

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

STATE OF ILLINOIS,

Plaintiff,

v.

Case No.: 1:17-cv-06260

CITY OF CHICAGO,

Defendant.

Honorable Rebecca R. Pallmeyer

**ORDER SETTING PUBLIC HEARING ON THE STIPULATION TO THE CONSENT
DECREE REGARDING INVESTIGATORY STOPS, PROTECTIVE PAT DOWNS, AND
ENFORCEMENT OF LOITERING ORDINANCES**

The Court will convene a virtual public hearing on **Wednesday, August 9, 2023, from 2:00 PM to 4:30 PM via Zoom video conferencing** to receive community input and public testimony on the stipulation to the Consent Decree regarding investigatory stops, protective pat downs, and enforcement of loitering ordinances.

This order sets out the parameters for presenting oral and written comments. Following the instructions below, people who wish *to speak* at the virtual public hearing must register by 4:30 PM on Wednesday, August 2, 2023. People who wish to provide *written comments* may file their document—in letter or legal brief format—with the Clerk of the Court no later than Friday, August 11, 2023, at 4:30 PM.

STATEMENT

On June 21, 2023, the City of Chicago and the Office of the Illinois Attorney General submitted an amended stipulation regarding investigatory stops, protective pat downs, and enforcement of loitering ordinances (the Stipulation).¹ The Stipulation adds paragraphs 800 through 877 to the Consent Decree and was approved by the Court on June 27, 2023.

The Stipulation, the product of negotiation between the City of Chicago and the Office of the Illinois Attorney General, incorporates requirements from separate agreements. First, in April 2015, a class action of plaintiffs (*Smith* plaintiffs) alleged that Chicago Police Department (CPD) officers engage in a pattern and practice of unconstitutional stops and frisks in violation of the United States Constitution and laws of the State of Illinois. *See Smith v. The City of Chicago*, No. 1:15-cv-03467, 2015 WL 1842780, (N.D. IL April 20, 2015). As reflected in the Stipulation, “*Smith* plaintiffs and the City agreed to settlement relief related to certain monitoring, reporting, review, community engagement, training, and accountability measures relating to investigatory stops conducted by CPD, along with revisions to CPD’s policies and procedures concerning

¹ The Stipulation is available on the Independent Monitoring Team website: <https://cpdmonitoringteam.com/wp-content/uploads/2023/06/2023.06.01-Amended-Stipulation-regarding-Investigatory-Stops-Protections.pdf>.

investigatory stops and CPD's enforcement of the City's Loitering Ordinances." See Amended Stipulation Regarding Investigatory Stops, Protective Pat Downs, and Enforcement Of Loitering Ordinances, ECF No. 1096.

Second, "in August 2015, the City and the American Civil Liberties Union of Illinois (ACLU-IL) agreed to the Investigatory Stop and Protective Pat Down Settlement Agreement ("ACLU Agreement") to ensure that CPD's policies and procedures relating to investigatory stops and protective pat downs comply with applicable law, including the United States and Illinois Constitutions and the Illinois Civil Rights Act of 2003 (ICRA)." *Id.* at 2.²

As identified in the Stipulation, "[t]he Consent Decree between the State of Illinois and the City seeks to ensure that the City and CPD deliver services in a manner that fully complies with the Constitution and laws of the United States and the State of Illinois, respects the rights of the people of Chicago, builds trust between officers and the communities they serve, and promotes community and officer safety. In addition, the Consent Decree seeks to ensure that Chicago police officers are provided with the training, resources, and support they need to perform their jobs professionally and safely." *Id.*

"With the termination of the ACLU Agreement, this Stipulation addresses the scope and applicability of the Consent Decree to the *Smith* settlement relief." *Id.*³

The Parties to the Consent Decree also agreed to "Guiding Principles" for the Stipulation:

800. The Parties agree that the Consent Decree will be expanded to include obligations by CPD to monitor, report, review, train, and implement accountability measures with respect to investigatory stops, protective pat downs, and enforcement of the Loitering Ordinances. Enforcement of the Loitering Ordinances will include initial dispersal orders and, where appropriate, may include investigatory stops, protective pat downs, and arrests. These measures will ensure that CPD's investigatory stops, protective pat downs, and enforcement of the Loitering Ordinances are conducted in a manner that comply with the Constitution and laws of the United States and the State of Illinois and are in accordance with best practices, as defined in Paragraph 730 of the Consent Decree.

² "On September 26, 2019, the ACLU-IL and the City agreed to a Temporary Stay of certain provisions of the ACLU Agreement, particularly those concerning data analysis and agreed to take additional steps to advance the ACLU Agreement's goals." *Id.* The Temporary Stay was also terminated. Although these agreements terminated, the City of Chicago and the ACLU-IL have agreed to finish community engagement that began under the ACLU Agreement and the Temporary Stay.

³ The Stipulation also replaces Paragraph 712 of the Consent Decree ("Nothing in this Agreement alters or incorporates any provision in the August 6, 2015 Investigatory Stop and Protective Pat Down Settlement Agreement between the City and the American Civil Liberties Union of Illinois ("ACLU Agreement") for the duration of the ACLU Agreement. Nor does this Agreement involve the Monitor reviewing the reforms mandated by the ACLU Agreement or assessing compliance with the ACLU Agreement."). Unless otherwise specified, the Stipulation also incorporates all defined terms from the Consent Decree and does not alter or change the other requirements, deadlines, or terms of the Consent Decree. Any additional stipulations to the Consent Decree, including paragraphs cited in this Stipulation, are subject to the approval of the Parties and the Court, pursuant to Paragraph 696 of the Consent Decree.

801. In conducting investigatory stops and protective pat downs and enforcing the Loitering Ordinances, CPD will interact with all members of the public without bias and will treat all persons with the courtesy and dignity which is inherently due every person as a human being without reference to stereotypes based on race, color, ethnicity, religion, homeless status, national origin, immigration status, gender identity or expression, sexual orientation, socio-economic class, age, disability, incarceration status, or criminal history.

802. The Parties agree that in achieving the goals of this Stipulation, CPD will encourage officers, through training and supervision, to employ a less intrusive response when enforcing the Loitering Ordinances when appropriate and reasonable under the circumstances.

Consistent with paragraph 875 of the Stipulation, the Parties requested that the Court hold an opportunity for community input and public testimony by individuals affected by the Stipulation. This public hearing will provide the opportunity for counsel and members of the public to provide input on the Stipulation.

As referenced above, this public hearing will be held on the record and will be accessible by the public and the news media online. To ensure a smooth hearing, the link to the Zoom video conference will only be provided to those who register to speak by following the instructions below. Non-speakers may observe the public hearing on a live video feed, which will be available on the Independent Monitoring Team's website (<https://cpdmonitoringteam.com/>), as detailed below.

In addition, the Court invites written comments to be placed on the record and the public docket for this case. To ensure a fair and orderly process, any person or entity that wishes to provide oral or written comments must comply with the procedures set out in this order, which provides guidance on (1) oral comments at the virtual public hearing; (2) courthouse rules, including available accommodations; and (3) written comments.

Oral Comments at the Virtual Public Hearing:

The Court will convene a virtual public hearing on **Wednesday, August 9, 2023, from 2:00 PM to 4:30 PM**. To accommodate speakers who may not be able to attend in-person hearings, the Court will host this public hearing virtually and not in person.

Format of the Public Hearing

The Monitor and a representative from each of the Parties to the Consent Decree—the City of Chicago and the Office of the Illinois Attorney General—will offer opening remarks at the start of the hearing. After these remarks, members of the public will be given an opportunity to speak. Counsel for the Coalition will start the public comment portion of the public hearing and then registered speakers will be called by their assigned numbers, as explained below.⁴

⁴ The “Coalition” is defined as the plaintiff organizations in the *Campbell* lawsuit and the plaintiffs in the *Communities United* lawsuit, as well as other civil rights and community organizations in Chicago. See Consent

Registering to Speak at the Public Hearing

Members of the public who wish to speak at the virtual public hearing may register to speak using the following link (the Court and the Monitor will only use the information gathered from the registration process to determine speakers and facilitate the virtual public hearing): https://schiffhardin.zoom.us/webinar/register/WN_b8E90wmTlabUcq-pNyg. Persons who register to speak understand and consent to transmission of their remarks at the hearing via live stream.

People may only register on their own behalf. Anyone who needs assistance registering may contact the Independent Monitoring Team at contact@cpdmonitoringteam.com. **People who wish to speak at the virtual public hearing must register by 4:30 PM on Wednesday, August 2, 2023.**

Selection and Order of Speakers

In the interest of fairness, the Court will use a lottery to select the speakers and the order in which they will be called on to appear before the Court. **On Thursday, August 3, 2023**, the Monitor, on behalf of the Court, will notify people who have registered whether they secured an opportunity to speak during the virtual public hearing. The Monitor will also post the initials and order of the speakers on the Independent Monitoring Team's website: contact@cpdmonitoringteam.com. The Monitor will also send a reminder email on Monday, August 7, 2023, to those who have been selected to speak.

Rules for Speakers Giving Comments

Only a limited number of speaker slots will be available. **To accommodate as many speakers as possible, each speaker will be strictly limited to five minutes.** Only one person may speak during each time slot, except for interpreters who may join the speaker or other persons previously arranged and approved by the Court for accommodation. For a speaker who requires an interpreter or accommodation, the Court may adjust that speaker's time limit, as appropriate.

All speakers must state their names; must state, if applicable, the name of any organization they represent; and must direct their comments to the Court.

Opportunities for Comment if Not Selected as a Speaker

People who register to speak, but are not selected, are nevertheless encouraged to join the Zoom video conference. If time permits, the Court may allow comments from any registered participants who are in attendance and would like to speak. The Court hopes to hear from everyone who registers, but the virtual public hearing will conclude at 4:30 PM, even if all registered speakers have not been heard.

Anyone who registered to speak but could not be accommodated due to the number of requests may submit in writing a copy of the remarks they had planned with the Clerk—following

Decree paragraph 709. The Parties entered into a Memorandum of Agreement with the Coalition, which provides the Coalition with certain rights under the Consent Decree. *See id.*

the instructions below—**no later than 4:30 PM on Friday, August 11, 2023**. In recognition of the possibility that the Court will not be able to accommodate all potential speakers, the Court has placed no page limitations on the written submissions.

Observing the Virtual Public Hearing

Any member of the public may view the public hearing via a live stream. (As noted, people who wish to speak at the virtual public hearing consent to this live stream during registration.) The link to this live stream will be posted on the Independent Monitoring Team’s website on Wednesday, August 9, 2023: <https://cpdmonitoringteam.com/>. The live stream video will be hosted on YouTube but be available only during the virtual public hearing. Interested persons may, however, order transcripts of the public hearing from the U.S. District Court for the Northern District of Illinois at <https://www.ilnd.uscourts.gov/transcript-order-form.aspx>.

Courthouse Rules

Courthouse rules will apply during the Zoom video conferencing. Court proceedings may not be recorded, photographed, broadcast, transmitted, or posted to social media. Proper courtroom decorum must be maintained at all times. In fairness to all speakers, respectful silence and attention is required during the presentations of all speakers. Applause or other outward demonstrations of approval or disapproval will not be permitted. Signs, posters, or other demonstrative objects will not be displayed during the hearing. In fairness to all speakers, any non-speakers (other than the judge) will be muted on the Zoom video conference. The Court may direct the Monitor to remove anyone from the Zoom video conference who violates the rules of the public hearing.

Any speaker who needs accommodations must identify the need for accommodations during registration. The Court will make automatic closed captions available during the Zoom video conference and on the live stream and has requested an American Sign Language interpreter to be present during the virtual public hearing.

Anyone with any questions, including questions regarding accommodations, may contact the Independent Monitoring Team at contact@cpdmonitoringteam.com.

Written Comments:

People who wish to provide written comments may do so by filing their document—in letter or legal brief format—with the Clerk of the Court **no later than Friday, August 11, 2023, at 4:30 PM**.

Clerk of Court
United States District Court
Everett McKinley Dirksen Federal Building
219 South Dearborn Street, 20th Floor
Chicago, IL 60604
Re: State of Illinois vs. City of Chicago, Case No. 17-cv-6260

All written submissions will be filed on the Court’s public docket in this case and, therefore, will be publicly available through the Court’s Electronic Case Filing system. All written

submissions **must include the full, printed name(s) of the submitting person(s), but must not include addresses.** Instead, the submitting person(s) full name(s) and address(es) must be placed on the envelope in which the document is submitted, and the envelopes will be filed under seal. **Addresses will not be made public. No e-mails, telephone calls, or anonymous submissions will be accepted or considered by the Court.**

If you need assistance with submitting written comments, you may contact the Independent Monitoring Team at contact@cpdmonitoringteam.com.

Dated: July 17, 2023



Rebecca R. Pallmeyer
Chief Judge, U.S. District Court