

8 November 2023

Honorable Michael D. Rodriguez
Chairperson, Workforce Development Committee
Chicago City Council
121 N. LaSalle St.
Chicago, IL 60602



Honorable Jeylu Gutierrez
Vice Chair, Workforce Development Committee
Chicago City Council
121 N. LaSalle St.
Chicago, IL 60602

cc: Chicago City Council, the Honorable Mayor Brandon Johnson

re: Vote NO on Arbitrator's Ruling As It Relates to Police Misconduct Cases

Dear Chairperson Rodriguez, Vice Chair Gutierrez, and Chicago Alderpersons:

We write to you on behalf of Color Of Change, one of the nation's foremost racial justice organizations with millions of members nationwide, including over 45,000 members in Cook County and Southsiders Organized for Unity and Liberation (SOUL), an independent grassroots, multi-issue, power organization that addresses community issues on Chicago's South Side and South Suburbs, along with several other undersigned local civil rights and community organizations. **Our organizations – powered by our members who live and vote in communities across Chicago – urge you to protect existing mechanisms for transparency by rejecting arbitrator Edwin Benn's ruling that would allow Chicago Police Department (CPD) officers accused of serious misconduct to have their cases reviewed behind closed doors instead of before the Police Board.**

For more than 60 years, the Police Board has been responsible for reviewing and making decisions on CPD disciplinary matters severe enough to warrant firing or a suspension of one year or more. These cases range from charges of unjustified police-involved shootings to other allegations of significant misconduct, including excessive force, sexual misconduct, and illegal searches. Because the Police Board is an independent, impartial body that employs due process and is open to the public, it is critically important to reject attempts to circumvent the existing infrastructure for an alternative process that can be kept secret from the public. This potential alternative undermines accountability and community trust.

As you know, the Chicago Fraternal Order of Police (FOP) and the City of Chicago have been in active negotiations over a new police contract. Earlier this year, arbitrator Edwin Benn ruled that officers facing dismissal or suspensions over a year could bypass the Police Board and move their proceedings behind closed doors. In the wake of Benn's decision, the FOP swiftly filed a motion with the Police Board to transfer or stay 22 pending cases, indicating officers'

intentions to have their cases heard away from the public.¹ **The arbitrator's ruling pushes back the clock on police accountability at a time when more – not less – transparency is needed, particularly for community trust in the process of handling serious allegations of police misconduct.** Police Board President Ghian Foreman shared the same sentiment recently, declaring, "Police accountability and, ultimately, the people of Chicago will suffer if the most serious police disciplinary cases are removed from the Police Board's jurisdiction, which is what will happen if this decision is allowed to stand."²

Approving this measure will have devastating repercussions for Black and Latinx Chicagoans, particularly as lack of accountability is one of the major drivers for the culture of misconduct that plagues the CPD.³ It has been more than six years since the U.S. Department of Justice concluded a civil rights investigation of the Chicago Police Department, which confirmed what many Chicagoans already knew — that CPD routinely violates the civil rights of Black and Latinx people, including excessive force, racially discriminatory conduct and a "code of silence" to thwart investigations into police misconduct.⁴ The report said excessive force falls "heaviest on Black and Latin[x] communities," with police using force almost 10 times more often against Blacks than whites.⁵ The City of Chicago entered into a federal consent decree with the U.S. Department of Justice following the civil rights investigation into CPD, agreeing to overhaul its policing policies in a number of important areas, including accountability and transparency.⁶ Nearly five years later, CPD has fully complied with only 6% of the requirements.⁷

It is unconscionable to consider rolling back the historically limited infrastructure of accountability and transparency currently in place to address serious police misconduct considering the systematic and ongoing nature of police misconduct. According to a WTTW News analysis from August 2023, between 2019-2021, the City of Chicago spent nearly \$200 million to resolve lawsuits alleging more than 1,000 Chicago police officers committed a wide range of misconduct, including false arrest and excessive force.⁸ The analysis showed that cases involving at least one officer with repeated claims of misconduct accounted for 47% of the cost borne by taxpayers to resolve police misconduct cases between 2019 and 2021.⁹ Twenty-six officers were named in three lawsuits, including former Chicago Police Detective

¹ Sam Charles, "CPD union pushes to remove 22 serious disciplinary cases from police board's docket" *Chicago Tribune*, 17 August 2023, <https://www.chicagotribune.com/news/criminal-justice/ct-fop-22-cases-20230817-qplh3foynnghbgzpm146hi6cxe-story.html>

² Tom Schuba. "Police board rejects push to move misconduct cases behind closed doors after arbitrator's decision" *Chicago Sun Times*. 26 September 2023.

<https://chicago.suntimes.com/crime/2023/9/26/23891767/chicago-police-board-rejects-push-to-move-misconduct-cases-behind-closed-door>

³ Timothy McLaughlin and Renita D. Young. "Chicago police routinely violated civil rights: U.S. Justice Department" *Reuters*. 13 January 2017. <https://www.reuters.com/article/us-chicago-police/chicago-police-routinely-violated-civil-rights-u-s-justice-department-idUSKBN14X1YR>

⁴ Ibid.

⁵ Ibid.

⁶ "Consent Decree." *Official Website for the City of Chicago*. <https://www.chicago.gov/city/en/sites/police-reform/home/consent-decree.html#>

⁷ Margaret A. Hickey. "Independent Monitoring Report 8 and Comprehensive Assessment Part I" *Chicago Police Department Consent Decree: Independent Monitoring Team*. 1 November 2023 <https://cpdmonitoringteam.com/wp-content/uploads/2023/11/2023.11.01-Independent-Monitoring-Report-8-and-Comprehensive-Assessment-Part-I-website.pdf>

⁸ Ibid.

⁹ Heather Cherone and Jared Rutecki. "Repeated Police Misconduct."

Reynaldo Guevara, who has been accused of framing more than 50 Chicagoans, including at least one woman who was sentenced to death based on evidence he collected.¹⁰ Against this backdrop, the FOP's very own president, John Catanzara, who resigned from the force while facing termination before the Police Board for nearly a dozen violations,¹¹ claims that "public workers in unions are already afforded the same option and police are being held to another standard." **Police officers should be held to the *highest* standards of accountability and transparency, particularly because of their qualified immunity protections and the decades of documented abuses that Black, Latinx, and low-income Chicagoans have faced because of the officers' abilities to violate the Fourth Amendment and other constitutional rights with impunity.**

Even though progress on Chicago's growing oversight infrastructure has been frustratingly slow, a recently penned op-ed by Invisible Institute and Craig Futterman, a clinical professor of law at the University of Chicago School of Law states, "We [now] have a degree of transparency into the workings of different parts of the system that would have been all but unimaginable a decade ago." They also are adamant that "forces within the CPD have steadfastly resisted change" and "the FOP has fought these changes at every turn."¹² We call on all Alderpersons to oppose the FOP's attempt to reverse course on accountability and transparency. The Police Board recently has been strengthened through the creation of the Community Commission for Public Safety and Accountability (CCPSA), which makes the Police Board subject to public oversight, in addition to the new power to initiate proceedings to remove board members who fail to carry out their duties competently and impartially.¹³

In September, the Police Board voted to retain jurisdiction over the 22 disciplinary cases the FOP sought to move behind closed doors after Benn's non-binding ruling. They also rejected the request to stay the cases. Additionally, Mayor Johnson recently called for Alders to "reject this measure when it comes up in the coming weeks."¹⁴ We applaud both the Police Board and Mayor Johnson for their commitment to opposing this ruling.

We strongly urge the Chicago City Council to stand with Mayor Johnson, the Police Board president and the broader community by rejecting this measure when it comes up for a vote,

¹⁰ Ibid.

¹¹ Max Blaisdell. "Hundreds of Chicago cops can't testify in court." The TRIIBE. 23 May 2023.

<https://thetriibe.com/2023/05/hundreds-of-chicago-cops-cant-testify-in-court/>

¹² Craig B. Futterman and Jamie Kalven. "Chicago police's pending contract will subvert advances in accountability." Chicago Tribune. 27 October 2023.

<https://www.chicagotribune.com/opinion/commentary/ct-opinion-chicago-reject-police-contract-accountability-20231027-bzy2a4voi5cp5aza6ftznv27lu-story.html>

¹³ Craig B. Futterman and Jamie Kalven. "Chicago police's pending contract will subvert advances in accountability." Chicago Tribune. 27 October 2023.

<https://www.chicagotribune.com/opinion/commentary/ct-opinion-chicago-reject-police-contract-accountability-20231027-bzy2a4voi5cp5aza6ftznv27lu-story.html>

¹⁴ Sam Charles and Alice Yin. "Mayor Brandon Johnson to split Chicago police union contract into two votes, citing issue with disciplinary provisions." *Chicago Tribune*. 24 October 2023.

<https://www.chicagotribune.com/politics/ct-chicago-fraternal-order-of-police-contract-city-council-20231024-gvmlnwh7ffknlf7edspch6z7a-s-tory.html>

whether it is separately taken up or as part of the broader contract agreement. Chicago's City Council has the power to ensure that transparency remains one of the highest priorities as it relates to addressing serious police misconduct allegations. We urge you to use that power to oppose this disastrous attempt to turn back the tide on transparency and accountability as it relates to officers sworn to protect and serve the city of Chicago.

If you have any questions, please feel free to contact Queen Adesuyi, Policy Strategist at Color Of Change (queen.adesuyi@colorofchange.org) or Tanya Watkins, Executive Director at SOUL (tanya@soulinchicago.org).

Sincerely,

Chicago Alliance Against Racist and Political Repression
Chicago Appleseed Center for Fair Courts
Chicago Council of Lawyers
Color Of Change
Faith in Action
Impact for Equity
The League of Women Voters of Chicago
NCOBRA Chicago Chapter
NCOBRA National Youth Commission
Network 49
ONE Northside
The People's Lobby
Southsiders Organized for Unity and Liberation (SOUL)