

**APPENDIX B**

**September 15, 2020 Letter  
from the Office of the Illinois Attorney General  
to Joliet Elected Officials  
re: Request for Investigation**



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**KWAME RAOUL**  
ATTORNEY GENERAL

September 15, 2020

Bob O'Dekirk  
City of Joliet  
150 West Jefferson Street  
Joliet, IL 60432-4158  
Via Email: [ROdekirk@jolietcity.org](mailto:ROdekirk@jolietcity.org)

**Re: Request for Investigation**

Dear Mayor O'Dekirk and City Council Members,

This letter is in response to your June 24, 2020 request for the Office of the Illinois Attorney General ("OAG") to open a formal investigation into Eric Lurry's death following his detention by the Joliet Police Department ("JPD"). We have carefully reviewed your letter, as well as official statements by JPD, the Will County State's Attorney's Office, and related media reports. As you know, Will County State's Attorney Jim Glasgow issued a statement on July 2 stating that he will not be filing criminal charges against JPD officers related to this incident.

The OAG is committed to ensuring that local police departments effectively carry out their duties in accordance with federal and state laws, as well as the Illinois and United States Constitutions, and that departments engage in policing that meets the highest standards of the profession. Our office has authority to conduct civil investigations into whether local police departments are engaged in patterns and practices of unconstitutional, unlawful, or discriminatory policing.<sup>1</sup> Notably, however, the focus of this authority is on remedying systemic problems, rather than investigating specific incidents.

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<sup>1</sup> Such authority includes, but is not limited to, the Illinois Human Rights Act, 775 ILCS 5/1 *et seq.*, the Civil and Equal Rights Enforcement Act, 15 ILCS 210/1, the Attorney General Act, 15 ILCS 205/4, and the Attorney General's common law authority to enforce state law. *People ex rel. Barrett v. Finnegan*, 378 Ill. 387, 393, 38 N.E.2d 715, 717 (1941).

In light of your request, we reviewed several years of publicly available reports, court filings, and other information related to allegations of unconstitutional and discriminatory policing by JPD officers. The information we have reviewed indicates that further investigation is necessary to determine whether JPD and its officers have engaged or are engaging in a pattern and practice of unlawful conduct. In particular, we require additional information regarding whether JPD and its officers may be engaged in a pattern or practice of: 1) retaliating against individuals who report or complain of misconduct, including racial discrimination; and 2) unlawful uses of force against incapacitated or impaired individuals, including improper uses of force that impair individuals' ability to breathe.

Consequently, we write to request that the City of Joliet<sup>2</sup> provide information to our office so we may assess whether the department's policies, training, and practices evidence a broader pattern and practice of unlawful policing. We request that the City of Joliet produce the following information relating to the period from July 1, 2015 to the present ("Relevant Period"):

1. All documents and communications, including video and audio, related to Mr. Lurry's time in JPD custody on January 28–29, 2020, and his subsequent death;
2. All documents related to or comprising incident reports, stop reports, or arrest reports related to Mr. Lurry during the Relevant Period;
3. All documents and communications, including video and audio, related to any alleged misconduct by Sergeant Javier Esqueda and any investigation related to such allegations;
4. All documents, including video and audio, in any investigative files<sup>3</sup> for Sergeant Doug May related to his conduct toward Mr. Lurry;
5. JPD's policies, procedures, or directives related to use of force;
6. Any records of JPD training, including lesson plans, slides, and attendance rosters, for any trainings on use of force, crisis intervention, responses to individuals in crisis, responses to individuals with disabilities, or responses to individuals who appear to be intoxicated or substance-impaired;
7. JPD's policies, procedures, or directives concerning:
  - a. reporting officer misconduct;
  - b. investigating officer misconduct;
  - c. supervisory review of uses of force;
  - d. anti-retaliation or whistleblower protections for individuals who report misconduct;

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<sup>2</sup> For purposes of these requests, "JPD" includes all units within the Joliet Police Department. The "City of Joliet" includes all units, departments, agencies, officials, and agents subject to the direction and control of the municipal corporation of Joliet.

<sup>3</sup> For purposes of these requests, "investigative files" means all arrest reports, officer and witness statements, use of force reports, case reports, supplementary reports, detective investigation reports, factual findings, internal correspondence and notes, disciplinary records, audio, video, and any other document related to the investigation within the custody and control of JPD.

- e. the operation of the internal affairs unit and any entity responsible for investigating misconduct by JPD officers or employees; and
- f. the process for determining and imposing discipline on JPD officers;
- 8. All documents, including video and audio, in any investigative files for any officer-involved death during the Relevant Period;
- 9. All use of force reports from the Relevant Period;
- 10. All documents related to any discipline imposed on any JPD officer during the Relevant Period;
- 11. All documents related to any misconduct complaints against any JPD employee filed with JPD during the Relevant Period, including any complaints made by any JPD employee against another JPD employee, and any subsequent investigation by JPD of such misconduct complaints; and
- 12. The most recent collective bargaining agreement for each collective bargaining unit within JPD.

If the City of Joliet is unable to respond to any inquiry in full, please provide all available responsive information and a detailed explanation as to why a more complete response is not possible. Please produce all responsive documents no later than **Friday, October 16, 2020**.

Thank you for your anticipated cooperation. Should have any questions prior to that date, please feel free to contact our office at the email below.

Respectfully,

KWAME RAOUL  
Attorney General of the State of Illinois

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