

No. 132241

IN THE SUPREME COURT OF ILLINOIS

CHICAGO JOHN DINEEN LODGE #7,	)	
	)	On Appeal from the
Appellant,	)	Appellate Court of Illinois
	)	First Judicial District
v.	)	No. 1-24-0875
	)	
CITY OF CHICAGO, DEPARTMENT of	)	
POLICE, BRANDON JOHNSON, in his	)	
Official Capacity as MAYOR, LARRY	)	On Appeal from the Circuit
SNELLING, in his Official Capacity as	)	Court of Cook County,
Superintendent of the Chicago Police	)	Chancery Division
Department, and THE CHICAGO CITY	)	Case No. 2024 CH 00093
COUNCIL,	)	Hon. Michael T. Mullen,
	)	Judge Presiding
Appellees.	)	

**AMICUS CURIAE BRIEF OF ORGANIZATIONS AND COMMUNITY
LEADERS THAT REPRESENT VICTIMS AND SURVIVORS OF
CHICAGO POLICE MISCONDUCT, GOOD GOVERNMENT GROUPS,
AND LOCAL NON-PROFIT JOURNALISTS**

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INTEREST OF THE AMICI CURIAE

Amici are a diverse coalition of community, civil rights, and legal aid organizations, civic groups, and community leaders whose members, clients, constituents, family members, and friends have been subjected first-hand to police misconduct in Chicago. Amici also include good government groups, journalists, and data scientists with in-depth knowledge of the harms resulting from the absence of police transparency and accountability, particularly suffered by communities disparately impacted by Chicago police abuse. Amici, listed and described in the Appendix, are uniquely positioned to speak to the practical importance of an open and effective system for police accountability in Chicago. Amici have crucial insight into the effects of enforced secrecy surrounding Chicago police misconduct proceedings. Moving disciplinary proceedings concerning the most severe police misconduct behind closed doors would shield those proceedings from the disinfecting sunlight of public scrutiny. This would prevent the State and people of Illinois from remedying the Chicago Police Department's ("CPD") pattern and practice of excessive and discriminatory force. It would allow police abuses to continue unchecked, impair public safety, and inflict grave harm on Amici and our neighbors.

SUMMARY OF ARGUMENT

Amici ask this Court to affirm the appellate court's decision requiring that CPD misconduct proceedings must be held in public given Illinois'

overriding public policy favoring police transparency and accountability and providing a framework for remedying patterns of police misconduct that violate the State's most fundamental laws. The Arbitrator's underlying award ("the Award") to the Fraternal Order of Police ("FOP") sets a radical precedent that would reverse a decade of slow and halting progress made by the City of Chicago ("the City") toward police transparency and accountability by sending police misconduct back behind closed doors where it was allowed to fester for decades. The appellate court correctly affirmed the trial court's finding that the powerful public interest in transparency and accountability in cases involving severe police misconduct requires serious police misconduct proceedings to be held in public.

The appellate court's decision may also be upheld on the grounds that the Award's disregard of the public interest in CPD transparency and accountability and in remedying violations of the Illinois Constitution is arbitrary and capricious.

ARGUMENT

I. Historical and Legal Context

The stakes of this appeal could not be greater. They include the right of the public to monitor the police, CPD transparency and accountability, the ability of the State and people of Illinois to remedy a pattern and practice of Illinois and federal constitutional violations by CPD, and the very safety of the people of Chicago. The appellate court correctly found that the State of Illinois has a dominant and well-defined policy of police transparency and

accountability in Chicago, requiring proceedings in the most serious cases of police misconduct to be conducted openly.

On the evening of October 21, 2014, Chicago police officer Jason Van Dyke fired 16 gunshots into the body of 17-year-old Laquan McDonald. Police dashcam video showed Laquan backing away from Officer Van Dyke as Van Dyke shot him. The boy fell and lay helpless on the ground. Van Dyke then aimed his gun at and emptied his magazine into Laquan's body. 16 shots. It looked like an execution. The City hid that video—and with it the truth—about Laquan's murder for more than a year, while CPD simultaneously presented a false narrative that Van Dyke shot Laquan in self-defense.¹ But the footage—and Van Dyke's empty magazine—told a different story. The City's staunch resistance to transparency and refusal to release the video were central components to its machinery of denial that long shielded officers from accountability.

Recognizing the State's dominant public policy in police transparency and accountability, then Cook County Circuit Court Judge Franklin U. Valderrama ordered the public release of the video pursuant to the Illinois Freedom of Information Act.²

¹ See Police Accountability Task Force, *Recommendations for Reform: Restoring Trust between the Chicago Police & the Communities They Serve* ("Task Force Report") (Apr. 2016), at 2–4, <https://perma.cc/7PHF-JNK8>.

² *Smith v. Chicago Police Dep't*, No. 2015 CH 11780, slip op. at 17 (Cir. Ct. Cook Cnty. Nov. 19, 2015) (Valderrama, J.) (citation omitted) (stating that the "full and complete disclosure of the affairs of government . . . is necessary

When the truth emerged, widespread public protest ensued, thrusting Chicago back into the national spotlight. Laquan McDonald's murder became a watershed moment. In the wake of the City's cover-up, community members most impacted by CPD abuse (including Amici), along with the Illinois Attorney General, pressed the City to address shortcomings in police transparency and accountability that had long plagued Chicago.

In response, in 2015, the City convened the Police Accountability Task Force, composed of civic leaders, to study and make recommendations to improve police accountability and transparency in Chicago.³ The Task Force identified a "long, sad history of death, false imprisonment, physical and verbal abuse and general discontent about police actions in neighborhoods of color." Task Force Report, *supra* note 1, at 7. It found "systemic and institutional failures going back decades," that manifest in "death and injury at the hands of police," "pervasive physical and verbal abuse," "deprivations of human and constitutional rights," and "lack of individual and systemic accountability." *Id.* It further determined that CPD's pattern of civil rights violations was facilitated by a long history of racism, an institutionalized code of silence reinforced by CPD rules and policies, and FOP labor agreements that hid police abuse from the public, and a systemic lack of accountability.

to enable the people to fulfill their duties to monitor government"), <https://perma.cc/NG79-866Q>.

³ See City of Chicago, *Mayor Emmanuel Announces Task Force on Police Accountability* (Dec. 1, 2015), <https://perma.cc/98U5-EWZK>.

Id. at 4.

Following Task Force recommendations, the City established the Civilian Office of Police Accountability (COPA) to investigate complaints of CPD misconduct and serious uses of force and a Deputy Inspector General for Public Safety to “enhance transparency, accountability, and quality of [CPD] oversight.” Chi., Ill., Ordinance in Relation to Police Oversight, Establishment of COPA and PSD (Oct. 5, 2016); Chi. Mun. Code §§ 2-78-110, 2-56-210 (2016). The Task Force found that the prior city agency that investigated police misconduct was “plagued by serious structural and procedural flaws that made real accountability nearly impossible” and operated as a critical component of the City’s machinery of denial. Task Force Report, *supra* note 1, at 10.

The national attention following the forced release of the video of Officer Van Dyke’s murder of Laquan McDonald brought the U.S. Department of Justice (“DOJ”) to Chicago to undertake the largest civil rights investigation into a police department in its history.⁴ In 2017, the DOJ, like Chicago’s Police Accountability Task Force, found that CPD’s lack of public accountability, code of silence, deficient investigations into police misconduct, and failure to identify and deter abusive officers contributed to a pattern and

⁴ See Lisa Fielding, *U.S. Attorney: Fed Probe Into Chicago Police Department Is Biggest Ever, Ongoing*, CBS News (Sept. 26, 2016), <https://perma.cc/H9LR-3CXZ>.

practice of excessive force disproportionately targeting African Americans.⁵ The DOJ Report highlighted the role that CPD's lack of transparency played in facilitating systemic abuse, finding that it "has contributed to CPD's failure to identify and correct unlawful practices" and has bred "distrust between CPD and the public."⁶ These conditions led the State of Illinois to bring a lawsuit against the City in 2017, modeled after two community-based lawsuits brought by members of Amici,⁷ to redress CPD's pattern and practice of state and federal constitutional violations and violations of the Illinois Civil Rights and Human Rights Acts, and to safeguard Illinois' dominant public policy of transparency and accountability in policing.⁸

In 2019, the State of Illinois won a civil rights consent decree ("Consent Decree") over CPD that reflects these dominant policies of transparency and accountability, identifying them as the primary antidotes to end CPD's pattern of civil rights violations and improve public safety.⁹ The Amici who had brought the earlier community-based lawsuits were

⁵ See U.S. Dep't of Justice, Investigation of the Chicago Police Department ("DOJ Report") 68–69, 74–84, 145 (Jan. 13, 2017), <https://perma.cc/U927-G6WL>.

⁶ *Id.* at 12.

⁷ See Complaint, *Campbell v. City of Chicago*, No. 1:17-cv-04467, ECF No. 1 (N.D. Ill. June 14, 2017); *Communities United v. City of Chicago*, No. 1:17-cv-07151, ECF No. 1 (N.D. Ill. Oct. 4, 2017).

⁸ See Complaint, *State of Ill. v. City of Chicago*, No. 1:17-cv-06260, ECF No. 1 at 7 (N.D. Ill. Aug. 29, 2017).

⁹ See Consent Decree, *State of Ill. v. City of Chicago*, No. 17-cv-06260, ECF No. 703-1, ¶¶ 419–23 (N.D. Ill. Jan. 31, 2019) *available at* <https://perma.cc/JAM9-HYC4>.

granted the power to enforce the Consent Decree.¹⁰

While far from sufficient, the City had made real progress toward transparency and police accountability in the years following the release of the horrific video of Laquan McDonald's murder. Beginning in 2015, instances of Chicago police killing and using violence against civilians decreased, and more officers were held accountable for abuses. In addition, the City established the Community Commission for Public Safety and Accountability to create community oversight over CPD.¹¹ The Chicago Police Board, the public body that has heard the most serious CPD misconduct cases in public hearings since 1961,¹² became subject to community oversight and has become more accountable to the public.¹³

¹⁰ *Id.* ¶ 709.

¹¹ *See* Chi. Mun. Code § 2-80-030 (2021) (following Task Force recommendations incorporated into the Consent Decree, in 2021 the City established the Community Commission for Public Safety and Accountability (CCPSA) to enhance community oversight, transparency, and accountability of CPD and the bodies that address complaints of police misconduct.).

¹² Chicago City Council established the Police Board on March 2, 1960, to address rampant CPD misconduct in the wake of the infamous Summerdale scandal, in which a group of officers had engaged in a pattern of robberies of community members with impunity. Journal of City Council Proceedings - (1959–60), at 2058–60. In 1961, the City gave the Chicago Police Board the responsibility to decide cases in which the City had found that Chicago police officers had committed serious misconduct. Ralph Knoohuizen, *The Chicago Police Board* (Chi. L. Enft Study Grp. 1973), at 4–5, <https://www.documentcloud.org/documents/2997714-1973-Chicago-Police-Board#document/p11> (last visited Mar. 26, 2026), citing Chi. Mun. Code §§ 11-1 to 11-5 (as amended June 30, 1961) (giving the Police Board the “responsibility to handle cases involving severe disciplinary action”).

¹³ Chi. Mun. Code §§ 2-80-080(c), 2-80-090, 2-80-100. CPD accountability

This progress now threatens to unravel. Amidst a drastic rise in CPD violence since 2022,¹⁴ the City's mechanisms for accountability are under assault. The Award, which would send the most serious CPD misconduct cases back into secrecy, would upend a more than 60-year history in which these cases have been decided in public "trial-like" hearings before the Chicago Police Board—decades in which journalists, researchers, and community members have attended hearings, reviewed transcripts and written decisions of the Board, and analyzed trends and data from these proceedings.¹⁵ The Award would allow CPD officers to evade public hearings before the Police Board and instead choose closed-door hearings before private arbitrators who have a record of protecting CPD officers from accountability.

Just as the City's efforts to operate in secrecy to cover up Laquan McDonald's murder contravened fundamental Illinois public policy a decade ago, the Award granting the FOP's request to push serious police misconduct

before the Board also notably increased as a result of greater transparency and public scrutiny following the release of the video of Officer Van Dyke's killing of Laquan McDonald. Between 2016 and 2021, more than 80% of the firing cases before the Board led to termination of employment as compared to about 50% between 2011 and 2015. Sam Stecklow et al., *Arbitrating Police Terminations Could Result in a 'Decade of Police Impunity,'* Chicago Reader (Nov. 5, 2023), <https://perma.cc/8DYM-KY9V>.

¹⁴ See *infra* Part III.C.; Chicago Police, Tactical Review and Evaluation Division Reports, <https://www.chicagopolice.org/statistics-data/statistical-reports/tactical-review-and-evaluation-division-reports/> (last visited Feb. 19, 2026).

¹⁵ See Stecklow et al., *supra* note 13.

proceedings behind closed doors walled off from public scrutiny violates Illinois public policy today. This Court should affirm the appellate court's finding that the Award violates public policy.

II. Standard of Review

While an arbitrator's findings are generally subject to substantial deference, courts not only have the power but also the responsibility to overturn an arbitration award when it is "repugnant to established norms of public policy." *City of Chicago v. Fraternal Order of Police*, 2020 IL 124831, ¶ 25 (citing *Am. Fed'n of State, Cnty. & Mun. Emps. v. Dep't of Cent. Mgmt. Servs.*, 173 Ill. 2d 299, 306 (1996)). This Court reviews *de novo* the appellate court's ruling that the Award violates public policy, because it is a question of law. *See Fraternal Order of Police*, 2020 IL 124831, ¶ 26.

An arbitration award must also be overturned when it is arbitrary or capricious. *See Town of Cicero v. Ill. Ass'n of Firefighters, IAFF Local 717 AFL-CIO*, 338 Ill. App. 3d 364, 372 (1st Dist. 2003). An arbitrator's award is arbitrary or capricious when it "entirely fails to consider an important aspect of the problem." *Id.*

III. The Arbitration Award is Repugnant to Dominant Illinois Public Policy.

The appellate court correctly affirmed the trial court's determination that the Award must be modified. Moving the most serious police misconduct cases behind closed doors violates Illinois' public policy. Our State's policy, established through our Constitution, statutes, precedents, and practices,

requires police transparency and accountability. Closed-door hearings contravening this state public policy would allow Chicago police to perpetuate a pattern of constitutional violations without accountability.

A. Well-defined and dominant Illinois public policy favors constitutional policing, police transparency, and accountability.

More than a century ago, this Court explained that “[t]he public policy of the state or of the nation is to be found in its Constitution and its statutes, and when cases arise concerning matters upon which they are silent, then in its judicial decisions and the constant practice of the government officials.” *Zeigler v. Ill. Trust & Sav. Bank*, 245 Ill. 180, 193 (1910). Applying this standard, Illinois’ Constitution, statutes, judicial decisions, and the practice of government officials, collectively establish a dominant and well-defined public policy of constitutional policing, police accountability, and transparency. The State’s remedial framework embedded in its Constitution, statutes, judicial decisions, and practice further illustrates its dominant policy in remedying CPD’s pattern of unconstitutional policing.

The Illinois Constitution strictly prohibits excessive force and racial discrimination. *See* Ill. Const., art. I, § 6 (prohibiting unreasonable searches and seizures); Ill. Const. art. I, § 2 (guaranteeing the right to equal protection under the law).

State statutes also implement stringent restrictions on police use of force and prohibit discriminatory policing. *See* 720 ILCS 5/7-5 (restricting force to that which is necessary to make an arrest and restricting deadly force to

circumstances in which such force is necessary to prevent death or great bodily harm); Illinois Civil Rights Act of 2003, 740 ILCS 23/5(a)–(c) (prohibiting police practices that have a discriminatory effect on protected groups and authorizing individuals to bring civil actions).

In recognition of and to provide a remedy for CPD’s pattern of police torture, the State of Illinois enacted the Torture Inquiry and Relief Commission Act, which created a state agency to investigate CPD torture and provide relief to people with credible claims that torture contributed to their criminal convictions. *See* 775 ILCS 40/1 *et seq.* (Illinois Torture Inquiry and Relief Commission Act). As the legislature recognized the need for transparency for these grave CPD abuses, any hearing conducted by the Commission must be public and conducted pursuant to the Open Meetings Act. *See* 775 ILCS 40/45(a).

Illinois has further demonstrated that police accountability cannot be solely left to local employment decisions by vesting exclusive statewide authority over law enforcement certification and decertification in the Illinois Law Enforcement Training Standards Board. *See* 50 ILCS 705/1 *et seq.* Critically, certification and decertification procedures are “the sole and exclusive procedures” for law enforcement certification in Illinois, expressly providing that those procedures are “not subject to collective bargaining” under the Illinois Public Labor Relations Act. 50 ILCS 705/6.7. The Board can decertify police officers who have committed serious misconduct such as

excessive use of force, failure to intervene, or making false statements. 50 ILCS 705/6.3(b-5). These accountability mechanisms are reinforced by mandatory reporting and centralized tracking of professional misconduct. Highlighting the State’s dominant policy in police transparency and accountability, the Board must maintain public-facing searchable databases reflecting officers’ certification status and completed decertification investigations. 50 ILCS 705/9.2(d)–(e).

The Illinois General Assembly similarly stressed dominant State policy in police transparency and accountability and remedying constitutional violations by police when enacting the Law Enforcement Officer-Worn Body Camera Act. 50 ILCS 706/10-5. In defining the purpose of the Act, the law states that the “General Assembly recognizes that trust and mutual respect between law enforcement agencies and the communities they protect and serve are essential to effective policing and the integrity of our criminal justice system [U]ses of officer-worn body cameras will help collect evidence while *improving transparency and accountability*, and strengthening public trust.” *Id.* (emphasis added). And of course, Illinois’ policy favoring police accountability and transparency is firmly embedded in the Freedom of Information Act, which states that “it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government,” and that “it is a fundamental obligation of government to operate openly.”

5 ILCS 140/1.

Collectively, these legislative enactments do not merely regulate police conduct. They establish that the substantive limits on police authority, the professional consequences for violating those limits, and the transparency mechanisms for reviewing alleged violations are all matters of dominant and well-defined public policy.

Alongside the legislature, Illinois courts have long recognized the special importance of transparency and accountability when it comes to policing. As the Illinois Supreme Court stressed more than 40 years ago, “There is no public policy more important or more fundamental than the one favoring the effective protection of the lives and property of citizens.”

Palmateer v. Int’l Harvester Co., 85 Ill. 2d 124, 132 (1981). In recognition of this clear and dominant policy, Illinois courts have repeatedly emphasized the importance of public transparency and accountability in police misconduct proceedings. In *Fraternal Order of Police*, 2020 IL 124831, ¶ 44, the Illinois Supreme Court ruled that an arbitrator’s award to the FOP that required the destruction of police misconduct proceedings records violated Illinois public policy. Finding the Award void and unenforceable, the Court confirmed that Illinois has “a well-defined and dominant public policy rooted in state law concerning the procedures for the proper retention and destruction of government records.” *Id.* ¶¶ 37, 44 (quotation marks omitted).

In *Fraternal Order of Police v. City of Chicago*, 2016 IL App (1st)

143884, ¶ 54, *petition for leave to appeal denied*, 406 Ill. Dec. 321, 60 N.E.3d 872 (Ill. 2016), the First District overturned an injunction blocking the public release of more than 50 years of CPD misconduct records to Chicago news organizations. The Court ruled that, to comply with FOIA’s mandate favoring government transparency, records concerning investigations of CPD misconduct must be open to the public. *Id.* The Court ordered the public release of records from 1967 through the date of the request in late 2015. *Id.* ¶¶ 4, 54.

In *Gekas v. Williamson*, 393 Ill. App. 3d 573 (4th Dist. 2009), *superseded by statute on other grounds*, 5 ILCS 140/7(1)(n), the Fourth District Appellate Court similarly highlighted the importance of state public policy in transparency of police misconduct proceedings when ruling that records of those proceedings must be public even when the law enforcement agency finds that no abuse occurred:

To monitor the Sangamon County sheriff’s office to ensure it is being conducted in the public interest, citizens might want to see whether the Division is performing a fair and objective investigation of complaints. They might want to see whether complaints that the Division determined to be unfounded are really unfounded. Obviously, citizens cannot perform this critique (which section 1 calls nothing less than the people’s “duty”) if so-called “unfounded” complaints are exempt from disclosure for the tautological reason that the public body decided they were unfounded. Such an exemption would throw a cloak over potential wrongdoing and insulate officials from political accountability.

Id. at 585. *See also Better Gov’t Ass’n v. Blagojevich*, 386 Ill. App. 3d 808, 818 (4th Dist. 2008) (finding that “[t]he legislature has concluded that the sunshine of public scrutiny is the best antidote to public corruption, and

Illinois courts are duty-bound to enforce that policy”).

Illinois courts have also repeatedly recognized the well-defined and dominant state public policy of limiting unconstitutional use of force and other abuse by police. *See, e.g., City of Des Plaines v. Metro. All. of Police, Chapter No. 240*, 2015 IL App (1st) 140957, ¶ 24 (confirming that Illinois has a “well-defined and dominant public policy . . . against police officers unnecessarily using force against prisoners and being dishonest about that use of force during a subsequent investigation”); *Decatur Police Benevolent & Protective Ass’n Lab. Comm. v. City of Decatur*, 2012 IL App (4th) 110764, ¶ 44 (recognizing that it would be “repugnant” to state public policy to continue employing an officer who has been found to be abusive and untruthful); *City of Springfield v. Springfield Police Benev. & Protective Ass’n, Unit No. 5*, 229 Ill. App. 3d 744, 751 (4th Dist. 1992) (stating that “the use of excessive force by law enforcement officers is against public policy”); *City of Aurora v. Ass’n of Prof’l Police Officers*, 2019 IL App (2d) 180375, ¶ 68 (holding “there is a well-defined and dominant public policy in favor of holding police officers accountable for their off-duty conduct” in a disciplinary case against a police officer who unlawfully placed hidden surveillance cameras in his ex-wife’s home).

As United States District Court Judge Joan Humphrey Lefkow observed, “The public has a significant interest in monitoring the conduct of its police officers and a right to know how allegations of misconduct are being

investigated and handled.” *Bond v. Utreras*, No. 04-cv-2617, 2007 WL 2003085, at *3 (N.D. Ill. July 2, 2007), *rev’d on other grounds*, 585 F.3d 1061 (7th Cir. 2009). Judge Lefkow further emphasized that “[w]ithout such information, the public would be unable to supervise the individuals and institutions it has entrusted with the extraordinary authority to arrest and detain persons against their will. With so much at stake, [police] simply cannot be permitted to operate in secrecy.” *Id.*

The State’s dominant and well-defined public policy of constitutional policing and police transparency and accountability is also evident in the State’s efforts to secure the federal court Consent Decree governing the Chicago Police Department, the Police Board, and COPA. *See* Memorandum Op., Circuit Court, C. 1840. Following the release of the DOJ Report in 2017, discussed above, the State of Illinois sued the City, alleging that CPD had been engaged in a decades-long practice of excessive force disparately impacting the City’s African American and Latino residents in violation of the U.S. Constitution and Illinois law. *See* Complaint, *State of Ill. v. City of Chicago*, No. 1:17-cv-6260, ECF No. 1 at ¶¶ 32, 35. To remedy these violations, the State, consistent with its dominant public policy, negotiated the Consent Decree that, among other steps, requires CPD to “increase and promote transparency in matters of police accountability.” C. 1840. The governing provisions of the Decree cited by the Circuit Court center accountability and transparency as primary remedies and further

demonstrate that “it is clear that accountability and transparency as it relates to the CPD is a well-defined and dominant public policy of the State of Illinois.” *Id.* (quoting ¶¶ 419, 420, 422, 531, 544, and 554 of the Consent Decree). *See also* Consent Decree, *supra* note 9, ¶ 421 (emphasizing the importance of open and accessible process for addressing police misconduct complaints to build trust in the police).

In this case, the appellate court correctly concluded that the State of Illinois has a dominant public policy—established through its Constitution, statutes, judicial opinions, and efforts to secure the CPD Consent Decree—in transparency and accountability in police misconduct proceedings to remedy CPD’s pattern of constitutional violations.

B. Chicago’s past refusal to enforce police accountability and transparency has resulted in decades of harm to Amici, our families and our neighbors and the loss of public safety.

Amici know, based on decades of first-hand experience, that secrecy breeds impunity for police officers. CPD’s closed door practices that prompted the Consent Decree allowed abusive police officers to believe that they were above the law and free to target the most vulnerable among us for repeated abuse. Amici viscerally understand the stakes in this appeal: how much transparency and accountability matter, and why police transparency and accountability are dominant public policy in the State of Illinois. CPD impunity has left a trail of trauma throughout the communities represented by Amici. Lives have been ruined and lost, families have been ripped apart,

and people have been robbed of their most fundamental freedoms. This impunity has eroded CPD's ability to solve violent crime, making Amici and our families less safe. In addition, it has cost Amici and our neighbors hundreds of millions of taxpayer dollars.

In 2017, the DOJ found that CPD had been engaged in a pattern and practice of unlawful violence, including deadly violence, disproportionately directed toward Black people. DOJ Report, *supra* note 5, at 5, 15. In late 2015, when CPD was forced to release the video depicting the reality of Laquan McDonald's murder by Officer Jason Van Dyke, CPD had been shooting people on average more than once a week. *See* Task Force Report, *supra* note 1, at 7, 35. Seventy-five percent of the people shot by CPD were Black. *See* Complaint, *State of Ill. v. City of Chicago*, No. 1:17-cv-06260, ¶ 62; Task Force Report, *supra* note 1, at 7. Nonetheless, only one of the hundreds of CPD shootings was found to be unjustified by the City.¹⁶ In the decade preceding the release of the video, nearly 90% of CPD's 67,000 documented uses of force were against people who are Black or Latinx.¹⁷ According to CPD's own data, the Department used force against young Black men at nearly 14 times the rate as that against young white men.¹⁸ Yet, the City

¹⁶ Jessica Lussenhop, *How a Whistleblower Brought Down Chicago Police Chief*, BBC Magazine (Dec. 3, 2015), <https://perma.cc/ZHM3-MG4Y>.

¹⁷ Andrew Fan, *Chicago Police Are 14 Times More Likely to Use Force Against Young Black Men Than Against Whites*, The Intercept (Aug. 16, 2018), <https://perma.cc/MF99-4YJV> (using CPD misconduct data to analyze trends and racial disparities in police use of force).

¹⁸ *Id.*

sustained complaints of excessive force against Black people at less than one-third the rate that it did against white people. *See* DOJ Report, *supra* note 5, at 68–69.

Aggregate CPD misconduct data similarly shows that racial discrimination festered within Chicago’s accountability proceedings, largely because they operated in secret. Chicagoans filed over 30,000 misconduct complaints against CPD officers in the five years preceding the release of the Laquan McDonald video. Because of the City’s machinery of denial operating in direct violation of Illinois public policy, only 1.4% were sustained, “resulting in no discipline in 98% of these complaints.” DOJ Report, *supra* note 5, at 7, 68. The Chicago Police Board overturned or reduced discipline in nearly 50% of the few sustained cases in which the City sought to fire or suspend an officer for longer than a year. *See* Stecklow et al., *supra* note 13. In those years, while Black people filed three times more complaints of abuse at the hands of Chicago police, white people were seven times more likely to have their complaints sustained than Black people.¹⁹

A common thread behind these disparities, which represent an unspeakable amount of human pain and suffering to Amici and our neighbors, is that CPD’s systemic denial and secrecy surrounding allegations of police misconduct conferred impunity on officers who perpetrated repeated

¹⁹ Adeshina Emmanuel & Jonah Newman, *Police Misconduct Complaints by Whites More Likely to be Upheld*, Chicago Reporter (Nov. 10, 2015), <https://perma.cc/M7CS-FVME>.

abuse—from Jon Burge to Jason Van Dyke. In many cases, the full extent of the atrocities committed at the hands of these officers was not known until many years later, as the lack of transparency made public scrutiny and accountability impossible. Abusive officers were allowed to repeatedly target vulnerable people without fear of consequence, flagrantly defying Illinois’ dominant public policies of transparency and accountability.²⁰ Each of these cases demonstrates the same truth: without the transparency that Illinois public policy mandates, officers believe they can act with impunity to terrorize the most vulnerable amongst us.

1. Chicago Police Torture under Commander Jon Burge

From the early 1970s through the early 1990s, Chicago police engaged in a documented pattern of torture to extract confessions from Black people in CPD interrogation rooms on the South Side of Chicago under the leadership of Commander Jon Burge.²¹ Burge’s brutal techniques included the use of a black box generating electricity with wires attached to people’s

²⁰ Craig Futterman, Melissa Mather, & Melanie Miles, *The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police Department’s Broken System*, 1 DEPAUL J. SOC. JUST. 251, 289 (2008) (using statistical research to demonstrate how secrecy and the systemic “machinery of denial” in CPD’s culture and procedures for addressing police abuse have enabled officers who accumulated repeated complaints of misconduct to “operate . . . with impunity”).

²¹ See John Conroy, *The Police Torture Scandals: A Who’s Who*, Chicago Reader (June 15, 2006), <https://perma.cc/K8MX-Y3NC>; *U.S. ex rel. Maxwell v. Gilmore*, 37 F. Supp. 2d 1078, 1094 (N.D. Ill. 1999) (“It is now common knowledge that in the early to mid-1980s Chicago Police Commander Jon Burge and many officers working under him regularly engaged in the physical abuse and torture of prisoners to extract confessions.”).

extremities including their ears and genitalia, a cattle prod, handcuffing people to scalding hot radiators, suffocating people with plastic typewriter covers, sadistic games of Russian Roulette, and beatings with phone books designed not to leave visible marks.²² Nearly 200 Black men have complained of torture by detectives working under Burge. *See* Conroy, *supra* note 21. Dozens of those men have had their convictions overturned after being unjustly incarcerated for more than a decade.²³ Amici's communities have been devastated by Burge's ring of torture. While the human costs to the people tortured and imprisoned and their family members are incalculable, more than \$210 million have been paid by Illinois taxpayers in the aftermath of the Burge torture cases.²⁴ And counting. Despite repeated complaints, CPD's denial and secrecy about CPD misconduct allowed Burge and his associates to torture the most marginalized people in Chicago for decades with impunity.²⁵

2. Coerced Confessions by Detectives Boudreau and Cassidy

Chicago police detectives, knowing that they were protected by CPD's

²² Tracy Siska, *The Chicago Police Used Appalling Military Interrogation Tactics for Decades*, The Guardian (Feb. 19, 2015), <https://perma.cc/BP8T-F5LZ>.

²³ Kim D. Chanbonpin, *Truth Stories: Credibility Determinations at the Illinois Torture Inquiry and Relief Commission*, 45 LOY. U. CHI. L. J. 1085 (2014), <https://perma.cc/SS8M-F7S7>.

²⁴ Flint Taylor, *Burge Torture Taxpayer Tab Eclipses \$210M – and Counting*, Injustice Watch (June 14, 2022), <https://perma.cc/Z37U-62TX>.

²⁵ *See generally* John Conroy, *Unspeakable Acts, Ordinary People: The Dynamics of Torture* (Univ. of Cal. Press 2001); G. F. Taylor, *A Long and Winding Road: The Struggle for Justice in the Chicago Police Torture Cases*, 17 LOY. PUB. INT. L. REP. 178 (2012), <https://perma.cc/QL6R-J5EG>.

machinery of denial, continued to abuse and extract false confessions from young Black men after Burge left the Police Department. In 1994, Burge protégé Detective Kenneth Boudreau and Detective James Cassidy, both with long histories of complaints of abuse, coerced four teenagers, known as the “Englewood Four,” to give false confessions to the murder and rape of Nina Glover. Despite the absence of any physical evidence against them, the four teenagers, some as young as 15, were forced to endure the next 17 years in prison, robbing their families and them of the primes of their lives. DNA evidence linked a convicted murderer with a history of sexual assault to the brutal crime.²⁶ The mother of one of the wrongfully convicted teens mourned, “That was hard. Actually have your child taken away from you. And he was innocent. And I knew this from the beginning, but what could I do? Not be able to get my child, my baby, my first born, that was hard and it still is. We came through it with the grace of God.”²⁷ City and Cook County taxpayers paid over \$60 million to compensate the teens for the detectives’ abuse.²⁸

In 1998, the same Detective Cassidy preyed on two even younger boys—a 7 and 8-year-old—to extract their false confessions to a notorious

²⁶ CBS Chicago, *‘Englewood Four’ Sue over Wrongful Conviction for 1994 Rape, Murder* (Nov. 15, 2012), <https://perma.cc/S9Y4-T83M>.

²⁷ Byron Pitts, *Chicago: The False Confession Capital*, CBS 60 Minutes (Dec. 19, 2012), <https://perma.cc/2LDF-HDWL>.

²⁸ Gregory Royal Pratt, *\$24 Million Settlement in ‘Englewood Four’ Case on Cook County Agenda*, Chi. Trib. (May 15, 2019), <https://perma.cc/LBT9-EDW7> (noting that Cook County commissioners approved settlements of \$24 million and \$5.6 million, while the City of Chicago paid \$31 million to the Englewood Four).

rape and murder of 11-year-old Ryan Harris. Their convictions were overturned when genetic evidence at the scene made clear that they could not have been responsible.²⁹ Detective Cassidy's and his colleagues' shameless abuse of these little boys ruined the possibility that they would ever have healthy or fulfilling lives. They struggled in school, fearful of returning to a building that reminded them of the police station. One of the boys refused to enter his new school, clinging to his mother with tearful desperation. The other would wake in the middle of the night terrified, often wetting the bed.³⁰ The disastrous effects of this experience lasted long after the convictions were overturned.

In June 2024, the City agreed to a \$50 million settlement because Detectives Cassidy and Boudreau coerced yet another young Black man to falsely implicate himself and three friends in a double murder in the Marquette Park neighborhood of Chicago.³¹ This settlement came nearly 30 years after the crimes for which these men were wrongfully convicted took place.³² Collectively, the four wrongfully convicted men were forced to withstand more than 70 years in prison.³³

²⁹ Phoebe Mogharei, *Untrue Confessions*, Chicago Magazine (Jan. 16, 2019), <https://perma.cc/NT6X-3YD6>.

³⁰ *Id.*

³¹ Quinn Myers, *Chicago Will Pay \$50 Million to 4 Men Wrongfully Convicted of 1995 Murders, Robbery*, Block Club Chicago (June 12, 2024), <https://perma.cc/BWT5-9W59>.

³² *Id.*

³³ *Id.*

3. *Detective Guevara's Victims*

As Burge's disciples continued to torture young Black men in the cover of CPD interrogation rooms, Detective Reynaldo Guevara and his colleagues coerced false confessions and manipulated witnesses and evidence in the working class, predominantly Latino Humboldt Park neighborhood from the 1980s through the early 2000s. Even in 2017, as investigative journalist Melissa Segura recounted the painful stories of the families of 51 people who had accused Detective Guevara of falsely framing them for murder, CPD continued to deny Guevara's well-documented pattern of abuse.³⁴

Today, 44 of Guevara's victims, who have collectively endured hundreds of years in prison, have been exonerated and at least seven more petitions are pending.³⁵ The City has attempted to resolve this legacy through settlements that have cost taxpayers \$172 million and counting.³⁶ The City has since reached two additional settlements—for \$7 million and \$750,000, respectively—with 44 more lawsuits against Guevara still

³⁴ Melissa Segura, *Detective Guevara's Witnesses: A Chicago Cop Is Accused of Framing 51 People for Murder. Now, the Fight for Justice*, BuzzFeed News (Apr. 4, 2017), <https://perma.cc/JV96-MFV2>. Many of the 51 people that Guevara framed for murder may have faced the threat of the death penalty, which remained in effect in Illinois until 2011. 725 ILCS 5/119-1.

³⁵ Lourdes Duarte, *Seven Men Petition Their Convictions in Former CPD Detective Reynaldo Guevara Cases*, WGN9 (Feb. 29, 2024), <https://perma.cc/YN56-KH54>.

³⁶ Lourdes Duarte & Andrew Schroedter, *\$172M and Counting: What Taxpayers Spent on Misconduct Claims Tied to One Chicago Detective*, WGN9 (Nov. 12, 2025), <https://perma.cc/LN6J-VBG2>.

pending.³⁷ In addition to the irreparable harm that Guevara inflicted on his victims and their families, this staggering financial burden reflects the cost of unchecked police abuse on the people of Illinois.

4. *The Skullcap Crew*

Throughout 2003 and 2004, a group of five CPD tactical officers who policed Stateway Gardens, a public housing community on Chicago's South Side, subjected Diane Bond, a Black woman and single parent who worked as a public-school janitor, to a series of repeated assaults on her person, home, family, and religion. This group of officers, widely known throughout the community as the "Skullcap Crew," forced Ms. Bond on multiple occasions to disrobe and bare the most private parts of her body. They threatened her with a loaded gun, needle-nosed pliers, and a screwdriver, leaving her convinced that they were planning to rape and kill her. They beat and choked her. They assaulted her with racist and sexist epithets of the worst kind. They tore up her home. They desecrated religious objects sacred to her. They threatened to plant drugs on her and falsely arrest her. They beat her teenage son. They even brought a middle-aged neighbor into her home and

³⁷ Heather Cherone, *Man Who Spent 15 Years in Prison After Being Framed by Disgraced Ex-Detective Should Get \$7M, City Lawyers Recommend*, WTTW Chi. (Feb. 9, 2026), <https://news.wttw.com/2026/02/09/man-who-spent-15-years-prison-after-being-framed-disgraced-ex-detective-should-get-7m> (last visited Mar. 26, 2026); Heather Cherone, *Jury Awards \$750K to Man Who Spent 17 Years in Prison After Being Wrongfully Convicted of 1989 Murder*, WTTW Chi. (Feb. 20, 2026), <https://news.wttw.com/2026/02/20/jury-awards-750k-man-who-spent-17-years-prison-after-being-wrongfully-convicted-1989> (last visited Mar. 26, 2026).

forced her teenage son to beat the older man for their amusement.

These five officers had engaged in a brazen years-long pattern of abuse of Black families in public housing on the South Side of Chicago. Ms. Bond's neighbors in the Stateway Gardens community reported that members of the Skullcap Crew engaged in repeated instances of racist abuse, including lining up Black teenagers outside the buildings and kicking them in their testicles, ordering Black men to strike Black women at the threat of arrest for the officers' amusement, forcing Black women to take off their clothes while the officers ridiculed their bodies, planting drugs on innocent people, stealing money from and protecting people who sold illegal drugs. The list goes on.³⁸

Notwithstanding their notoriety within the Stateway Gardens community, these officers knew that they could abuse people like Ms. Bond and her neighbors without consequence. Because of the absence of transparency and accountability and CPD's machinery of denial, the probability that they would be suspended for a week or more when charged with an illegal search, false arrest, theft, robbery, or extortion was less than one in a hundred thousand.³⁹

5. *Sergeant Ronald Watts*

In the early 2000s, CPD Sergeant Ronald Watts and a team of gang

³⁸ See Jamie Kalven, *Kicking the Pigeon*, *The View from the Ground* (2005–2006), <https://perma.cc/LE3C-SGGV> (recounting the reign of terror perpetrated by the Skullcap Crew on Diane Bond and the Stateway Gardens community).

³⁹ Steven Whitman, Data Analysis Memo, *Padilla v. City of Chicago*, No. 06-cv-5462 (N.D. Ill. June 21, 2012), at 8, <https://perma.cc/9YR7-75EC>.

tactical officers also preyed on Black people living in public housing on Chicago's South Side for more than a decade, believing that they were above the law. Watts and his team terrorized residents of Chicago's Ida B. Wells Homes.⁴⁰ The Cook County State's Attorney reported that Watts and his team extorted money and planted drugs and guns on innocent people "knowing their victims—largely Black and low-income residents—wouldn't be believed."⁴¹ This team of officers ran major parts of the illegal drug trade within public housing. They collected a "tax" to protect drug dealers, stole from their competition, and routinely framed people for crimes that they did not commit.⁴² When two Chicago police officers had the courage to attempt to blow the whistle on Watts' crimes, they were retaliated against and crushed by CPD's code of silence.⁴³ Over two hundred drug convictions associated with Sergeant Watts have since been vacated.⁴⁴ In 2025, Chicago reached a global settlement to resolve 176 police misconduct lawsuits involving Watts totaling

⁴⁰ See Jamie Kalven, *Operation Brass Tax: Corrupt Chicago Police Were Taxing Drug Dealers and Targeting Their Rivals*, The Intercept (Oct. 6, 2016), <https://perma.cc/7ZV9-X7EE>.

⁴¹ Grace Hauck, *A Corrupt Chicago Cop Destroyed Hundreds of Lives. Now Victims Want Justice*, USA Today (Feb. 5, 2023), <https://perma.cc/56VX-8GC4>.

⁴² See Jamie Kalven, "Code of Silence" Revisited: An Update on the Watts Investigation, The Intercept (Dec. 30, 2016), <https://perma.cc/5URA-PDQV>.

⁴³ See Jamie Kalven, *Watch Your Back: Chicago Police Bosses Targeted Cops Who Exposed Corruption*, The Intercept (Oct. 6, 2016), <https://perma.cc/X26A-N7J9>.

⁴⁴ See Hauck, *supra* note 41.

\$90 million.⁴⁵ Watts' misconduct has cost taxpayers more than \$126 million in settlements.⁴⁶

6. *The Special Operations Section (SOS)*

On October 15, 2005, Noel Padilla was holding his infant son in his arms. Just hours later, a group of officers from CPD's most elite unit, the Special Operation Section (SOS), grabbed and handcuffed Mr. Padilla, stole his rent money, threw him in their car, and drove him around the city to various family members' homes as the officers searched for items of value that they could steal.⁴⁷ Finding nothing, they falsely charged Mr. Padilla with a felony drug crime that commanded a sentence of up to 40 years in prison. He spent the next 278 days in agony locked in a tiny cell in the county jail away from his young son until the State dismissed all charges against him.⁴⁸

Mr. Padilla is only one of hundreds of victims of the 15-year-long pattern of criminal conduct by members of CPD's Special Operations Section that targeted young Latino men and other vulnerable persons for kidnapping, robbery, extortion, home invasion, and false arrest.⁴⁹ They broke into people's

⁴⁵ Heather Cherone, *Final Tally: Chicago Taxpayers to Spend \$126.8M to Resolve Lawsuits Tied to Disgraced Ex-Sgt. Ronald Watts*, WTTW Chi. (Sept. 25, 2025), <https://news.wttw.com/2025/09/25/final-tally-chicago-taxpayers-spend-1268m-resolve-lawsuits-tied-disgraced-ex-sgt-ronald> (last visited Mar. 26, 2026).

⁴⁶ *Id.*

⁴⁷ See Meredith Heagney, *Police Accountability Clinic Wins Jury Verdict for Kidnapped, Falsely Jailed Man*, University of Chicago Law School (July 8, 2014), <https://perma.cc/9ME7-T6D9>.

⁴⁸ *Id.*

⁴⁹ See Tanya Simon, *Officer Herrera Goes Public*, CBS 60 Minutes (May 30, 2008), <https://perma.cc/ABZ6-WAW7>.

homes, robbed people of their belongings, and falsely arrested people who had committed no crime. The State has dismissed at least 150 criminal cases against people believed to have been falsely arrested by the SOS.⁵⁰

Like the officers in the aforementioned cases, the SOS officers believed that they could operate with impunity. They amassed more complaints than nearly everyone else on the CPD without consequence: Officers Jerry Finnigan and Keith Herrera alone accumulated 162 complaints and 80 complaints, respectively, more than 99.9% of all other Chicago police officers over a similar period.⁵¹ CPD protected the SOS from accountability and hid their crimes from the public for years. As a result of CPD's secrecy and denial surrounding police misconduct, the odds were one-in-a-thousand that a Special Operations Section officer would face discipline when they violated people's rights.⁵²

7. *Jason Van Dyke's Murder of Laquan McDonald*

CPD's machinery of denial and secrecy surrounding police abuse in violation of dominant Illinois public policy similarly led Officer Jason Van Dyke to believe that he was above the law when he fired 16 shots into the body of 17-year-old Laquan McDonald in front of a slew of witnesses,

⁵⁰ *Id.*

⁵¹ Civic Police Data Project, *CPD Misconduct Complaints Against Jerry Finnigan and Keith Herrera*, Invisible Institute, <https://perma.cc/82VX-2BUV> and <https://perma.cc/Z9WL-A2HZ> (last visited Oct. 23, 2024).

⁵² Frank Main, *\$892,000 Verdict in Wrongful Arrest Suit; Officers Owe \$96,000 of that*, Chi. Sun-Times (May 28, 2014), <https://perma.cc/8M2M-A6UZ>.

including fellow Chicago police officers, in 2014. For years, the City ignored or brushed aside repeated community complaints against Van Dyke. Despite Van Dyke's previous 25 misconduct complaints, more complaints than 94% of all Chicago police officers over a similar period, he had never been subject to any disciplinary action.⁵³

Just as Van Dyke was taught to expect, CPD wrote Laquan's murder off as a justified shooting and continued to cover up the truth for another year. It was only after Judge Valderrama ordered the public release of the video of the killing in late November 2015 that Van Dyke was charged and convicted in a jury trial of second-degree murder and sixteen counts of aggravated battery.⁵⁴

8. *CPD's Practice of Violent, Traumatic, and Illegal Home Raids*

CPD's machinery of denial, secrecy, and lack of accountability enabled the Department to maintain a years-long practice of illegal, violent, and dehumanizing home raids that traumatized thousands of Black and Brown families. This practice continued until members of Amici and the State of Illinois succeeded in placing CPD's residential search warrant practices under the Consent Decree.

⁵³ Civic Police Data Project, *CPD Misconduct Complaints Against Jason Van Dyke*, Invisible Institute, <https://perma.cc/89AW-DX35> (last visited Oct. 23, 2024).

⁵⁴ Mark Guarino & Mark Berman, *Chicago Police Officer Jason Van Dyke Convicted of Second-Degree Murder for Killing Laquan McDonald*, Washington Post (Oct. 5, 2018), <https://perma.cc/D328-UBVP>.

Cloaked in impunity, officers routinely broke down people's doors and charged into homes with their guns drawn, often in the dead of night, leading families to believe that they were being robbed or worse. Officers routinely pointed assault rifles and semi-automatic weapons directly at young children and their parents; they handcuffed children in front of their parents and parents in front of their children; they subjected family members to excessive force and verbal abuse; and they treated families with a lack of basic respect for their humanity. CPD then left families unprotected with broken doors and locks, exposed and vulnerable to further violence and theft.⁵⁵ Between 2016 and 2019, CPD raided approximately 1,800 homes a year—five households a day—almost all of which belonged to Black or Brown families.⁵⁶ The City's Office of Inspector General found that 96% of Chicago police home raids between 2017 and 2020 targeted Black or Latinx households.⁵⁷

A few examples. On November 7, 2017, a group of Chicago police officers burst into 9-year-old Peter Mendez's home and pointed their guns at Peter and his 5-year-old brother Jack as they cried and begged the officers not to shoot their father. Police continued to terrorize the Mendez family even after they knew that they had broken into the wrong home. In 2025, the City

⁵⁵ Dave Savini et al., *[Un]warranted*, CBS Chicago (July 29, 2020), <https://perma.cc/3NSS-9RQG>.

⁵⁶ *Id.*

⁵⁷ City of Chicago Office of Inspector General, *Second Interim Report: Search Warrants Executed by the Chicago Police Department, 2017–2020* (May 6, 2021), <https://perma.cc/E9EF-YALN>.

finalized a \$2.5 million settlement with the Mendez family for the wrongful raid.⁵⁸ Peter, now 17-years-old, is just beginning to move on from the fear and trauma he suffered.

On August 9, 2018, a CPD SWAT team detonated flash-bang grenades outside Ebony Tate's apartment, broke down the door, and repeatedly pointed assault rifles directly at her four children (ages 4, 8, 11, and 13) and their 55-year-old grandmother, who was preparing to take a bath. Officers forced Cynthia Eason, the children's grandmother, to stand outside in the cold in her underwear, as they tore through the family home. CPD was executing a warrant for a man who had never lived in that building.⁵⁹ This year, on February 25, 2026, a federal jury awarded the family \$5.7 million and determined that policymakers were aware that officers routinely violated residents' rights during warrant executions, including improperly using force against children and pointing guns at them. The jury also found that CPD maintained a code of silence that protected Chicago police officers from accountability.⁶⁰ After the verdict, Ms. Tate said, "I'm just praying that this will put a stop to the wrongful raids The next family shouldn't have to go

⁵⁸ Dave Savini, *Peter Mendez speaks about \$2.5 million settlement after botched Chicago police raid*, CBS Chicago (July 18, 2025), <https://perma.cc/N76N-27FY>.

⁵⁹ Heather Cherone, *Jury Finds CPD Officers Used Excessive Force During Botched 2018 Raid, Awards \$5.7M to Family*, WTTW Chi. (Feb. 25, 2026), <https://news.wttw.com/2026/02/25/jury-finds-cpd-officers-used-excessive-force-during-botched-2018-raid-awards-57m-family> (last visited Mar. 26, 2026).

⁶⁰ *Id.*

through what we went through.”⁶¹

On February 26, 2020, 15 plain-clothes officers (some wearing “Ninja” masks) broke down the door to Sharon Lyons’s home—again, the wrong home—with rifles, flashlights, and machine guns, without announcing their identity as police. The officers pointed guns in the faces of Ms. Lyons, her three adult sons, and her four-year-old granddaughter, Lillie. Lillie screamed as officers trained their guns on her, but police refused to allow Lillie’s grandmother to comfort her. One of Ms. Lyons’s adult sons is autistic and has a learning disability. He cried and became hysterical when the officers aimed their guns at him because he did not understand what was happening. The officers left Ms. Lyons’ home with a broken door and locks, putting her family in danger of crime.⁶² Over five years after Ms. Lyons filed a lawsuit against the City for the unlawful search and excessive force used by CPD, a \$400,000 settlement with the family was finally approved by City Council.⁶³

CPD persisted in its efforts to thwart Illinois’ dominant public policy of transparency and accountability when it obstructed Anjanette Young, one of the Amici in this case, a Black social worker, from sharing video of CPD’s

⁶¹ Sophie Sherry, *Jury awards \$5.7 million to family targeted in botched police raid on South Side*, Chi. Sun-Times (Feb. 25, 2026), <https://perma.cc/WN53-BADM>.

⁶² Dave Savini et al., *‘They had the Guns Pointed at Me;’ Another Chicago Family Wrongly Raided, Just 1 Month after Police Created Policy to Stop Bad Raids*, CBS Chicago (June 10, 2020), <https://perma.cc/XQ7B-3UWP>.

⁶³ Office of the City Clerk, Settlement agreement regarding *Sharon Lyons v. City of Chicago* (Oct. 16, 2025), <https://perma.cc/8N4Z-NYXR>.

wrongful raid of her home. In November 2019, a large group of male officers used a battering ram to break into Ms. Young's home while she was naked, pointed guns at her, forced her to hold her hands up in the air, handcuffed her, and refused her insistent, terrified pleas that the police were in the wrong place.⁶⁴ The City fought Ms. Young's efforts to publicly share a video of the raid⁶⁵ and sought to sanction Ms. Young for releasing the video after she obtained a copy through litigation.⁶⁶ In contrast, CPD did not initiate disciplinary proceedings against the officers who terrorized Ms. Young until Ms. Young made the video of the raid public in December 2020, marking over a year of inaction.⁶⁷ In 2021, City taxpayers paid a \$2.9 million settlement to Ms. Young for CPD's wrongful raid.⁶⁸ In the seven years after CPD's unlawful raid, Ms. Young has channeled her pain into efforts to prevent others from suffering similar trauma.⁶⁹

⁶⁴ Dave Savini et al., *'You Have The Wrong Place:' Body Camera Video Shows Moments Police Handcuff Innocent, Naked Woman During Wrong Raid*, CBS Chicago (Dec. 17, 2020), <https://perma.cc/2SB3-GQBB>.

⁶⁵ *Id.*

⁶⁶ See Gregory Pratt & John Byrne, *Cops Involved in Anjanette Young Raid Placed on Desk Duty; Lightfoot says Black People Nationwide 'Feel Angry and Feel Violated'*, Chi. Trib. (Dec. 21, 2020), <https://perma.cc/N6X7-W3QL>; Gregory Pratt, *Mayor Lightfoot Was Told By Staff In November 2019 That Anjanette Young Raid Was 'Pretty Bad,'* Chi. Trib. (Dec. 30, 2020), <https://perma.cc/8B84-BCFL>.

⁶⁷ *Id.*

⁶⁸ Heather Cherone, *Chicago to Pay \$2.9M to Anjanette Young To Settle Botched Raid Lawsuit*, WTTW Chi. (Dec. 15, 2021), <https://news.wttw.com/2021/12/15/chicago-pay-29m-anjanette-young-settle-botched-raid-lawsuit> (last visited Mar. 26, 2026).

⁶⁹ David Struett, *Anjanette Young Continues Fight to Ban No-Knock*

9. *The Financial Costs to Amici as Taxpayers and the Costs of Wrongful Convictions*

Failures in CPD accountability and transparency have resulted in staggering costs to the people of Chicago. Between 2004 and the release of the video of the killing of Laquan McDonald in 2015, Chicago taxpayers bore \$662 million in lawsuit settlements, judgments, and legal fees related to police misconduct.⁷⁰ Costs to Amici and our neighbors continue to soar. In the past five years, unchecked CPD misconduct has cost city taxpayers nearly an additional \$600 million dollars.⁷¹

The same secrecy and denial surrounding police misconduct has made Chicago the wrongful conviction and false confession capital of the United

Warrants 5 Years After Botched CPD Raid, Chi. Sun-Times (Feb. 16, 2024), <https://perma.cc/RR3K-8GHF>; see also Danielle Sanders, *My Name is Anjanette Young*, Chicago News Weekly (Apr. 4, 2023), <https://perma.cc/KG5D-72UY>. See also *I Am Her: Speaking Truth While Living on Purpose*, I Am Her Foundation, <https://perma.cc/K4KJ-57U6> (describing Ms. Young's launch of the "I am Her" Foundation, which provides access to therapy services for Black women and girls impacted by trauma and racial inequities).

⁷⁰ Sharon Cohen, *How Chicago Racked Up a \$662 Million Police Misconduct Bill*, Associated Press (Mar. 19, 2016), <https://perma.cc/6AC8-D5P8>; see also Complaint, State of Ill. v. City of Chicago, No. 1:17-cv-06260 ¶ 4.

⁷¹ Heather Cherone, *Repeated Police Misconduct by 272 Officers Has Cost Chicago Taxpayers \$295M Since 2019: Analysis*, WTTW Chi. (Sept. 29, 2025), <https://news.wttw.com/2025/09/23/repeated-police-misconduct-272-officers-has-cost-chicago-taxpayers-295m-2019-analysis> (last visited Mar. 26, 2026); Heather Cherone, *Wrongful Convictions Cost Chicago Taxpayers \$204.6M in 2025: Analysis*, WTTW Chi. (Dec. 12, 2025), <https://news.wttw.com/2025/12/12/wrongful-convictions-cost-chicago-taxpayers-2046m-2025-analysis> (last visited Mar. 26, 2026); see also Joint Comm. Fin. & Pub. Safety, Res. (Chi., Ill. Sept. 25, 2025), <https://perma.cc/89QJ-4QDT>.

States.⁷² Since 1989, 498 people have been exonerated in Cook County.⁷³ Of those persons, 438 (87%) were exonerated because of police misconduct. *Id.* People in Cook County—parents, children, other family members, caretakers, friends, fellow community members—have been robbed of nearly 3,800 years of their lives due to police abuse. *Id.*

Compounding the harms described above from the loss of life and liberty of persons wrongfully convicted, these wrongful convictions rooted in police misconduct have cost Amici and our neighbors hundreds of millions of dollars. In 2025 alone, Chicago taxpayers spent \$204.6 million to resolve lawsuits by people wrongfully convicted based on evidence gathered by CPD.⁷⁴

10. *The Loss of Public Safety*

The public distrust resulting from CPD's secrecy and denial has led to abysmal violent crime clearance rates, particularly in those communities

⁷² See Heather Cherone, *Chicago Ranks No. 1 in Exonerations for 5th Year in a Row, Accounting for More than Half of National Total: Report*, WTTW Chi. (May 16, 2023), <https://news.wttw.com/2023/05/16/chicago-ranks-no-1-exonerations-5th-year-row-accounting-more-half-national-total-report> (last visited Mar. 26, 2026); Peter Neufeld & Steven Drizin, *Illinois Can Once Again Lead in Preventing Wrongful Convictions by Passing a Critical False Confession Bill*, Innocence Project (May 22, 2024), <https://perma.cc/XU69-E752>; Pitts, *supra* note 27.

⁷³ National Registry of Exonerations, *Explore Exonerations* <https://perma.cc/WTY7-KHGD> (last visited Feb. 21, 2026).

⁷⁴ See Cherone, *supra* note 71; see also Truth Hope & Justice Initiative, *Wrongful Convictions Litigation Database: Chicago* at 7 (Sep. 2024), <https://perma.cc/VH35-VM4X>; Andy Grimm, *Chicago Taxpayers Have Paid Nearly \$700 Million Since 2000 In Lawsuits by People Who Say Police Framed Them*, Chi. Sun-Times (Dec. 6, 2023), <https://perma.cc/4MRS-44S6>.

most impacted by CPD's pattern of civil rights violations. Put simply, CPD's history of police impunity has made the people of Chicago less safe.

Between 2013 and 2023, CPD made arrests in only 21% of all fatal shootings, far less than half the national average.⁷⁵ Chicago neighborhoods with the lowest clearance rates for violent crime—where CPD has been the least successful at solving violent crime—are also the sites of the most complaints of police abuse.⁷⁶

When abusive officers are allowed to escape accountability, public trust in CPD erodes, interfering with the ability of conscientious officers to build positive community relations and solve crime.⁷⁷ A study of youth and police encounters on Chicago's South Side found that distrust of police sets in motion a cycle with devastating consequences to public safety.

[When people] do not trust police, they will not call the police when they're in trouble. Because people will not cooperate with the police, the police cannot solve and prevent crimes. Because the police cannot solve and prevent crimes, residents are yet less likely to go to the police and more likely to look for resolution or restitution outside

⁷⁵ Rita Ocegüera & Justin Agrelo, *Chicago Police Make an Arrest in Only 20 Percent of Fatal Shootings*, The Trace (Dec. 15, 2023), <https://perma.cc/85XC-MZNV>.

⁷⁶ See Craig B. Futterman, Chaclyn Hunt & Jamie Kalven, *Youth/Police Encounters on Chicago's South Side: Acknowledging the Realities*, 2016 U. CHI. L. F. 125, 155–56 n. 105; see also Independent Monitoring Team, Community Survey Report (March 2024–April 2024), *State of Ill. v. City of Chicago*, No. 17-cv-6260, at 28 (N.D. Ill. Jan. 27, 2025), <https://perma.cc/44LT-B9W8> (finding that 48% of Chicago adults found CPD trustworthy, whereas only 27% of young black men did, highlighting the stark, racial differences in perceptions and experiences of policing).

⁷⁷ Sunita Patel, *Toward Democratic Police Reform: A Vision for "Community Engagement" Provisions in DOJ Consent Decrees*, 51 WAKE FOREST L. REV. 793, 802 (2016).

the law. In the absence of meaningful [police] accountability, the cycle goes on and on⁷⁸

In addition to people most impacted by CPD abuse, Amici also consist of people most impacted by violent crime in Chicago. The DOJ investigation confirmed what Amici know personally from their experience on the ground—it is impossible for police to build community trust without honesty and transparency. Like Amici, the DOJ observed that the systems that have allowed CPD officers who violate the law to escape accountability have broken public trust in CPD and that “breach in trust has in turn eroded CPD’s ability to prevent crime.” DOJ Report, *supra* note 5, at 1–2, 139. As a result, the communities in Chicago most ravaged by unchecked police abuse have also been upended by violence that has flourished because of ineffective policing. *Id.* at 142.

C. The Award undermines the State’s policy requiring police accountability, transparency, and constitutional policing.

As former Chicago Police Board President Ghian Foreman has

⁷⁸ See Futterman et al., *supra* note 76, at 155. See also Monica Davey, *A Weekend in Chicago: Where Gunfire Is a Terrifying Norm*, N.Y. Times (June 4, 2016), <https://perma.cc/6KX3-2DHM> (reporting polling that more than 50% of people who lived in Black and Latino neighborhoods on Chicago’s South and West Sides believe that calling police “will make the situation worse or will make no difference”); Giffords Law Center, *In Pursuit of Peace: Building Police-Community Trust to Break the Cycle of Violence* (Sept. 9, 2021), <https://perma.cc/N5BR-NWRC> (finding that when people distrust police, they are less likely to turn to law enforcement for assistance or volunteer information to aid a police investigation, hampering law enforcement’s ability to protect public safety and endangering communities most affected by police violence).

implored, “We cannot afford to return to a time when a Chicago police officer could fire sixteen shots into the body of a Black teenage boy while he lay on the ground, knowing that nothing would happen to him.” Appendix 2, Letter of Former Chicago Police Board President Ghian Foreman to the Illinois Court of Appeals. If upheld, the Award would undo nearly a decade of work to prevent police misconduct and would shield that abuse from the accountability processes established to address the long history of harm done to Chicago communities.

In the years following the forced release of the video of Laquan McDonald’s murder through 2022, Amici and the State of Illinois made real strides to improve CPD transparency and accountability. Increased public and judicial scrutiny reduced instances of brutality and shootings by Chicago police, improved the quality of COPA’s investigations into CPD misconduct, and led to recommendations for accountability when officers abused their power to hurt people.

In contrast to the near weekly CPD shootings of community members in the years prior to 2015, Chicago police killed just two people in 2022.⁷⁹ CPD earned fewer complaints of misconduct, declining from an average of nearly 7,000 complaints between 2012 and 2015 to 5,277 complaints in 2022,

⁷⁹ Civilian Office of Police Accountability, *2023 Annual Report*, 26 (Feb. 15, 2024), <https://perma.cc/8ZD5-LPPG>.

a nearly 25% decrease.⁸⁰ Scrutiny of CPD's practice of violent, unnecessary, and discriminatory home raids reduced the number of these raids from an annual average of 1,800 raids (between 2016 and 2019) to just 176 raids in 2022, a 90% decline.⁸¹

Most significantly, this was the first time in Chicago's history that the City's agency tasked with investigating community complaints of CPD misconduct sought to hold officers accountable. As investigations of police misconduct became open to public scrutiny,⁸² the sustained rate for allegations of CPD misconduct jumped nearly thirty fold from just 1.4% in 2016 to 41% in 2022.⁸³ COPA recommended the firing of twice the number of police officers for serious misconduct in each of the years 2021 and 2022 than

⁸⁰ Independent Police Review Authority, *Fourth Quarter and 2016 Annual Report*, 25 (Jan. 13, 2017), <https://perma.cc/E74A-829V>; Civilian Office of Police Accountability, *supra* note 79, at 20. Highlighting the critical importance of sustained vigilance, the number of CPD misconduct complaints rose substantially from 2022 to 2023 to 6,059, an increase of 15%. *Id.*

⁸¹ Deborah Witzburg & Tobar Richardson, City of Chicago Office of the Inspector General, *Final Report: Chicago Police Department's Search Warrant Process*, (June 8, 2023), at 8 n. 5, <https://perma.cc/AZT6-WEL8>.

⁸² Following *Kalven v. City of Chicago*, 2014 IL App (1st) 121846, which held that records relating to investigations of police misconduct in Illinois are subject to public scrutiny, the Invisible Institute and Mandel Legal Aid Clinic created the Civic Police Data Project, a public searchable database of CPD misconduct records. Available at: cpdp.co. COPA began posting reports of each closed police misconduct investigation in 2017. Available at: <https://www.chicagocopa.org/data-cases/case-portal/>

⁸³ *Cf. DOJ Report*, *supra* note 5, at 68 (reporting that the City sustained only 1.4% of all closed complaints from January 2011 through March 2016) with Civilian Office of Police Accountability, *2022 Annual Report*, at 27 (Feb. 15, 2023), <https://perma.cc/S2F6-NL8K> (reporting COPA's 41% sustained rate for police misconduct complaints).

it had in the previous four years combined.⁸⁴ Notably, this increased transparency and public scrutiny of CPD misconduct proceedings significantly reduced CPD misconduct against community members without increasing crime. *See generally* Bocar Ba & Roman Rivera, *The Effect of Police Oversight on Crime and Misconduct Allegations: Evidence from Chicago*, 108 REV. ECON. & STAT. 57 (2026) (finding a 20% reduction in CPD misconduct complaints without any increase in crime). As Amici and the State of Illinois recognize, there is nothing more important than improved transparency and accountability to ending CPD's pattern and practice of civil rights violations.⁸⁵

But this hard-won progress has recently reversed course due in part to FOP backlash. Since 2022, CPD police violence and misconduct have surged. Between 2021 and 2024, CPD use of force incidents skyrocketed by nearly 75%.⁸⁶ And it continues to rise. In the first six months of 2025, officers

⁸⁴ Chip Mitchell, *The Number of Chicago Cops Facing Firing has Exploded under the City's New Accountability Chief*, WBEZ Chicago (Mar. 1, 2022), <https://perma.cc/WUQ7-J9N8>; Civilian Office of Police Accountability, *2022 Annual Report*, at 28, <https://perma.cc/V49B-QP9Q>.

⁸⁵ Kyle Rozema & Max Schanzenbach, *Does Discipline Decrease Police Misconduct? Evidence from Chicago Civilian Allegations*, 15 AM. ECON. J. APPLIED ECON. 80 (2023) (finding strong evidence that disciplining officers reduces the rate at which they engage in future misconduct); Kyle Rozema & Max Schanzenbach, *Good Cop, Bad Cop: Using Civilian Allegations to Predict Police Misconduct*, 11 AM. ECON. J. ECON. POL'Y 225 (2019) (finding a powerful relationship between allegations of misconduct and future civil rights cases that incur costs on the city).

⁸⁶ *See* Chicago Police Department Tactical Review and Evaluation Division, *2024 Year-End Report* at 32 (June 27, 2025), <https://perma.cc/432A-6GN5>

reported using force against members of the public 1,645 times, a nearly 10% increase as compared with the first half of 2024.⁸⁷ Moreover, CPD continues to disproportionately target Black and Latinx community members with violence. African-Americans and Latinos comprise approximately 90% of the victims of CPD force since 2021.⁸⁸

Meanwhile, the City's system for CPD accountability is in jeopardy. COPA has come under assault by the FOP, forcing COPA's Chief Administrator and senior leadership to resign in spring 2025, leaving the agency in disarray.⁸⁹ Then, signaling a dramatic retreat from COPA's commitment to holding officers accountable, COPA's interim chief, without explanation, reversed COPA's recommendations to fire six Chicago police officers and supervisors who were each found to have engaged in serious misconduct in separate, unrelated incidents.⁹⁰

(hereafter "TRED 2024 Year-End Report"); Chicago Police Department, *2022 Annual Use of Force Report*, 60 (undated) (hereafter "CPD 2022 Annual Use of Force Report"), <https://perma.cc/J5SW-RC5Z>.

⁸⁷ Heather Cherone, *The Number of Times CPD Officers Used Force Against People Increased 10% During 1st Half of 2025: Data*, WTTW Chi. (Jan. 5, 2026), <https://news.wttw.com/2026/01/05/number-times-cpd-officers-used-force-against-people-increased-10-during-1st-half-2025> (last visited Mar. 26, 2026).

⁸⁸ Chicago Police Department, *Use of Force Dashboard*, <https://www.chicagopolice.org/statistics-data/data-dashboards/use-of-force-dashboard/> (last visited Feb. 7, 2026).

⁸⁹ Heather Cherone, *Chicago Police Misconduct Agency Chief Resigns Under Fire; 2 Other City Department Heads Exit*, WTTW Chi. (Feb. 13, 2025), <https://news.wttw.com/2025/02/13/chicago-police-misconduct-agency-chief-resigns-under-fire-2-other-city-department-heads> (last visited Mar. 26, 2026).

⁹⁰ Tom Schuba & Anna Savchenko, *New Chicago police oversight boss has*

The FOP's continued resistance to public misconduct proceedings has paralyzed accountability, as nearly 500 unresolved misconduct cases are effectively frozen by the present litigation.⁹¹ At least 43 of the 46 police officers who COPA found to have committed the most severe forms of misconduct and recommended for termination in 2024 have avoided any public hearing before the Police Board and remain on the City payroll.⁹² The resulting accountability vacuum has left officers who committed serious abuses free from consequences, undermining public trust and the legitimacy of the entire oversight system.⁹³

The Award to the FOP would compound the effects of CPD's dangerous backsliding and place the State's and Amici's work to remedy CPD's pattern of constitutional violations in peril. The Award would allow the FOP to undo the progress we achieved in a single swoop by pushing the most serious CPD

been wiping out recommendations to fire cops, Chi. Sun-Times (Aug. 25, 2025), <https://chicago.suntimes.com/the-watchdogs/2025/08/22/lakenya-white-civilian-office-police-accountability-chicago-police-department-kersten-snelling> (last visited Mar. 26, 2026).

⁹¹ Sam Charles, *Number of unresolved CPD discipline cases crawls toward 500 during court fight*, Chi. Trib. (Dec. 15, 2025), <https://perma.cc/LG4X-GJLS>.

⁹² Civilian Office of Police Accountability, *2024 Annual Report*, 25 (Feb. 15, 2025), <https://perma.cc/K639-54N5>; Heather Cherone, *Police Board President's Pleas Fail to Break Stalemate Over Serious Police Discipline Cases*, WTTW Chi. (July 29, 2025), <https://news.wttw.com/2025/07/29/police-board-president-s-pleas-fail-break-stalemate-over-serious-police-discipline-cases> (last visited Mar. 26, 2026).

⁹³ Craig Futterman et al., *Law experts: COPA's investigations are superior to anything we've seen in Chicago police accountability history*, Chi. Trib. (Feb. 20, 2025), <https://perma.cc/7Q26-M3P9>.

misconduct proceedings behind closed doors, insulating CPD misconduct from public scrutiny. No matter the quality or independence of COPA's misconduct investigations or even the oversight of the State Attorney General and federal judge, the Award would allow FOP-approved arbitrators to protect police officers from accountability for their misconduct in secret. By draping the most serious cases of CPD misconduct in secrecy, the Award would effectively turn back the clock to before 2015, when the CPD secrecy and denial that facilitated the Department's pattern and practice of civil rights violations prevailed. The Arbitrator's Award would signal a return to the state of CPD impunity when Burge, Cassidy, Guevarra, the Skullcap Crew, Watts, SOS, Van Dyke, and other abusive officers knew that they were above the law.⁹⁴

This is not simply conjecture by Amici. It reflects our lived experience of the state of impunity that reigned when CPD misconduct cases were decided in secret by the same FOP-approved arbitrators with a shared financial interest in keeping the FOP satisfied. In 2021, the Chicago Inspector General analyzed three years of CPD disciplinary cases that were sent to arbitration between 2014 and 2017 and found that 90% of such cases were decided by just three arbitrators who were subject to little oversight and

⁹⁴ Stecklow et al., *supra* note 13 (reporting findings from Illinois Attorney General, Chicago's Mayor, the Chicago Inspector General, and police experts that the secret CPD misconduct proceedings awarded by the Arbitrator would result in officers getting "off the hook for misconduct" and break down the City's police oversight infrastructure).

virtually no accountability for their rulings.⁹⁵ These arbitrators have powerful financial incentives to keep the FOP satisfied in order to retain their income from their monopoly on CPD arbitrations.⁹⁶ Unsurprisingly, the FOP-approved arbitrators eliminated or reduced discipline in 85% of CPD misconduct cases heard in closed-door sessions between 2010 and 2017.⁹⁷

CPD has long proven that it is incapable of change without public oversight. CPD continues to deny the realities of ongoing abuse targeting Black and Brown people and to resist public scrutiny. It remains woefully out of compliance with the Consent Decree, achieving only 23% compliance after *seven years* operating under the Decree.⁹⁸ CPD continues to lag with respect

⁹⁵ City of Chicago Office of Inspector General, *Review of the Disciplinary Grievance Procedure for Chicago Police Department Members*, 4–5 (May 20, 2021) <https://perma.cc/KCC4-8UFT>.

⁹⁶ See Chip Mitchell, *City Council Puts Off a Vote on Who Should Decide Chicago's Most Serious Police Discipline Cases. Here's what you Need to Know*, WBEZ Chicago (Jan. 24, 2024), <https://perma.cc/FG64-CM9A> (describing CPD arbitration as a “cash cow” for the three FOP arbitrators). See also Stephen Rushin, *Police Arbitration*, 74 VAND. L. REV. 1023, 1032 (2021) (describing multiple studies of police arbitration finding that it creates financial incentives for arbitrators to reduce or overturn police discipline in order to increase their probability of being selected in future cases); Mark Iris, *Police Discipline in Chicago: Arbitration or Arbitrary?*, 89 J. CRIM. L. & CRIMINOLOGY 215, 216 (1998) (finding that because of financial incentives, “[t]he discipline imposed upon Chicago police officers is routinely cut in half by arbitrators.”).

⁹⁷ Jennifer Smith Richards & Jodi Cohen, *Chicago Police Win Big when Appealing Discipline*, ProPublica (Dec. 14, 2017), <https://perma.cc/ZYT7-VMGA>. Chicago's Office of the Inspector General similarly found that these same private arbitrators overturned or reduced discipline in nearly 80% of the cases that they heard between 2014 and 2017. Office of Inspector General, *supra* note 95, at 5.

⁹⁸ Independent Monitoring Team, *Independent Monitoring Report 12*, 6 (Oct. 15, 2025) <https://perma.cc/U9SY-VV2W>.

to improving transparency.⁹⁹ Notwithstanding the progress that the City has made, CPD continues to stop, raid, use force, and kill Black and Brown people at grossly disproportionate rates to white people.¹⁰⁰ Amici understand all that it will take to change CPD's entrenched culture of denial and resistance to change. As the DOJ found, remedying CPD's pattern of civil rights violations will not be possible without sustained scrutiny and external monitoring. DOJ Report, *supra* note 5, at 16.¹⁰¹ Sweeping misconduct proceedings under the rug would eviscerate the transparency and accountability necessary to end CPD's violations of the United States and Illinois Constitutions and state and federal laws—violations that have visited

⁹⁹ *Id.* at 60 (reporting “concerns regarding the pace of compliance with some reform requirements of the accountability and disciplinary process”).

¹⁰⁰ Chicago Police Department, *Investigatory Stop Report Data 2025*, <https://home.chicagopolice.org/statistics-data/isr-data/> (last visited Jan. 23, 2026) (showing that 93% of people stopped by CPD are Black or Brown); Chicago Police Department, *Use of Force Dashboard*, available at: <https://home.chicagopolice.org/statistics-data/data-dashboards/use-of-force-dashboard/> (last visited Jan. 23, 2026) (approximately 91% of CPD use of force incidents targeted Black or Brown people in 2025); City of Chicago Office of Inspector General, *Second Interim Report: Search Warrants Executed by the Chicago Police Department, 2017-2020*, 7 (May 2021), <https://perma.cc/W7ZZ-KMHE> (reporting that between 2017 and 2020, 96% of CPD home raids targeted Black or Brown people).

¹⁰¹ When confronted with DOJ's findings, former Chicago Mayor Rahm Emmanuel acknowledged, “[W]e’ve never, ever as a City measured up with the changes on a sustained basis to finally deal in whole cloth with [CPD’s pattern of civil rights violations].” Bill Ruthhart, Hal Dardick & Timothy M. Phelps, *Emanuel: Chicago Needs Justice Department Help With Police Department*, Chi. Trib. (Mar. 29, 2019), <https://perma.cc/MLS8-U36U>. See generally Elizabeth Andonoya, *Cycle of Misconduct: How Chicago Has Repeatedly Failed to Police Its Police*, 73 L. GUILD REV. 2 (2016) (documenting tragic examples of people killed by Chicago police where previous complaints had been filed against the officers).

the harms described above on Amici and our communities.

The secret proceedings awarded to the FOP would also compromise CPD legitimacy and violate Illinois' most fundamental policy "favoring the effective protection of the lives and property of [its] citizens." *Palmateer*, 85 Ill. 2d at 130. As explained in Section III.B., it would make Amici and our families less safe.¹⁰²

IV. The Arbitrator's Refusal to Consider the Public Interest and Welfare was Arbitrary and Capricious.

The appellate court's decision may also be affirmed on the grounds that the Arbitrator's disregard of the public interest and welfare in CPD transparency and accountability was arbitrary and capricious.¹⁰³ An award is "arbitrary or capricious" when it "fails to consider an important aspect of the problem." *Town of Cicero*, 338 Ill. App. 3d at 372. Section 14 of the Illinois Public Labor Relations Act ("PLRA") requires that when there is a dispute between the parties in collective bargaining, arbitrators "shall" base their awards on a prescribed set of factors, which include "the interests and

¹⁰² See also Cynthia Conti-Cook, *A New Balance: Weighing Harms of Hiding Police Misconduct Information from the Public*, 22 CUNY L. REV. 148, 165–66 (2019) (describing how walling off police misconduct proceedings and records of those proceedings from the public breeds "cynicism and distrust" and harms police legitimacy, the ability to solve crime, and public safety).

¹⁰³ A reviewing court "can sustain the decision of a lower court for any appropriate reason, regardless of whether the lower court relied on those grounds." *People v. Johnson*, 208 Ill. 2d 118, 129 (2003), quoting *People v. Novak*, 163 Ill. 2d 93, 101 (1994), *abrogated on other grounds by People v. Kolton*, 219 Ill. 2d 353 (2006); accord *People v. Aljohani*, 2022 IL 127037, ¶ 28. This rule "is both universally recognized and long established." *Johnson*, 208 Ill. 2d at 129.

welfare of the public.” 5 ILCS 315/14(h)(3). In brushing aside the paramount public interest in transparency and accountability, the Award states that consideration of the public interests and welfare is optional.¹⁰⁴ Contrary to the Arbitrator’s opinion, consideration of the public “interests and welfare” is not merely a suggestion, but a “clear requirement” of the PLRA. *Int’l Ass’n of Firefighters Loc. 49 v. City of Bloomington*, 2016 IL App (4th) 150573, ¶ 32 (finding that arbitrators in public labor disputes have a mandatory “duty to consider the interests and welfare of the public . . .”). The safety and welfare of the public is unquestionably an important aspect of resolving the problem of disputes over disciplinary procedures in police misconduct cases. The PLRA reinforces the centrality of public safety by embedding it in the statute’s structure and expressly identifying the protection of the “public health and safety of the citizens of Illinois” as a core purpose of the statute. 5 ILCS 315/2. Accordingly, consideration of the public interest and welfare is not merely important, but essential in resolving disputes over procedures in police misconduct cases. In refusing to consider the paramount public interests in public safety, police transparency and accountability, and the ability to remedy CPD’s pattern of civil rights violations, the Award violated

¹⁰⁴ The Award wrongly states that interest arbitrators “*can*” consider the “interests and welfare of the public,” but they are not required to do so. Supp. Final Op. and Award, C. 1635 (emphasis added). The Award also erroneously opines that a presumption within the PLRA in favor of arbitration overrides the need to consider the public’s interests and welfare in CPD transparency and accountability and in remedying CPD’s pattern of legal violations. *Id.* at C. 1635–36.

a “clear requirement” of the PLRA and failed to consider an important aspect of the problem, when walling off serious police misconduct proceedings from public scrutiny. *See City of Bloomington*, 2016 IL App (4th) 150573, ¶ 32. The Arbitrator’s refusal to do so requires the reversal of the Award as arbitrary and capricious. *See Town of Cicero*, 338 Ill. App. 3d at 372–73.

V. The Need for Transparency in the Adjudication of the Killing of Adam Toledo Underscores the Stakes in this Appeal.

Among the cases that remain frozen pending the outcome of this appeal is the case of Adam Toledo.¹⁰⁵ On March 29, 2021, 13-year-old Adam Toledo was shot in the chest and killed by Chicago police officer Eric Stillman. Adam had dreamed of becoming a police officer when he grew up. After chasing Adam down a dark alley, Officer Stillman instructed him to stop and put his hands in the air. As Adam turned toward the officer with his hands, both empty, in the air, Stillman shot him. Video appears to show that Adam may have tossed a gun behind a fence moments before he was shot.¹⁰⁶

Seventh-grader Adam Toledo’s death sparked widespread community

¹⁰⁵ Heather Cherone, *Illinois Supreme Court to Decide Whether Serious CPD Discipline Hearings Must Take Place in Public*, WTTW Chi. (Nov. 26, 2025), <https://news.wttw.com/2025/11/26/illinois-supreme-court-decide-whether-serious-cpd-discipline-hearings-must-take-place#:~:text=That%20decision%20upheld%20the%20effort,supported%20by%20The%20Joyce%20Foundation> (last visited Mar. 26, 2026).

¹⁰⁶ Rachel Treisman, et al., *Chicago Releases Video Showing Fatal Police Shooting Of 13-Year-Old Adam Toledo*, NPR (Apr. 15, 2021), <https://perma.cc/N386-BUQE>; Madison Savedra, *Cop Who Killed 13-Year-Old Adam Toledo Should be Fired, Interim Police Superintendent Recommends*, Block Club Chicago (Apr. 11, 2023), <https://perma.cc/D5CM-B5GZ>.

outrage and protests.¹⁰⁷ The killing of such a young child by a police officer continues to raise serious questions and command intense public concern, underscoring the need for fair and open misconduct proceedings. As COPA's former Chief Administrator observed, "Impacted parties and the residents of the city of Chicago deserve to have all the facts and evidence presented in a full, public hearing."¹⁰⁸

Contrary to all that we learned from the City of Chicago's efforts to cover up the murder of Laquan McDonald, the Award to the FOP would drive the proceedings about Officer Stillman's killing of a 13-year-old boy underground. CPD stands no chance of earning community trust if the killing of 13-year-old Adam Toledo is decided behind closed doors. In the words of Chicago Police Board President Kyle Cooper:

Allowing [Arbitrator Benn's] ruling to stand will shroud the Toledo case and other allegations of serious police misconduct in secrecy. Such an outcome will only further erode the trust between law enforcement and our citizens and undermine our collective efforts to create a more accountable and transparent system of policing in Chicago.¹⁰⁹

The Arbitrator's decision to turn back the clock and hide cases like Officer

¹⁰⁷ Julie Bosman, *Chicago, Long Riven Over Police Conduct, Reels Anew After Shooting of 13-Year-Old*, N.Y. Times (Apr. 17, 2021), <https://perma.cc/6F9G-XZAQ>.

¹⁰⁸ Tom Schuba & Emmanuel Camarillo, *Chicago Cop Who Fatally Shot 13-Year-Old Adam Toledo Now Facing Dismissal*, Chi. Sun-Times (Oct. 21, 2022), <https://perma.cc/7N37-535W>.

¹⁰⁹ Heather Cherone, *Fate of Officer Who Fatally Shot Adam Toledo in Limbo As Judge Halts Police Board Hearings Amid Dispute*, WTTW Chi. (Feb. 1, 2024), <https://perma.cc/BN7G-JKC4>.

Stillman's away from public view would pull the rug out from years of progress toward the goals of CPD transparency and accountability and ending the Department's decades-long pattern of civil rights violations.

CONCLUSION

Amici respectfully request that the Court (1) affirm the appellate court's decision to overturn the Award because the Award violates Illinois public policy, and (2) affirm the appellate court's order that serious CPD misconduct proceedings must remain open to the public.

Respectfully Submitted,

/s/Craig B. Futterman

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CERTIFICATE OF COMPLIANCE WITH RULE 341

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 13,185 words.

Respectfully Submitted,

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APPENDIX

LIST OF AMICI CURIAE

Amici include:

1. Members of a community-based coalition (“Coalition”) that has the power and responsibility to enforce the federal consent decree entered by the United States District Court to remedy CPD’s pattern and practice of civil rights violations, as alleged in *State of Illinois v. City of Chicago*, N.D. Ill. Case No. 17-cv-6260.¹ The member-organizations of the Coalition include:

a. *The ACLU of Illinois* is a non-profit, non-partisan, statewide organization located in Chicago, Illinois. The ACLU is dedicated to protecting and expanding the civil rights and civil liberties enshrined in the United States Constitution, the Illinois Constitution, and state and federal civil rights laws. The ACLU advocates on behalf of people harmed by unconstitutional policing practices in the City of Chicago, including practices that disproportionately impact people of color.

b. *Black Lives Matter Chicago* is an organization that fights for justice with families most impacted by race-based violence and marginalization of Black communities, while working to create just and equitable systems. Black Lives Matter Chicago works to end state violence and criminalization of Black communities by deconstructing the white supremacist, capitalist patriarchy.

c. *Brighton Park Neighborhood Council (BPNC)* is a community-based, grassroots organization on Chicago's southwest side, a predominantly Latinx and immigrant community. They work to empower their community and build its capacity by providing school and community-based services and programs.

d. *Chicago Urban League* is an independent, not-for-profit civil rights organization. CUL has more than 15,000 constituents in the Chicago metropolitan area. The pattern and practice of police brutality in Chicago has caused grievous harm to the individuals, families, and communities served by the CUL, and has severely diminished their safety and opportunities for economic, educational, and social progress.

e. *Community Renewal Society (CRS)* is a faith-based organization that represents at least 10,000 people through its approximately 70-member congregations, more than 30 of which are in Chicago. CRS is a 135-year-old organization that works with people and communities to address racism and poverty. One of CRS’s primary campaigns is police accountability and reform.

f. *Communities United* is an organization that uses grassroots community organizing to alleviate social inequality. Its mission is to develop local leaders to address issues and bring about policy change on a variety of social justice issues. Communities United addresses the following issue

¹ *State of Ill. v. City of Chi.*, No. 17-cv-6260 (N.D. Ill.), Docket No. 703-1 at paragraph 709 (granting the Coalition the power to enforce the CPD consent decree in federal court). The decree is also available at chicagopoliceconsentdecree.org.

areas through its organizing: immigrants' rights, affordable housing, public education, healthcare, violence prevention and gang involvement of young people, and workers' rights.

g. *Network 49* is a community-led organization committed to organizing and advocating for policies and elected leadership that advance a high quality of community life, benefiting all residents in the 49th Ward of the City of Chicago.

h. *ONE Northside* is a community organization whose mission is to achieve racial, social, and economic justice. To that end, ONE Northside practices community organizing in the areas of violence prevention, public education, affordable housing, healthcare and mental health justice, youth empowerment, and economic justice. ONE Northside engages community members from the Rogers Park, Edgewater, Uptown, Ravenswood, North Center, Lakeview, and Lincoln Park neighborhoods of Chicago. These diverse communities are home to some of the populations most vulnerable to the Chicago Police Department's unconstitutional practices—racial minorities, people with disabilities, immigrants, and low-income individuals. ONE Northside is a membership organization, with about 100 organizational members and more than 600 individual members in Chicago.

i. *Westside Branch of the NAACP* is a membership organization based on the West Side of Chicago that is part of the oldest national civil rights organization in the United States. The Illinois State Conference of the NAACP coordinates activities throughout the State of Illinois. The NAACP's mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination, including but not limited to racially biased police practices.

j. *Women's All Points Bulletin* is a human rights and community policing non-profit organization that provides services, education, and training to eradicate all forms of violence against women during policing encounters.

k. *411 Movement for Pierre Loury* is an organization formed in response to the fatal shooting of 16-year-old Pierre Loury by Chicago Police. It was created as a response to the problematic culture of violence being committed in the city of Chicago by the civil servants that are contracted to serve, protect, and uphold the law.

2. *A Just Harvest* is an organization dedicated to fighting poverty and hunger in the Rogers Park neighborhood and greater Chicago community by providing nutritious meals daily while cultivating community and economic development and organizing across racial, cultural and socioeconomic lines to create a more just society.

3. *Better Government Association (BGA)* a non-partisan, nonprofit news organization and civic advocate working for transparency, equity and accountability in government in Chicago and across Illinois.

4. *Center on Wrongful Convictions (CWC) Northwestern University Pritzker School of Law* is dedicated to identifying and rectifying wrongful convictions and

other serious miscarriages of justice. To date, the Center has exonerated more than forty innocent men, women, and children from states around the country, and it receives thousands of inquiries a year. The CWC also houses some of the nation's leading legal experts on false confessions and police interrogations and has helped exonerate more than twenty false confessors.

5. *Chicago Alliance Against Racist and Political Repression (CAARPR)* is a branch of the National Alliance Against Racist and Political Repression. CAARPR is a mass defense organization that defends the rights of Black people and all oppressed peoples to unite, organize and fight for freedom, justice and equality. CAARPR was founded in 1973 and its parent organization was National United Committees to Free Angela Davis and All Political Prisoners. Today, CAARPR sees the police occupation of communities and mass incarceration as the two greatest obstacles to its fight for democracy and liberation.

6. *Chicago Appleseed Center for Fair Courts* is a community-driven advocacy organization using mixed-methods research approaches to interrupt cycles of poverty, mass incarceration, and racial injustice inherent to the legal system.

7. *Chicago Lawyers' Committee for Civil Rights* is a public interest law organization founded in 1969 that works to secure racial equity and economic opportunity for all. Chicago Lawyers' Committee collaborates with grassroots organizations and other advocacy groups to implement community-based solutions that advance civil rights and racial justice. Through litigation, policy advocacy and coalition work, Chicago Lawyers' Committee works to ensure that systems operate with fairness and justice to produce equitable outcomes.

8. *Chicago Torture Justice Center* seeks to address the traumas of police violence and institutionalized racism through access to healing and wellness services, trauma-informed resources, and community connection. The Center is a part of and supports a movement to end all forms of police violence. It is a community center for Chicago police torture survivors. CTJC was established as a result of a historic Reparations Ordinance passed by the Chicago City Council in May 2015.

9. *Chicago Women Take Action* is comprised of activists of all ages and backgrounds working on the local and national level to promote women leaders and secure the health and well-being of women, their families, and their communities. CWTA organizers around issues including, but not limited to, gun violence, reproductive rights, protecting democracy, income inequality/equal wages to the ERA, voting rights, minimum wage increase and fair employment conditions.

10. *Chicago Council of Lawyers* is a member-based organization whose focus is the benefit of non-members, particularly poor and disadvantaged populations who often have unequal access to the justice system. The Council works on non-litigation pro bono projects meant to promote systemic reform, including increased access to justice, immigration court reform, criminal justice reform, children and family law, and projects on the federal courts. The Council is a well-respected, non-partisan entity with the ear of important stakeholders in Cook County and Illinois at large, and has done a tremendous amount to ameliorate hidden injustices that don't always make headlines or present themselves in everyday law practice.

11. *The Chicago Reader* has been a fearless, innovative, and nationally respected community-supported nonprofit media voice in Chicago for more than 50 years.
12. *The Cook County Public Defender's Office* protects the fundamental rights, liberties and dignity of each person whose case has been entrusted to them by providing legal representation. The Office provides legal representation to indigent persons in criminal cases in Cook County, many of whom have been victims of Chicago police abuse.
13. *The Exoneration Project of the University of Chicago Law School's* primary mission is to overturn wrongful convictions and prove its clients' innocence in court. Additionally, it attempts to address the systemic problems in the criminal legal system that cause innocent people to be convicted of crimes they did not commit. To do so, the Exoneration Project advocates for greater accountability in the justice system. Additionally, it works to ensure exonerees re-enter society with the supports they need to succeed.
14. *First Defense Legal Aid* provides legal assistance to people and communities in the Chicago area who have suffered abuse at the hands of police. It mobilizes lawyers and overpoliced community members to fill gaps in public defense and create, protect, and engage replicable alternatives to the criminal system starting with its entry points.
15. *Good Kids Mad City Englewood (GKMC-E)* was started by students from across Chicago to form a collective of young people impacted by gun violence. GKMC-E's goal is to bring young community members together to build unity, nurture healing, and create a thriving community. Throughout the process, GKMC-E collects data to document real change and growth in the fight against violence in the Englewood community. In addition, GKMC-E shifts and frames the narrative on urban violence by amplifying the voices of those directly impacted.
16. *Impact for Equity*, (formerly BPI) is a public interest law and policy center that has fought racial, economic, and social injustice alongside communities most impacted by systemic inequities in the Chicago region and across Illinois for more than 50 years. Known for its innovative and effective advocacy, Impact for Equity advances systemic change so every person can thrive in a community free from systemic barriers.
17. *Invisible Institute* is a nonprofit journalism production company on the South Side of Chicago. It works to enhance the capacity of citizens to hold public institutions accountable. Invisible Institute's work coheres around a central principle: we as citizens have co-responsibility with the government for maintaining respect for human rights and, when abuses occur, for demanding redress.
18. *The Jewish Council on Urban Affairs (JCUA)* organizes the Jewish communities of Chicagoland to pursue justice. For more than 60 years, JCUA has trained, mobilized, and connected Jewish individuals and institutions to combat injustice — in deep partnership with neighbors across Chicago and Illinois. JCUA's work is powered by more than 2,000 members who collaborate with staff, Board, and coalition partners to lead campaigns and initiatives across our core

issue areas: immigration justice, community safety, housing and economic justice, and the fight against antisemitism.

19. *The NYU Policing Project* works with major cities across the country on the issue of alternative response and front-end police accountability. They work across a host of issues—from use of force and racial profiling, to facial recognition, to reimagining public safety—in close collaboration with stakeholders who typically find themselves at odds. NYU Policing Project brings a new approach to these areas, one grounded in democratic values that strives for transparency, racial justice, and equitable treatment for all.

20. *The Roderick & Solange MacArthur Justice Center (“RSMJC”)* is a nonprofit civil rights organization founded in 1985 by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. RSMJC attorneys, including in the Illinois office, have played a key role in civil rights cases around the country concerning important criminal justice issues like police misconduct, pretrial justice, wrongful conviction, and the treatment of incarcerated people, as well as the enforcement of government transparency and accountability.

21. *Lucy Parsons Lab (“LPL”)* is a digital rights non-profit composed of academics, transparency activists, artists, and technologists. LPL uses transparency tools like the Freedom of Information Act to analyze police spending and misconduct and inform the public about its findings. LPL has written extensively about the role of police surveillance technologies and its impact on civil society.

22. *People’s Law Office (PLO)* has been fighting for the civil rights of victims of police brutality, wrongful convictions, false arrest, and other government abuses for over 40 years. PLO has represented wrongfully imprisoned people and individuals awaiting the death penalty, and has uncovered secret abuses by police and government officials.

23. *South Side Weekly* is a nonprofit that is dedicated to producing local journalism that is for, by, and about the South Side of Chicago.

24. *The Southwest Organizing Project’s (SWOP)* mission is to build a broad-based organization of Christian, Muslim and Jewish faith institutions, local schools, and other institutions in Southwest Chicago, which will enable families to exercise common values, determine their own future and connect with each other to improve life in their neighborhoods. To this end, leaders of SWOP have dedicated themselves to building relationships across racial, ethnic, generational and faith differences to bring the common concerns of their institutions into the public life of the community as they develop the capacity to act collectively and “stand for the whole.”

25. *Trinity United Church of Christ of Trinity Church Chicago* is a Black and Christian social justice church with Liberation and Outreach ministries, who through their work struggle with the justice issues of the day from feeding the hungry to ending mass incarceration.

26. *Truth, Hope, and Justice Initiative* is committed to advancing social justice and racial equality by publishing stories and sharing the human truths of mothers impacted by unjustified police violence in America.

Amici signing on in their individual capacities as community leaders on the subject of police accountability are:

1. Reverend Dr. Otis Moss III of Trinity United Church of Christ of Trinity Church Chicago
2. Father Michael Pfleger, pastor at Saint Sabina Catholic Church
3. Anjanette Young, survivor of abuse by the Chicago Police Department

Support for Transparency and Accountability in CPD Serious Misconduct Cases

Dear Illinois Court of Appeals,

My name is Ghian Foreman, and I am a former member of the Chicago Police Board. I am writing to express my support for public scrutiny and accountability when Chicago police officers commit serious misconduct.

We have made significant progress over the last ten years since the Chicago Police Department (CPD) and the Mayor hid Chicago police officer Jason Van Dyke's murder of 17-year-old Laquan McDonald from the public. However, the FOP's appeal is attempting to reverse this progress and push the most serious cases behind closed doors, such as when police unjustifiably kill people, assault people, or frame people for crimes they did not commit.

The FOP has now asked the Court of Appeals to allow it to drive Chicago police abuse back into secrecy. If the FOP succeeds, it will guarantee another decade of police impunity in Chicago.

I am writing to urge the Court of Appeals to rule that the review and decision-making behind serious cases of CPD misconduct must be open to the public. The public has a great interest in appropriate accountability for police officers accused of serious misconduct. The absence of CPD transparency and police accountability would lead to:

- The harm to tens of thousands of individuals and families abused by Chicago police;
- The innumerable false confessions and wrongful convictions;
- The hundreds of millions of public dollars paid as a result of CPD abuse;
- The loss of public safety and trust.

We cannot afford to return to a time when a Chicago police officer could fire sixteen shots into the body of a Black teenage boy while he lay on the ground, knowing that nothing would happen to him.

I urge you to rule in favor of transparency and accountability.

Thank you for your time and consideration.

Best regards,



Ghian Foreman

Former President of the Chicago Police Board