



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

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SENT VIA EMAIL

William Evans
Chief of Police
c/o Sabrina Spano, Corporation Counsel, City of Joliet
Joliet Police Department
150 W. Washington St.
Joliet, Illinois 60432
wevans@joliet.gov
sspano@joliet.gov

Re: Investigation of the Joliet Police Department – Foot Pursuits

Dear Chief Evans:

When the Office of the Illinois Attorney General (“OAG”) opened its pattern and practice investigation of the Joliet Police Department (“JPD” or “the Department”), our investigative team committed to notify the City of Joliet (“City”) and JPD of serious systemic issues that raise immediate concern. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete, we have identified a pattern of JPD officers engaging in dangerous foot pursuits that create an unreasonable risk to officer and community safety far beyond that created by the behavior or suspected offense precipitating the chase. The Department urgently needs to correct its foot pursuit practices.¹

Apprehending individuals suspected of serious criminal wrongdoing is an important responsibility of any police department. To carry out that responsibility, police officers must sometimes engage in foot pursuits when justified by the circumstances. Because of the inherent

¹ Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office’s webpage dedicated to this investigation: <https://www.illinoisattorneygeneral.gov/joliet/>.

danger posed by foot pursuits, officers need clear guidance on when to engage in foot pursuits, when not to, and what to do to best protect the public and themselves during and after a foot pursuit.

JPD officers do not currently have this guidance because JPD lacks a foot pursuit policy. It needs one—both to promote public safety and to protect the safety of officers. Specifically, JPD needs a policy that provides officers with instructions about when to engage in a foot pursuit, when to terminate the pursuit, and the practices that should be employed to better protect officers and the public. Without such a policy, officers lack guidance on acceptable or prohibited behaviors and are not held accountable for dangerous or reckless conduct. In the cases that we reviewed, we observed repeated failures of training, tactical errors, a lack of meaningful supervision, and the absence of critical reviews necessary for officer support and accountability. Below we identify the concerns giving rise to this letter and make initial recommendations for promptly addressing these concerns.

Foot pursuits are inherently dangerous and are made more dangerous by tactics JPD officers frequently engage in during pursuits

Foot pursuits are inherently dangerous.² Nationally, foot pursuits have precipitated tragic deaths of officers and the people being pursued. In response to concerns emerging out of our larger investigation, our team and subject matter experts closely reviewed a set of JPD’s recent foot pursuits. The documents and videos revealed repeated problematic behavior. The concerns outlined below are representative of patterns identified in this specific review and from our larger investigation.

In our review, we observed JPD members engage in foot pursuits that were unreasonably risky to themselves and to others. For example:

- Officers frequently rely on force both during and after foot pursuits, even where the underlying suspected offense is low-level and non-violent. This has led to officers justifying uses of force primarily based on the fact that foot pursuits are inherently dangerous, rather than the severity of the crime at issue or any threat reasonably perceived by the officer.
 - In several pursuits we reviewed, officers pulled their guns during the pursuit and continued running with guns drawn, and in some cases pointed the gun while running. This practice presents an unreasonable risk of death or serious injury.³

² Int’l Assoc. of Chiefs of Police, FOOT PURSUITS, CONSIDERATIONS DOCUMENT 1 (2023).

³ Several departments and model policies prohibit or greatly discourage chasing people with guns drawn, particularly with their fingers on the trigger. *See, e.g.*, Detroit Police Dep’t Directive 202.7-5.9 (2018) (on file with author) (“Under no circumstances shall a member run or carry a handgun with their finger on the trigger. When a suspect appears unarmed and there is no other reliable information (e.g. witness, nature of offense, etc.) to determine the danger the suspect presents, it is generally best to keep the handgun securely holstered until or unless needed to effect the arrest.”); *see also* Stanford Law School, Model Use of Force Policy Beta Release 1.0, 5.300 Sec. F.1.b (2022), <https://law.stanford.edu/wp-content/uploads/2022/09/SCRJ-Chapter-5-Master.pdf> (requiring officers to “proceed with extreme caution” if they must run with unholstered firearms); Houston Police Dep’t, General Order No. 600-11, Sec. 2 (2020), https://www.houstontx.gov/police/general_orders/600/600-11%20Foot%20Pursuits.pdf

- Officers deploy their Tasers during pursuits, at times aiming at the backs of people who are running full speed. This creates a risk that the person will be struck while running, causing them to fall face-forward and sustain serious injuries in circumstances where the justification for the pursuit is questionable. JPD leadership is aware of the riskiness of this practice. However, there is clear evidence in reports and videos that the problem persists, and the oversight systems in place have failed to address or prevent officers from deploying Tasers in this way.
- Many of the pursuits we observed ended with officers tackling people to the ground or using other types of force like punching and deploying Tasers. Some of these uses of force occurred even where the underlying suspected offense was low-level and non-violent.
- Officers use general and common descriptors like “black hoodie in blue jeans” or “male black, all black” when communicating over the radio during a chase. Using generic descriptions increases the risk to community members who may be outdoors during the chase, especially when officers lose track of the person being pursued.
- Officers regularly initiate or continue foot pursuits in high-risk circumstances where there is no immediate threat to public or officer safety, including for example:
 - at night, when there is low visibility of the person being chased or of other dangers that may be present;
 - in residential neighborhoods where the pursuing officer’s sight is obscured by buildings or vegetation, making the risk of pursuit higher; and
 - after losing track of the person being pursued, raising both tactical and safety concerns for the officer, and heightening the risk to people in the community who may mistakenly be identified as the person being pursued.
- Officers shout threats during pursuits, including threats that they are going to shoot or tase the person being chased. For example, in a recent traffic stop initiated ostensibly because of a car’s tinted windows, an officer chased a passenger who fled from the scene. While running, the officer screamed at the fleeing passenger, “Imma shoot you, motherf*cker! Imma shoot you!” This kind of unjustified threat only escalates the interaction, further activating the fleeing person’s fight-or-flight impulse. From a tactical and safety perspective, this behavior is counterproductive and dangerous.

*JPD officers’ dangerous foot pursuits are often not justified
by a need for immediate apprehension*

In many cases, the justification for an officer’s foot pursuit did not outweigh the risks it created. To the contrary, JPD officers engage in foot pursuits that are both dangerous *and* unjustified. People may avoid contact with police for many reasons other than involvement in criminal activity, yet we observed many incidents where the officer(s) initiated a pursuit solely because a person or group started running at the sight of officers. We also observed many foot pursuits originating out of traffic stops for equipment violations or other low-level offenses. Avoiding or running from officers without any other indication of criminal activity is not enough

(requiring officers to use “special caution” when running with a firearm in hand and to keep their fingers off the trigger unless they have decided to use deadly force).

to justify the risk of a foot pursuit,⁴ and policies in other jurisdictions prohibit foot pursuits for minor offenses given the inherent danger to officers and the public.⁵

In one example of a pursuit, an officer chased a pedestrian who fled after the officer approached him to investigate a report of a suspicious person. Before the officer even began pursuing the person, he can be heard on body-worn camera footage yelling, “[W]hat the f*ck is you running for? You’re not even in trouble.” During this 1:00 a.m. chase, the officer pulled his gun on the unarmed person, who he identified over the radio as a “young Hispanic boy.” The officer ultimately charged the child with a curfew violation upon learning his age. A potential curfew violation does not justify a gun-drawn pursuit under the cover of night, nor does a simple report of a suspicious person.

In another example highlighting several concerns, a sergeant engaged in a brief vehicle pursuit through a residential neighborhood to detain someone who failed to stop at a stop sign. Following the short pursuit, the driver stopped the car and began to run. The sergeant decided to continue the chase on foot. The sergeant would later report that the man was holding his waistband during the chase, and that he was concerned that the man may have been reaching for a weapon. The sergeant threatened to tase the man several times during the foot pursuit and unsuccessfully deployed his Taser twice at the fleeing man. The chase ended when the man fell, and the sergeant took him into custody without incident. The man stated that he was not sure why he ran. Ultimately, JPD charged the man with driving with a revoked license and resisting/obstructing a police officer (related to the pursuit itself). The supervisor who reviewed the sergeant’s Taser deployment acknowledged that the sergeant “was unfamiliar with the area [and] the arrestee was running through poorly lit backyards holding his waistband”—all reasons for *not* engaging in a pursuit and underscoring the need for guidance, training, and effective supervision.

In another incident reflecting several of these concerns, two officers noticed two teenagers trying to hide as the squad car drove by. When one of the teenagers fled, the officers pursued him by car, initiating a foot pursuit through a residential area after reporting that the teen had a gun. At the conclusion of the chase, body-worn camera footage shows an officer shoot at the person—a 17-year-old with his hands in the air at the time of the shot. The officer’s bullet missed the youth, but struck a residence. In the only after-incident review of this incident OAG is aware of, supervisors justified the shooting by noting that the officer engaged in the pursuit with caution, saw the youth raising his arms at him, and took cover after shooting. These notes are inconsistent with the video, which shows the officer turning corners at high rates of speed and shooting less than one second after the youth comes into partial view with both of his hands in the air. Echoing

⁴ Any guidance and policies on foot pursuits should take into account that there are many legitimate non-criminal reasons that a person may seek to avoid contact with the police. *See Florida v. Royer*, 460 U.S. 491, 497–98 (1983) (stating that an officer may approach a person without reasonable, objective justification for a seizure or detention, but “[t]he person approached . . . need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way”); *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (stating that while a person’s “unprovoked flight” is one factor relevant to whether there is a basis for a *Terry* stop, it is “not necessarily indicative of wrongdoing”).

⁵ *See, e.g.*, Chicago Police Dep’t, General Order G03-07 Sec. IV.B (2022), <http://directives.chicagopolice.org/#directive/public/6186>; Baltimore Police Dep’t, Policy 1505 Sec. 8 (2021), <https://www.baltimorepolice.org/transparency/bpd-policies/1505-foot-pursuits>.

fatal foot pursuits in other jurisdictions, it is only through luck, not tactical precision or precautions, that this youth or one of the bystander residents in the home was not killed. This level of risk is unacceptable and must be quickly corrected.

Despite evidence that these pursuits and others created unnecessary danger, there is no record of any meaningful review, training, or corrective action to identify or address these issues. The failure to identify these problems through formal supervisory review indicates a lack of guidance and meaningful oversight over one of the most dangerous activities JPD officers engage in. We understand that JPD leadership is in the early stages of independently discussing updates to the Department's foot pursuit practices. Given the gravity of risks outlined in this letter, we urge JPD to expedite these updates in line with our recommendations.

JPD must take immediate action to curtail its overreliance on dangerous foot pursuits

JPD's current foot pursuit practices and lack of policy guidance, supervision, and accountability put the safety of JPD officers and the Joliet community at risk. In the short term, we urge JPD to curtail its overreliance on foot pursuits, particularly those that create a high risk of harm without a sufficient justification for the pursuit. Given the dangers posed by JPD's foot pursuit practices—both to officers and community members—JPD must immediately issue interim guidance and training bulletins to, at a minimum:

- (1) prohibit officers from chasing people when the justification for the pursuit is insufficient, such as when only a low-level, non-violent offense is involved, or when the primary justification for the pursuit is that a person is avoiding or fleeing police, with no other basis for reasonable suspicion that a crime is being committed;
- (2) require officers to terminate chases when high-risk circumstances emerge—such as losing track of the person—absent an immediate threat to the lives of officers or the public;
- (3) prohibit officers from tasing fleeing people who are not an imminent public safety threat;
- (4) require officers to report each foot pursuit, document the factors giving them reasonable suspicion that a crime had been or was being committed, and document the public safety justification for the pursuit; and
- (5) require supervisors to oversee pursuits as they occur, order the termination of pursuits when the risk outweighs the benefit of immediate apprehension, and provide written review of all pursuits, including requiring retraining or corrective action when necessary.

These interim documents should also acknowledge that foot pursuits are inherently dangerous and generally discouraged unless there are extenuating circumstances, and that foot pursuits can lead to unnecessary escalations of force that could be avoided. JPD should also immediately require data collection, written reports, and supervisory review of all pursuits, and mandate guidance, training, and remedial action when officers engage in risky or unjustified pursuits in the interim period. The interim guidance and training bulletins reflecting these points should be distributed department-wide to promptly address dangerous foot pursuit practices with both officers and supervisors.

In the longer term, JPD must develop a permanent policy and standard review process to examine individual foot pursuits and determine whether they indicate a pattern that requires training or policy revisions. To do so, JPD must also meaningfully engage with community

members to gather feedback on its foot pursuit practices.

Our office invites collaboration and engagement on these issues. Again, we recognize that foot pursuits are sometimes a necessary part of police work. It is incumbent upon the Department, however, to advise and train officers about the inherent danger foot pursuits pose and how they can mitigate that danger, both for themselves and for the public. We are ready to assist JPD in developing a multi-tiered plan to reduce the risks of these practices and—in the longer term—to assist with the development of a policy governing all aspects of foot pursuits. Due to the gravity of this issue, we ask JPD to respond by Friday, May 12, 2023, with a timeline for addressing this problem and its plans for interim guidelines and restrictions, including its plan to work with us in the development of these documents.

Our investigation is ongoing and we will provide a report of our findings when it is complete. We look forward to working with JPD on this issue and highlighting JPD's progress in this regard, and we urge the City and JPD to begin that process as soon as possible. We look forward to your response by Friday, May 12.

Respectfully,

KWAME RAOUL
Attorney General of the State of Illinois

By: /s/ Elizabeth H. Jordan
Elizabeth H. Jordan

/s/ Hannah Y. Jurowicz
Hannah Y. Jurowicz

Assistant Attorneys General
Office of Illinois Attorney General
Special Litigation Bureau
100 West Randolph Street
Chicago, Illinois 60601
Phone: (312) 814-3000

cc: Jim Capparelli, City Manager for the City of Joliet
Sabrina Spano, Corporation Counsel for the City of Joliet
Robert Brown, Deputy Chief of Operations
Sherrie Blackburn, Deputy Chief of Administration
Carlos Matlock, Deputy Chief of Investigations