuit, the driver stopped the car and began to run. The sergeant decided to continue the chase on foot. The sergeant would later report that the man was holding his waistband during the chase, and that he was concerned that the man may have been reaching for a weapon. The sergeant threatened to tase the man several times during the foot pursuit and unsuccessfully deployed his Taser twice at the fleeing man. The chase ended when the man fell, and the sergeant took him into custody without incident. The man stated that he was not sure why he ran. Ultimately, JPD charged the man with driving with a revoked license and resisting/obstructing a police officer (related to the pursuit itself). The supervisor who reviewed the sergeant’s Taser deployment acknowledged that the sergeant “was unfamiliar with the area [and] the arrestee was running through poorly lit backyards holding his waistband”—all reasons for *not* engaging in a pursuit and underscoring the need for guidance, training, and effective supervision.

In another incident reflecting several of these concerns, two officers noticed two teenagers trying to hide as the squad car drove by. When one of the teenagers fled, the officers pursued him by car, initiating a foot pursuit through a residential area after reporting that the teen had a gun. At the conclusion of the chase, body-worn camera footage shows an officer shoot at the person—a 17-year-old with his hands in the air at the time of the shot. The officer’s bullet missed the youth, but struck a residence. In the only after-incident review of this incident OAG is aware of, supervisors justified the shooting by noting that the officer engaged in the pursuit with caution, saw the youth raising his arms at him, and took cover after shooting. These notes are inconsistent with the video, which shows the officer turning corners at high rates of speed and shooting less than one second after the youth comes into partial view with both of his hands in the air. Echoing

⁴ Any guidance and policies on foot pursuits should take into account that there are many legitimate non-criminal reasons that a person may seek to avoid contact with the police. *See Florida v. Royer*, 460 U.S. 491, 497–98 (1983) (stating that an officer may approach a person without reasonable, objective justification for a seizure or detention, but “[t]he person approached . . . need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way”); *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (stating that while a person’s “unprovoked flight” is one factor relevant to whether there is a basis for a *Terry* stop, it is “not necessarily indicative of wrongdoing”).

⁵ *See, e.g.*, Chicago Police Dep’t, General Order G03-07 Sec. IV.B (2022), <http://directives.chicagopolice.org/#directive/public/6186>; Baltimore Police Dep’t, Policy 1505 Sec. 8 (2021), <https://www.baltimorepolice.org/transparency/bpd-policies/1505-foot-pursuits>.

fatal foot pursuits in other jurisdictions, it is only through luck, not tactical precision or precautions, that this youth or one of the bystander residents in the home was not killed. This level of risk is unacceptable and must be quickly corrected.

Despite evidence that these pursuits and others created unnecessary danger, there is no record of any meaningful review, training, or corrective action to identify or address these issues. The failure to identify these problems through formal supervisory review indicates a lack of guidance and meaningful oversight over one of the most dangerous activities JPD officers engage in. We understand that JPD leadership is in the early stages of independently discussing updates to the Department's foot pursuit practices. Given the gravity of risks outlined in this letter, we urge JPD to expedite these updates in line with our recommendations.

JPD must take immediate action to curtail its overreliance on dangerous foot pursuits

JPD's current foot pursuit practices and lack of policy guidance, supervision, and accountability put the safety of JPD officers and the Joliet community at risk. In the short term, we urge JPD to curtail its overreliance on foot pursuits, particularly those that create a high risk of harm without a sufficient justification for the pursuit. Given the dangers posed by JPD's foot pursuit practices—both to officers and community members—JPD must immediately issue interim guidance and training bulletins to, at a minimum:

- (1) prohibit officers from chasing people when the justification for the pursuit is insufficient, such as when only a low-level, non-violent offense is involved, or when the primary justification for the pursuit is that a person is avoiding or fleeing police, with no other basis for reasonable suspicion that a crime is being committed;
- (2) require officers to terminate chases when high-risk circumstances emerge—such as losing track of the person—absent an immediate threat to the lives of officers or the public;
- (3) prohibit officers from tasing fleeing people who are not an imminent public safety threat;
- (4) require officers to report each foot pursuit, document the factors giving them reasonable suspicion that a crime had been or was being committed, and document the public safety justification for the pursuit; and
- (5) require supervisors to oversee pursuits as they occur, order the termination of pursuits when the risk outweighs the benefit of immediate apprehension, and provide written review of all pursuits, including requiring retraining or corrective action when necessary.

These interim documents should also acknowledge that foot pursuits are inherently dangerous and generally discouraged unless there are extenuating circumstances, and that foot pursuits can lead to unnecessary escalations of force that could be avoided. JPD should also immediately require data collection, written reports, and supervisory review of all pursuits, and mandate guidance, training, and remedial action when officers engage in risky or unjustified pursuits in the interim period. The interim guidance and training bulletins reflecting these points should be distributed department-wide to promptly address dangerous foot pursuit practices with both officers and supervisors.

In the longer term, JPD must develop a permanent policy and standard review process to examine individual foot pursuits and determine whether they indicate a pattern that requires training or policy revisions. To do so, JPD must also meaningfully engage with community

members to gather feedback on its foot pursuit practices.

Our office invites collaboration and engagement on these issues. Again, we recognize that foot pursuits are sometimes a necessary part of police work. It is incumbent upon the Department, however, to advise and train officers about the inherent danger foot pursuits pose and how they can mitigate that danger, both for themselves and for the public. We are ready to assist JPD in developing a multi-tiered plan to reduce the risks of these practices and—in the longer term—to assist with the development of a policy governing all aspects of foot pursuits. Due to the gravity of this issue, we ask JPD to respond by Friday, May 12, 2023, with a timeline for addressing this problem and its plans for interim guidelines and restrictions, including its plan to work with us in the development of these documents.

Our investigation is ongoing and we will provide a report of our findings when it is complete. We look forward to working with JPD on this issue and highlighting JPD's progress in this regard, and we urge the City and JPD to begin that process as soon as possible. We look forward to your response by Friday, May 12.

Respectfully,

KWAME RAOUL
Attorney General of the State of Illinois

By: /s/ Elizabeth H. Jordan
Elizabeth H. Jordan

/s/ Hannah Y. Jurowicz
Hannah Y. Jurowicz

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cc: Jim Capparelli, City Manager for the City of Joliet
Sabrina Spano, Corporation Counsel for the City of Joliet
Robert Brown, Deputy Chief of Operations
Sherrie Blackburn, Deputy Chief of Administration
Carlos Matlock, Deputy Chief of Investigations

APPENDIX E

**July 15, 2022 Technical Assistance Letter
from the Office of the Illinois Attorney General
to the Joliet Police Department
re: Language Access**



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

KWAME RAOUL
ATTORNEY GENERAL

July 15, 2022

Via Email

William Evans
Chief of Police
Joliet Police Department
150 W. Washington St.
Joliet, Illinois 60432
wevans@joliet.gov

Re: Investigation of the Joliet Police Department – Language Access

Dear Chief Evans,

When the Illinois Attorney General’s Office opened its pattern and practice investigation of the Joliet Police Department (“JPD” or the “Department”), we committed to promptly informing the City of Joliet (“City”) and JPD of serious systemic issues that require immediate attention. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete, we write to inform you of an issue requiring your immediate attention: JPD’s language access system and practices.¹

Background

More than a quarter of Joliet residents report speaking a language other than English at home.² Protecting public safety and ensuring the civil rights of all Joliet residents requires that

¹ Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office’s webpage dedicated to this investigation: <https://www.illinoisattorneygeneral.gov/joliet/>.

² U.S. Census Bureau, “Quick Facts: Joliet City, Illinois,” available at <https://www.census.gov/quickfacts/fact/table/jolietcityillinois/POP060210> (last visited July 14, 2022). According to the Census Bureau’s American Community Survey, the vast majority of those residents are Spanish

Joliet police officers engage effectively with language-minority community members.³ Inadequate language access results in the provision of less effective police services to language-minority community members, limits opportunities for such individuals to assist in the prevention and solution of crime, and invites mistrust between language-minority communities and JPD. Even more urgently, inadequate language access raises immediate safety risks for both the public and officers. It can also lead to serious violations of a person’s constitutional rights.⁴

Joliet lacks a comprehensive language access program or policy.

Our investigation has revealed that JPD does not have in place policies, procedures, training, or resources to adequately ensure that JPD members are able to communicate effectively with language-minority community members. During interviews and ride-alongs, we did observe officers who earnestly sought to serve language-minority speakers but the efforts were haphazard, individualized, and lacked adequate institutional support. As detailed below, the City and JPD must immediately assess JPD’s language access needs, work with community members to develop a language access policy, train officers on this policy, and secure and ensure access to sufficient resources to address identified language needs.

JPD is obligated to provide adequate language access services under federal and state law.

JPD is prohibited by state and federal law from discriminating on the basis of race, color, or national origin. 42 U.S.C. § 2000d *et seq.* (applied to the Department as a recipient of federal funding through § 2000d-4a(1)(A)); 775 ILCS 5/5-102(C). Title VI of the Civil Rights Act requires federally funded local police departments to ensure “meaningful access” to their services for individuals with limited English proficiency.⁵ The Illinois Civil Rights Act similarly protects

speakers.

See

<https://data.census.gov/cedsci/table?q=DP02&t=Language%20Spoken%20at%20Home&g=1600000US1738570&tid=ACSDP5Y2020.DP02>. However, JPD still needs to be able to communicate with language-minority community members who speak a language other than Spanish. U.S. Census Bureau, “C16001, Language Spoken at Home 5 Years and Older,” available at <https://data.census.gov/cedsci/table?text=language&t=Language%20Spoken%20at%20Home&g=0400000US17160000US1738570&tid=ACSDT5Y2020.C16001> (last visited July 14, 2022) (identifying the prevalence of other languages spoken by Joliet residents).

³ As used in this letter, the term “language-minority” refers to individuals who prefer a non-English language, including individuals who are not proficient or have limited proficiency in reading, writing, or speaking English, and those who may encounter difficulties communicating in English during interactions with law enforcement (such as during stressful or high-risk interactions, or when seeking services that involve complex or specialized terms). The term “limited English proficiency” (“LEP”) is sometimes also used to describe these individuals.

⁴ Federal and state disability laws also require JPD to ensure that its members can communicate effectively with people with disabilities, including those who are Deaf or hard-of-hearing or who have speech impairments. Although this letter does not specifically address requirements around effective communication and access for individuals with disabilities, JPD’s language access policy should, at a minimum, acknowledge that JPD must provide sign language interpreters whenever feasible to communicate with an individual who is Deaf and who communicates via sign language, and also cross-reference JPD’s applicable policy on communications access for individuals with disabilities.

⁵ *See* U.S. Dep’t of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (“DOJ Guidance”), 67 Fed. Reg. 41,455, 57 (July 18, 2002) at 41,459, available at https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr_2002-06-18.pdf.

against discrimination by any units of the State in parallel with Title VI.⁶ 740 ILCS 23/5. Further, the Illinois Domestic Violence Act specifically requires that an officer provide a potential victim of abuse, neglect, or familial exploitation with immediate and adequate information regarding potential relief and remedies in a language appropriate for the victim. 750 ILCS 60/304(a)(4).

The absence of a language access policy or adequate language-access resources harms JPD's ability to provide services and erodes community trust.

We recognize that JPD has made efforts to make bilingual officers available to interpret during interactions with Spanish speakers. We also recognize the City and Department have made efforts to recruit Spanish-speaking officers.⁷ However, current resources are insufficient—particularly in the absence of any language access policy. Based on our observations and interviews, we have serious concerns that the Department fails to consistently ensure meaningful access to police services for language-minority community members. We have learned that a number of JPD officers rely on applications like Google Translate for interpretation, including during riskier late-night interactions. At times, officers have also unsuccessfully sought to identify an on-shift officer with the requisite language skills. Officers also rely on witnesses or family members for interpretation; as discussed in Section 2 below, best practices strongly discourage the use of witnesses and family members as interpreters. We have also heard conflicting reports regarding officers' awareness of, access to, and use of the 911 Communication Center's 24/7 Language Access line.

As a result, JPD officers are not equipped to adequately communicate with the individuals they encounter in traffic stops and other law enforcement interactions. Miscommunications based on a lack of language access can create evidentiary and safety risks for both community members and officers: community members cannot comply with legal directives that they do not understand.

Inadequate language access also erodes community trust. For example, JPD's failure to consistently provide Spanish-language assistance, despite the large number of Joliet residents who speak Spanish as their primary language, has caused hesitation among many community members to report issues and crimes or otherwise interact with JPD. This is particularly harmful to JPD's ability to build trust with immigrant communities in Joliet, where residents may already be hesitant to interact with law enforcement because of immigration-related concerns, including deportation, for themselves, their families, or their neighbors.

Finally, the inability to communicate with JPD impedes community members' exercise of their rights and can create liability for JPD. For example, a community member who needs to secure a police report for legal proceedings, including, for example, orders of protection in cases involving domestic violence and abuse, may be unable to do so if no JPD officer or staff member is available who can understand the request. As noted above, failure to provide this information in a language appropriate for the victim violates the Illinois Domestic Violence Act. Similarly, if

⁶ The Illinois Civil Rights Act's prohibitions on discrimination parallel those of Title VI. *See e.g., Weiler v. Vill. of Oak Lawn*, 86 F. Supp. 3d 874, 889 (N.D. Ill. 2014).

⁷ JPD police officer applicants are eligible for preference points if they can demonstrate proficiency in a non-English language spoken by at least 5% of the City's population. Board of Fire and Police Commissioners Ch. III, Sec. 7. According to Census data, Spanish is the only non-English language spoken by at least 5% of the population of Joliet.

JPD's inadequate language access interferes with its ability to timely complete a U-Visa or T-Visa certification form request from a victim of domestic violence or other qualifying criminal activity, JPD may be subject to investigation or enforcement actions under the Illinois VOICES Act. *See* 5 ILCS 825/30.

In sum, this issue is urgent. Below we outline recommendations to address some of the major deficiencies in language access services that prevent the Department from communicating effectively with all community members. This list is not exhaustive, but rather sets out the most critical concerns that JPD should address promptly. We urge the City and JPD to invest time and resources, including by engaging external expertise and working with community members, into developing a language access policy and accompanying training.

Recommendations

As explained above, both federal and state law require JPD to provide meaningful access to its services to all individuals, including language-minority community members. To meet this obligation, we strongly urge JPD and the City to take the following five steps immediately, and, going forward, to implement additional measures as necessary to consistently ensure equitable language access. *First*, JPD must analyze the language needs of the communities it serves. *Second*, in accordance with best practices, JPD must develop and implement a comprehensive language access policy. *Third*, JPD must invest resources in qualified in-person interpretation, including training officers and staff who have skills in languages other than English to become qualified interpreters. *Fourth*, JPD must provide translation of Department written materials. *Fifth*, JPD must expand the use of the 24/7 language line. These five steps are detailed below.⁸

1. JPD must conduct an analysis of language needs.

At the outset, JPD should analyze current language needs in the communities it serves and assess its obligations to provide services. In its guidance on the implementation of Title VI, the Department of Justice recommends an individualized assessment that balances the following four factors:⁹

- (1) The number or proportion of individuals with limited English proficiency eligible to be served or likely to be encountered by the program;
- (2) The frequency with which individuals with limited English proficiency come into contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the program to people's lives; and
- (4) The resources available to the recipient and costs.

Publicly available information is a starting point for this analysis. The American Community Survey estimates 27.4% of community members in Joliet speak a language other than

⁸ Additional guidance on how JPD can meet its obligations and use its resources efficiently can be found online. *See, e.g.*, https://www.dhs.gov/sites/default/files/publications/lep-resource-guide-law-enforcement_0.pdf ("LEP Resource Guide for Law Enforcement") and <http://go.usa.gov/4Knx> ("DHS Title VI LEP Guidance").

⁹ *See* DOJ Guidance 41,459–61.

English at home.¹⁰ Census data shows that Spanish speakers constitute the largest such group in the Joliet area, and also that thousands of Joliet residents speak other languages at home.¹¹ JPD is obligated to serve individuals regardless of what language they speak, but such an analysis will assist JPD in assessing how to cost-effectively meet their needs (for example, whether to hire bilingual staff or contract with an interpretation service for a particular language need).¹²

In addition to reviewing publicly available information and its own data, JPD should consult with community groups, service providers, and other agencies (such as school systems) who are likely to have relevant information or who can assist in identifying language groups and communities in Joliet.¹³ Analysis of the prevalence of language-minority communities can assist JPD in identifying the shifts and geographic areas where JPD should focus efforts to ensure that a qualified interpreter (such as a trained bilingual officer) is available for in-person assistance.

JPD must also analyze the types of language needs that exist—interpretation in some circumstances or written translation of material in others. Both types of needs must be assessed.

Finally, a thorough, well-executed analysis will help JPD identify the most cost-effective ways to provide the required services. Given the essential nature of JPD’s services, it is essential that JPD devote adequate resources to language access. We are sensitive to the fact that JPD’s resources are not unlimited. However, policing often requires the very highest levels of quality and accuracy in communication because of the stakes involved.¹⁴ Fortunately, many of the resources highlighted in this letter (such as training and deploying bilingual personnel, developing language identification cards, and using a language line) are not cost prohibitive.

2. *JPD must develop a language access policy.*

Following an analysis that include the above considerations, JPD must develop a written policy for providing language access services.¹⁵ The policy should specify procedures for securing interpreters and other language assistance in JPD’s interactions with language-minority community members. The policy should require that JPD make available whenever feasible either (1) a qualified bilingual member of the Department or (2) qualified interpreters in a community member’s primary language (via a qualified in-house or contract interpreter or telephonic interpreter, as appropriate).¹⁶ Comprehensive language access policies provide for interpretation services during witness and crime victim interviews and interrogations as well as for document translations. *See* Sections 3 and 4 below.

As a corollary to the above, any policy should strongly discourage reliance on non-qualified interpreters—including unqualified department members or on-scene friends, family

¹⁰ *See supra* note 2.

¹¹ *See id.*

¹² *See* DOJ Guidance 41,461–62.

¹³ *Id.* at 41,460.

¹⁴ *Id.* at 41,461.

¹⁵ *Id.* at 41,464 (explaining why funding recipients can best meet their obligations through a written plan).

¹⁶ *Id.* at 41,461–62.

members, or witnesses—except in limited, clearly defined circumstances.¹⁷ Further, the policy should provide a procedure for the identification of an individual’s primary language, including via language identification cards.¹⁸ The policy must also provide guidance to officers regarding how to make the determination that language assistance is necessary; an individual’s level of proficiency or comfort in English may not always be immediately obvious, and officers will need training to identify indicators that an interpreter is necessary. The policy must also convey to officers and staff that utilizing language access resources is not only encouraged by the Department but required.

For any policy to be effective, JPD must provide training to all Department members. Training of supervisors and field training officers (“FTOs”) is especially important. Supervisors will not only be involved in securing language resources for officers under their command, they will also be critical to assessing whether language needs are actually being met and whether JPD’s policy is working. FTOs will be essential to training new officers on the use of language access resources, as well setting a tone that officers should not hesitate to use such resources when needed. JPD must also ensure adequate management of the policy, ideally by identifying a Language Access Program Coordinator.¹⁹ The Coordinator will also direct the collection and review of data on usage and outcomes and facilitate annual review and, if necessary, updating of the policy.²⁰

Finally, JPD’s language access policy should specifically address staffing of bilingual officers. We recognize that JPD is already increasing the number of bilingual officers by actively recruiting Spanish speakers. Guidelines for deploying qualified bilingual officers should be integrated into JPD’s language access policy.

We encourage JPD to use the development of this policy as an opportunity to engage meaningfully with community members, especially those from Spanish-speaking and immigrant households in Joliet, consistent with recommendations in the federal guidance.²¹ Community organizations in Joliet that regularly serve language-minority community members can also provide valuable insight into the development and implementation of a language access policy.

3. JPD must invest resources in qualified in-person interpretation, including by training officers and staff with non-English capabilities as qualified interpreters.

JPD must devote adequate resources to providing qualified in-person interpretation, particularly in Spanish, for important services or interactions. We urge JPD to train current

¹⁷ *Id.* at 41,462 (stating that using family members or friends as interpreters raises concerns about competency, confidentiality, and conflict of interest and should be avoided except in limited circumstances).

¹⁸ Language identification cards provide translation in several languages of a phrase similar to the following: “Point to your language. An interpreter will be called. The interpreter is provided to you at no cost.”

¹⁹ See District of Columbia, Metropolitan Police, General Order: Language Access Program (“DC Plan”) 2, available at https://go.mpdconline.com/GO/GO_304_18.pdf; Baltimore Police Department, Language Access Services for Limited English Proficient Persons (“Baltimore Plan”) 10, available at <https://public.powerdms.com/BALTIMOREEMD/documents/263398#:~:text=When%20performing%20law%20enforcement%20functions,be%20provided%20free%20of%20charge>.

²⁰ See, e.g., Baltimore Plan, 10; Tucson Police Department, Limited English Proficiency Plan (“Tucson Plan”) 11, available at https://www.tucsonaz.gov/files/police/Tucson_Police_LEP_Plan_2019.pdf.

²¹ See DOJ Guidance 41,465

bilingual officers and/or staff as qualified interpreters.²² JPD currently has a number of officers who were certified bilingual as part of the hiring process, and others who, while not certified, possess significant abilities in a language other than English. These officers are an excellent starting point for JPD, but it is important to remember that fluency alone does not make a person a skilled interpreter. Interpretation involves different techniques and principles that must be taught.²³ In order to serve as a qualified interpreter for the Department, officers or staff must receive training and certification, which should include topics that more broadly encourage cultural sensitivity, including immigration issues.

JPD should ensure that in-person interpretation is available to officers and community members across as many shifts and districts as possible, especially in areas with a higher population of language-minority community members.²⁴ Depending on how long JPD anticipates it will take to provide the necessary training or certifications for existing staff, JPD may need to hire staff interpreters or contract with an interpretation service in the short term. JPD should develop a system for identifying when qualified interpreters with language capabilities are on shift and notifying dispatch and other officers of their availability. Additionally, JPD should train supervisors on how bilingual officers should best be deployed to provide assistance.

When feasible, officers trained as qualified interpreters should serve as the first option for officers interacting with language-minority speakers. Reliance on a qualified interpreter is especially imperative during investigations due to the potential for violations of constitutional rights.²⁵ Moreover, in-person interpretation, via JPD-provided qualified interpreters, can foster better relationships with community members and help build community trust. In-person interpretation may also reduce safety concerns that are a side effect of the inability to communicate in a shared language.

JPD should also ensure that non-sworn staff are able to provide meaningful language access. JPD should either hire or train qualified interpreters to serve in the reception area, records office, and public information office, among others, or provide them with ready access interpretation or translation services, as appropriate. This way, language-minority members of the public can avail themselves of all of JPD's services—not just emergency services—and also effectively exercise all of their rights.²⁶

4. JPD must provide adequate and appropriate translation of written materials.

As explained above, JPD must assess the need for written translation as part of its language access analysis. Given the large number of Spanish speakers in Joliet, any documents that are vital

²² See, e.g., Tucson Plan 5; Baltimore Plan at 3; DC Plan at 2.

²³ See Baltimore Plan at 3.

²⁴ For example, we understand that many Spanish speakers reside in the Forest Park neighborhood, yet, to our knowledge, there are no Spanish-speaking officers regularly assigned to this area.

²⁵ See DOJ Guidance 41,460 (describing the importance of being able to communicate rights to an individual who is arrested) and 41,469 (describing how custodial interviews or interrogations of unrepresented persons triggers constitutional rights surrounding the individual's ability to communicate effectively).

²⁶ See Tucson Plan at 7.

to ensuring meaningful access to police services must be translated into Spanish.²⁷ This may include *Miranda* warnings, arrest reports, witness interviews, and interrogations, or any form used to obtain an individual's consent or waiver of any right. Other important informational documents, such as information on recovering seized property or general information about citizens' rights, should also be available in Spanish and other languages as needed.²⁸ Based on the results of Joliet's language access analysis, JPD must also develop a plan to translate vital written materials into other languages or to ensure that this information will be transmitted through competent oral interpreters when needed.²⁹

5. *In addition to providing access to in-person oral interpreters, JPD must expand officer and staff access to the 24/7 language line.*

A qualified, in-person interpreter is the preferred method of ensuring accurate communication. However, even after JPD has implemented a robust plan for addressing language needs, situations will arise in which an appropriate interpreter is unavailable in person at a particular time or for a particular language. In those situations, JPD officers and staff will need secure, direct (i.e., not through a dispatcher) access to a 24/7 language line. This is particularly critical for avoiding improper reliance on informal interpreters, including family members. It may also be appropriate in circumstances where the typical mode of communication is over the phone (such as answering telephone inquiries).³⁰

Resources and Best Practices

The resources below are a starting point for reforming language access at JPD. These materials can help you identify further issues and assist as you assemble the information and tools to design a better language access system.

- U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fr_2002-06-18.pdf
- District of Columbia, Metropolitan Police, General Order: Language Access Program, https://go.mpdconline.com/GO/GO_304_18.pdf
- Tucson Police Department, Limited English Proficiency Plan, https://www.tucsonaz.gov/files/police/Tucson_Police_LEP_Plan_2019.pdf
- Baltimore Police Department, Language Access Services for Limited English Proficient Persons, <https://public.powerdms.com/BALTIMOREMD/documents/263398#:~:text=When%20performing%20law%20enforcement%20functions,be%20provided%20free%20of%20charge>

²⁷ See DOJ Guidance at 41,463

²⁸ See Tucson Plan at 7; Baltimore Plan at 8; DC Plan at 8.

²⁹ See DOJ Guidance at 41,464.

³⁰ *Id.* at 41,462.

Our investigation is ongoing, and we will provide a report of our findings when it is complete. We look forward to highlighting JPD's progress toward a successful language access system in that report, and we urge the City and JPD to begin that process as soon as possible.

For the State of Illinois,

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cc: Jim Capparelli, City Manager for the City of Joliet
Sabrina Spano, Corporation Counsel for the City of Joliet
Sherrie Blackburn, Deputy Chief of Administration

APPENDIX F

**December 12, 2022 Technical Assistance Letter
from the Office of the Illinois Attorney General
to the Joliet Police Department
re: Early Warning System**



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 12, 2021

Via Email

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**Re: Investigation of the Joliet Police Department –
Implementation of an Early Warning System**

Dear Chief Brown,

When the Illinois Attorney General’s Office opened its pattern and practice investigation of the Joliet Police Department (“JPD”), we committed to promptly informing the City of Joliet (“City”) and JPD of serious systemic issues that require immediate attention. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete and we are still months away from issuing written findings, we write to inform you of an issue requiring your immediate attention: JPD’s Early Warning System (“EWS”).¹

¹ JPD refers to its system as an Early Warning System, and, to avoid confusion, this letter uses JPD’s terminology. However, the more current terminology is “Early Intervention System,” which highlights the system’s focus on wellness and prevention. *See* Karen Amendola, *et al.*, *Best Practices in Early Intervention System Implementation and Use for Law Enforcement Agencies*, NATIONAL POLICE FOUNDATION, Nov. 2018, at 1.
<https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/>.

We have learned that JPD's Early Warning System does not facilitate effective identification of officer conduct that may require intervention to reduce the risk of a tragic outcome. Given the importance of an early warning system to the effective operation of the Department, officer wellbeing, public safety, and risk management, we urge the City and JPD to immediately secure outside expertise to redesign or replace the current system with a functioning and reliable early warning system.²

On December 1, 2021, members of our Office met with JPD's Deputy Chief of Administration and the Lieutenant in charge of the Internal Affairs Unit to discuss JPD's Early Warning System. Based on this meeting, and our review of JPD's relevant policy (G.O. 5-18) and related materials, we have identified fundamental deficiencies in JPD's Early Warning System that prevent it from effectively serving its intended purpose. While the Deputy Chief and Lieutenant demonstrated a commitment to improving JPD's Early Warning System, which predates them both, outside expertise may be necessary for JPD to design and implement a robust early warning system that functions as intended.

An effective early warning system is a critical management tool for police departments. The goal of such a system is to identify officer behavior or conduct that are early indicators of potential problems. This allows supervisors to prevent more serious misconduct through non-disciplinary intervention and support. Early warning systems are widely considered a best practice for promoting officer wellness, performance, and police accountability. It is not intended to be a punitive tool. A properly functioning early warning system can reduce problem behaviors, guard against unnecessary or excessive uses of force, and reduce complaints by community members.³

Typical early warning systems rely on a variety of performance metrics collected in a database. They utilize software to analyze the data to identify patterns of behavior based on objective policy guidelines and parameters suited to the particular department. The behavior making up the patterns may or may not be a violation of policy or otherwise problematic, but may indicate that an officer is at risk of engaging in conduct that may harm the department, the officer, or the community. Once the software identifies one of the patterns specified by the guidelines and parameters, it generates a notification that goes to the officer's supervisor. If intervention is warranted, the supervisor can provide the officer with appropriate resources to remedy the issue, including supplemental training, coaching, counseling (by a supervisor or a mental health professional as appropriate), or reassignment.

Certain metrics are essential to an effective early warning system. These may include: uses of force, vehicle pursuits, judicial suppressions of evidence, abuses of sick leave, domestic incidents, misconduct complaints, off-duty interaction with law enforcement, lawsuits, and consistent department policy violations.⁴ Other metrics may be appropriate to JPD as well, and JPD must give careful consideration to including additional metrics based on the Department's

² Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office's webpage dedicated to this investigation: <https://www.illinoisattorneygeneral.gov/joliet/>.

³ Samuel Walker, *et al.*, *Early Warning Systems: Responding to the Problem Police Officer*, NAT'L INST. OF JUSTICE, 2001, at 3. www.ncjrs.gov/pdffiles1/nij/188565.pdf.

⁴ Amendola, *et al.*, at 4; Zoe Russek, *et al.*, *Early Intervention Systems*, UNIV. OF CHI. CRIME LAB, 2021, at 9. <https://urbanlabs.uchicago.edu/attachments/32d00780dcf1082f6b49c678f2afa838c9105f0c/store/b551dd26ecaa556d96398cc4b4d2ca48ce57165a1c8187b5fc0d0a2f87b0/EIS.pdf>.

particular circumstances. The variety of information gathered underscores that an early warning system should not be disciplinary. Instead, the unique value of an early warning system is that it can help *avoid* problems before they occur, while at the same time supporting officer wellness and officer and community safety.⁵

Below we identify some of the major deficiencies we have identified with JPD's current EWS policy and system. This list is not exhaustive, but rather sets out the most critical concerns that need to be promptly addressed. We urge the City and JPD to invest time and resources, including by engaging external expertise, into developing a better policy, training, and system.

Issues with JPD's Current Early Warning System

1. JPD must invest resources to support a robust and reliable Early Warning System.

Until very recently, JPD has made little serious effort to implement its existing Early Warning System policy or make any meaningful use of the information it was gathering in IAPro, the Department's early warning and internal affairs case management software system. There are no records of any remedial or corrective actions taken pursuant to JPD's policy, nor any indication that JPD carefully reviewed alerts generated by IAPro. Annual evaluations of JPD's Early Warning System, which are required by G.O. 5-18 § 5, contain identical, boilerplate language several years in a row. Responsible and effective leadership requires a thorough and thoughtful approach to early intervention. We also urge JPD to assess its technology needs in this area and make upgrades accordingly.

2. JPD must give clear policy guidance and provide training on its Early Warning System.

JPD's Early Warning System policy calls on supervisors to take one set of actions in response to behavior they observe and members of Internal Affairs to take different actions in response to alerts generated by IAPro. G.O. 5-18 §§ 3.1-3.4. The policy asks supervisors to "be attuned to potential problems that may negatively affect a member's work performance and use indicators to determine whether there is a pattern of activity that indicates the existence of a problem." § 3.1. But the policy does not provide any guidance regarding what supervisors should be looking for, what the "indicators" are, or how to identify a "pattern of activity that indicates the existence of a problem." There is likewise no guidance for members of Internal Affairs, who are responsible for reviewing alerts generated by IAPro and the incident(s) that caused the alert. § 3.4. The policy directs Internal Affairs to look for "some type of performance issue" without any guidance as to what that means. JPD needs to provide clear, objective criteria and policy guidance.⁶

This written guidance must be coupled with training. As we understand it, JPD currently provides no training to supervisors or to members of Internal Affairs on the Department's Early Warning System. It is essential that JPD provide this training. The training should help supervisors

⁵ Amendola, *et al.*, at 2; Samuel Walker, *et al.*, *Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives*, U.S. DEPT. OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, Dec. 2005, at 1. <https://cops.usdoj.gov/RIC/Publications/cops-p105-pub.pdf>.

⁶ There is no "off the shelf" policy for early warning systems, and JPD's Early Warning System policy must be specifically tailored to JPD and the Joliet community. However, by way of illustration, we direct JPD's attention to other jurisdictions, such as Baltimore, <https://www.baltimorepolice.org/transparency/bpd-policies/1707-early-intervention-system>, and Chicago, <https://directives.chicagopolice.org/#directive/public/6180>.

and others understand the purpose of an early warning system, how it is distinct from discipline and formal performance reviews, what their responsibilities are within the system, and what specific, objective criteria should guide their performance of those responsibilities.

3. JPD must carefully assess the data it collects and how it sets thresholds for Early Warning System alerts.

Quality data is essential to an effective early warning system. JPD's current system relies on a limited set of high-profile incidents or events, including uses of force, vehicle pursuits, Internal Affairs investigations, and some lawsuits. This data is essential, to be sure. But JPD is not collecting other less obvious, but equally important, symptomatic information that can be critical to identifying problems *before* they occur, such as abuses of sick time, domestic incidents, judicial suppressions of evidence, and off-duty interaction with law enforcement. As an example, if an officer repeatedly takes sick leave linked with days off, that may be (but is not necessarily) a warning sign that the officer is experiencing personal problems, which could have consequences on the job. JPD's current system misses this information and other subtle variables that are equally valuable. It is important for JPD to identify the information that an early warning system tailored to the unique needs of JPD would capture.

In restructuring its early warning system, JPD needs to look carefully at its data collection more generally. Accurate, complete, timely, and consistently kept data is essential to a functioning early warning system. For example, any issue that a supervisor addresses should be recorded, aggregated with other system data, monitored, and evaluated. Unless *all* relevant data is in one place, the system will fail to provide a thorough picture of an officer's conduct, and potential problems will go undetected.

Additionally, JPD needs a deeper understanding of how to determine the criteria that will trigger alerts, how thresholds should be set, and how and when they should be evaluated and adjusted. The design of thresholds should be calibrated to the specifics of JPD and based on a statistical assessment of JPD officer conduct, the history of officers engaged in critical incidents, and a review of policies, procedures, and supervisory practices, along with other factors. The setting of thresholds will also be specific to job assignments and duties. For example, there may be a lower threshold for uses of force by a school resource officer as compared to a member of the tactical team conducting fugitive arrests. Established thresholds should also be periodically evaluated for effectiveness and adjusted accordingly.

4. Supervisors should play a more integral role in JPD's Early Warning System.

Under the current system, members of Internal Affairs receive alerts generated by IAPro and assesses whether a pattern of potentially problematic behavior exists, based on subjective criteria, by reviewing recent relevant reports on the officer. This presents two distinct but serious issues. First, the early warning system becomes a disciplinary mechanism, rather than a management and officer wellness tool. This undermines its effectiveness and trust among officers. Second, Internal Affairs will only see the data in the system and will not have a complete picture of the officer's conduct. Internal Affairs will be missing information that may be in the possession of a supervisor that might enhance or mitigate concerns. Currently, if Internal Affairs identifies a pattern, they notify the Deputy Chief of Administration. If the Deputy Chief of Administration

concur with the finding of Internal Affairs, only then do they notify the officer's supervisors. The two separate tracks outlined for supervisors and Internal Affairs in JPD's current policy, *see* above at page 3, should be joined. It is important that JPD involve all supervisors in analyzing and responding to early warning system data and alerts early and often—not just when Internal Affairs determines there is an issue.

Resources

The resources below are a starting point for reforming early intervention at JPD. These materials can help you identify further issues as you assemble the resources to design a better system.

- The United States Department of Justice's COPS Office: <https://cops.usdoj.gov/resources>
- The International Association of Chiefs of Police: <https://www.theiacp.org/resources/policy-center-resource/early-identification-system>
- The National Police Foundation: <https://www.policefoundation.org/>
- The Police Executive Research Forum: <https://www.policeforum.org/>

In addition, we strongly encourage you to seek the assistance of outside professionals with experience in both law enforcement and data analysis to work with you in creating a new or revised early warning system that is effective and reliable. This is a critical task that requires specialized expertise, and given JPD's size, it may not be cost effective for the Department to develop this capacity internally.

Our investigation is ongoing and we will provide a report of our findings when it is complete. We look forward to highlighting JPD's progress toward a successful early warning system in that report, and we urge the City and JPD to begin that process as soon as possible.

For the State of Illinois,

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