

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

A.G.¹, a minor, by his Mother and Next Friend
CIERRA CORBITT, and CIERRA CORBITT
individually,

Plaintiffs,

v.

CHICAGO POLICE OFFICER JOHN DOE,
individually and as an agent of CITY OF
CHICAGO; and CITY OF CHICAGO, a
municipal corporation,

Defendants.

Case No.

Jury Trial Demanded

COMPLAINT

A.G., a minor, by Cierra Corbitt, his Mother and Next Friend, along with Cierra Corbitt, individually, through their attorneys, Action Injury Law Group LLC, and Hart McLaughlin & Eldridge, LLC, allege as follows against the City of Chicago and its police officer, John Doe Officer:

1. This is A.G. He is a young Black seventh grader. He is 13 years old, 5 feet 8 inches tall, and weighs 122 pounds. A.G. is currently lying in a hospital bed with a bullet still lodged in his body after being shot in the back by an officer with the Chicago Police Department (“CPD”). A.G. and his family are waiting to learn whether he will ever be able to walk again.



¹ Because A.G. is a minor, Plaintiffs are using his initials in lieu of his name.

2. The bullet in A.G.'s body was fired from the gun of a CPD officer. The officer was chasing A.G. and, according to witness statements, was screaming for him to stop running and put his hands up. A.G. was unarmed and did as he was instructed. But the officer still shot him – recklessly, callously, and wantonly – right through his back.

3. The City of Chicago is under a Consent Decree due in large part to its longstanding pattern and practice of using excessive force, including deadly force, disproportionately against minorities. Tragically, the deep-seeded systemic problems that led to the entry of the Consent Decree – implicit bias and failures in training, supervision, and accountability – still exist today. A.G. is the latest victim of CPD's systemic failures.

4. It is a story all too familiar: a Black or Brown male shot by a CPD officer. In A.G.'s case, the shooting occurred during a foot pursuit. Even though the City has known that foot pursuits are inherently dangerous and there have been numerous incidents where CPD officers chased and shot fleeing persons who posed no immediate threat, CPD inexplicably resisted implementing any foot pursuit policy for years. Finally, in June 2021, CPD implemented a “temporary” foot pursuit policy which has rightly been criticized by thought leaders, community members, and other stakeholders. CPD was required by the Consent Decree to implement a permanent foot pursuit policy by September 2021 but missed the deadline. Almost nine months later, there is still no policy.

5. A.G.'s shooting was unnecessary and would not have occurred had CPD provided its officers with the training that both they and the residents of the City of Chicago deserve. CPD and John Doe Officer are responsible for the past and future medical expenses that will be incurred in treating the catastrophic personal injuries A.G. has sustained, as well as the pain, suffering, and loss of a normal life that A.G. will sadly have to endure for years to come.

OVERVIEW

6. On May 18, 2022, at approximately 10:30 p.m., 13-year-old A.G., was shot by an on-duty police officer with the Chicago Police Department. The incident occurred in the 800 block of North Cicero Avenue in Chicago. The shooting occurred in the community area of Austin on the City's West Side. More than 75% of the community residents of Austin are African American.

7. While A.G. survived the shooting, he has been permanently and catastrophically injured and remains hospitalized.

8. CPD's shooting was wholly unjustified as A.G. was running away from the shooter, he was unarmed, and he posed no threat of harm to the officer who shot him or anyone in the vicinity. Multiple witnesses at the scene reported that A.G. was complying with the officers' directive for him to put his hands up – and indeed his hands were up – when John Doe Officer shot him.

9. While the City of Chicago is currently subject to a Consent Decree to address CPD's long sordid history of using excessive force, leadership within the City and CPD have not taken those efforts seriously. As a result, there remains a widespread pattern and practice of using excessive force, including deadly force, against African Americans.

10. A former Commanding Officer with CPD who was intimately involved in the administration of the Consent Decree resigned on August 10, 2021. In his notice of resignation, he made clear that CPD leadership is not interested in pursuing meaningful reform through the Consent Decree, but instead is using a “check the box” strategy where they try to get credit for policy changes in the media without actually providing the training and oversight necessary to implement those changes. The substance of the Commanding Officer's resignation notice reads as follows:

I will forever take pride in establishing the Chicago Police Department's Audit Division, hiring its first members, and leading the group through its first three years. I have never been as professionally engaged as when I took on this role in June 2018. Since then, I've had the pleasure of managing an incredible team of individuals whose work resulted in more than 40 written products and 62 formal recommendations.

Unfortunately, my disappointment with the inability of this Department's top leadership to even feign interest in pursuing reform in a meaningful manner has made it impossible for me to remain involved. Even more unfortunate is that my experience is far from unique. Many well-meaning and talented civilians have signed up to help improve the nation's second-largest police department, only to find themselves steadily thwarted by its perverse incentive structures until they inevitably depart due to demoralization.

I spent much of the past three years attempting to convince senior leadership that it is critical to (1) understand the impact of each policy change on the Department's training portfolio, and (2) plan for data collection to allow for reliable assessments of compliance. Despite my efforts, both the Office of the Superintendent and the Office of Constitutional Policing & Reform continue to insist upon employing a 'check the boxes' strategy that focuses on getting credit for 'preliminary compliance' based primarily on policy edits that lack operational considerations. Over time, the optimism I brought to this role withered in an incessant stream of discussions with the singular intent of identifying ways to "move the needle" by "getting the percentages up" to improve portrayals in local media coverage.

Reality is at odds with public pronouncements that the consent decree is "a floor, not a ceiling" and the rank-and-file deserve better.

Moving forward, I hope that more members begin to find themselves empowered to pursue work on reform in a manner that can lead to tangible, meaningful improvements. Until then, continuing to suggest that reworded policies alone represent progress—without effectively communicating changes to the 12,000+ sworn members or collecting the data necessary to understand their effects—will only ensure that this consent decree remains in place far longer than any of us would like.

JURISDICTION AND VENUE

11. This Court has jurisdiction over the federal questions at issue pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343, as well as supplemental jurisdiction over state law claims pursuant to 28 U.S.C. §1367.

12. Venue is proper in this Court under 28 U.S.C. §1391(b) because all incidents, events, and occurrences giving rise to this action occurred in the Northern District of Illinois, Eastern Division. Moreover, all parties reside in this District.

PARTIES

13. Plaintiff Cierra Corbitt is the mother and Next Friend of A.G., a minor. Ms. Corbitt and her son are residents of Chicago, Illinois and live in this District.

14. The identity of the shooting CPD officer is currently concealed by the City and hence, is unknown by Plaintiffs. Therefore, the shooter is named as John Doe Officer. Upon identification of the officer, Plaintiffs will seek leave to amend accordingly. At all relevant times, John Doe Officer

was acting in the course and scope of his employment by the City and acting under the color of state law. He is sued in his individual capacity and as an agent of the City of Chicago.

15. The City of Chicago is a municipality duly incorporated under the laws of the State of Illinois. The City is the employer of John Doe Officer. The City is further responsible for the policies, practices, and customs of its Police Department.

THE SHOOTING

16. On the evening of May 18, 2022, A.G. was riding as a passenger in a Honda Accord. CPD was in pursuit of the car.

17. As the car was driving west on Rice Street towards Cicero Avenue, A.G. got out of the car and ran. As A.G. was running south on Cicero Avenue through the lot of a Marathon gas station, there were several CPD officers on foot chasing him from behind. There were also several police vehicles nearby, in addition to a CPD helicopter overhead.

18. According to witness accounts, while A.G. was running he was told by one or more of the pursuing CPD officers to put his hands up. A.G. did as he was directed; he put his hands up with the intent of surrendering to the police.

19. At or about the same time, John Doe Officer, who was running behind A.G. with his gun unholstered, shot A.G. without cause or justification, causing A.G. to sustain catastrophic and permanent injuries.

20. A.G. immediately collapsed in the lot of the Marathon gas station. CPD officers did not render immediate aide to A.G., but instead callously dragged him across the pavement and then turned their attention to an uninjured officer who crashed into a sign at the gas station while arriving on scene.

21. A.G. did not have a weapon or do anything to make John Doe Officer believe that he was armed or dangerous.

22. A.G. did not pose an imminent threat of death or great bodily harm to John Doe Officer (who was running behind him) or to anyone.

23. As a result of the unjustified shooting by John Doe Officer, A.G. has (so far) been diagnosed with the following injuries:

- a. gunshot wound;
- b. complete lesion at T7-T10 level of thoracic spinal cord;
- c. T10 spinal cord injury;
- d. fracture of lamina of thoracic vertebrae;
- e. fracture of transverse process of thoracic vertebrae;
- f. fracture of spinous process of thoracic vertebrae;
- g. retained magnetic metal foreign body;
- h. multiple fractures of ribs;
- i. hemothorax (collection of blood between the chest and lungs);
- j. acute blood loss anemia;
- k. bilateral pulmonary contusion;
- l. esophageal injury; and
- m. impaired mobility and ADLs.

CPD's POLICIES

24. Multiple CPD policies are implicated by the above-described pursuit and shooting, the two primary ones being: (a) CPD General Order G02-02 – De-Escalation, Response to Resistance, and Use of Force ; and (b) CPD General Order G03-07 – Foot Pursuits.

De-Escalation, Response to Resistance, and Use of Force (G03-02)

25. At all relevant times, CPD had a policy entitled “De-Escalation, Response to Resistance, and Use of Force.” The General Order will hereinafter be referred to as “CPD’s Use of Force Policy.”

26. CPD’s Use of Force Policy says that the “Department’s highest priority is the sanctity of human life.” Among those entitled to the sanctity of human life are fleeing suspects, like A.G.

27. The core principle of CPD’s Use of Force Policy is to gain the voluntary compliance of persons. Implicit in this core principle is that once CPD attains compliance, no use of force is necessary.

28. When A.G. put his hands up in response to CPD’s demands, he was in compliance and no force was necessary; certainly, no deadly force was necessary.

29. CPD’s Use of Force Policy provides that any use of force must be objectively reasonable, necessary, and proportional.

30. In considering whether use of force is “objectively reasonable,” the following factors are relevant: “(a) whether the person is posing an imminent threat to the member or others; (b) the risk of harm, level of threat, or resistance presented by the person; (c) the person’s proximity or access to weapons; (d) whether de-escalation techniques can be employed or would be effective; and (e) the availability of other resources.”

31. In the present case, CPD’s use of deadly force was not objectively reasonable. A.G. did not pose an immediate threat to the police officer or others; there was no perceivable risk of harm or level of threat posed by A.G. running; A.G. had no proximity or access to weapons; and de-escalation techniques were, in fact, effective since A.G. had surrendered.

32. For the same reasons, CPD’s use of deadly force was neither necessary nor proportional.

33. CPD's Use of Force Policy has a separate section addressing the use of deadly force. According to the Policy, "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member of another person."

34. A.G. never presented an imminent threat to life or great bodily harm.

35. According to CPD's Use of Force Policy, "a threat is imminent when it is objectively reasonable to believe that: (a) the person's action are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm."

36. By use of the conjunction "and," CPD's Use of Force Order requires all three elements be present before deadly force is used. Here, not a single element was present.

- a. A.G.'s actions were not immediately likely to cause death or great bodily harm; he was running away from the police.
- b. A.G. did not have the means or instruments to cause death or great bodily injury; he was unarmed.
- c. A.G. did not have the opportunity and ability to cause death or great bodily injury; he was surrendering in response to CPD's commands.

37. For the reasons discussed above, John Doe Officer who shot A.G. violated CPD's Use of Force Policy.

38. As discussed below, one reason John Doe Officer violated CPD's Use of Force policy is because he was not properly trained on use of force, de-escalation, foot pursuits, and implicit bias.

Foot Pursuits (G03-07)

39. Since June 2021, CPD has had a temporary policy entitled “Foot Pursuits.” The General Order will hereinafter be referred to as “CPD’s Foot Pursuit Policy.”

40. Prior to June 2021, CPD had no foot pursuit policy at all.

41. Like CPD’s Use of Force Policy, CPD’s Foot Pursuit Policy says that CPD’s highest priority is the “sanctity of all human life.” The circumstances surrounding the pursuit of A.G. were no exception; he was entitled to the sanctity of his life.

42. CPD’s Foot Pursuit Policy recognizes that foot pursuits “carry inherent risk to the Department members, members of the public, and fleeing subjects.” The policy further recognizes that “safety” is the primary consideration when determining whether a foot pursuit should be initiated or continued.

43. Foot pursuits are, by their nature, unpredictable and fast moving. They also give pursuing officers rushes of adrenaline which can compromise decision-making, certainly without significant and meaningful real-life scenario-based training.

44. CPD’s Foot Pursuit Policy contains a bolded provision requiring CPD officers engaged in a foot pursuit to “maintain weapon discipline and weapon retention.” The provision further recognizes that “[r]unning with a firearm unholstered and carried in the hand creates a greater inherent risk and could lead to injury or unintended hazards.”

45. CPD’s Foot Pursuit Policy also recognizes that “it is safer to run with a firearm holstered.” According to the policy, whether it is objectively reasonable to run with a gun in hand is driven by two factors: (1) the nature of the incident (e.g., call of a person with a gun); and (2) level of threat, resistance, or risk to the officer or the public presented by the subject (e.g., possession, or indicators of possession, of a weapon).

46. Neither factor here warranted John Doe Officer to run with his gun unholstered and in his hand.

47. The nature of the incident, i.e., a suspect fleeing on foot from the police, did not warrant John Doe Officer running with his gun in hand. Further, there was no report that A.G. had a gun or was armed and dangerous.

48. There was also no indication that A.G. posed an imminent threat to the police or to the public.

49. Upon belief, any purported basis that John Doe Officer had for running with his gun unholstered and carried in hand was improperly based on racial and socioeconomic bias.

50. CPD's Foot Pursuit Policy also provides that "[b]ecause of the inherent risks involved in foot pursuits," alternatives should be considered. Alternatives to foot pursuits identified in the policy include "establishing containment or surveillance of the area," and "requesting assistance from specialized units," such as helicopters.

51. In the present case, there were multiple CPD units in the immediate vicinity and one or more helicopters was overheard and had been surveilling the Honda Accord and following A.G. as he ran. John Doe Officer knew of the presence of the CPD units and the helicopter(s) and therefore knew or should have known that alternatives far safer than an armed foot pursuit were already in place.

52. For the reasons discussed above, John Doe Officer violated CPD's Foot Pursuit Policy.

53. As discussed below, one reason John Doe Officer violated CPD's Foot Pursuit Policy is because he was not properly trained.

54. Upon belief, because no foot pursuit policy was implemented until June 2021 – years (if not decades) later than it should have been implemented – CPD never provided the level,

frequency, and quality of training on foot pursuits that is necessary for officers to safely discharge their duties to the public.

CPD's Delay in Updating its Policies, Data Collection, and Training

55. CPD's existing Foot Pursuit Policy – which is a temporary policy – has been widely criticized.

56. As part of the Consent Decree process, CPD planned to modify the policy to reflect a philosophy shift that chasing a suspect should no longer be considered an automatic response.

57. Upon information and belief, the updated policy is to direct officers that a foot pursuit should only be initiated if the need to detain the person outweighs the risk to the public and the officer.

58. Upon information and belief, the updated policy is to further direct officers that a foot pursuit should not be initiated when there are other supports, such as helicopters and CPD units, available.

59. Upon information and belief, the updated policy is to further direct officers to consider if the subject could be arrested at a later time.

60. The reason the updated Foot Pursuit Policy has not been implemented is because CPD has failed to meet the Consent Decree deadline of September 3, 2021. According to the most recent report from the Consent Decree Monitor, “the CPD made the path to a permanent foot-pursuit policy more difficult than it could have been . . .” In that regard, the report states as follows:

In short, the IMT and the OAG engaged in countless discussions with the City and the CPD on its temporary foot-pursuit policy during May and June of 2021, continuing into the fifth reporting period [July 1, 2021 – December 31, 2021]. These discussions were intended to reach an approved, final policy on foot pursuits by the Consent Decree deadline of September 3, 2021. **The CPD did not meet the Consent Decree deadline of adopting a foot-pursuit policy by September 3, 2021 (extended from July 1, 2021, due to COVID-19).**

(emphasis added).

61. Additionally, before CPD's delay in updating and implementing its Foot Pursuit Policy, CPD inexplicably and unjustifiably resisted implementing any foot pursuit policy for years – meaning its officers have never received the level, frequency, and quality of training on foot pursuits they should have.

62. The City and CPD have also failed to resolve data collection and analysis issues pertaining to both use of force and foot pursuits, which has delayed implementation of reform and officer training. According to the most recent report from the Consent Decree Monitor:

As we noted in the fourth reporting period, until the CPD can appropriately collect, manage, and analyze data related to the Use of Force section, among others, the City and CPD cannot sufficiently demonstrate whether the CPD's practices have improved. This will, in turn, prevent the City and the CPD from becoming a true learning agency, capable of reviewing and revising policies and training in a way that is data driven and specific to the needs of Chicago's communities and CPD officers.

63. One of the terms of the Consent Decree is that “CPD officers are prohibited from using deadly force against fleeing subjects who do not pose an imminent threat of death or great bodily harm to an officer or another person.” (Use of Force: ¶ 166.) This term has been in place since 2019, but the City and CPD have yet to reach any state of compliance.

64. Another term of the Consent Decree is that “CPD will provide scenario-based training regarding foot pursuits . . .” (Use of Force: ¶ 166.) This term has been in place since 2020, but the City and CPD have yet to reach any state of compliance.

65. One of the primary reasons that meaningful reform to CPD's Use of Force and Foot Pursuit Policies has been delayed is because CPD has failed to collect accurate data, which in turn, compromises its ability to implement meaningful reform and provide training in areas where analytics

show it is needed. Among the relevant findings from the most recent report from the Consent Decree Monitor are the following:

In the middle of 2021, CPD disabled its foot pursuit data dashboard and revealed that the data it had collected over the past two years was flawed, causing it to fall out of compliance with certain requirements. Unfortunately, CPD has yet to fix its foot pursuit data collection flaws; in fact, the more CPD worked to uncover the source of the flawed data, the more it revealed challenges in its data collection methods. Similarly, CPD took down its public Use of Force data portal for several months without providing an explanation to the public. With the expected implementation of the new foot pursuit in the next several months, and the need for reliable, transparent tracking of use of force data, CPD must quickly rectify its data collection practices.

Data related to foot pursuits is just one example of CPD's challenges to collect and analyze accurate data. CPD's flawed or absent data collection practices hindered Consent Decree compliance across multiple areas.

CPD has made no meaningful effort to assess the relative frequency and type of force used by CPD officers against persons in specific demographic categories, including race or ethnicity, gender, age, or disability status. CPD's lack of progress and transparency here is troubling . . .

66. The City and CPD's delays as detailed above were a cause for the wrongful and wanton conduct on the part of the CPD officer who shot A.G..

67. Had CPD updated its policies and provided concomitant scenario-based training to its officers, the officer who shot A.G. would have known that:

- a. he should not have initiated a foot pursuit because the need to detain A.G. was not outweighed by the risks;
- b. he should not have initiated a foot pursuit because alternatives, including CPD units and helicopters, were in place;
- c. he should not have unholstered his gun and carried it in hand because A.G. did not present an imminent threat to life or great bodily harm;

- d. he should not have used any force because it was not objectively reasonable, necessary, or proportional to do so, specifically because none of the factors identified in the Use of Force policy weighed in favor of using force; and
- e. he should not have used deadly force because A.G. did not present an imminent threat.

CPD's Pattern and Practice of Excessive Force against African Americans and Inadequate Systems of Training, Supervision, and Accountability

68. CPD has had a longstanding unconstitutional pattern and practice of using excessive force against African Americans, among other issues.

69. In April 2016, the Police Accountability Task Force (“PATF”) issued a report containing recommendations for reform. The PATF was chaired by now Mayor Lori Lightfoot. The PATF’s findings and recommendations for reform have not been well-addressed, particularly in the context of CPD’s disparate treatment against African Americans. Among the PATF’s 2016 findings relevant to the present matter are the following:

- i. “CPD’s own data gives validity to the widely held belief the police have no regard for the sanctity of life when it comes to people of color.”
- ii. “Racial bias is not a thing of the past. Rather, data establishes that CPD’s use of force disproportionately affects people of color. For both officer-involved shootings and Taser discharges, citizens on the other end of use of force by CPD are predominantly African-American.”
- iii. “From 2008 through 2015, there were 404 officer involved shootings resulting in injury or death. Of those 404 shootings, 299 (74%) of the persons killed or injured were black, 55 (14%) were Hispanic, 33 (8%) were white and 1 (0.25%) was Asian.”²
- iv. “The community’s lack of trust in CPD is justified. There is substantial evidence that people of color – particularly African-Americans – have

² In comparison to the use of lethal force data cited below, this shows that CPD’s pattern and practice of disproportionately using lethal force against African Americans has not improved.

had disproportionately negative experiences with the police over an extended period of time. There is also substantial evidence that these experiences continue today through significant disparate impacts associated with the use of force, foot and traffic stops and bias in the police oversight system itself.”

- v. “[S]tatistics on police shooting of civilians, taser discharges and other troubling practices like shooting at cars, at the backs of fleeing suspects and the range of off-duty incidents involving weapons discharges all make plain, there must be a fundamental re-thinking of the current use-of-force policies.”
- vi. “[E]ngagement with youth must be trauma-informed. Ultimately, police should protect the most vulnerable (children), even when they have done something wrong. To be trauma-informed means recognizing that most children who encounter the law – either as victims or offenders – tend to be some of the most abused, neglected and traumatized children in our society. Therefore, officers should treat children with the utmost sensitivity to potential past trauma and do everything possible not to cause further harm.”
- vii. “Does CPD’s training need significant overhaul? The answer is yes . . . The Task Force found that CPD has consistently failed to devote adequate resources to training officers once they leave the Academy.”
- viii. “CPD does not have a robust strategic approach for ensuring that all officers have ongoing training and professional development opportunities to develop and maintain the professional competencies needed to perform well.”
- ix. “Chicago's police accountability system is broken. The system is supposed to hold police officers accountable to the people they serve and protect by identifying potential misconduct, investigating it and, when appropriate, imposing discipline. But at every step of the way, the police oversight system is riddled with legal and practical barriers to accountability.”

70. Shortly after the PATF’s report was released, on January 13, 2017, the United States Department of Justice (“DOJ”) released the results of its investigation of the Chicago Police Department. The DOJ’s findings have not been well-addressed, particularly in the context of CPD’s

use of force, foot pursuits, racial discrimination, and inadequate training. Among the DOJ's 2017 findings relevant to the present matter are the following:

- i. "Raw statistics show that CPD uses force almost ten times more often against blacks than against whites."
- ii. "[W]e, in consultation with several active law enforcement experts, found that CPD officers engage in a pattern or practice of using force, including deadly force, that is unreasonable. We found further that CPD officers' force practices unnecessarily endanger themselves and others and result in unnecessary and avoidable shootings and other uses of force."
- iii. "[T]his pattern is largely attributable to systemic deficiencies within CPD and the CPD. CPD has not provided officers with adequate guidance to understand how and when they may use force, or how to safely and effectively control and resolve encounters to reduce the need to use force."
- iv. "The pattern of unlawful force we found resulted from a collection of poor police practices that our investigation indicated are used routinely within CPD."
- v. "Our investigation found also that CPD has tolerated racially discriminatory conduct that not only undermines police legitimacy, but also contributes to the pattern of unreasonable force."
- vi. "We found that officers engage in tactically unsound and unnecessary foot pursuit, and that those foot pursuits too often end with officers unreasonably shooting someone – including unarmed individuals."
- vii. "We found numerous incidents where CPD officers chased and shot fleeing persons who posed no immediate threat to officers or the public. Such actions are constitutionally impermissible."
- viii. "To be sure, foot pursuits are a necessary and sometimes important part of good policing. There are circumstances in which officers are legally authorized to engage in a foot pursuit, and should. That said, foot pursuits are also inherently dangerous and present substantial risks to officers and the public. Officers may experience fatigue or an adrenaline rush that compromises their ability to . . . make sound judgments."

Consequently, officers caught up in the heat of a pursuit ‘often exhibit a tendency to rush into what can be described as the ‘killing zone’ . . . CPD has long had detailed policies regarding vehicle pursuits. It does not have a foot pursuit policy. It should.”

- ix. “This lack of policy, guidance, and oversight of foot pursuits presents not only constitutional and safety concerns, but also exposes the City to substantial damages claims in civil litigation. *See e.g. Quintana v. City of Philadelphia*, Case No. 10-6088, 2011 WL 2937426 at *3 (E.D. Pa. July 21, 2011) (“[A]rming police officers without providing any training on the constitutional limitations of the use of deadly force may amount to deliberate indifference . . .”); *Pelzer v. City of Philadelphia*, 656 F.Supp.2d 517, 535 (E.D. Pa. 2009) (“[F]oot pursuits tends to be strong in emotion, weak in tactics . . . A reasonable jury could find the failure to establish [foot] pursuit policies creates a sufficiently obvious risk to the rights of pursuit subjects . . . A jury may also be able to conclude that the issue of pursuit and patrol policies are the result of a policymaker’s decision, and that the City’s omission was the moving factor behind the plaintiff’s injury.”)
- x. “CPD’s pattern or practice of unreasonable force and systemic deficiencies falls heaviest on the predominantly black and Latino neighborhoods on the South and West Sides of Chicago, which are also experiencing higher crime. The impact of these widespread constitutional violations, combined with unaddressed abusive and racially discriminatory conduct, have undermined the legitimacy of CPD and police-community trust in these communities.”
- xi. “We have serious concerns about the prevalence of racially discriminatory conduct by some CPD officers and the degree to which that conduct is tolerated and in some respects caused by deficiencies in CPD’s systems of training, supervision and accountability. In light of these concerns, combined with the fact that the impact of CPD’s pattern or practice of unreasonable force fall heaviest on predominantly black and Latino neighborhoods, restoring police community trust will require remedies addressing both discriminatory conduct and the disproportionality of illegal and unconstitutional patterns of force on minority communities.”
- xii. “Any effort to restore trust and ensure lawful policing in Chicago must focus on Chicago’s predominantly black and Latino neighborhoods, especially those with high rates of violent crime. Many individuals in

these communities experience policing in a fundamentally different way than do white individuals and white communities.”

xiii. “CPD’s pattern of unlawful conduct is due in part to deficiencies in CPD’s training and supervision.”

xiv. “CPD has not provided officers with adequate guidance to understand how and when they may use force, or how to safely and effectively control and resolve encounters to reduce the need to use force.”

71. CPD’s longstanding pattern and practice of using excessive force, including deadly force, against African Americans – in addition to the many other issues and concerns raised by the PATF and DOJ – are far from resolved.

72. While the City entered into a Consent Decree to address some of these concerns, as the resignation notice from the Commanding Officer reveals, it has not provided meaningful reform because it has not taken its responsibilities seriously and is instead more interested in “moving the needle” on public perception.

73. The lawsuits that gave rise to the Consent Decree – *Campbell v. City of Chicago* and *State of Illinois v. City of Chicago* – were filed in June and August of 2017, respectively.

74. Beginning shortly after the filing of those complaints, the City of Chicago Office of Inspector General (“OIG”) has compiled use of force data which is available through its information portal.³ The OIG portal contains data from October 16, 2017, through May 22, 2022. CPD’s use of force incidents, sorted by race and gender, is depicted below.

³ <https://informationportal.igchicago.org/tactical-response-reports-levels-of-force/>

	Female					Male						Unknown				Total
	White	Black	Hispanic	Asian/PI	Unknown	White	Black	Hispanic	Asian/PI	Native American	Unknown	White	Black	Hispanic	Unknown	
Takedown	33	324	47	2	9	210	2,716	506	13	2	29		10	2	3	3,906
Manual Striking Force	29	263	51	2	3	125	1,623	290	14		23	2	18	1	11	2,455
Less-Lethal Weapon Force	5	57	9		1	45	660	101	3		10		2		16	909
Lethal Force		1					100	27	3				1	1	6	139
Total	67	645	107	4	13	380	5,099	924	33	2	62	2	31	4	36	7,409

75. These statistics are staggering. Since October 17, 2017:

- i. of the 7,409 (reported) events where CPD officers used force, at least 6,849 – or 92.4% – were against minorities.
- ii. of the 7,409 (reported) events where CPD officers used force, at least 5,744 – or 77.5% – were against African Americans.
- iii. of the 7,409 (reported) events where CPD officers used force, at least 5,099 – or 68.8% – were against African American males.
- iv. of the 7,409 (reported) events where CPD used force, only 449 – or 6% – were against Whites.
- v. of the 139 (reported) events where CPD officers used lethal force, at least 133 – or 95.7% - were against minorities.
- vi. of the 139 (reported) events where CPD officers used lethal force, at least 102 – or 73.4% – were against African Americans.
- vii. of the 139 (reported) events where CPD officers used lethal force, at least 100 – or 71.9% – were against African American males.
- viii. of the 139 (reported) events where CPD officers used lethal force, not one was against a White person.

76. According to the most recent census data, African Americans make up 29.2% of the population in Chicago. The Use of Force against African Americans as detailed above is grossly disproportionate.

77. A recent report from the City of Chicago Office of Inspector General, entitled “*Report on Race-and Ethnicity-Based Disparities in the Chicago Police Department’s Use of Force*,” further documents CPD’s pattern and practice of disproportionately using force against African Americans. Among others, the OIG Report contains the following findings:

- a. There is strong evidence of race-based disparities in CPD’s use of force, and African Americans are consistently the most disadvantaged racial/ethnic group;
- b. African Americans were more likely than non-African Americans to be subjected to use of force;
- c. African Americans generally had higher odds of facing higher-level force options than non-African Americans;
- d. African Americans were overwhelmingly disproportionately stopped by CPD, regardless of the demographic composition and the crime level in the district of the stop; and
- e. African Americans were disproportionately subjected to force by CPD, regardless of the demographic composition and the crime level in the district.

78. Relatively recent CPD officer-involved shootings further show that CPD continues to use excessive force, including deadly force, disproportionately against minorities:

- a. Ricardo Hayes: On August 13, 2017, an autistic and African American male, 18-year-old Ricardo Hayes - who was unarmed at the time - was shot by a Chicago police sergeant. The sergeant was getting home after working through the night when he saw Hayes standing by a neighbor’s vehicle and assumed Hayes was involved in some nearby break-ins. Hayes, who was unarmed and made no sudden or threatening moves, took four steps towards the Chicago Police sergeant, and in response to that innocuous movement, the sergeant fired two shots at Hayes striking him in the armpit and arm.
- b. Maurice Granton: On June 6, 2018, 24-year-old African American Maurice Granton, Jr. was shot and killed while he was scaling a fence. After the incident, CPD claimed that Granton was armed at the time of the

confrontation. However, when body worn camera footage was finally released, it became clear that Granton was unarmed when he was shot and killed and did not pose an imminent threat to law enforcement.

- c. Officer Luigi Sarli Shooting: On October 4, 2018, Officer Luigi Sarli and two other CPD officers responded to a stolen car alert and found the purportedly stolen Jeep. Officer Sarli exited his vehicle with his gun already drawn. The Jeep moved toward Officer Sarli's vehicle and bumped his vehicle's door while slowly driving away. Officer Sarli opened fire, firing four rounds at the Jeep's back window for the stated purpose "to stop the car."
- d. Anthony Alvarez: On March 31, 2021, Anthony Alvarez – a 22-year-old male Latino – was shot in the back and killed by a CPD officer. Around 12:20 a.m., Alvarez was pursued by a CPD squad car near a gas station in the Portage Park neighborhood of Chicago. That pursuit then turned into a foot pursuit in which the pursuing officer chased Alvarez down an alley, around a corner, and onto a front lawn near Laramie Avenue and Eddy Street. The Officer then directed Alvarez to drop his gun, but before Alvarez did, the Officer shot Alvarez twice, once in the back and once in the knee. Alvarez was neither facing the officer nor pointing a weapon in the officer's direction.
- e. Turrell Brown: On September 19, 2021, CPD responded to a call about a domestic disturbance and shot and killed 28-year-old Turrell Brown. When police confronted Brown he was alone in a bedroom. Although Brown had a knife in his hand, he was standing on the other side of the room, made no sudden or threatening moves towards the officers, and the officers were not otherwise in imminent danger. Rather than using non-lethal methods to disarm and restrain Brown, CPD officers shot and killed him.

79. The incident at issue occurred in CPD District 11. According to the most recent report from the Civilian Office of Police Accountability (COPA), officers in District 11 had the highest number of incidents resulting in complaints in the entire City by a wide margin. Of the 55 allegations in District 11 in the first quarter of 2022 (most in the City), 15 were for excessive force (most in the City), and 2 were for discharging a firearm with injury (most in the City).

COUNT 1

**42 U.S.C. § 1983 — Fourth Amendment and Fourteenth Amendment
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. John Doe Officer)**

80. Plaintiff incorporates the allegations in paragraphs 1 through 79 as if fully restated here.

81. The conduct of John Doe Officer as described herein constituted excessive force in violation of the U.S. Constitution.

82. At all material times, John Doe Officer was acting under the color of state law as an agent and employee of the City of Chicago Police Department.

83. At all material times, John Doe Officer was wearing his official City of Chicago Police Department uniform and was acting in the course and scope of his duties as a City of Chicago police officer at the time he shot A.G.

84. At all material times, John Doe Officer had no reason to believe that A.G. posed an imminent threat to life or great bodily harm.

85. A reasonable officer would have known that using deadly force on a minor fleeing from the police and posing no threat of harm to anyone constitutes excessive force in violation of the Fourth Amendment of the U.S. Constitution.

86. John Doe Officer's conduct was objectively unreasonable and violated CPD's policies in at least the following ways:

- a. It was unreasonable to initiate a foot pursuit because the need to detain A.G. was not outweighed by the risks.
- b. It was unreasonable to initiate a foot pursuit because alternatives, including nearby CPD units and helicopter surveillance, were in place.
- c. It was unreasonable to run with his gun unholstered and carried in his hand because A.G. did not present an imminent threat to life or great bodily harm.

- d. It was unreasonable to use any force against A.G. because force was not objectively reasonable, necessary, or proportional because, among other reasons:
 - i. A.G. did not pose an imminent threat to John Doe Officer or others;
 - ii. A.G.'s flight from the police posed no risk of harm;
 - iii. A.G. did not have a weapon and was not proximate to one;
 - iv. De-escalation techniques were available and, in fact, worked because A.G. had surrendered; and
 - v. There were other resources, such as responding CPD units and a helicopter, in place.

- e. It was unreasonable to use deadly force because A.G. did not present an imminent threat to life or great bodily harm.

87. As a direct and proximate result of John Doe Officer's excessive and unjustified use of force, 13-year-old A.G. was shot, catastrophically and permanently injured, and has sustained or will sustain at least the following losses:

- a. past and future pain and suffering;
- b. past and future medical and therapeutic bills, including additional life care needs;
- c. past and future loss of a normal life and disability;
- d. mental anguish;
- e. disfigurement;
- f. increased risk of harm;
- g. future loss of earnings; and
- h. future caretaking expenses.

88. The acts and omissions of John Doe Officer were intentional, wanton, malicious, reckless, oppressive, and/or showed callous indifference to the federally protected rights of A.G.

WHEREFORE, Plaintiff Cierra Corbitt, as Mother and Next Friend of A.G., a Minor, demands judgment against John Doe Officer for compensatory and punitive damages, costs, disbursements, attorney's fees, interest and for any other relief that the Court deems fair and just.

COUNT 2
Common Law Battery
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. John Doe Officer)

89. Plaintiff incorporates the allegations in paragraphs 1 through 79 as if fully restated here.

90. John Doe Officer's conduct resulted in a harmful or offensive contact with A.G.'s person.

91. John Doe Officer's harmful or offensive contact with A.G. was intentional.

92. John Doe Officer's harmful or offensive contact with A.G. was unjustified, unpermitted, and was made without A.G.'s consent.

93. As a direct and proximate result of John Doe Officer's harmful or offensive contact, 13-year-old A.G. was shot, catastrophically and permanently injured, and has sustained or will sustain at least the following losses:

- a. past and future pain and suffering;
- b. past and future medical and therapeutic bills, including additional life care needs;
- c. past and future loss of a normal life and disability;
- d. mental anguish;
- e. disfigurement;
- f. increased risk of harm;
- g. future loss of earnings; and
- h. future caretaking expenses.

94. The acts and omissions of John Doe Officer were intentional, wanton, malicious, reckless, oppressive, and/or showed callous indifference to the federally protected rights of A.G.

WHEREFORE, Plaintiff Cierra Corbitt, as Mother and Next Friend of A.G., a Minor, demands judgment against John Doe Officer for compensatory and punitive damages, costs, disbursements, attorney's fees, interest and for any other relief that the Court deems fair and just.

COUNT 3

**42 U.S.C. § 1983 (*Monell*) — CPD Pattern and Practice of
Using Force Disproportionately Against African Americans
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. City of Chicago)**

95. Plaintiff incorporates the allegations in paragraphs 1 through 79 as if fully restated here.

96. CPD has a long-standing pattern and practice of using force, including deadly force, disproportionately against African Americans.

97. This pattern or practice had been in place for years prior to the shooting of A.G., as evidenced by the allegations above, including, but not limited to, the findings of the PATF, DOJ, OIG, and Consent Decree Monitor.

98. The City of Chicago and its Police Department have been aware of all such findings but have failed to implement reasonable and necessary means to address and resolve the disproportionate use of force, including deadly force, against minorities that has persisted for years.

99. The City of Chicago and its Police Department have acted with deliberate indifference to the known or obvious consequences in failing to address this problem by, among other things:

- a. failing to adequately train officers on use of force, foot pursuits, and implicit bias, including, most importantly, scenario-based training;
- b. failing for years to implement any policy on foot pursuits;
- c. after implementing a grossly inadequate temporary policy on foot pursuits, failing to timely implement an updated policy and concomitant training on foot pursuits – a policy which would have prevented this shooting;

- d. failing to compile, study, and analyze accurate data on use of force and foot pursuits, which in turn, compromised its ability to implement meaningful reform and provide training in areas where analytics show it is needed; and
- e. failing to implement meaningful reform and adequate measures to address and resolve the grossly disproportionate use of force, including deadly force, that has been used against African Americans in Chicago for years.

100. The indifference exhibited by the City is most recently and perhaps best exemplified by the resignation notice (depicted above) tendered by a Commanding Officer who had intimate involvement with and responsibility for administration of the Consent Decree.

101. The widespread pattern and practice described above and throughout this Complaint was a moving force behind the shooting of 13-year-old A.G.

102. As a direct and proximate result of the widespread pattern and practice described above and throughout this Complaint, A.G. was shot, catastrophically and permanently injured, and has sustained or will sustain at least the following losses:

- a. past and future pain and suffering;
- b. past and future medical and therapeutic bills, including additional life care needs;
- c. past and future loss of a normal life and disability;
- d. mental anguish;
- e. disfigurement;
- f. increased risk of harm;
- g. future loss of earnings; and
- h. future caretaking expenses.

103. The City of Chicago and its Police Department acted under the color of state law to deprive A.G. of his rights under the U.S. Constitution. As such, it has violated 42 U.S.C. § 1983.

WHEREFORE, Plaintiff Cierra Corbitt, as Mother and Next Friend of A.G., a Minor, demands judgment against the City of Chicago for compensatory costs, disbursements, attorney's fees, interest and for any other relief that the Court deems fair and just.

COUNT 4

**42 U.S.C. § 1983 (*Monell*) — CPD's Deliberate Indifference in Failing to Train
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. City of Chicago)**

104. Plaintiff incorporates the allegations in paragraphs 1 through 79 as if fully restated here.

105. A municipality's failure to train supports § 1983 liability where it is done with deliberate indifference to the constitutional rights of the municipality's inhabitants. *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989).

106. Based upon the City's long history of CPD officers using unreasonable force, including deadly force, disproportionately against African Americans, it knew that increased and improved training in areas of use of force, foot pursuits, and implicit bias were necessary.

107. The City was especially so informed through the reports of the PATF, DOJ, OIG, and Consent Decree Monitor.

108. Notwithstanding the entry of a Consent Decree, the City's indifference has persisted, which, among other things, is exemplified by the resignation notice (depicted above) tendered by a Commanding Officer who had intimate involvement with and responsibility for administration of the Consent Decree.

109. The City's deliberate indifference is further exemplified by its failure to train on foot pursuits. As discussed above, CPD inexplicably and unjustifiably resisted implementing any foot pursuit policy for years – meaning its officers have never received the level, frequency, and quality of training on foot pursuits they should have.

110. Then, after CPD implemented a woefully inadequate temporary foot pursuit policy, it dragged its feet in updating that policy to implement necessary reforms. It not only missed the September 2021 deadline imposed by the Consent Decree, but eight months later, the policy is still not in place. Among the reforms CPD has failed to timely implement are:

- a. a philosophy shift that chasing a suspect should no longer be considered an automatic response;
- b. a directive that foot pursuits should only be initiated if the need to detain the person outweighs the risk to the public and the officer;
- c. a directive that foot pursuits should not be initiated when there are other supports, such as CPD units and helicopters, available; and
- d. a directive that officers are to consider that the subject could be arrested at a later time.

111. Because the updated policy was not implemented, officers were not trained. This failure on the part of CPD exhibits deliberate indifference to the constitutional rights of City inhabitants because CPD knew that such reforms and training were necessary.

112. CPD's deliberate indifference in terms of training is also exemplified by the fact that John Doe Officer had his gun unholstered and in his hand while pursuing A.G. Given the data known and available to CPD showing that officers in pursuit of fleeing suspects disproportionately use lethal force against African Americans, training on this policy was critical for "the sanctity of life." Had CPD provided even a modicum of training in this regard, John Doe Officer would not have been running with his gun in his hand and A.G. would not have been shot.

113. As a direct and proximate result of CPD's deliberate indifference to training, particularly in the context of use of force, foot pursuits, and implicit bias, 13-year-old A.G. was shot, catastrophically and permanently injured, and has sustained or will sustain at least the following losses:

- a. past and future pain and suffering;

- b. past and future medical and therapeutic bills, including additional life care needs;
- c. past and future loss of a normal life and disability;
- d. mental anguish;
- e. disfigurement;
- f. increased risk of harm;
- g. future loss of earnings; and
- h. future caretaking expenses.

114. The City of Chicago and its Police Department acted under the color of state law to deprive A.G. of his rights under the U.S. Constitution. As such, it has violated 42 U.S.C. § 1983.

WHEREFORE, Plaintiff Cierra Corbitt, as Mother and Next Friend of A.G., a Minor, demands judgment against the City of Chicago for compensatory costs, disbursements, attorney's fees, interest and for any other relief that the Court deems fair and just.

COUNT 5

**State Law Claim for *Respondeat Superior*
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. City of Chicago)**

115. Plaintiff incorporates the allegations in paragraphs 1 through 94 as if fully restated here.

116. John Doe Officer was, at all times material to the allegations herein, an employee and agent of the City of Chicago and was acting within the course and scope of his employment.

WHEREFORE, Plaintiff Cierra Corbitt, as Mother and Next Friend of A.G., a Minor, demands judgment against the City of Chicago for compensatory costs, disbursements, attorney's fees, interest and for any other relief that the Court deems fair and just.

COUNT 6

**State Law Claim under 745 ILCS 10/9-102
(Cierra Corbitt, as Mother and Next Friend to A.G., a Minor vs. City of Chicago)**

117. Plaintiff incorporates the allegations in paragraphs 1 through 94 as if fully restated here.

118. John Doe Officer committed the acts alleged in this Complaint under color of state law and in the scope of his employment with the City of Chicago. The City is liable for his conduct pursuant to 745 ILCS 10/9-102.

COUNT 7

**State Law Claim pursuant to the Family Expense Act (750 ILCS 65/15)
(Cierra Corbitt vs. John Doe Officer)**

119. Plaintiff incorporates the allegations in paragraphs 1 through 118 as if fully restated here.

120. Under the Family Expense Act, 750 ILCS 65/15, Cierra Corbitt is liable for the medical expenses incurred by her son, A.G.

121. All past and future medical expenses relating to the shooting are a direct and proximate result of the conduct of John Doe Officer, as described above.

WHEREFORE, Plaintiff Cierra Corbitt, Individually, demands judgment against John Doe Officer for all past and future medical expenses incurred as a result of her son's care and treatment due to his gunshot injuries, and for any other relief that the Court deems fair and just.

COUNT 8

**State Law Claim pursuant to the Family Expense Act (750 ILCS 65/15)
(Cierra Corbitt vs. City of Chicago)**

122. Plaintiff incorporates the allegations in paragraphs 1 through 118 as if fully restated here.

123. Under the Family Expense Act, 750 ILCS 65/15, Cierra Corbitt is liable for the medical expenses incurred by her son, A.G.

124. All past and future medical expenses relating to the shooting are a direct and proximate result of the conduct of the City of Chicago, as described above.

WHEREFORE, Plaintiff Cierra Corbitt, Individually, demands judgment against the City of Chicago for all past and future medical expenses incurred as a result of her son's care and treatment due to his gunshot injuries, and for any other relief that the Court deems fair and just.

JURY DEMAND

Plaintiff demands a trial by jury of all claims herein.

Dated: May 26, 2021

Respectfully submitted,

By: /s/ Andrew M. Stroth
One of Plaintiff's Attorneys

By: /s/ Steven A. Hart
One of Plaintiff's Attorneys

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