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Sent Via Certified Mail

Alderman John Arena  
City of Chicago, 45<sup>th</sup> Ward  
4754 N. Milwaukee Ave  
Chicago IL 60630

February 8, 2018

Alderman Arena,

Please be advised that the Chicago Fraternal Order of Police (FOP), Lodge 7, has retained my firm to represent Chicago Police officers named in a complaint register (CR) against them by you or representatives of your office.

Specifically, it is our understanding that you or your staff members are demanding that the Civilian Office of Professional Accountability (COPA) initiate disciplinary actions against these officers due to alleged racially charged remarks. These claims are self-evidently false and violate the officers' constitutional rights.

We urge you to immediately retract these complaints and publically apologize to these officers to avoid serious penalties and further damage to your credibility.

These officers, along with a number of members of your ward and beyond, oppose a public works program you have championed. They oppose this project for a host of reasons, including traffic congestion, lack of infrastructure, overcrowding in the area, and the effect it would have on public schools. Their arguments are rational, well-reasoned, and articulate. These officers live and work in our community and in your ward. They were off duty and acted not as police officers or state actors but as concerned citizens exercising their right to the freedom of speech and assembly. Their opposition is not race based or discriminatory but rather race neutral.

Indeed, the United States Supreme Court and lower courts have been clear on the rights of public employees to exercise their rights under the First Amendment. In *Pickering v. Board of Education*, 391 U.S. 563 (1968) the Supreme Court held that public employees maintain a First Amendment right to speak out on matters of public concern even though the employee is employed by a governmental agency. Speech that comments on a public

matter is, under most circumstances, protected, and speech that addresses any political, social or other concerns to the community is also protected.

Your decision to threaten their job security and their reputations for expressing their opinions appears retaliatory and motivated as a means to stifle their opposition. As an example, it is my understanding that you or your staff have held public meetings to discuss the project and checked identification of the people at the entrance and have refused entry to people at what are clearly public meetings. Part of being a police officer is listening to aggressive speech from angry members of the public and enduring it, as one of the elementary duties of a police officer is to protect the First Amendment. Perhaps you could take a lesson from police officers.

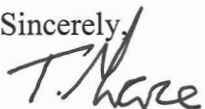
It is morally reprehensible and legally unjustifiable for you to request disciplinary action by COPA merely because you disagree with these citizens and police officers over a public works project.

Furthermore, by your actions, you undermine the intent and function of COPA as a civilian oversight agency, essentially using a public body for your private political designs. You are placing the agency under great strain and potentially undermining its credibility as well.

Should you continue to pursue this tactic against our members, we will take legal action against you and your staff. We will seek restitution through the courts and make you and your responsible staff accountable for all costs and penalties handed down by the courts.

Once again, I therefore urge you to immediately withdraw these complaints.

Sincerely,

A handwritten signature in black ink that reads "T. M. Grace". The signature is written in a cursive style with a large, stylized "T" and "M".

Timothy M. Grace