

R E S O L U T I O N

WHEREAS, The City of Chicago (the “City”) pays millions of dollars annually in verdicts, settlements, and fees for outside counsel for civil rights litigation arising from police misconduct; and

WHEREAS, Among the most troubling – both from a moral and financial perspective – of these cases are those wrongful convictions which not only result in some of the highest costs to the City and taxpayers, but also seriously disrupt the lives of the plaintiffs, their families, and their communities; and

WHEREAS, *Wrongful Convictions Litigation Database: Chicago*, a recently released report prepared by the Truth, Hope and Justice Initiative, in partnership with the Law Firm Anti-Racism Alliance, Ropes & Gray, and Aon, reviewed over 1,700 civil rights cases based on police misconduct, highlighting a subset of more than 300 cases related to wrongful convictions between March 2020 and March 2023; and

WHEREAS, According to the report, the cost of jury verdicts, settlements, and outside counsel related to the wrongful conviction cases was \$675,653,387.82, including \$537,954,746 in jury awards and settlements, with an average settlement amount of \$359,389.67 per year of incarceration, and an average jury verdict of \$781,246.10 per year of incarceration; and

WHEREAS, In addition to compensation to the wrongfully convicted, these costs also include a total outside counsel cost of \$137,698,641.82, with an average cost of \$462,075.98 per case, which is before considering the indirect costs to the City, including staffing costs of City attorneys, foregone enforcement cases in light of the workhours spent on wrongful conviction cases, employee hours spent in depositions and testifying in court, and other indirect costs; and

WHEREAS, These costs mean that for an average wrongful conviction case with only *a single year* of incarceration, the average cost to the City is between \$821,465.65 and \$1,243,322.08, before taking into account any indirect costs; and

WHEREAS, As highlighted in the report, there is a lack of a data-driven understanding of the impact of wrongful convictions and subsequent civil rights litigation on the City’s Black and Brown communities, as well as the overall cost to the City and taxpayers; and

WHEREAS, The report concludes with a series of recommendations that the City must – in light of our moral and fiduciary obligations to our residents – seriously consider, both to decrease the costs of wrongful convictions to the City and taxpayers, and, more importantly, to try and prevent wrongful convictions from happening in the first place and providing prompt, meaningful restitution for those who have been wrongfully convicted; now, therefore

BE IT RESOLVED, That we, the Mayor and members of the City Council of the City of Chicago, do hereby call upon the Committee on Finance to hold a public hearing to discuss *Wrongful Convictions Litigation Database: Chicago*, the report’s findings, and the recommendations included in the report, including:

(1) Conducting a risk assessment analysis for the City of Chicago regarding wrongful convictions cases currently pending in federal court by leveraging historical outcomes to perform predictive analytics to better understand the financial exposure of pending cases, including an evaluation of the City’s self-insured retention history and coverage provided by third-party carriers;

(2) Recruiting and building a new, highly capable, experienced, and specialized wrongful convictions unit within the Department of Law, including recruiting and hiring more qualified in-

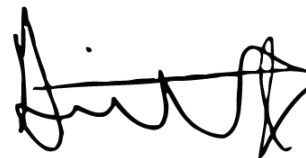
house attorneys; building a pathway to train and supervise attorneys in civil rights litigation; integrating senior leadership within the Department of Law and outside counsel with expertise in high-stakes litigation; developing an effective network of high-integrity, diverse outside law firms committed to adjudicating wrongful convictions cases and serving the fiduciary interests of taxpayers; and requiring all currently engaged law firms to go through an updated evaluation process based on their historical performance and capabilities to manage and litigate wrongful convictions cases, including performance audits, where appropriate;

(3) Developing an early assessment mediation platform to effectively evaluate the facts and law of each case and explore mutually beneficial resolution of wrongful convictions cases, with priority given to cases where the plaintiff has a Certificate of Innocence, and where the case includes claims under the *Monell* doctrine;

(4) Creating a Justice Fund for Victims of Wrongful Convictions to affirmatively acknowledge the harm done by police misconduct related to wrongful convictions; and

(5) Collaborating with the Invisible Institute and leverage data insights to develop an early warning and detection system for identifying police officers that have patterns of excessive force or otherwise present a high-risk of potential legal exposure to the City.

BE IT FURTHER RESOLVED, That we call upon representatives of the Truth, Hope and Justice Initiative, the Law Firm Anti-Racism Alliance, Ropes & Gray, and Aon, as well as the Corporation Counsel, the General Counsel of the Chicago Police Department, the Budget Director, and any other City officials with knowledge on the foregoing issues to testify to the report's findings and recommendations at such hearing.



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